

**CONTROLLING AIR POLLUTION IN JAKARTA THROUGH EMISSION TESTS  
ON MOTORIZED VEHICLES BASED ON GOVERNMENT REGULATION  
NUMBER 22 OF 2021 FROM THE PERSPECTIVE OF FIQH BI'AH**

**DESCRIPTION**

By:

Chusnul Maghfirah

200203110041



**CONSTITUTIONAL LAW (SIYASAH) STUDY PROGRAM**

**FACULTY OF SHARIA**

**MAULANA MALIK IBRAHIM ISLAMIC STATE**

**UNIVERSITY MALANG**

**2024**

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**UNIVERSITY MALANG**

**2024**

## STATEMENT OF THESIS AUTHENTICITY

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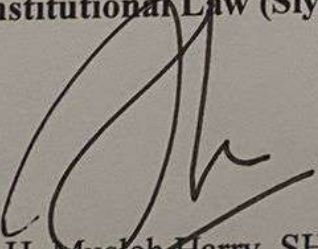
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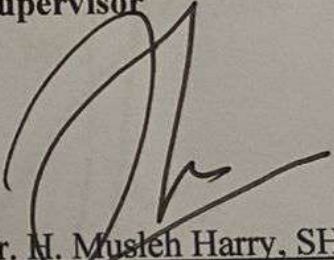
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NUMBER 22 OF 2021 FROM THE PERSPECTIVE OF FIQH BI'AH**

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No.	Day/Date	Consultation Materials	Paraf
1.	Thursday, November 09, 2023	Background	
2.	Friday, November 16, 2023	Metpen	
3.	Friday, February 10, 2024	ACC Metpen	
4.	Thursday, June 1, 2024	Acc Sempro	
5.	Friday, June 16, 2024	Consultation of Chapters 1-3	
6.	Tuesday, June 20, 2024	Revision of Chapter 3	
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8.	Monday, July 3, 2024	Revision of Chapter 4	
9.	Monday, July 3, 2024	Revision of Chapters 4-5	
10.	Tuesday, August 29, 2024	Trial Acc	

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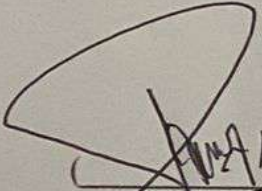
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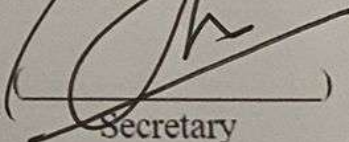
**CONTROL OF AIR POLLUTION IN JAKARTA THROUGH  
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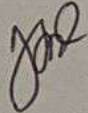
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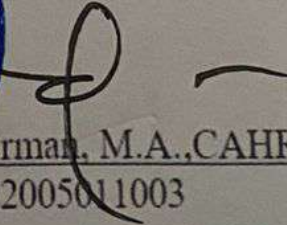
  
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## MOTTO

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا ۚ إِنَّ رَحْمَةَ اللَّهِ قَرِيبٌ مِّنَ

الْمُحْسِنِينَ

*"And do not make corruption in the earth, after (Allah) has made it good, and pray to Him with fear and hope. Verily, the mercy of Allah is very near to those who do good."*

(QS Araf: 56)



## INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillahirabbil'alamin, all praise is due to Allah Subhanu Wa Ta'ala who has given grace and help to the author to complete the writing of a thesis entitled: "Controlling Air Pollution in Jakarta City Through Emission Tests on Motor Vehicles Based on Government Regulation Number 22 of 2021 from the Perspective of Fiqh Bi`ah" can be completed well by the author. Our salutations and greetings go to the Messenger of Allah Muhammad (peace be upon him) who has given us uswatun hasanah in living this life in a shar'i manner. By following him, hopefully we will be classified as believers and get his intercession on the final day of judgment. Ameen.

With all the teaching, guidance and direction, as well as service assistance that has been provided, the author humbly expresses his sincere gratitude to:

1. Prof. Dr. H. M. Zainuddin, M.A., as the Rector of Maulana Malik Ibrahim State Islamic University Malang.
2. Prof. Dr. Sudirman, M.A., CAHRM, as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
3. Dr. H. Musleh Harry, SH, M.Hum., as the Head of the Study Program and the author's Supervisor during his studies at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Thank you to him for providing guidance, advice, and motivation in completing the writing of this thesis.

4. Board of Examiners who have provided advice and input on the author's thesis
5. Dr. M. Aunul Hakim, M.H., as the author's guardian lecturer while studying at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
6. All lecturers of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang who have provided learning to all of us. With sincere intentions, may their deeds all be part of worship to gain the pleasure of Allah Subhanahu Wa Ta'ala.
7. Staff and Staff of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang who have participated in the completion of the author's thesis.
8. The author's family, especially both parents, Mr. Muhammad Taufiq and Mrs. Linda Yusnita who have supported, helped, and prayed wholeheartedly in the process of the author's journey in completing this thesis.
9. To the author's special friend who has accompanied the process and is willing to be a place to complain, a discussion partner, to the author's healing partner during the lecture period.
10. To the HTN ICP class of 20 who became friends in arms and motivated the author to develop and complete this thesis.
11. As well as other parties that the author cannot convey one by one.

