

**OPTIMIZING THE PERFORMANCE
OF REGIONAL ENVIRONMENTAL SUPERVISORY OFFICIALS
PERSPECTIVE SIYASAH DUSTURIYAH
(Study at the Malang Regency Environmental Agency)**

Thesis

Compiled by :

Choirul Fitria

NIM: 18230073



FACULTY OF SHARIA

CONSTITUTIONAL LAW DEPARTEMENT

UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM

MALANG

2022

TITLE PAGE

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STATEMENT OF AUTHENTICITY OF THESIS

By Allah Almighty.

With awareness and a sense of responsibility for scientific development, the author states that the thesis with the title:

OPTIMIZING THE PERFORMANCE OF REGIONAL ENVIRONMENTAL SUPERVISORY OFFICIALS FROM THE PERSPECTIVE OF SIYASAH DUSTURIYAH

(Study at malang district environment office)

Truly a scientific work compiled by yourself, not duplicating or transferring data belonging to others, unless the references are correctly stated, if in the future it is proven that it was compiled by someone else, there is plagiarism, duplication, or transfer of other people's data, either in part or in whole, then the thesis and the degree I get because of it, is null and void.

Malang, March 08, 2022



Choirul Fitria
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CONSENT PAGE

After reading and correcting the thesis of Choirul Fitria's brother NIM 18230073, the Constitutional Law Study Program, Faculty of Sharia, Maulana State Islamic University Malik Ibrahim Malang with the title:

**OPTIMIZING THE PERFORMANCE
OF REGIONAL ENVIRONMENTAL SUPERVISORY OFFICIALS
FROM THE PERSPECTIVE OF SIYASAH DUSTURIYAH
(STUDY AT THE MALANG REGENCY ENVIRONMENTAL AGENCY)**

So the supervisor declared that the thesis had met the scientific requirements to be submitted and tested at the Board of Examiners.

Malang, March 10, 2022

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Head of The Constitutional Law
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**OPTIMIZING THE PERFORMANCE OF REGIONAL
ENVIRONMENTAL SUPERVISORY OFFICIALS FROM THE
PERSPECTIVE OF SIYASAH DUSTURIYAH
(Study at Malang District Environment Office)**

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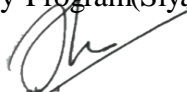
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| 1 | Thursday,03-11-2021 | Proposal Consultation | R |
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MOTTO

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا. وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ. وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ. إِنَّ اللَّهَ يُلْغُ أَمْرَهُ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا

"Whoever is devoted to God will undoubtedly make for him a way out. And gave him sustenance from a direction he unexpectedly did. And whoever is devoted to God will undoubtedly suffice his (needs). Indeed, God carries out his (willful) affairs. Indeed, God has made provisions for every thing."

(Q.S. At-Thalaq: 2-3)

KATA PENGANTAR

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillah rabbil alamiin lahaulaa walakuata illabillaah praise be to God Almighty so that this thesis can be completed entitled

OPTIMALIZATION OF ENVIRONMENTAL MONITORING PERSPECTIVE SIYASAH DUSTURIYAH

(Study in the Department of Environment 'Faculty of Law)

Maulana Malik Ibrahim The State Islamic University Maulana Malik Ibrahim Malang. Shalawat and greetings we extend to the Prophet Muhammad SAW who has guided Muslims in the path of truth so that the writing of this thesis is not separated from the values of life that make Allah SWT the purpose and Islamic values taught by the Prophet SAW. With all the efforts and prayers and guidance of various parties, with all the humility of the author, thank you to:


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2. Dr. Sudirman MA as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
3. Musleh Herry, SH, M. Hum. as Head of the State Constitutional Law Study Program, Maulana Malik Ibrahim State Islamic University, Malang.
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May Allah SWT always give grace to all of us and this thesis can be useful, and can provide additional knowledge for readers. In writing this thesis, the author realizes that this thesis is still far from perfect because of the limitations of the author's scientific knowledge.

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Malang, March 09 2022

Writer

TRANSLITERATION GUIDENCE

The Latin Arabic Transliteration Guidelines which are the result of a joint decision decision (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia. Number: 158 of 1987 and Number: 0543b/U/1987.

A. Consonants

A list of Arabic letters and their transliteration into Latin letters can be seen on the following page:

| Arab Letters | Name | Latin Letters | Name |
|--------------|------|----------------|--------------------------|
| ا | Alif | Not Symbolized | Not Symbolized |
| ب | Ba | B | Be |
| ت | Ta | T | Te |
| ث | S/a | S/ | Es (with the dot above) |
| ج | Jim | J | Je |
| ح | H[a | H[| Ha (with thw dot above) |
| خ | Kha | Kh | Ka and Ha |
| د | Dal | D | De |
| ذ | Z/al | Z/ | Zet (with the dot above) |

| | | | |
|----|------|----|--------------------------|
| ر | Ra | R | Er |
| ز | Zai | Z | Zet |
| س | Sin | S | Es |
| ش | Syin | Sy | Es and Ye |
| ص | S[ad | S[| Es (with the dot above) |
| ض | D[ad | D[| De (with the dot above) |
| ط | T[a | T[| Te (with the dot above) |
| ظ | Z[a | Z[| Zet (with the dot above) |
| ع | ‘Ain | ‘ | Apostrof backwards |
| غ | Gain | G | Ge |
| ف | Fa | F | Ef |
| ق | Qof | Q | Qi |
| ك | Kaf | K | Ka |
| ل | Lam | L | El |
| م | Mim | M | Em |
| ن | Nun | N | En |
| و | Wau | W | We |
| هـ | Ha | H | Ha |

| | | | |
|-------|--------|---|----------|
| ء / ا | Hamzah | ‘ | Apostrof |
| ي | Ya | Y | Ye |

Hamzah (ء) which is located at the beginning of the word follows the vowel without any marking. If it is in the middle or at the end, it is written with a sign (‘).

B. Vocal

Arabic vowels, like Indonesian vowels, consist of a single vowel or monophonic and multi vowels or dhipthongs. The Arabic single vowel whose symbol is a sign or vowel, the transliteration is as follows:

| Sign | Name | Latin Letters | Name |
|------|---------|---------------|------|
| ا | Fath[ah | A | A |
| اِ | Kasrah | I | I |
| اُ | D[ammah | U | U |

Arabic double vowel whose symbol is a combination of vowels and letters, the transliteration is a combination of letters, namely:

| Sign | Name | Latin Letters | Name |
|--------|-----------------|---------------|---------|
| ي & اَ | Fath[ah and ya | Ai | A and I |
| ي & اُ | Fath[ah and wau | Au | A and U |

Example:

كَيْفَ : *kaifa*

حَوْلَ : *hauḷa*

C. Maddah

Maddah or long vowels whose symbols are vowels and letters, transliteration in the form of letters and signs, namely:

| Harakat and Letters | Name | Letters and Sign | Name |
|---------------------|---|------------------|-------------------------|
| اَ & اِ & يِ | Fath[ah and <i>alif</i> or <i>ya</i> | a> | a and the line above |
| يِ & ِ | <i>Kasrah</i> and <i>ya</i> | i> | i and the line above |
| وِ & ُ | D[ammah and <i>wau</i> | u> | u and the line above |

Example:

مَاتَ : *mata*

رَامَ : *rama*

قِيلَ : *qila*

يَمُوتُ : *yamutu*

D. Ta' Marbutah

There are two transliterations for *ta' marbutah*, namely *ta' marbutah* who live or get the letters *fathah*, *kasrah*, and *d[ammah*, the transliteration is [t]. While *ta' marbutah* who dies or get a sukun harakat, the transliteration is [h].

If the word ending with *ta' marbutah* is followed by a word that uses the article *al-* and the reading of the word is separate, then *ta' marbutah* is transliterated with [h].

الْمَدِينَةُ : *al-madinah*

E. Syaddah (Tasydid)

Syaddah or *tasydid* which in the Arabic writing system is denoted by a *tasydid* sign (ّ), in this transliteration it is symbolized by a repetition letters (double consonants) marked with a *syaddah*. Example:

رَبَّنَا : *rabbana*

الْحَقُّ : *al-haqq*

If letter *i* there is *tasydid* at the end of a word and preceded by the letter *kasrah*, then it is transliterated like the letter *maddah* (i).

Example:

عَلِيٌّ : *'Ali* (not *'Aliyy* or *'Aly*)

عَرَبِيٌّ : *'Arabi* (not *'Arabiyy* or *'Araby*)

F. Sandang Word

Sandang word in the Arabic writing system are denoted by letters (alif lam ma'arifah). In this transliteration guide, the article is transliterated as usual, *al-*, both when is followed by letter *syamsiah* and the letter *qamariah*. The article does not follow the sound of the direct letter that follows it. The article is written separately from the word that follows it and is connected by a horizontal line (-). Example:

الشَّمْسُ : *al-syamsu* (not *asy-syamsu*)

الزَّلْزَلَةُ : *al-zalزالah* (not *az-zalزالah*)

الْفَلْسَفَةُ : *al-falsafah*

الْبِلَادُ : *al-biladu*

G. Hamzah

The rule for transliterating the letter hamzah into an apostrophe (‘) only applies to hamzah which is located in the middle and end of the word. However, if hamzah is at the beginning of a word, it is not symbolized, because in Arabic it is an alif. Example:

تَأْمُرُونَ : *ta’ muruuna*

سَيِّئٌ : *syai’un*

أُمِرْتُ : *umirtu*

H. Writing Arabic words commonly used in Indonesian

Transliterated Arabic words, terms or sentences are words, terms or sentences that have not been standardized in Indonesian. Words, terms or sentences that are commonplace and become part of the Indonesian vocabulary, or have often been written in Indonesian writing, are no longer written according to the transliteration method above. For example the word Al-Qur’an (from the Qur’an), *Sunnah*, *specific* and *general*. However, if these words are part of a series of Arabic texts, then they must be transliterated in their entirety. Example:

Fizila al-Qur’an

Al-Sunnah qabl al-tadwin

Al-‘Ibarat bi ‘umum al-lafz bi khusus al-sabab

1. Lafz al-Jalalah

The word Allah which is preceded by a particle such as the letter *jarr* and other letters or is located as a *mudlaf ilaih* (nominal phrase), is transliterated without the letter hamzah. As for the *ta' marbutah* at the end of the word that is attributed to *al-jalalah*, it is transliterated with the letter [t]. Example:

دِينُ اللَّهِ : *dinullah*

رَحْمَةُ اللَّهِ : *rahmatillah*

2. Capital

Although the Arabic writing system does not recognize capital letters (All Caps), in its transliteration these letters are subject to provisions regarding the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the first letter of a personal name is preceded by an article (al-), then what is written in capital letters remains the initial letter of the personal name, not the initial letter of the article. If it is located at the beginning of the sentence, then the letter A of the article uses a capital letter (Al-). The same provisions also apply to the initial letter of the reference title preceded by the article al-, both when it is written in the text and in the reference notes (CK, DP, CKD, and DR).