With the completion of this thesis report, it is hoped that the knowledge we have gained during college can provide charitable benefits for life in this world and

the hereafter. As a human being who is never free from mistakes, the author really hopes for forgiveness and criticism and suggestions from all parties for the sake of improvement in the future.

Malang, August 29, 2024  
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## TRANSLITERATION GUIDELINES

The transliteration of Arabic words used in the preparation of this thesis is guided by the Joint Decree between the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number 158 of 1987 Number 0543 b/U/1987 dated September 10, 1987 concerning Arabic-Latin transliteration with some adjustments as follows:

### 1. Consonants

Arabic letters	Name	Latin letters	Name
ا	Alif	Not symbolized	Not symbolized
ب	Ba	B	Be
ت	Ta	T	Te
ث	ša	Š	es (with dot above)
ج	Jim	J	Je
ح	ħa	Ĥ	ha (with dot below)
خ	Kha	KH	ka and ha
د	Dal	D	De
ذ	Žal	Ž	zet (with dot above)
ر	Ra	R	Er
ز	Za	Z	Zel
س	Sin	S	Es
ش	Syin	Sy	ice and ye
ص	šad	Ş	es (with a dot below)
ض	ḍad	Ḍ	de (with a dot below)
ط	ṭa	Ṭ	te (with a dot below)
ظ	ẓa	Ẑ	zet (with a dot below)

ع	'ain	...!...	inverted commas up
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Ki
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em
ن	Nun	N	En
و	Wawu	W	We
ه	Ha	H	Ha
ء	Hamza	'	Apostrophe
ئ	Yes	Y	Ye

## 2. Vocal

### 1) Single vowel (monoftong)

Single vowels of Arabic whose symbols are signs or harakat, are

transliterated as follows:

sign	Name	Latin letters	Name
—	fathah	A	A
ـِ	Kasrah	I	I
ـُ	ḍamah	U	U

Example:      *كَتَبَ* *kataba*      *يَذْهَبُ* *yaẓhabu*

*فَعَلَ* *fa'ala*      *سُئِلَ* *su'ila*

1) Double Vowels (diptong)

Double vowels in Arabic, whose symbols are a combination of harakat and letters, are transliterated as follows:

Signs and Letters	Name	Combined Letters	Name
يَـ	<i>Fathah and ya</i>	<i>Ai</i>	a and i
وُـ	<i>Fathah and wawu</i>	<i>Au</i>	a and u

Example: كَيْفَ - *kaifa*

هُوْلَ - *haulā*

**I. Maddah**

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

Signs and Letters	Name	Letters and Marks	Name
اَ .....	<i>fathah and alif</i>	<i>Ā</i>	a and the line above
يِ .....	<i>Kasrah and ya</i>	<i>ī</i>	i and the line above
وُ .....	<i>ḍamah and wawu</i>	<i>ū</i>	u and the line above

Example: قَالَ - qāla

قِيلَ - qīla

رَمَى - ramā

يَقُولُ - yaqūlu

### 1. *Ta Marbūṭah*

There are two transliterations for *ta marbūṭah*:

1) *Ta marbūṭah* Alive

*Ta marbūṭah* which is alive or *has* the ḥarakat *fathah*, *hasrah*, and *dammah*, is transliterated as /t/.

2) *Ta marbūṭah* dies

*Ta marbūṭah* that dies or gets ḥarakat sukun is transliterated as /h/.

3) If a word ending in *ta marbūṭah* is followed by a word that uses the article *al*, and the two words are read separately, then *ta marbūṭah* is transliterated with *ha* (h).

Example:

روضة الأطفال	<i>Rauḍah al-Aṭfāl</i>
المدينة المنورة	<i>al-Madīnah al-Munawwarah</i>
طلحة	<i>Ṭalḥah</i>

### 2. *Syaddah (tasydid)*

*Syaddah* or *tasydid* in the Arabic writing system is symbolized by a *syaddah* or *tasydid* sign. In this transliteration, the *syaddah* sign is symbolized by a letter, which is the same letter as the letter marked with the *syaddah* sign.

Example:

ربنا - *rabbānā*

نزل - *nazzala*

### 3. Interpretation

The article in the Arabic writing system is symbolized by a letter, namely ال, but in transliteration the article is distinguished between the article followed by *syamsyiyah* letters with the article followed by *qomariyyah* letters.

- 1) The article followed by the letters *syamsyiyah*, the article followed by the letters *syamsyiyah*, is transliterated according to its sound.
- 2) The article followed by *qomariyyah* letters is transliterated according to the rules outlined in front and according to its sound.

Whether followed by a *syamsyiyah* letter or a *qomariyyah* letter, the article is written separately from the word that follows and is connected with a conjunction or hyphen.