Example:

وما محمد إلا رسول : *Wa maâ Muhammadun illâ Rasûl*

إن أول بيت وضع للدرس : *Inna Awwala baitin wudli'a linnâsi*

ABSTRACT

Choirul Fitria, 18230073, **Optimizing The Performance of Regional Environmental Supervisory Officials Perspective Siyasa Dusturiyah (A Study at the Malang Regency Environmental Agency)**, Thesis Department of Constitutional Law, Sharia Faculty, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Supervising: Dra. Jundiani, SH., M.Hum.

Keyword: Environment, Optimizing Surveillance, *Siyasa Dusturiyah*

Environmental supervision includes the enforcement of environmental laws that are closely related to the administration of laws and various aspects used with the purpose of building an environment that is conducive to both human and other living things. According to the regulation of state-owned autonomy and bureaucratic reform of the republic of Indonesia no. 17, 2021, which states that administrative officials are equated to functional ones.

The study used a type of empirical juridical research, using a sociological yuriy approach. The location of this study stands in the city of the shitty district. Data collection methods through interviews and documentaries. In this study using metode processing qualitative data..

The result of this study is how the analysis of environmental surveillance by the ward monitoring officer equaled functional and how the ward monitoring analysis by functional officials is based on the perk of siyasa dusturiyah.

The regional environment ministry has also done structural equalization of functional office, where functional office allocation is inadequate to provide functional environmental services, which have been established by the environment and forestry. Based on the 2019 year 2019 state accounting minister of personnel no. 22 years of 2019 that an environment supervisor must have met established competence and expertise standards, but in this case a functional officer with an off-duty equalization route is not in accordance with the 22 year 2019 state-sponsored minister of personnel.

مستخلص البحث

خير الفطرية. ١٨٢٣٠٠٧٣. "تحسين المراقبة البيئية بمنظور سياسة دستورية (دراسة في الخدمة البيئية في منطقة مالانج). القانون الدستوري، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرف: الدكتور جنديانى.

الكلمات المفتاحية: البيئة، تحسين المراقبة، السياسة الدستورية

كانت المراقبة البيئية من تطبيق القانون البيئي الذي يرتبط ارتباطاً وثيقاً بتنفيذ القانون والجوانب المختلفة المستخدمة بهدف بناء بيئة مواتية للإنسان والكائنات الحية الأخرى. بناءً على تنظيم وزير تمكين جهاز الدولة والإصلاح البيروقراطي لجمهورية إندونيسيا رقم ١٧ لعام ٢٠٢١ الذي ينص بأن المأمورين الإداريين متساوون كمأمورين وظيفيين.

يستخدم هذا البحث البحث القانوني التجريبي باستخدام منهج قانوني اجتماعي. موقع هذا البحث في مدينة كييانجين، منطقة مالانج. وطريقة جمع البيانات هذا البحث هي المقابلات والتوثيق. ويستخدم هذا البحث طريقة معالجة البيانات النوعية.

نتائج هذا البحث هي كيف يصبح تحليل المراقبة البيئية من قبل مأموري المراقبة البيئية المتكافئين عملياً وكيف تحليل المراقبة البيئية من قبل المأمورين الوظيفيين على أساس منظور السياسة الدستورية.

تقوم الخدمة البيئية في منطقة مالانج أيضاً معادلة المناصب الهيكلية التي تصبح المناصب الوظيفية، حيث يتنفيذ معادلة المناصب الوظيفية دون الخضوع للتدريب حتى يكون نقص الكفاءة كمأمور وظيفي بيئي، حيث يكون تدريب له ك كما ينظمه القانون. بناءً على تنظيم وزير تمكين جهاز الدولة رقم ٢٢ لعام ٢٠١٩ الذي ينص بأن المأمور المراقبة البيئية يجب أن يكون قد استوفى معايير الكفاءة والخبرة المحدودة، ولكن في هذه الحالة، يُعتبر تعيين مأمور وظيفي بمسار معادلة. لا يتوافق مع تنظيم وزير تمكين جهاز الدولة رقم ٢٢ لعام ٢٠١٩.

CHAPTER I

A. Background

The Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia has transferred administrative positions to functional positions aimed at creating an efficient bureaucracy, as well as increasing the effectiveness of the government in providing maximum service to the community. The transfer of structural positions to functional positions has an effect on the development of potential, careers, and the formation of existing positions. The competence of functional officials should be given more attention in organizational functions.

The policy on bureaucratic simplification is an utilization in the field of technology, so that the performance process becomes more flexible and simple. The implementation of job transfers has an effect on the career development process, competency improvement, and ensuring the welfare of functional officials. In the management of civil servants, they must produce functional officers who are actively able to carry out their mandated duties properly and are supported by applicable regulations.

In preparing government organizations to implement policies and provide new work procedures that are deemed important in the context of employee development. After the transfer of positions that occurred in structural officials, it was deemed important for the Ministry of Finance Empowerment of the State Apparatus and Bureaucratic Reform of the Republic of Indonesia to take steps in the form of: compiling employee competencies by holding equalized training for officials, providing knowledge material, providing education so that it will improve careers for functional officials, and preparing education in the form of training to increase the competence of functional officials.¹

Environmental supervision in Malang Regency is carried out by structural officials who are equivalent to environmental functional officials. Based on article 6 of the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 22 of 2019, concerning the Functional Position of the Environmental Supervisor that the functional position of the Environmental Supervisor is to carry out supervision and/or enforcement of environmental law. In his book A Sonny Keraf entitled Environmental Ethics states that there is a close relationship between government administration and good environmental management.²

¹ Marthalina, "Analisis Dampak Pengembangan Karir Pegawai Negeri Sipil Pasca Pelaksanaan Pemindahan Jabatan Struktural Ke Jabatan Fungsional," *MSDA*, no. 1(2021):47 <https://doi.10.33701/jmsda.v9i1.1716>

² Citra Permatasari, "Penyetaraan Pola Karier Pasca Jabatan Administrasi Ke Jabatan Fungsional," *Jurnal Transformasi Administrasi*, no. 2(2021): 153 <http://jta.lan.go.id/index.php/jta/article/view/180/115>

Environmental supervision is the enforcement of environmental law which is closely related to the implementation of the law and various aspects used with the aim of building an environment that is conducive to humans and other living creatures. The efficiency of environmental law enforcement is strongly influenced by factors outside the law itself, including society, economy, interests, and power. Social and community forces greatly influence not only the law but also the institutions that make, implement, and implement the law itself.

BKPSDM Malang Regency at the end of December 2021 has carried out an equalization of functional officials in accordance with the direction of the President of the Republic of Indonesia, in terms of simplifying the bureaucracy of the Ministry of Home Affairs and the Ministry of PANRB to approve the equalization of structural positions into functional. The current equalization of positions comes from the president's instructions that it is required to enrich functions and shorten the service chain so that an equalization of positions is held which is part of bureaucratic reform. The Ministry of Home Affairs and the Ministry of PANRB provide facilities for equalization of positions throughout Indonesia.³

³ Shanti Rismandini, BKPSDM, (Malang, 24 Januari 2022)

Regulation of the Minister for Empowerment of State Apparatus and
Bureaucratic Reform of the Republic of Indonesia Number 17 of 2021

Article 1 paragraph (15) states that:

"Equalization of Administrative Positions into Functional Positions, hereinafter referred to as Equalization of Positions is the appointment of Administrative Officers into Functional Positions through adjustment/inpassing to equivalent Functional Positions".

A Regional Environmental Supervisory Officer (PPLHD) must be an environmental functional official who has the authority to carry out environmental supervision if there is an environmental violation, the basis for consideration of the investigation must be a PPLHD. The functional official who is currently serving in the Malang Regency Environmental Service is a structural official who is automatically equalized to become functional and is considered an official who has this authority, but the requirement for a PPLHD is to undergo training. Environmental officials who are appointed through the equalization of positions are deemed not to have complied with government regulations, where in the existing regulations a functional official is required to conduct training. Equalization of functional positions without training causes the competence and supplies to not be fulfilled to carry out the mandated tasks perfectly. Based on the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 9 of 2019 concerning the

Implementation of Education and Training for State Civil Apparatus and Non State Civil Apparatus in the Environment and Forestry Sector.

Article 1 paragraph (1) states that:

“Education and Training of State Civil Apparatus and Non State Civil Apparatus in the Environment and Forestry Sector, hereinafter referred to as Environmental and Forestry Education and Training, is the process of organizing learning in the context of fostering attitudes and behavior, as well as improving the capabilities and skills of the apparatus and non-apparatus human resources. environment and forestry towards environmental and forestry human resources who are professional and have noble character”.

Another regulation also states that the environmental functional officer in question must meet the competency and skill standards required to occupy the position. Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform of the Republic of Indonesia Number 22 of 2019 concerning Functional Positions of Environmental Supervisors

Article 1 paragraph (21) states that:

"Competency Standards for Environmental Supervisors, hereinafter referred to as Competence Standards, are descriptions of the knowledge, skills and/or expertise and behaviors required to carry out the duties of the Environmental Supervisory positions".

In the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 55 of 2017 concerning Standards and Competency Tests for Functional Positions of Environmental Supervisors.

Article 2 paragraph (1)

"The determination of Competency Standards and Competency Tests for Functional Positions of Environmental Supervisors is intended to ensure the suitability of competencies with their positions in order to support the professionalism of environmental supervisors."

In Islam there is a study of *siyasa dusturiyah* which discusses state laws, institutions that exist in the state, and the rights and obligations of citizens. *Siyasah dusturiyah* discusses the relationship between the leader and the people, as well as the existing institutions in a country, in order to meet the needs and benefits of the community. *Siyasa dusturiyah* is part of *siyasa fiqh*, which discusses specifically about the constitution, *shura*, and democracy as well as the relationship between the leader and the people. In the *siyasa dusturiyah* there are three main elements including the Imamate, the people, *ahlul expert wa aqdi*, and *wuzarah*. The Malang

Regency Environmental Service is the implementing agency so that in the dusturiyah siyasah it is commonly referred to as wuzarah.

Based on the above information, it produces information that the Environmental Supervisory Officer in the Malang Regency Environmental Service has not fully met the competency standards in the government regulations where in the Regulation of the Minister of State Apparatus Empowerment and also the Regulation of the Minister of the Environment that an environmental functional official is required to have adequate competency standards, namely by conducting training, so that the functional officials will meet the required competency standards and can carry out their duties as environmental functional supervisors optimally. Seeing the problems above, it is important to have a research entitled: "Optimizing the Performance of Regional Environmental Supervisory Officials from the Perspective of Siyasah Duturiyah" (Study at the Malang Regency Environmental Service).