Example:

الرجل - *al-rajulu*

القلم - *al-qalamu*

### 4. Hamza

It was stated earlier that the hamzah is transliterated with an apostrophe. However, it is only located in the middle and at the end of the word. When the Hamzah is located at the beginning of a word, it is symbolized because in Arabic writing it is in the form of an alif.



Example:

Hamza at the beginning	أكل	<i>Akala</i>
Hamza in the middle	تأخذون	<i>ta'khuz ūna</i>
Hamza at the end	التوء	<i>an-nau'u</i>

## 5. Word Writing

Basically, each word, whether fi'il, isim or letter, is written separately. For certain words whose writing in Arabic letters is commonly combined with other words because the letters or harakat are omitted, then in this transliteration the writing of the word can be done in two ways: it can be separated per word and also combined. However, the writer chooses to write this word by word.

Example:

وان الله هو خير الرازقين : *wa innallāha lahuwa khair ar-rāziqīn*

فاوفوا الكيل والميزان : *fa aufū al-kaila waal-mīzan*

## 6. Capital letters

Although capital letters are not recognized in the Arabic writing system, they are used in this transliteration. The use of capital letters is used to write the initial letter of the proper name, not the initial letter of the article.

Example:

وما محمد الا رسول	<i>Wa mā Muḥammadun illā rasūl.</i>
ولقد راه بالافق المبين	<i>Wa laqad raāhu bi al-ulfuq al-mubīn</i>

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## ABSTRAK

Chusnul Maghfirah, 2024, Pengendalian Polusi Udara Kota Jakarta Melalui Uji Emisi Pada Kendaraan Bermotor Berdasarkan Peraturan Pemerintah Nomor 22 Tahun 2021 Perspektif Fiqh Bi'ah (Studi Di Dinas Lingkungan Hidup DKI Jakarta), Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing Dr. Musleh Herry, S.H., M.Hum

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### **Kata Kunci: Implementasi, Emisi Kendaraan Bermotor, Pengendalian Polusi Udara, Praktik Berkelanjutan**

Penelitian ini berfokus pada upaya pengendalian pencemaran udara di Indonesia, khususnya di DKI Jakarta, melalui pemantauan emisi kendaraan bermotor sebagaimana diamanatkan dalam Peraturan Pemerintah Nomor 22 Tahun 2021. Kajian ini mengkaji keselarasan kegiatan baku mutu emisi tersebut dengan konsep *Green Constitution* yang menitik beratkan pada perlindungan lingkungan dan praktik berkelanjutan, serta *Fiqh Bi'ah* yang melibatkan etika lingkungan Islam. Selain itu, kajian ini bertujuan untuk memberikan wawasan teoritis dan praktis tentang upaya pemerintah dalam menanggulangi pencemaran udara, dengan mengidentifikasi kendaraan bermotor sebagai penyebab utamanya.

Metode yang digunakan dalam penelitian ini ialah metode analisis yuridis kualitatif dengan pendekatan yuridis-empiris, pengumpulan data melalui wawancara, observasi, dan dokumentasi. Penelitian ini difokuskan pada Dinas Lingkungan Hidup DKI Jakarta, dengan menggunakan data primer dari wawancara dan data sekunder dari literatur dan peraturan perundang-undangan. Tujuannya adalah untuk mengkaji penerapan peraturan perundang-undangan dan mengetahui dampak yang terjadi terhadap masyarakat sekitar.

Hasil dari penelitian ini menjelaskan bahwa pasal 206 Peraturan Pemerintah Nomor 22 tahun 2021 yang mengatur baku mutu emisi kendaraan bermotor belum terlaksana secara efektif karena terkendala sumber daya manusia dan mekanisme. Namun, peraturan tersebut sejalan dengan tujuan *Green Constitution*, yakni perlindungan lingkungan hidup dan pencegahan kerusakan, serta dari perspektif *Fiqh Bi'ah*, memberikan kontribusi terhadap pengurangan pencemaran udara dan kemanfaatan bagi seluruh umat. Disarankan bagi pemerintah untuk meningkatkan efektivitas pengendalian pencemaran udara, mendorong partisipasi masyarakat dalam menjaga kualitas lingkungan dan menegakkan sanksi bagi para pelanggar yang merusak lingkungan guna menegaskan hak asasi manusia untuk mendapatkan lingkungan hidup yang baik dan sehat. Penelitian ini diharapkan dapat memberikan kontribusi terhadap ilmu hukum dan pemahaman mengenai regulasi lingkungan di Indonesia.

## ABSTRACT

Chusnul Maghfirah, 2024, Controlling Air Pollution in Jakarta Through Emission Testing on Motor Vehicles Based on Government Regulation Number 22 of 2021 Fiqh Bi'ah Perspective (Study at the DKI Jakarta Environmental Office), Maulana Malik Ibrahim State Islamic University of Malang, Supervisor Dr. Musleh Herry, S.H., M.Hum.