B. Formulation of the problem

Based on the above background, the authors make two formulations of the problem in this thesis:

1. How is environmental supervision carried out by regional environmental supervisors who are equalized in the Malang Regency Environmental Service?
2. How is environmental supervision carried out by regional environmental supervisors at the Malang Regency Environmental Service from the perspective of *Siyasah Duturiyah* ?

C. Research Objectives

Based on the formulation of the problem above, the authors make the research objectives in this thesis:

1. Knowing and analyzing environmental supervision by environmental supervisory officers who are equivalent to being functional at the Malang Regency Environmental Service.
2. Knowing and analyzing environmental monitoring in the Environmental Service of Malang Regency from the perspective of *Siyasah Duturiyah*..

D. Research Benefits

1. Theoretical Benefits

This research is expected to be a source for further research so that it can increase knowledge from an academic perspective related to the Optimization of Environmental Monitoring.

2. Practical Benefits

a. In this research, it is hoped that it will provide additional knowledge, especially in the discussion of Optimizing Environmental Monitoring.

b. This research is also expected to provide input to the government authorities regarding the optimization of environmental supervision where legal facts are not in line with legal instruments because in the legislation a functional official must be provided with training and certification so that he has competence and power in the eyes of the law.

c. In this study, it is hoped that it can be a reference for sharia and law faculty colleagues, especially in the discussion of Optimizing Environmental Monitoring.

E. Systematic Discussion

This research is written into five chapters and has several sub-chapters, but in this study only has three main parts, namely introduction, content, and closing.

CHAPTER I, This chapter is an introduction that contains the background of this research taking place, in this study discusses the optimization of environmental supervision where researchers want to fulfill environmental rights that focus on optimizing environmental supervision. The introduction contains the background, problem formulation, research objectives, research benefits and also the systematics of writing.

CHAPTER II, Literature Review in this chapter contains research that has existed as a comparison effort, data source, and as evidence of the authenticity of writing. This study discusses the Optimization of Environmental Monitoring.

CHAPTER III , Research Methodology In this chapter the researcher will discuss the technical writing and methods in a research which consists of the type of research, the research location, the type of data, and the technique of collection.

CHAPTER IV Research results and data analysis in this chapter discusses the facts on the ground and analyzes them according to the laws and regulations.

CHAPTER V, The closing in this chapter contains conclusions and suggestions regarding the results of the analysis. Conclusions are the final results of the research, while suggestions are recommendations for related bodies and further research.

CHAPTER II

A. Previous Research

Previous research is a section that contains previous research that has conformity with the research written and is useful as a comparison and shows the authenticity of the research. Previous research is related to this research.

Several previous studies in this study:

1. Desy Zuroida Zulfa, "Optimizing the Role of the Regional House of Representatives of Kediri Regency in the Formation of Regional Regulations from the Fiqh Siyasah Perspective." , Department of Constitutional Law, Maulana Malik Ibrahim State Islamic University Malang. The problem in this study is that the DPRD in Kediri Regency has not had a satisfactory performance in the formation of regional regulations, although DPRD has legislative authority, but it is different from *ahlul hali wal aqdi*. The legislative function of the DPRD has not been carried out optimally. The research method used in this study is an empirical juridical type that examines the existing law in society..⁴ The results in this study are that the legislative function of the Kediri

⁴Desy Zuroida Zulfa, "Optimalisasi Peran Dewan Perwakilan Rakyat Daerah Kabupaten Kediri Dalam Pembentukan Peraturan Daerah Prespektif Fiqh Siyasah"(Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2019), <http://etheses.uin-malang.ac.id/15073/1/15230038>

DPRD has not run optimally, this is evidenced by the Raperda initiative in 2017 only one Raperda and 2018t Raperda does not exist. In this study, they have similarities in terms of optimizing the performance of regional officials but have differences in this study discussing the performance of the DPRD while in the author's research it is about environmental functional officials.

2. Rachmat Hidayat S Thesis, “Juridical Analysis of Environmental Pollution According to RI Law no. 32 of 2009 concerning Environmental Protection and Management”, Department of Law, Alauddin State Islamic University Makassar. The problem in this research is how the role of environmental law in environmental protection in Biringkanaya and Tamalanrea sub-districts according to the legislation. The research method used in this research is a type of qualitative research with a sociological juridical approach.⁵ The results in this study are the ineffectiveness of the RI Law no. 32 of 2009 is not due to the content of the law, but the active role of implementing the law, namely the government, business/activity implementing parties, and the community who do not play an active role in implementing the contents of the law. In this study, there are similarities in the theme of how to manage the

⁵Rachmat Hidayat S, “Analisis Yuridis Terhadap Pencemaran Lingkungan Menurut UU RI No. 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup”(Undergraduate thesis, Universitas Islam Negeri Alauddin Makassar, 2014), <http://repositori.uin-alauddin.ac.id/2309/1/Rachmat%20Hidayat>

environment, but the difference in this study and the author's research is that the author discusses in more detail about environmental supervisory officials, while in this study it is more specific on environmental pollution.

3. Thesis of Isnaini Umroifun Afifah, "Supervision of the Environmental Service on Tofu Factory Waste according to Law Number 32 of 2009 and Environmental Jurisprudence (Study in Mojorejo Village, Modo District, Lamongan Regency)", Department of Sharia Business Law, Maulana Malik Ibrahim State Islamic University Malang. The problem in this research is about the industrial activities of the tofu factory which have an impact on environmental pollution, but this research focuses more on the performance of the Environmental Service to overcome the pollution problem. The research method used in this research is empirical juridical type which is a field research.⁶ The result of this research is that the environmental supervision at the Lamongan Regency Environmental Service has been carried out according to the decree but the supervision carried out should not be limited to large-scale industries but also micro and small-scale industries. In this study, there are similarities in terms of environmental

⁶Isnaini Umroifun Afifah , "Pengawasan Dinas Lingkungan Hidup Terhadap Limbah Pabrik Tahu Menurut Undang-Undang Nomor 32 Tahun 2009 Dan Fikih Lingkungan (Studi di Desa Mojorejo Kecamatan Modo Kabupaten Lamongan)"(Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2019), <http://etheses.uin-malang.ac.id/14982/1/15220055>

supervision by the Environmental Service but have differences in terms of the main discussion, the authors focus more on environmental functional officials who are appointed through equalization, while in this study discusses the authority of PPLH in carrying out supervision at a tofu factory.

Table 1

Past Research

| No. | Heading | Writer | Novelly | Difference |
|-----|--|--------------------|---|--|
| 1. | Optimizing the Role of the Regional People's Representative Council of Kediri Regency in the Formation of Regional Regulations with the Perspective of Fiqih Siyasah | Desy Zuroida Zulfa | In this study, there are similarities in terms of optimizing the performance of local officials | In this study, there are difference in terms of optimizing about Regional Environmental supervisory and Regional People's Representative Council |

| | | | | |
|----|---|-------------------------------|---|---|
| 2. | <p>Juridical Analysis of Environmental Pollution According to the Law of the Republic of Indonesia No. 32 of 2009 concerning Protection and Management of Life Protection</p> | <p>Rachmat Hidayat S</p> | <p>In this study, there are similar themes about how to manage the environment</p> | <p>The difference in this study and the author's research is that the author discusses in more detail about environmental supervisory officials while in this study it is more specific to environmental pollution.</p> |
| 3. | <p>Environmental Service Supervision of Tofu Factory Waste According to Law Number 32 of 2009 and</p> | <p>Isnaini Umroifun Affah</p> | <p>In this study, there are similarities in terms of environmental supervision by the Environmental Agency.</p> | <p>The difference in terms of the main discussion, the author focuses more on environmental functional officials who are appointed</p> |

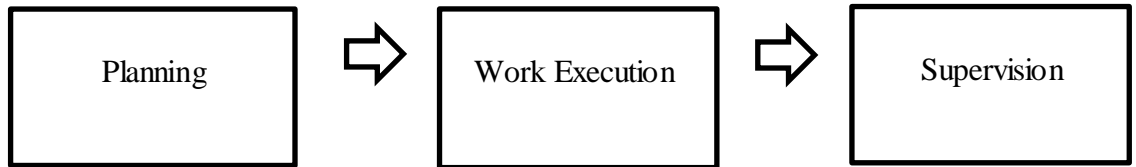
| | | | | |
|--|---|--|--|---|
| | Environmental Jurisprudence (Study in Mojorejo Village, Modo District, Lamongan Regency) | | | through equalization while in this study discusses the authority of PPLH in conducting supervision in a tofu factory. |
|--|---|--|--|---|

A. Theoretical Framework

1. Supervision Theory

Supervision is a method used to encourage work results in accordance with what has been determined. Supervision is carried out so that all activities are in accordance with what has become the target of an activity. Supervision is an effort that has been designed in accordance with the existing system to harmonize a work result with a predetermined standard. Supervision is used in decision making and how all resources are run effectively and efficiently to achieve the goals of an agency or agency. Supervision is considered as a way for the management of an agency to be carried out properly.

Picture of the monitoring process:



Supervision consists of making plans according to the needs of an agency, after making plans to proceed to the next stage, namely carrying out activities and work that produce a product, the final stage is conducting supervision. According to Mc. Farland Supervision is a process where the leader wants to know whether the results of the implementation of the work are in accordance with the existing plans, goals, and policies.⁷

a. Monitoring Purpose

Supervision has a goal so that what has been planned can be realized, because of this, supervision is carried out to supervise work so that it is in accordance with predetermined standards by taking corrective action when finding deficiencies and failures in the implementation of activities. Supervision is carried out so that

b. Supervision Function

1. Evaluate the work carried out to match the indicators that have been made
2. Make corrections to deviations that occur

⁷ Maringan Marsy Simbolon, *Dasar – Dasar Administrasi dan Manajemen*(Jakarta: Ghalia Indonesai, 2004), 61.

3. Execute solutions related to achieving organizational goals
the results can provide optimal benefits for the goals of the
organization.

c. Kinds of Supervision

1. Live Monitoring

Direct supervision is supervision carried out independently by a head of the organization. The head of the organization checks the work that has been carried out in accordance with what is desired.

2. Indirect Supervision

Indirect supervision is if the leadership of the organization conducts supervision based on incoming reports without carrying out direct inspections.

3. Formal Supervision

Formal supervision is supervision carried out by an official body based on the direction of the leadership of the organization. Performed procedurally and carried out within a certain period of time.

4. Informal Supervision

This is supervision that is carried out without official and established procedures.

5. Administrative Supervision

Administrative Supervision is supervision that covers the fields of personnel, materials, and finance. This field includes the budget, personnel administration, and whether the purchased goods are in accordance with the funding allocation.

6. Technical Supervision

Technical supervision is supervision that can be seen physically, for example, inspection of a building, public health in an area and so on.⁸

d. Characteristics of Effective Monitoring

1. Supervision must describe the overall nature of a supervision, the meaning of the sentence is that supervision must be the same as the facts on the ground and what is the target of the activity.
2. Supervision is required to provide instructions on any deviations from the plans that have been set.
3. Supervision must be carried out objectively, namely work standards must be met by workers or implementers.