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**Keywords: Implementation, Motor Vehicle Emissions, Air Pollution Control, Sustainable Practices**

This study focuses on efforts to control air pollution in Indonesia, especially in DKI Jakarta, through monitoring of motor vehicle emissions as mandated in Government Regulation Number 22 of 2021. This study examines the alignment of these emission standard activities with the concept of the Green Constitution which emphasizes environmental protection and sustainable practices, as well as Fiqh Bi'ah which involves Islamic environmental ethics. In addition, this study aims to provide theoretical and practical insights into government efforts to tackle air pollution, by identifying motor vehicles as the main cause.

The method used in this study is a qualitative legal analysis method with a legal-empirical approach, data collection through interviews, observations, and documentation. This study focuses on the DKI Jakarta Environmental Service, using primary data from interviews and secondary data from literature and laws and regulations. The aim is to examine the policies of laws and regulations and their impact on society.

The results of this study explain that article 206 of Government Regulation Number 22 of 2021 which regulates motor vehicle emission standards has not been implemented effectively due to constraints on human resources and mechanisms. However, the regulation is in line with the objectives of the Green Constitution, namely environmental protection and prevention of damage, and from the perspective of Fiqh Bi'ah, contributes to reducing air pollution and benefits for all people. It is recommended for the government to increase the effectiveness of air pollution control, encourage community participation in maintaining environmental quality and enforce sanctions for violators who damage the environment in order to affirm human rights to achieve a good and healthy environment. This research is expected to contribute to the field of law and understanding of environmental regulations in Indonesia.

## الخلاصة

حسن المغفرة, 2024, التحكم في تلوث الهواء في جاكرتا من خلال اختبار الانبعاثات على المركبات الآلية بناءً على اللائحة الحكومية رقم 22 لعام 2021 من منظور فقه البيئة (دراسة في مكتب البيئة في DKI جاكرتا)، جامعة مولانا مالك إبراهيم الإسلامية الحكومية في مالانج، المشرف الدكتور مصلح هري، الماجستير

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### الكلمات الرئيسية: التنفيذ، انبعاثات المركبات الآلية، السيطرة على تلوث الهواء، الممارسات المستدامة

تركز هذه الدراسة على الجهود المبذولة لسيطرة على تلوث الهواء في إندونيسيا، وخاصة في منطقة جاكرتا، من خلال مراقبة انبعاثات المركبات الآلية كما هو منصوص عليه في اللائحة الحكومية رقم 22 لعام 2021. تدرس هذه الدراسة مدى توافق أنشطة معايير الانبعاثات هذه مع مفهوم الدستور الأخضر الذي يؤكد على حماية البيئة والممارسات المستدامة، بالإضافة إلى فقه البيئة الذي يهتم بالأخلاق البيئية الإسلامية. بالإضافة إلى ذلك، تهدف هذه الدراسة إلى تقديم رؤى نظرية وعملية حول جهود الحكومة لمعالجة تلوث الهواء، من خلال تحديد المركبات الآلية باعتبارها السبب الرئيسي.

الطريقة المستخدمة في هذه الدراسة هي طريقة التحليل القانوني النوعي مع نهج قانوني تجريبي، وجمع البيانات من خلال المقابلات والملاحظات والتوثيق. تركز هذه الدراسة على خدمة البيئة في جاكرتا، باستخدام البيانات من المقابلات أولاً وثم جمع البيانات من الأدبيات والقوانين واللوائح. والهدف هو دراسة سياسات القوانين واللوائح وتأثيرها على المجتمع.

تشرح نتائج هذه الدراسة أن المادة 206 من اللائحة الحكومية رقم 22 لسنة 2021 التي تنظم معايير انبعاثات المركبات الآلية لم يتم تنفيذها بشكل فعال بسبب القيود المفروضة على الموارد البشرية وتصرفاتهم. ومع ذلك، فإن اللائحة تتماشى مع أهداف الدستور الأخضر، وهي حماية البيئة ومنع الضرر، ومن منظور فقه البيئة، تساهم في الحد من تلوث الهواء والفوائد لجميع الناس. يوصى بأن تعمل الحكومة على زيادة فعالية مكافحة تلوث الهواء، وتشجيع مشاركة المجتمع في الحفاظ على جودة البيئة وفرض العقوبات على المخالفين الذين يضررون بالبيئة من أجل ضمان

حقوق الإنسان لتحقيق بيئة جيدة وصحية. ومن المتوقع أن يساهم هذا البحث في المجال القانوني وفهم اللوائح البيئية في إندونيسيا.