⁸ Choiriah, "Pengawasan Badan Lingkungan Hidup Dalam Mengatasi Pencemaran Lingkungan Pada Kawasan Industri Di Kecamatan Ciwandan Kota Cilegon"(Undergraduate thesis, Universitas Sultan Ageng Tirtayasa, 2015), <https://eprints.untirta.ac.id/>

4. Supervision must be carried out flexibly so that when changes occur, it can adapt to these conditions.

2. Equalization of Environmental Supervisory Officer

The process of transferring structural positions to functional positions is carried out within one month, where the process is carried out in a short time, it is required for officials who have been equalized to be able to adapt and adjust to the work system so that community service activities can work well and optimally. The implementation of job transfers has an effect on the career development process, competency improvement, and ensuring the welfare of functional officials. In the management of civil servants, they must produce functional officers who are actively able to carry out their mandated duties properly and are supported by applicable regulations.

Equalization of structural positions to functional positions based on the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 17 of 2021, there are stages regarding the implementation of equalization of positions including identifying structural positions, mapping officials affected by the regulation, mapping and adjusting the functional positions to be occupied. by an equalized official, adjusting the class of functional positions to the class of structural positions occupied.

In forming qualified functional officials there are several ways, namely, through first appointments, transfers and transfers of positions, promotions, and inpassing. The education that must be taken by functional officials is at least a bachelor's or diploma in a related field, but in addition there is also a need for competence and training for officials affected by the transfer of positions, because the training and education process supports the current competency-based bureaucratic adjustment. The current equalization of positions is carried out in several stages, including the stages of proposal, review, validation of recommendations as well as appointments and inauguration. In the current equalization of positions, it is carried out with a system of equalizing administrative positions which are equalized to the functional positions of young experts and the first functional positions of experts.⁹

⁹ Marthalina, "Analisis Dampak Pengembangan Karir Pegawai Negeri Sipil Pasca Pelaksanaan Pemindahan Jabatan StrukturalKe Jabatan Fungsiona" *Jurnal MSDA (Manajemen Sumber Daya Aparatur)*, no. 1 (2021): <https://doi.org/10.33701/jmsda.v9i2>

3. Ranks and Duties of Environmental Supervisory Officer

The Law No. 32 of 2009 concerning Environmental Protection and Management it is explained that ministers, governors, regents/mayors are the parties responsible for environmental supervision and as the implementing agency are environmental supervisory officials who are functional officials who are usually assisted by investigating officials. government employees.¹⁰ Functional positions are positions that carry responsibilities based on individual expertise and skills. Environmental functional positions consist of two qualifications, namely functional positions of expertise and skills.

Functional expertise positions are positions with basic education qualifications of S1, which are required to have mastery of science and technology related to the field of study being carried out, develop knowledge, and apply concepts and theories to solve environmental problems. While the skill functional position has the requirements that the minimum education is D3 which has expertise in a field, the skill functional position has the task of implementing activities and applying concepts in the field mastered.

¹⁰ Suparto Wijoyo, *Buku Ajar Hukum Perlindungan Lingkungan Hidup* (Surabaya: Airlangga University Press, 2017), 55.

Environmental functional officials have the position as technical implementers in government agencies and are positions that can only be occupied by state civil servants. while the main task of an environmental functional official is to supervise directly or indirectly business activities and environmental permits.

Environmental functional positions have several levels, including:

- a. First Environmental Supervisor Position: First Level Young Arranger Rank III/B.
- b. Position of Young Environmental Supervisor : Arrangement Rank of Group III/C.
- c. Intermediate Environmental Supervisory Position: Class IV/A and Group IV/B Trustees, as well as Young Main Trustees Group IV/C.

Criteria for environmental functional positions:

- a) Have analytical methods and techniques in accordance with scientific disciplines obtained from training with certification.
- b) Having ethics in the profession according to organizational guidelines.
- c) Having criteria that can be arranged in a position level according to the level of expertise.
- d) Carry out the job duties independently.

e) Functions and work mechanisms within the organization require the presence of functional officials.

4. *Siyasah Dusturiyah*

Siyasah dusturiyah is a discussion of fiqh that discusses the constitution and legislation. This includes how the law or tasyri'iyah is established. Siyasah dusturiyah includes the state legislation of the statesmen in accordance with religious principles and aims for the welfare of mankind. Siyasah dusturiyah also discusses the relationship between society and the government.¹¹

In the study of siyasah dusturiyah has two main things that serve as a reference, namely, dalil kuliyy which consists of the Qur'an and hadith as well as Islamic teachings about society. Because the proposition is used in making rules in society. The existing rules can also change according to the circumstances in which there must be ijihad scholars although not in the overall context.¹² In the Qur'an it is also explained that Allah commands humans to enforce the law so that the benefit of mankind can be achieved.

¹¹ Melvia Sari, "Tinjauan Fiqh Siyasah Dusturiyah Terhadap Pelaksanaan Kewenangan Komisi Informasi Publik Dalam Penyelesaian Sengketa Perdata Di Provinsi Bengkulu"(Undergraduate thesis, Institut Agama Islam Negeri (IAIN) Bengkulu , 2021), <http://repository.iaimbengkulu.ac.id/6986/>

¹² H.A.Djazuli, *Fiqh Siyasah Implementasi Kemaslahatan Umat dalam Rambu-Rambu Syari'ah*, (Jakarta: Kencana, 2003), 47.

Fiqh siyasa explains the constitution or legislation with the term *dusturi* which is Persian and has the meaning of humans with good influence in terms of religion as well as politics. However, after the absorption in Arabic the word *dustur* has the basic and basic meaning that regulates public or government relations and can be equated with legislation. A rule must have basic rules in order to have power in the eyes of the law, in Indonesia itself has the 1945 Constitution which binds the community and also the state order.¹³ There are several principles of *siyasa* in Islam, namely the principle of *siyasa* which consists of deliberation (*shura*), justice (*al-adl*), independence (*al-hurriyah*), equality (*al-musawah*). Deliberation is the customs and habits of the Arabs that are carried out for generations that are used to find the best ideas and ideas that can get the right and accurate decisions. Deliberation also means a gathering that is used to exchange ideas used in problem solving. In Islam, deliberation is useful to prevent adverse decision-making and prevent absolute control from the government.

¹³ Muhammad Iqbal, *Fiqh Siyasaah Konstektualisasi Doktrin Politik Islam* (Jakarta: Kencana, 2014), https://www.google.co.id/books/edition/Fiqh_Siyasaah_Konstektualisasi_Doktrin_P/efpDDwAAQBAJ?hl=id&gbpv=1

Deliberation prioritizes brotherhood based on a sense of faith in Allah SWT. Deliberations emphasize ideas and thoughts rather than who expresses those opinions.¹⁴ Justice, is a word that comes from the Qur'an, justice which is meant is absolute justice of Allah SWT. In the Qur'an Allah also explains that leaders and judges must be fair. Islam introduces justice as an important material, the justice referred to in Islam is justice in which Allah is the center of justice and is theocentrism. the world so that they can see the hereafter. Prophet Muhammad SAW gave a reference that a person cannot be better than others but in terms of charity and piety.

The principle of equality in *siyasa* and Islamic politics is the equality of various aspects of life. In Islam equality is meant to ensure justice and stop racism, Islam does not look at someone based on background. Every citizen has the same rights and obligations, equal in the eyes of the law and the judiciary for both men and women. *Siyasa dusturiyah* discusses the subject of laws and the relationship between the government and the people. The discussion of *dusturiyah* covers many things including *imamah*, the people, *ahlul expert wa aqdi*, and *wuzarah*.

¹⁴Achmad Irwan Hamzani , Politik Islam Sejarah dan Pemikiran (Pekalongan:NEM, 2021), https://www.google.co.id/books/edition/POLITIK_ISLAM/digXEAAAQBAJ?hl=id&gbpv=1

a. *Imamah*

Imamah is the successor of Rasulullah in his duties *imamah* is obliged to maintain the religion and ensure the welfare of society. Scholars agree that it is obligatory to appoint an imam based on the intellect and Islamic law. A prudent priest will benefit, prevent evil, and prevent enmity. Allah SWT obliges Muslims to obey the leader. Appointing an imam is obligatory, and if it is fardhu then appointing an imam is the same as jihad in the way of Allah. Allah gave us the obligation to obey ulil amri, they are priests. Some groups are of the opinion that the appointment of priests is invalid if the appointment is not attended by all ahlu halli wal aqdi, so that it can be fully approved and can be obeyed by all members.

However, another group is of the opinion that the number of ahlu halli wal aqdi in the appointment process must be at least five members. The leader of the people must be elected, but if someone who is competent has been successfully appointed, the other obligations will fall. Appointment of an imam has two ways, namely appointed by the previous leader or elected by ahlu aqdi wal hal. An imam has a duty to protect religion, if there is damage in religion, an imam must be able to

uphold religion and provide evidence, so that religion is protected from misguidance.¹⁵

There are ten duties of the Imam (Khalifah) namely:

- a. Maintain religion in accordance with the Shari'a and teachings of the Prophet Muhammad.
- b. Implement the law for two people who are at odds with each other, so as to uphold justice.
- c. Protect the state and people from crime, so that the social life of the community can run well.
- d. Firmly enforce the law in accordance with the rules of Allah SWT.
- e. Protecting regional borders to protect the people.
- f. Doing war against the enemies of Islam who have been preached so that they can be made ahlu dzimmah (infidels who are under the protection of Islam)
- g. Manage and coordinate property *fai* (wealth obtained by peaceful means such as zakat).

¹⁵ Imam al-Mawardi, *Ahkam Al-Sulthaniyah Sistem Pemerintahan Khilafah Islam* (Jakarta: Qisthi Press, 2016) https://www.google.co.id/books/edition/Ahkam_Sulthaniyah/NuNxDOAAQBAJ?hl=id&gbpv=1

h. Give the salary that has been budgeted in the Baitul Mal.

i. To appoint people who are honest and professional in their fields.

j. Carry out activities by going directly to the field and this cannot be represented.

b. Ahlu Halli Wal Aqdi

According to fiqh scholars alhu halli wa aqdi is a term for an intermediary for the people to convey their aspirations. Ahlu Halli Wal Aqdi is someone who has been trusted by the people because it is felt that these people have adequate competence, Muhammad Abduh's opinion that Ahlu Halli wa aqdi is someone who is competent in various types of expertise. Ahlu halli wa aqdi is an institution in which there are community leaders from various types of backgrounds who have the authority to choose a leader of the people. However, not all leaders are ahlu halli wa aqdi because they must meet the qualifications.