# CHAPTER I

## INTRODUCTION

### A. Background

The environment is the place where humans, animals and plants live. The environment consists of land, water and air, and is very important for the survival of life, especially humans. The important factor of protecting the environment must continue to be considered by the government and society. However, until now, environmental problems still occur frequently. Air pollution caused by motor vehicles is a major problem today. The vehicle exhaust gas referred to here is the residual gas from the combustion process that is discharged into the free air through the vehicle's exhaust duct. There are basic emissions produced by vehicles. Exhaust emissions are a type of pollutant that pollutes the air produced by vehicles.<sup>1</sup>

Air is the most important need for the life of creatures on earth, Indonesia is a densely populated city, especially DKI Jakarta as the capital city with around 11.5 million people<sup>2</sup> where the level of air pollution is very high due to industrial factories and the use of private transportation that exceeds capacity, due to the increase in the number of vehicles used, the transportation sector is the largest contributor to pollutants in the city of Jakarta. With the level of air pollution that is

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<sup>1</sup> Ishma Safira, Satrio Wicaksono, Atik Winanti. "Effectiveness of the Jakarta Governor's Regulation on Emission Tests on Air Pollution in DKI Jakarta." *Triwikrama: Journal of Social Sciences*, Vol. 1, No. 8 (2023): 2 <https://ejournal.warunayama.org/index.php/triwikrama/article/view/315/308>

<sup>2</sup> Population and Civil Registration Sub-Department of City Administration, 2023



very polluted, it is very difficult for the people of Jakarta to breathe fresh and clean air.<sup>3</sup>

Based on the IQAir 2022 report released in March shows that Indonesia is ranked 26th as the country with the highest pollution levels worldwide, and ranked first as the country with the highest pollution levels in the Southeast Asia region, while based on Greenpeace Indonesia monitoring the level of air pollution in Jakarta is recorded in a very worrying condition at a level of 45 g/m<sup>3</sup>, or 4.5 times the threshold set by WHO (*World Health Organization*), and three times greater than the standards set by the Indonesian Government.<sup>4</sup> One of the main causes of air pollution that occurs in big cities is the high number of motorized vehicles on the road which causes congestion, severe traffic congestion causes vehicle engines to operate in an inefficient stop-start condition, resulting in high exhaust emissions.

Humans are the main factor causing air pollution, besides being the main cause and the biggest cause of air pollution, humans will also feel the worst effects of air pollution. One type of environmental damage is air pollution, which occurs when harmful elements enter the earth's air or atmosphere. Harmful elements that enter the atmosphere can be carbon monoxide (CO), nitrogen dioxide (No<sub>2</sub>), chlorofluorocarbons (CFCs), sulfur dioxide (So<sub>2</sub>), hydrocarbons (HC), particulate matter, lead (Pb), and carbon dioxide (CO<sub>2</sub>). These elements can also be referred to

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<sup>3</sup> Toriq Muhammad et al., "The Role of the Government in Handling Air Pollution Based on Environmental Law." *Journal of Islamic and Law Studies*, Vol. 7, No. 2 (2023): 85 <https://jurnal.uin-antasari.ac.id/index.php/jils/article/view/11457/3710>

<sup>4</sup> Fariz Ruhiat and Dudy Heryadi, "Environmental NGO Strategies in Addressing Air Pollution in Jakarta (Greenpeace Indonesia)." *Andalas Journal of International Studies*, Vol. 8, No. 1 (2019): 17 [https://www.researchgate.net/publication/334741194\\_Strategi\\_NGO\\_Lingkungan\\_Dalam\\_Menangani\\_Poluasi\\_Udara\\_in\\_Jakarta\\_Greenpeace\\_Indonesia\\_Strategy\\_NGO\\_Environmental\\_In\\_Tackling\\_Air\\_Pollution\\_in\\_Jakarta\\_Greenpeace\\_Indonesia](https://www.researchgate.net/publication/334741194_Strategi_NGO_Lingkungan_Dalam_Menangani_Poluasi_Udara_in_Jakarta_Greenpeace_Indonesia_Strategy_NGO_Environmental_In_Tackling_Air_Pollution_in_Jakarta_Greenpeace_Indonesia)

as pollutants or types of air pollutants. There are two different opinions on why the air quality in Jakarta is poor. Reported by Kompas news portal on September 21, 2023, the Director General of Pollution Control, and Environmental Damage (KLHK) said that transportation is responsible for 44 percent of air pollution in the DKI Jakarta area, with an increase in the number of new vehicles compared to old vehicles.<sup>5</sup>

Motor vehicle pollution emission testing is an important effort to improve air quality and environmental health. By conducting emission tests on vehicles regularly we can ensure that our vehicles are operating properly for the environment and help prevent air pollution. An emission test is a type of test conducted to measure the engine performance and combustion efficiency of motor vehicles. The emission test process is conducted in accordance with laws and regulations. This test has specific requirements for some types of vehicles in order to meet the criteria. Passing this test has a positive impact on vehicle health and the environment. According to Article 206 of Government Regulation No. 22 of 2021<sup>6</sup> on the Implementation of Environmental Protection and Management, all motor vehicle owners must undergo an emission test. This can be seen from the growth of motorized vehicles that emit emissions and pollute the air. One example of an urban case is the case in DKI Jakarta, namely economic growth in DKI Jakarta is higher than other cities, ownership and use of private vehicles (cars and motorbikes) and

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<sup>5</sup> Abdil et al, "Air Pollution in Jakarta from the Perspective of State Defense." *Journal of Cahaya Mandalika*, Vol. 3, No. 2 (2023): 1330 <https://ojs.cahayamandalika.com/index.php/JCM/article/view/2261/1787>

<sup>6</sup> Article 206 of Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management

public transportation have increased, resulting in greater use of road sections compared to other types of transportation.<sup>7</sup>

Regarding the number of vehicles that contribute to the level of air pollution in the DKI Jakarta area, in a study conducted during the COVID-19 pandemic period, people who worked in DKI Jakarta were asked to work from home or WFH, with this policy making DKI Jakarta quite quiet from motorized vehicle activities so that the level of pollution in DKI Jakarta decreased so that in plain sight, blue skies and clear weather did feel like bringing fresh air to the citizens of the capital city of Jakarta.

However, based on data collected by *Greenpeace* Indonesia from January to December 12, 2020, it shows that air quality in Jakarta during the large-scale social restrictions (PSBB) period is still mostly in the moderate to unhealthy category for sensitive groups. In addition, after the PSBB transition, PM 2.5 and NO<sub>2</sub> concentrations continued to increase. In fact, according to a report released in February 2020 by IQAir (Air Visual), Jakarta is ranked as the fifth worst capital city in the world for air quality (PM 2.5).<sup>8</sup>

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<sup>7</sup> Ministry of Environment and Forestry, "Vehicle Emission Test as a Form of Community Contribution to Air Pollution Control," May 28, 2021, accessed March 25, 2024,

<https://ppkl.menlhk.go.id/website/index.php?q=974&s=8383da94fbc3893a50deddfd249fa33c22a1d215>

<sup>8</sup> Fariz Ruhiat and Dudy Heryadi, "Environmental NGO Strategies in Addressing Air Pollution in Jakarta (Greenpeace Indonesia)." *Andalas Journal of International Studies*, Vol. 8, No. 1 (2019): 21 [https://www.researchgate.net/publication/334741194\\_Strategi\\_NGO\\_Lingkungan\\_Dalam\\_Menangani\\_Poluasi\\_Udar](https://www.researchgate.net/publication/334741194_Strategi_NGO_Lingkungan_Dalam_Menangani_Poluasi_Udar)

[a\\_in\\_Jakarta\\_Greenpeace\\_Indonesia\\_Strategy\\_NGO\\_Environmental\\_In\\_Tackling\\_Air\\_Pollution\\_in\\_Jakarta\\_Greenpeace\\_Indonesia](#)

**Table 1.1**

<b>AQI</b>	<b>Level Polusi Udara</b>
<50	Baik
51 -100	Moderat
101-150	Tidak sehat untuk kelompok sensitif
151-200	Tidak sehat
201-300	Sangat tidak sehat
300+	Berbahaya

According to data collected by aqicn.org, Jakarta's Air Quality Index (AQI) has improved this year, On January 1, 2023, the air quality in Jakarta fell into the moderate category. On January 1, 2023, the air quality in Jakarta fell into the moderate category. Meanwhile, on August 14, 2023, the index score reached 154, indicating that the air quality in Jakarta is very unfit to breathe.<sup>9</sup>

Many efforts have been made by the government to control air pollution, one of which is emission tests on vehicles, especially motorcycles. Emission testing is essential to reduce air pollution and protect the environment and human health. Measuring, monitoring, and controlling pollutant emissions can help reduce pollution from vehicles, create a healthier environment, and protect against the negative impacts of climate change.

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<sup>9</sup> Fariz Ruhiat and Dudy Heryadi, "Environmental NGO Strategies in Addressing Air Pollution in Jakarta (Greenpeace Indonesia)." *Andalas Journal of International Studies*, Vol. 8, No. 1 (2019): 28

Article 206 of Government Regulation No. 22 of 2021<sup>10</sup> concerning exhaust emission tests of motor vehicles carried out after a service life of more than 3 (three) years. Periodic vehicle emission testing is a way to ensure that vehicles comply with established emission thresholds. Emission checks can be carried out at emission test centers authorized by the government or authorized institutions. If a vehicle does not meet emission standards, the owner is issued a ticket and must make repairs or replace components to ensure the vehicle complies with regulations.

In this case, the government's Ministry of Environment and Forestry (KLHK) has finally revealed the most significant cause of acute air pollution in DKI Jakarta Province. Facts show that motor vehicles are the main cause of air pollution in the capital city, among the industries that use the most fuel in Jakarta, transportation contributes to 44% of fuel use, followed by energy at 31%, industrial manufacturing at 10%, residential at 14%, and commercial at 1%.<sup>11</sup> . Increasing population growth and development have a direct impact on the economic problems of the community, especially urbanization by rural communities to seek economic opportunities in the capital city. This has led to overcrowding in the capital city of Jakarta and problems such as congestion and air pollution. Because private vehicles have an important role as a means of transportation. According to the DKI Jakarta

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<sup>10</sup> Article 206 of Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management

<sup>11</sup> CNBC INDONESIA Editorial Team, Revealed! This is the fact of the biggest contributor to Jakarta's air pollution, August 2023, <https://www.cnbcindonesia.com/news/20230822092516-4-464937/terungkap-ini-fakta-penyumbang-terbesar-polusi-udara-jakarta>