The requirements for an Ahlu Halli Wal Aqdi are fair, knowledgeable and insightful.¹⁶Based on the opinion of Muhammad Abduh ahlu halli wal aqdi is a professional who has credibility. Ahlu halli wal aqdi consists of ummah leaders, judges, scholars, as well as all leadership aimed at Muslims. In Islam, ahlu halli wal aqdi is a supervisor of executive authority. The duties of ahlu halli wal aqdi are limited to two matters, namely establishing rules and laws in society, and taking action against rulers who are unjust to the people.

To become an ahlu halli wal aqdi, one must meet the following requirements:

1. Have a fair nature, a degree of istiqomah so that he is considered a person who can be trusted and has a trustworthy nature.
2. Have the knowledge to know and choose a priest or leader.
3. Have knowledge about society and politics.

¹⁶ Akmal Firdaus, "Kewenangan Ahlu Halli Wal Aqdi Dalam Perspektif Al-Mawardi Dan Ibnu Taimiyah (Kajian Terhadap Kewenangan DPR-RI Dalam Undang-Undang Nomor 17 Tahun 2014 Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah)"(Undergraduate thesis, Universitas Islam Negeri Ar-Raniry Darussalam-Banda Aceh, 2017), <https://repository.ar-raniry.ac.id/id/eprint/2351/1/AKMAL%20FIRDAUS.pdf>

Based on the above criteria, *ahlu halli wal aqdi* is required to be a person who is able to deliberation and can solve problems that exist in society. Abdul Karim Zaidan argues that *ahlu halli wal aqdi* are people who go directly to the community, where the community agrees on the opinions of *ahlu halli wal aqdi* consequently, without being forced by the skills they have for the benefit and welfare of the community. Based on the information above, the people choose *ahlu halli wal aqdi* because they have characteristics such as having knowledge and abilities in the political field, forming laws, supervising the Imamate or leaders, must have a fair nature in order to protect the country from evil because they have violated the rights of Allah.

b. Wizarat

Wizarat consists of two forms, namely *tafwidhi* and *tanfidzi*. *Wizarat tafwidhi* has authority in terms of government while *wizarat tanfidzi* has authority in the field of administration. *vizier* has the authority to handle various affairs according to his own *ijtihad*. The *wazir* has a role as an assistant to an imam, the *vizier* helps the priest so as not to escape. *Wazir* has the task of implementing the decisions that have been agreed upon, because of this, the *wizarat* must have

the expertise of a mujtahid, leadership, and expertise in the tasks assigned to him.¹⁷

In occupying the position of vizier there are several conditions that must be met, the conditions that must be met are the same as the conditions for the election of the priest who distinguishes only lineage. There are two ways of appointment, namely: absolute authority and mandate. If the appointment is given in full without using a mandate, then it is a way of appointment for a replacement for the imam (caliphate). Meanwhile, in the case of appointments that are only mandated, it is considered that it is still not clear between appointments in general or in particular. However, such an appointment is still considered to have no clarity, but if an appointment consists of both then the appointment is considered valid and perfect. To occupy the position of vizier, there are several criteria, between *wazir tafwidhi* and *wazir tanfidzi* having different criteria, they are:

1. *Wazir tafwidhi* must be an independent person.
2. *Wazir tafwidhi* is obliged to embrace Islam while *wazir tanfidzi* is not obligated.

¹⁷ Imam al-Mawardi, *Ahkam Al-Sulthaniyah Sistem Pemerintahan Khilafah Islam* (Jakarta: Qisthi Press, 2016), https://www.google.co.id/books/edition/Ahkam_Sulthaniyah/NuNxDOAAQBAJ?hl=id&gbpv=1

3. *Wazir tafwidhi* is required to master Shari'a law while *wazir tanfidzi* does not.
4. *Wazir tafwidhi* is required to master the science of war while *wazir tanfidzi* is not.

The position of *wazir tafwidhi* is different from *wazir tanfidzi* because both have different authorities including:

1. *Wazir tafwidhi* has the authority to decide the law, manage criminal cases, and coordinate war troops, while *wazir tanfidzi* does not have this authority.
2. *Wazir tafwidhi* has the authority to appoint officials, while *wazir tanfidzi* does not have that authority.
3. *Wazir tafwidhi* was allowed to lead the war and set strategy in the war while the *wazir tanfidzi* had no authority in that regard.
4. *Wazir Tafwidhi* is allowed to manage assets in the *Baitul Mal*, while *wazir tanfidzi* is not.¹⁸

¹⁸ Imam al-Mawardi, *Ahkam Al-Sulthaniyah Sistem Pemerintahan Khilafah Islam* (Jakarta: Qisthi Press, 2016), https://www.google.co.id/books/edition/Ahkam_Sulthaniyah/NuNxDOAAQBAJ?hl=id&gbpv=1

CHAPTER III

A. Types of Research

This research is an empirical juridical research, namely sociological legal research that refers to field data. Empirical legal research examines the application of law in society and explores the facts that exist in society whether they are in accordance with applicable law.¹⁹ This research is an empirical legal research which will examine the optimization of environmental supervision by the Malang Regency Environmental Service.

B. Research Approach

This study uses a sociological juridical approach that applies law as a social function in social life. In this research, it is more directly related to the community so that it is often called sociological legal research, in this legal research a lot of data is taken from the government and legal entities. Empirical legal research approach is an approach that is social in nature, which requires various disciplines of law and social sciences to explain legal phenomena in society.

¹⁹ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1981), 41.

Basically, empirical juridical research is a socio-legal study that considers the process of making laws and how to apply the law in society.²⁰

C. Research Location

The research location is the place where the research takes place and the place where data is collected in a study. In this thesis, the researcher took place in the Malang Regency Environmental Service because it is a source of data on research researched on regional environmental supervisory officials who are appointed through equalization of positions in the Malang Regency Environmental Service.

D. Method of Determining Subject

Research subjects are people and objects that need information and provide information for researchers. The method of determining the subject used in this study is a purposive sampling method, which focuses on certain considerations in choosing sources that are in accordance with the research object so that they meet the elements of the appropriate category. In qualitative research, emphasis is placed on the quality of the sources to be studied, not on the number of subjects. The method of determining the subjects taken in this study was selected with certain standards, which in this study discusses the

²⁰. Jonaedi Efendi dan Johnny Ibrahim *Metode Penelitian Hukum: Normatif dan Empiris* (Depok: Prenada Media, 2018), 153

equalization of structural positions to functional positions in the environmental service so that the appropriate resource persons according to the research are environmental functional officials who are equalized in the District Environmental Service. Malang, as well as BKPSDM employees who at the agency handle career development for state civil servants. Jenis dan Sumber Data

a. Primary Data

Primary data is data collected by researchers to answer the formulation of the problem and the essence of the research. In this case the researcher uses the recording as a tool to get the information needed. Primary data is accurate data because it is presented in detail. The primary data source in this study was an interview with the Department of the Environment. There are five primary data sources in this research, namely

a. Indah Sulistiyawati: Head of the Environmental Capacity Building and Arrangement Division of the Malang Regency Environmental Service.

b. Eko Wahyudi: Position of Environmental Supervisor of Young Experts of the Environmental Service of Abupaten Malang.

c. Ari Yusita Agustini: Position of Environmental Supervisor of Young Experts of the Malang Regency Environmental Service.

d. Shanti Rismadini: Secretary of the Civil Service and Human Resources Development Agency of Malang Regency.

e. Tri Priatmoko: Head of The General and Civil Service Agency of the Civil Service and Human Resources Development Agency of Malang Regency. Data Sekunder

b. Secondary Data

Secondary data is data that is ready to use and often exists in government agencies or other agencies that use a lot of data. The use of secondary data is to provide instructions for researchers to make a framework for research, for legal practitioners, secondary data is data that is used as a reference for thinking in making an argument for compiling research.²¹

c. Primary Legal Materials

Primary legal materials are legal materials that have an authoritative nature or have an authority, primary legal materials consist of laws, judges' decisions, and official documents.

Secondary Legal Materials in this study:

1. The Law Number 11 of 2020
2. The Law Number 32 of 2009
3. Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 22 of 2019

²¹ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2009), 54.

4. Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation Number 17 of 2021

5. Minister of Environment and Forestry Regulation Number 9 of 2019

d. Secondary Legal Materials

Secondary legal materials consist of books and also texts on the basis of legal scholarship, in the form of legal journals, writings and actual news about a law. With the existence of books and actual sources regarding a discussion, it will make it easier for researchers to compile research so that the discussion raised can be relevant.²²

E. Datacollection Method

In preparing this thesis, the researcher collected field data as well as documents in accordance with related research. The researcher used several methods, namely:

1. Interview

Interview is a technique to get information directly. An interview is an interaction between two people that is used for certain purposes in order to explore the required information. The interviewer has the freedom in terms of determining the content of the question so that the interviewer can get appropriate and accurate information. Interviews are a very important part,

²² Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017), 182.

especially in empirical legal research, because interviews are the main source of information in field research. There are two types of interviews, namely structured interviews and unstructured interviews. In this study using structured interviews, this forms the system of thinking in a study. In this research, there are five sources, namely: Indah Sulistiyawati, Eko Wahyudi, Ari Yusita Agustini, Shanti Rismadini, Tri Priatmoko.

2. Documentation

Documents are data in the form of written or image archives used in a study. The document in question is a complement in a study where the research will be more accurate and mature. In a research there are usually two types of documents, namely personal documents and official documents. Documentation is a way of collecting data that focuses on a particular discussion where in this research the data to be studied is about Optimizing Environmental Monitoring in the Perspective of *Siyasah Duturiyah* (Study at the Malang Regency Environmental Service).

F. Data Management Method

Data processing is the transformation of data into informative data. Data processing is a process in which data in the field is processed for research and policy making. In this study using qualitative data processing methods consist of:

1. Editing

Editing is a way of observing data through aspects of integrity, clarity of writing, clarity of meaning, compliance with field facts. Editing carried out by the author in this study was an interview from the Department of the Environment and the Agency for Personnel and Human Resources in Malang Regency.

2. Classifying

Classifying is a way of unifying the different types of data in the interview. The data that has been collected is observed in depth, and then compiled as needed. This is a way for research to be easy to understand so that it can provide easy-to-understand information. The existing data are selected by the authors based on interviews and reference sources. This data analysis method is a method using interviews and observations by answering questions such as what, why or how, literature studies and from various

sources and is carried out continuously.²³The classification in this study was obtained through two formulations of problems, namely environmental supervision carried out by regional environmental supervisory officials who are equalized in the Malang Regency Environmental Service and environmental supervision carried out by regional environmental supervisory officials who are equalized in the Malang Regency Environmental Service from the perspective of *Siyasah Dusturiyah*.

3. Verifying

Verifying is the process of checking the results of interviews in the field to ensure that the data is accurate and can be used in a study. Confirming to the Environmental Agency about the validity of the data that has been obtained so that there will be no errors in the research. The results of the verification from the Malang Regency Environmental Agency, it can be ascertained that the results of the interview are concrete and in accordance with the reality on the ground.