Provincial Statistics Agency, most two- or four-wheeled vehicles were used in 2020 2022.<sup>12</sup>

**Table 2.1**

Jenis Kendaraan	Jumlah Kendaraan Bermotor Menurut Jenis Kendaraan (unit) di Provinsi DKI Jakarta		
	2020	2021	2022
Mobil Penumpang	3 365 467	3 544 491	3 766 059
Bus	35 266	36 339	37 180
Truk	679 708	713 059	748 395
Sepeda Motor	16 141 380	16 711 638	17 304 447
Jumlah	24 266 996	25 263 077	26 370 535

Sumber: Kepolisian Republik Indonesia (Korlantas POLRI) Angka 2022 angka sementara

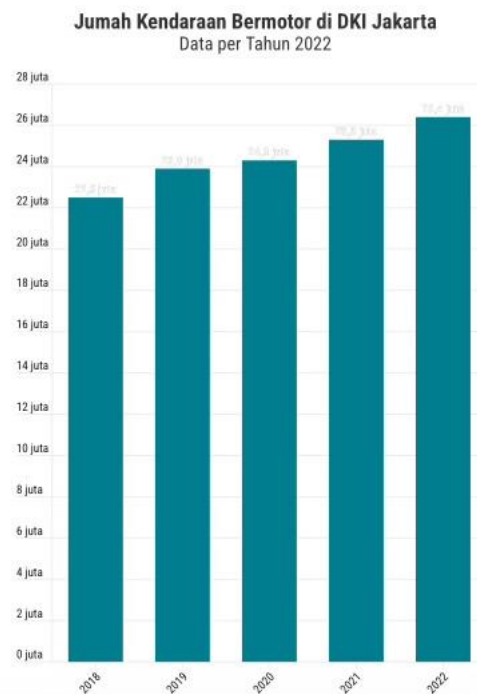
The increasing growth of motorized vehicles causes air pollution or pollution, operating vehicles continue to emit exhaust gases, but trees should absorb these exhaust gases, trees function as absorbers of vehicle exhaust particles in DKI Jakarta. However, the fact that the number of motorized vehicles increases every year exceeds the number of trees in DKI Jakarta. According to Zita Anjani, Chairperson of the DKI Jakarta DPRD Flood Special Committee, currently RTH (Green Open Space) is at 9.98%, still far from the DKI Jakarta Provincial Government's target of 30%.

The government requires people in the Jakarta area to conduct regular motor vehicle emission tests. The obligation to conduct a motor vehicle exhaust emission test must be carried out at least once a year. Emission tests are conducted at emission

<sup>12</sup> Ishma Safira, Satrio Wicaksono, and Atik Winanti. "The Effectiveness of the Jakarta Governor's Regulation on Emission Tests on Air Pollution in DKI Jakarta." *Triwikrama: Journal of Social Sciences*, Vol. 1, No. 8 (2023): 3 <https://ejournal.warunayama.org/index.php/triwikrama/article/view/315/308>

test stations where emission test technicians evaluate the performance of motor vehicle engines and can reduce air pollution produced by motor vehicle exhaust gases. Emission test stations can be found in some workshops that are licensed to conduct motor vehicle emission tests.<sup>13</sup>

**Table 3.1**



Based on the Central Statistics Agency (BPS) report shows that the number of vehicles in DKI continues to increase from year to year, especially motorized vehicles, as the graph above shows the number of motorized vehicles recorded reached 26.4 million.<sup>14</sup> Air conditions in Jakarta appear to be getting worse,

<sup>13</sup> Ishma Safira, Satrio Wicaksono, and Atik Winanti. "The Effectiveness of the Jakarta Governor's Regulation on Emission Tests on Air Pollution in DKI Jakarta." *Triwikrama: Journal of Social Sciences*, Vol. 1, No. 8 (2023): 3 <https://ejournal.warunayama.org/index.php/triwikrama/article/view/315/308>

<sup>14</sup> Central Bureau of Statistics, 2024

showing a shift to the moderate to unhealthy category by 2022. Air quality with an index of 75-150 AQIPM2.5 is met throughout the day in 2022. While the air quality in 2023 is almost the same as in 2022, even in August the condition becomes worse. The air quality index is between 150 and 175, which means unhealthy.<sup>15</sup>

Motor vehicles are still the main source of air pollution in urban areas, both now and in the future, from various transportation sources such as passenger cars, trucks, buses, railway locomotives, ships, and ships. The contribution of motor vehicle pollutants to the air in DKI Jakarta reaches around 70%. In recent decades in various major cities, the problem of urban air pollution has received significant attention, the problem of air pollution makes the whole community uncomfortable, especially when they want to walk on the roadside, it is caused by motor vehicle exhaust gases that continue to increase every day. The exhaust gas produced by burning motor fuel contains water (H<sub>2</sub>O), hydrocarbons (HC), carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>), and compounds of nitrogen oxides (NO<sub>x</sub>), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>).