²³ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2009), 54.

3. Concluding

Conclusions are the final process of a study, and conclusions are the final data and conclusions of a study.²⁴ So that the data is the result of the study under study. The conclusion in this research is that environmental supervision carried out at the Malang Regency Environmental Service is not in accordance with existing regulations based on the Minister of Environment Number 22 of 2019 and Minister of Environment Regulation Number 55 of 2017 that environmental supervisors must have standards of competence and expertise that have been established with education and submission of certification but with the new policy, namely regarding the equalization of structural positions. to be functional, making the functional supervisor of the environment appointed in the absence of training. But this conclusion is not absolute because the realm of practice always has updates as well as the laws that are in it.

²⁴ Salsabila Miftah Rezkia, “Metode Pengolahan Data: Tahapan Wajib yang Dilakukan Sebelum Analisis Data” *DQLab*, 13 29 Juni 2021, diakses 8 April 2022, <https://dqlab.id/metode-pengolahan-data-tahapan-wajib-yang-dilakukan-sebelum-analisis-data>

CHAPTER IV

A. Profile Research Location

1. Description of the Malang Regency Environmental Agency

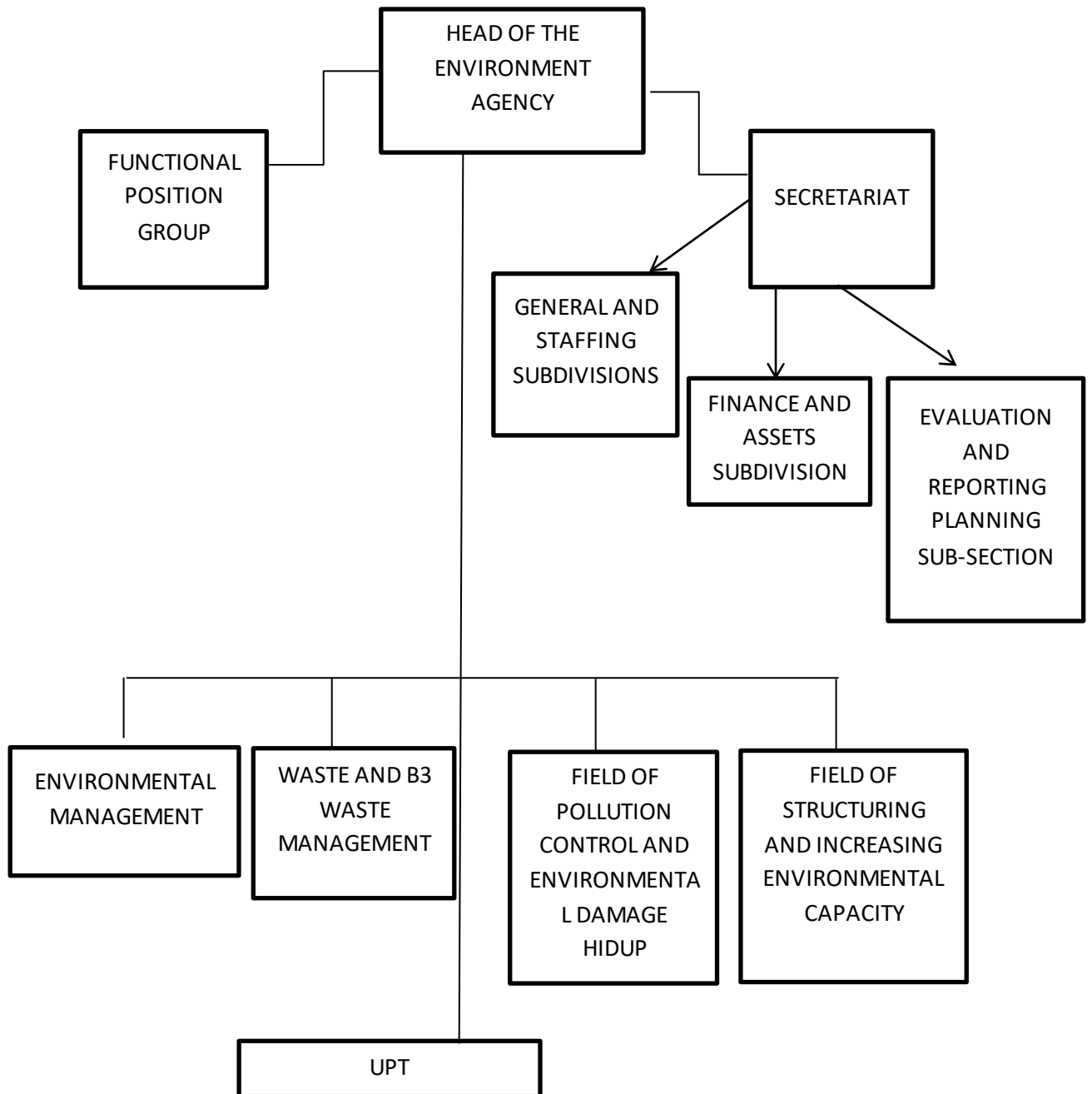
The Malang Regency Environmental Service is the implementing part of the Malang Regency government led by the head of the department who is responsible to the Regional Government. The Malang Regency Environmental Service has the authority to deal with environmental problems, especially in Malang Regency. Duties of the Malang Regency Environmental Service:

1. To be the executor of the local government in assistance tasks related to the environment
2. To be the executor at the direction of the regent in accordance with the fields that become environmental specifications. Organizational Structure of the Malang Regency Environmental Service. See Malang Regent Regulation No. 57 of 2016 consist of ²⁵ : Head of Service, Functional Position Group, Secretariat for Environmental Management, Waste and B3 Waste Management, Pollution and Environmental Damage Control, Environmental Compliance and Capacity Building, and UPT.

²⁵ Budi Iswoyo, "Laporan Kinerja Tahun 2019," Dinas Lingkungan Hidup Kabupaten Malang, 3 Maret 2019, diakses 20 Maret 2022, <http://lh.malangkab.go.id/uploads/dokumen/lingkungan-hidup-LKj%20DLH%20Tahun%202018s.pdf>

ENVIRONMENTAL AGENCY

ORGANIZATIONAL CHART



2. Description of Malang Regency Government

Malang Regency is an area headed by a regent and also a deputy regent where the regency area leads several sub-districts and villages. The election of regents in Malang Regency is held directly through the post-conflict local election. Malang Regency has an area of 2,977.05 km², 33 sub-districts, and around 12 urban villages where from these areas have various potentials, namely, plantations, agriculture, plants used in medicine, and tourist attractions.

B. Environmental Supervision by Regional Environmental Supervisory Officers

Optimization is a way of maximizing effort to the desired level, optimization is maximizing the system so that it can obtain the best and most expected results..²⁶ In this study, the optimization referred to is in terms of increasing the competence of Environmental Supervisory Officials in Malang Regency. Supervision is an activity that ensures the smooth running of the activities carried out so that they are in accordance with what has been planned.

Supervision is a guarantee from the government against the enforcement of rules and laws. Indonesian people have the right to get maximum service from the government, but Indonesian citizens still do not understand this. Environmental supervision carried out by PPLH is a form of public service in the environmental field by the government. If the

²⁶ Edy Suhardono, *Teori Peran* (Jakarta: Gramedia Pustaka Utama, 1994), 3

government service standards are not fulfilled, then this is also not in accordance with the law. In terms of environmental supervision, participation from the community is also needed, this is as a policy-making in environmental matters. Based on law number 25 of 2009, the public has the right to service and receive responses to complaints submitted to the relevant agency. The role of the community in participating in environmental monitoring is considered very important because it is a forum for the community to take part in environmental monitoring so that because of the involvement of all parties, the supervision action becomes more leverage. Maximum service in the field of the environment will improve the quality of the environment we live in so that the quality of life for all creatures also improves.

A resource person from the Environmental Service of Malang Regency Mr. Eko Wahyudi said that:

*“The Malang Regency Environmental Service before the equalization of environmental functional positions did not have a PPLHD, but the absence of a PPLHD in the Malang Regency Environmental Service did not prevent us from continuing to carry out the environmental monitoring process, by coordinating with the center, namely the Ministry of Environment and Forestry. When the Malang Regency Environmental Service does not have the ability to enforce the law, coordination is carried out with the province that has PPLHD”.*²⁷

²⁷ Eko, Interview, (Malang, January 17,2022)

Based on information regarding the position of environmental functional officials in Malang Regency, Mr. Eko Eko Wahyudi SE, M.Ap said that:

"A PPLHD must be an environmental functional official at this time an environmental functional official at the Malang Regency Environmental Service is an appointed official. through equalization, while in terms of being a functional official, it is absolutely necessary to carry out training and then can have the authority to carry out environmental monitoring activities".²⁸

Environmental supervision in Malang district is carried out by the Regional Environmental Supervisory Officer where in its implementation there are standards and competencies that the PPLHD must possess. At the end of December 2021, there will be an equalization of structural positions into functional positions. The Malang Regency Environmental Service did not previously have a functional environmental official but could still carry out environmental monitoring in coordination with the Ministry of Environment and Forestry.

A PPLHD must be an environmental functional official who has the authority to supervise the environment if there is a violation of the environment, the basis for consideration of the investigation must be a PPLHD. The functional official who is currently serving in the Malang Regency Environmental Service is a structural official who is automatically equalized to become functional and is considered an official who has this authority, but the requirement for a PPLHD is to undergo

²⁸ Eko, Interview, (Malang, January 17, 2022)

training. Based on the applicable rules, a PPLHD must be a functional official who has carried out training and is certified. As already conveyed by Mr. Eko as the Environmental Functional Officer stated that:

"The Environmental Supervisory Officer based on Law Number 32 Year 2009 explains that an environmental functional official is an official who has certification while the Environmental Service itself has not met the requirements".²⁹

The existence of a new policy in the government system is deemed inappropriate because it is not the same and in line with the regulations that have been set by Mr. Eko Wahyudi as the Environmental Functional Officer stated that:

"Because of the central government's policy to reduce the permit post for structural officials, a provision was finally issued to simplify the relationship with public services so that structural officials were converted into functional officials, while referring to the laws and regulations it was deemed not appropriate because we did not have a certificate which was an absolute requirement as a PPLHD, but due to the policy, the position was finally equalized in accordance with the Regulation of the Minister for the Empowerment of State Apparatus Number 22 of 2019 " ³⁰

Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 22 of 2019 concerning Functional Positions of Environmental Supervisors.

²⁹ Eko, interview, (Malang, January 17, 2022)

³⁰ Eko, interview, (Malang, January 17, 2022)

Article 1 paragraph (21) states that:

“Environmental Supervisory Competency Standards, hereinafter referred to as Competency Standards, are descriptions of the knowledge, skills and/or expertise and behaviors required to carry out the duties of the Environmental Super”.³¹

The stipulation of an environmental functional official is deemed not to be in accordance with government regulations where a functional official is required to conduct training in accordance with his work competencies. Regulations and laws regarding the environment are considered very dynamic because they often change, this makes many environmental functional officials doubt. The existence of equalization of functional positions without training is felt to have not been able to fulfill the competencies and supplies to carry out the mandated tasks perfectly.

Based on the information from the Head of the Malang Regency Environmental Service, Mrs. Indah Sulistyawati said:

*"It is true that we have obtained a determination as Environmental Functional Officer but is this determination in accordance with the article. Environmental regulations in recent years are considered very dynamic"*³²

³¹ Pasal 1 ayat 21 Peraturan Menteri Pendayagunaan Aparatur Negara Nomor 22 Tahun 2019 tentang Jabatan Fungsional Pengawas Lingkungan Hidup

³² Indah, interview, (Malang, January 17, 2022)

Environmental management is beneficial for the implementation of environmentally sustainable development where the use of resources can be controlled so as not to pollute the environment that exceeds the AMDAL limit. Environmental supervision is one of the environmental law enforcement instruments where these activities can also evaluate business activities so that they run according to what has been determined. Environmental supervision also aims to carry out sustainable development so that it can guarantee the basic rights of the environment so that the community is prosperous.³³

However, due to the existence of a new policy, namely the existence of conflicting and inconsistent regulations, functional activities must still be carried out even though the system does not meet the applicable regulations, the supervisory action is still carried out based on

Mr. Eko Wahyudi's statement:

"Environmental functions do something wrong, it is not wrong, but how to make the government run, it must still be done even though it is contrary to the regulations".³⁴

Each district and city government must have a body that is in charge of developing the competence of the state civil apparatus, the agency that has the authority is the Agency for Personnel and Human Resources Development, in Malang Regency itself. The background behind the equalization of structural positions to functional positions is a rule from

³³ Akib, *Hukum Lingkungan Prespektif Global dan Nasional*, 215.

³⁴ Eko, interview, (Malang, January 17, 2022)

the government, Mrs. Shanti Rismadini as Secretary of the Agency for Personnel and Human Resources Development said that:

“To achieve functional positions, there are many ways, there are equalization, there is inpassing, and there is appointment. The current equalization of positions is based on the president's instructions that we have to enrich functions and shorten the service chain and this is indeed part of the big agenda of bureaucratic reform, in fact it has been from 2020 but because of the Covid-19 this has only been implemented in 2021. Regarding the quality of the officials involved What needs to be considered is whether the competencies are exactly the same as those required for increasing functional abilities, indeed there is a need for additional training and other things, this does not happen in the level of position when inpassing there must be a competency test, but after sitting in that position there may be an increase in competence in the form of training and education that adapts to the duties of functional positions”³⁵

In terms of PPLHD education and training there are parties who are authorized to do it based on interviews with the Malang Regency BKPSDM Mrs. Shanti Rismadini said that :

“The task of BKPSDM is indeed in accordance with the strategic plan, one of which is to increase competence, but frankly, BKPSDM must also look at priorities, there are many ways to achieve that, one of them is by collaborating with the ministry or with the province, it can be like that, but for the obligation to increase competence in functional positions, The number of participants is a lot at the supervisory agency, if holding there is a limit of participants, namely a minimum of 30 people, while the Environmental Service itself only has four environmental functional officials”³⁶

The conditions that must be carried out in carrying out functional education according to Mr. Tri Priatmoko, the Head of the Sub-Division of General Affairs and Personnel of the BKPSDM Malang Regency are:

³⁵ Shanti, interview, (Malang, January 24, 2022)

³⁶ Shanti, interview, (Malang, January 24, 2022)

“Because in order to carry out education, apart from the requirements from the ministry, there are also requirements from the LAN that must meet the requirements in the LAN, there must also be cooperation from the ministry and 30 participants are absolute. BKPSDM Malang Regency cannot do it immediately, indeed it is our job but we don't have to organize it. In this case, it is the government agency that is most obliged to implement it, namely the ministry”³⁷

Based on a statement from the Environment Service, that the Ministry of Environment and Forestry also does not hold training:

“The Ministry has confirmed that it will not hold training but we are trying to coordinate with the province. We hope there will be a budget to carry out environmental functional training, indeed the province is holding the training but presenters can be from the Ministry. In January we made a visit to the Ministry and submitted a request that if there is indeed functional training, we asked to be invited, but information from them was that there was no education and training except for the region itself which invited the ministry to present the training”³⁸

Environmental supervision is an effort to enforce environmental law in Malang Regency in accordance with Law Number 11 of 2020 Article 71 paragraph (2) which states that:

“The Central Government or Regional Governments can delegate their authority in carrying out supervision to technical agency officials who are responsible for environmental protection and management”³⁹

³⁷ Tri, interview, (Malang, February 18, 2022)

³⁸ Ari, interview, (Malang, February 23, 2022)

³⁹ Pasal 71 ayat 2 Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja

Environmental supervision is carried out to prevent and control pollution and damage to the environment. Environmental supervision is one of the efforts to achieve sustainable and environmentally sound development, with supervision, the use of resources by the community can be controlled. So that the balance of nature and the ecosystem is not disturbed.⁴⁰

Environmental supervision is a very strategic effort in preventing pollution and environmental damage. External supervision in environmental matters is supervision carried out by parties outside the Environmental Service. For example, the community, the community can make a complaint to the authorities in case of environmental pollution. Community complaints are also one of the standard operating procedures for dealing with environmental problems. The existence of public complaints in the environmental field must be handled properly and maximally to prevent violations and environmental damage.⁴¹

ased on the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 22 of 2019 concerning Functional Positions of Environmental Supervisors in article 1 paragraph 21 states that:

⁴⁰ Syahrul Machmud, *Penegakan Hukum Lingkungan Indonesia* (Bandung: Graha Ilmu, 2012), 161.

⁴¹ Muhammad Akib, *Hukum Lingkungan Prespektif Global dan Nasional* (Jakarta: Raja Grafindo, 2014), 2.

Article 1 paragraph (21) :

“Environmental Supervisory Competency Standards, hereinafter referred to as Competency Standards, are descriptions of the knowledge, skills and/or expertise and behaviors required to carry out the duties of the Environmental Supervisor”.⁴²

In the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 55 of 2017 concerning Standards and Competency Tests for Functional Positions of Environmental Supervisors, it is also stated that the PPLHD's obligation to train and obtain certification:

Article 2 Paragraph (1)

"The determination of Competency Standards and Competency Tests for Functional Positions of Environmental Supervisors is intended to ensure the suitability of competencies with their positions in order to support the professionalism of environmental supervisors" ⁴³

The laws and regulations are felt to be overlapping and result in losses for the community if human resources do not have the required competencies so that environmental supervision that is carried out is not optimal.

⁴² Pasal 1 ayat 21 Peraturan Menteri Pendayagunaan Aparatur Negara Nomor 22 Tahun 2019 tentang Jabatan Fungsional Pengawas Lingkungan Hidup

⁴³ Pasal 2 ayat 1 Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor 55 Tahun 2017

Terms of appointment through transfer from another position:

1. Meet the requirements of the first appointment.
2. Minimum S-1 or D-IV certificate in natural science and other relevant educational qualifications.
3. Take and pass the competency test according to the competency standards that have been prepared by the coaching agency.
4. Have experience in the field of supervision and/or environmental law enforcement for at least two years.
5. The work party value is at least good value in the last two years, and
6. The highest age;
 - a. 53 years to occupy the post of first expert and junior expert.
 - b. 55 years to occupy the position of associate expert.
 - c. 60 years to occupy the main expert position.⁴⁴

⁴⁴ Dokumen Dinas Lingkungan Hidup

Based on the description above, the requirements as a PPLHD must have met the existing competency standards, but there is a new policy from the government regarding the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform of the Republic of Indonesia Number 17 of 2021 concerning Equalization of Administrative Positions into Functional Positions carried out without any education and training, it is felt that this is not in accordance with the regulations that have been set that the requirements for an environmental functional official are to have carried out the training, passed the competency test, and has a certification of expertise and. Without training, environmental functional officials cannot perform their work optimally because they have not reached the required competency standards. In the case of the environment, an Environmental Supervisory Officer is also someone who can be used as a basic consideration for an investigation.

C. Environmental Supervision by Regional Environmental Supervisory Officer *Siyasah Dusturiyah* Perspective

Siyasah Dusturiyah is a theory which comments on the rules of law to be in line with Islamic law. So that the rules that apply are in line with the Qur'an and the sunnah of the Prophet Muhammad SAW. In terms of the principle that the human rights of every human being must be guaranteed, the Qur'an is the basis of the religion of Muslims as a guide to mankind to create a just and prosperous life in this world and the hereafter.

The Qur'an is a strong foundation and can not be changed, because it is the factor that affects the salvation of human beings in the world is the Qur'an and the sunnah of the Prophet. Islam has political principles that consist of deliberation (*syura*), justice (*al-adl*), independence (*al-hurriyah*), equality (*al-musawah*) .⁴⁵ From the principles of Islamic politics, environmental control in Malang Regency based on the law has fulfilled the requirements, based on the principles of Islamic politics. *Siyasah dusturiyah* has a scope that discusses legislation and matters relating to the state in accordance with Islamic guidance for the welfare of mankind.

Siyasah dusturiyah is more about the interaction between the people and state institutions such as priests, *wuzaroh*, and *ahlul halli wal aqdi*. *Imamah* in *fiqh siyasa dusturiyah* is a leader who can be interpreted singularly or plurally,⁴⁶ In positive law, the position of *Imamat* can be

⁴⁵ Achmad Irwan Hamzani , *Politik Islam Sejarah dan Pemikiran* (Pekalongan:NEM, 2021), https://www.google.co.id/books/edition/POLITIK_ISLAM/digXEAAAQBAJ?hl=id&gbpv=1

⁴⁶ Djazuli, *Fiqh Siyasah Implementasi Kemaslahatan Umat dalam Rambu-rambu Syariah* (Jakarta: Kencana, 2013), 57.

equated with the government. According to Al-Mawardi, the imam has two rights, namely being assisted in the government and being obeyed. and their property.⁴⁷

The environment is a very important aspect for society and living things because with a good and healthy environment all living things can be guaranteed their survival. In the ministry's *siyasa dusturiyah* it is called *wizarat*, *wizarat* already existed in ancient Egypt, Persia, and Israel. The Ministry of Environment and Forestry is a government implementing agency that specifically deals with environmental issues. *Wizarat* is divided into two, namely *wizarat tafwidhi* (assistant to the caliph in the field of government) and *wizarat tanfidzi* (assistant to the government in the field of administration). According to his authority, the environmental supervisory officer belongs to the *wizarat tanfidzi* (assistant to the caliph in the administrative field). To become a *wazir tanfidzi* only requires a few conditions, because the authority of the *wazir tanfidzi* is limited to the intermediary of the priest and the people. The duties of the *wazir tanfidzi* are carrying out orders from the imam, carrying out decisions, inaugurating officials, and reporting the results of work to *the imam (khalifah)*.

⁴⁷ Muhammad Iqbal, *Pemikiran Politik Islam* (Jakarta: Kencana, 2017), https://www.google.co.id/books/edition/Pemikiran_Politik_Islam/io9ADwAAQBAJ?hl=id&gbpv=0

The verse that explains the vizier is Surah Taha verses 29-32 :

وَأَجْعَلْ لِي وَزِيرًا مِّنْ أَهْلِي (٢٩) هَارُونَ أَخِي (٣٠) أَشَدُّ بِهٖ أَرْزَى (٣١)
وَأَشْرِكْهُ فِي أَمْرِي (٣٢)

That is to say: And make for me a vizier (maid) of my family, (29) that is Aaron, my brother, (30) establish my strength with (the existence of) him, (31) and make him a friend in my affairs, (32).

In Islam the relationship between the government and the people themselves has existed and is included in the Qur'an, which consists of the obligations of the leader and the obligations of the people.⁴⁸ The leadership consists of upholding justice, guaranteeing the rights of the people, guaranteeing the welfare of the people, and maintaining the integrity of the state and religion, while the obligation of the people is to obey the leader and help and support the smooth running of the government.

The government is obliged to guarantee the human rights of every citizen, this is related to the discussion in this study that a good and healthy environment is a right for every citizen, the existence of environmental supervisors as human resources who have adequate competence, can realize the right of the people to get a good and healthy environment. A verse describing the obligations of the leader who must guarantee the rights of the people.

⁴⁸ Asrori Mukhtarom, "Relasi Pemimpin Dengan Rakyat dalam Perspektif Al-Qur'an ," *Rausyan Fikr*, no. 2(2018): 89 <http://jurnal.umt.ac.id/index.php/RausyanFikr/article/view/911/576>

Surah Al-An'am 152

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ
بِالْقِسْطِ لَا تُكَلِّفُوا نَفْسًا إِلَّا وُسْعَهَا وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ وَبِعَهْدِ اللَّهِ
أَوْفُوا ذَٰلِكُمْ وَصْنُكُمْ بِهِ لَعَلَّكُمْ تَذَكَّرُونَ

That is to say : And do not approach the property of the orphan, except in a more useful way, until he grows up. And perfect the measure and scale fairly. We don't carry the burden on someone but just their ability. And when ye say, then let you do justice, though he is your (your) relative, and fulfill the promise of God. Thus it is commanded by God to you that ye may remember.⁴⁹

The verse above explains that Allah commands to guarantee a person's rights both security, life, and justice, as it existed in the time of the Messenger of Allah, namely the Medina Charter in article 15 states that there is a guarantee of protection from ALLAH for the weak and some believers are helpers of some others. The government has great power over the people, the purpose of a government making laws is for the welfare of the people. In order to realize the welfare of the community, the government has the authority to make a regulation and law. Al-Mawardi said that making and maintaining the benefit of the people is mandatory while the tool is the government and the state. The Malang Regency Environment Agency has made the best possible efforts to supervise the environment, even so the existence of regulations that are not in accordance with the reality in the field such as in the PAN Regulation.

⁴⁹ Tim Penerjemah, Al-Qur'an Terjemah dan Tajwid, (Bandung: Sygma, 2015), 149

الضرر يزال

“The mudharatan was omitted”⁵⁰

Preserving mankind also includes eliminating monasticism where by protecting the environment, it will also be good for the quality of living things in it, Ibn Assyria stated that the purpose of the law and rules is to maintain the life of mankind by making improvements in terms of reason, charity, and the preservation of nature. Environmental supervision is a means to maintain the environment and human welfare according to the commands of Allah SWT, therefore environmental supervision is also considered as maintaining religion because in the Qur'an it is also explained about the fulfillment of people's rights, the rights of the people also include the right to have a good and healthy living environment.

⁵⁰ Syaikh Abdul Hamid Hakim “Terjemah Mabadi Al-Awwaliyyah,” diakses 2 April 2022, <https://ia803201.us.archive.org/30/items/terjemah-mabadi-al-awwaliyyah/Terjemah%20Mabadi%27%20Al-Awwaliyyah.pdf>

CHAPTER V

A. Conclusion

From the existing data, as well as based on the information in the previous chapter, there are conclusions that:

1. Environmental supervision carried out at the Malang Regency Environmental Service is deemed not in accordance with existing regulations based on the PAN Ministerial Regulation Number 22 of 2019 and the Environmental Ministerial Regulation Number 55 of 2017 that environmental supervisors must have competency and expertise standards that have been established by education and training, submission of certification, but with the new policy regarding the equalization of structural positions into functional, environmental functional supervisors are appointed without any training.
2. The Malang Regency Environmental Service is an agency assisted by the Ministry of Environment and Forestry called wizarah or implementing agency in siyasah fiqh. The Environment Agency is the government's implementing agency, especially in terms of environmental preservation, which in fiqh siyasah also states that the fulfillment of people's rights is the government's obligation, especially in this study the people have the right to a good and healthy environment.

B. Suggestion

1. The government should issue a policy accompanied by the readiness of adequate human resources, because the equalization of functional positions is carried out without an educational forum for equalized officials, it is feared that it could lead to non-fulfillment of performance standards and not achieving the credit score specified.
2. The Provincial Government and the Ministry of Environment and Forestry should be able to immediately hold environmental training for environmental functional officials who are appointed through equalization positions, because training is an absolute requirement for a Regional Environmental Supervisory Officer (PPLHD).

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Peraturan Menteri Pendayagunaan Aparatur Negara dan Reformasi Birokrasi Nomor 22 Tahun 2019

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APPENDICES

An interview for data collection on the delivery of environmental functional positions was conducted in the workspace of the Environment Agency with Mrs. Ari Yusita, on January 17, 2022.



Image 1

Interview to collect data about Equalization of environmental functional positions carried out in the work room of the Environmental Service with Mr. Eko Wahyudi, on January 17, 2022.



Image 2

An interview for data collection on the delivery of environmental functional positions was conducted at the office of the Civil Service and Human Resources Agency with Mr. Tri Priatmoko, dated January 24, 2022.



Image 3

Jabatan ASN

PENGAWAS LINGKUNGAN HIDUP

KETENTUAN PERATURAN PERUNDANGAN

| PERMENPAN-RB | PERATURAN BKN | PERPRES TUNJANGAN |
|--|---|-------------------|
| Nomor 22 Tahun 2019, Tgl 14 Oktober 2019 | Nomor 12 Tahun 2020, Tgl 6 Agustus 2020 | - |

RINGKASAN JABATAN

| TUGAS JABATAN | RUMPUN JABATAN | RUANG LINGKUP |
|---|--------------------------------|----------------------------------|
| melaksanakan pengawasan dan/atau penegakan hukum lingkungan hidup | Pengawas Kualitas dan Keamanan | PNS Kementerian LHK/Pusat/Daerah |

PENETAPAN PAK

| PEJABAT PENETAP PAK | JENJANG JABATAN | TIM PENILAI |
|--|---|------------------------|
| Pejabat Pimpinan Tinggi Madya yang membidangi kesekretariatan pada Kementerian Lingkungan Hidup dan Kehutanan | Ahli Utama di lingkungan Kementerian Lingkungan Hidup dan Kehutanan | Tim Penilai Pusat |
| Pejabat Pimpinan Tinggi Madya yang membidangi Pengawasan dan/atau Penegakan Hukum Lingkungan Hidup Kementerian Lingkungan Hidup dan Kehutanan | Ahli Madya di lingkungan Instansi Pemerintah | Tim Penilai Pusat |
| Pejabat Pimpinan Tinggi Pratama yang membidangi kesekretariatan pada unit kerja Jabatan Pimpinan Tinggi Madya yang membidangi Pengawasan dan/atau Penegakan Hukum Lingkungan Hidup | Ahli Pertama dan Ahli Muda di lingkungan Kementerian Lingkungan Hidup dan Kehutanan | Tim Penilai Pusat |
| Pejabat Pimpinan Tinggi Pratama yang membidangi Kesekretariatan pada Instansi Pemerintah | Ahli Pertama dan Ahli Muda di Instansi Pemerintah | Tim Penilai Unit Kerja |

JENJANG JABATAN

| KATEGORI | JENJANG | GOLRU | ANGKA KREDIT |
|----------|--------------|-------|--------------|
| Keahlian | Ahli Pertama | III/a | 50 |
| | | III/b | 50 |
| | Ahli Muda | III/c | 100 |
| | | III/d | 100 |
| Keahlian | Ahli Madya | IV/a | 150 |
| | | IV/b | 150 |
| | | IV/c | 150 |
| | Ahli Utama | IV/d | 200 |
| | | IV/e | 200 |

PENGANGKATAN DALAM JABATAN FUNGSIONAL

PENGANGKATAN

- Pertama
- Perpindahan dari Jabatan lain
- Promosi

SYARAT PENGANGKATAN PERTAMA

- berstatus PNS;
- memiliki integritas dan moralitas yang baik;
- sehat jasmani dan rohani;

- berijazah paling rendah Sarjana/Diploma empat (D4) Ilmu alam;
- mengikuti dan lulus uji kompetensi sesuai standar kompetensi yang telah disusun oleh instansi Pembina (dikecualikan berdasarkan PP Nomor 17 Tahun 2020 dan SE Menpanrb Nomor B/563/M.SM.02.00/2020); dan
- nilai prestasi kerja paling kurang bernilai baik dalam 1 (satu) tahun terakhir;

SYARAT PENGANGKATAN MELALUI PERPINDAHAN DARI JABATAN LAIN

- memenuhi persyaratan pengangkatan pertama;
- berijazah paling rendah S-1 (Strata-Satu)/D-IV (Diploma-Empat) ilmu alam atau kualifikasi pendidikan lain yang relevan yang ditentukan oleh instansi pembina;
- mengikuti dan lulus uji kompetensi sesuai standar kompetensi yang telah disusun oleh instansi pembina;
- memiliki pengalaman di bidang Pengawasan dan/atau Penegakan Hukum Lingkungan Hidup paling sedikit 2 (dua) tahun;
- nilai prestasi kerja paling kurang bernilai baik dalam 2 (dua) tahun terakhir; dan
- berusia paling tinggi:
 - 53 tahun utk menduduki jenjang Ahli Pertama dan Ahli Muda
 - 55 tahun utk menduduki jenjang Ahli Madya
 - 60 tahun utk menduduki jenjang Ahli Utama

SYARAT PERPINDAHAN KATEGORI