Carbon monoxide (CO) and hydrocarbons (HC) are among the main pollutants of motor vehicle exhaust. When inhaled by humans, these molecules enter the respiratory tract then enter the lungs and attach to blood haemoglobin to form carboxy haemoglobin (COHb). The higher the concentration of carbon monoxide (CO) inhaled by humans, the greater the risk accepted by the human.<sup>16</sup>

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<sup>15</sup> Rinjani Meisa, "Data Analysis: Air Pollution in Jakarta Increased 166.67% Since the Beginning of 2023, August 16, 2023, <https://kumparan.com/kumparannews/analisis-data-polusi-udara-di-jakarta-meningkat-166-67-sejak-awal-2023-20zl7UQIJxJ/3>

<sup>16</sup> Syahril Machmud, Untoro Budi, Toyib Hasanudin. "Analysis of the Effect of Assembly Year on Motor Vehicle Exhaust Emissions." *Jurnal Mesin Nusantara*, no. 1 (2021): 22 <https://ojs.unpkediri.ac.id/index.php/JMN/article/view/16038/2157>



In addition, air pollution also comes from many community activities that indirectly damage the environment. Not only gas emissions produced by transportation but industrial discharges from factories that dispose of their waste without processing are also the cause of air pollution, therefore other efforts made by the government include promoting environmentally friendly vehicles and better public transportation. This includes the introduction of compressed natural gas (CNG)-based buses, the use of electric vehicles, and the development of infrastructure to support public transportation.

Environmental pollution problems cannot be solved quickly or individually. So there is a new option to solve this difficult environmental problem, which requires good cooperation between the government and the community. The government needs to increase the emission test program on vehicles, which is an effort to control all components in the human physical environment that are considered to interfere with human growth, health, or survival.<sup>17</sup>

Therefore, in the context of controlling air pollution, the perspective of *fiqh bi'ah* can provide ethical and moral guidance to the community and government in implementing the law. The principle of management, the principle of sustainability and the principle of state responsibility must be applied to maintain and manage Indonesia's environment properly. In addition, pollution control policies, plans and programs that occur in Indonesia must be based on the objectives of environmental management and sustainable development for the realization of pollution-free cities.

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<sup>17</sup> Binti Azizatul Nafi'ah "Implementation of Communal Domestic Wastewater Treatment Installation (IPAL): A Model of Deliberative Environmental Governance in Good Environment Governance in Blitar City" (Thesis, ADLN-Library, University of Blitar). Airlangga, 2017) <https://repository.unair.ac.id/16085/17/4.%20BAB%20I%20PENDAHULUAN.pdf>

In connection with these problems, researchers conducted research and compiled the research in the form of a proposal with the title: "Review of the Law on Air Pollution Control Through Emission Tests on Motor Vehicles Based on Government Regulation Number 22 of 2021 from the Perspective of Fiqh Bi'ah".

## **B. Problem Limitation**

From the background description above, the researcher must set problem boundaries to clarify the scope of the problem to be studied. In addition, so that this research can be carried out effectively. This research focuses on the legal review in controlling air pollution through emission tests on vehicles based on Article 206 of Government Regulation Number 22 of 2021, where the level of air pollution in Indonesia, especially in the capital city of Jakarta, is very polluted and greatly affects the quality of fresh and clean air which has an impact on the health of the local community. This research will limit the analysis to government efforts in controlling air pollution through emission tests on motorized vehicles.

## **C. Problem Formulation**

From the background that the researcher has explained above, the researcher needs to formulate several problems as follows;

1. How is the implementation of air pollution control in Jakarta through emission tests on motorized vehicles based on Government Regulation Number 22 of 2021?
2. How is the *fiqh bi'ah* perspective relevant to Government Regulation Number 22 of 2021 in controlling air pollution in Jakarta?

#### **D. Research Objectives**

Based on the background explanation and several problem formulations that researchers have compiled above, the following are the objectives that researchers want to achieve;

1. To analyze and describe the implementation of air pollution control that occurs in Jakarta based on Government Regulation Number 22 of 2021.
2. To analyze and describe the relevance of the *fiqh bi'ah* perspective on Government Regulation Number 22 of 2021 in controlling air pollution in Jakarta.

#### **E. Benefits of Research**

The benefits of this research are expected to provide several benefits, among others;

##### **a. Theoretical Benefits**

Theoretically, it is hoped that this research will be able to provide benefits to legal science in general regarding efforts made by the government against natural pollution, challenges faced, obstacles and legal consequences of a sustainable approach based on Government Regulation Number 22 of 2021.

##### **b. Practical Benefits**

It is expected that the results of this study can be useful and provide recommendations for the government in controlling air pollution effectively. The results of the research are expected to create better policy decisions,

concrete steps to make Indonesia an environmentally friendly country and avoid sustainable air pollution, so that people can breathe clean and healthy air.

This research can encourage the active participation of the general public in supporting the development of sustainable government programs in overcoming air pollution that occurs and it is hoped that this research can be useful and provide explanations for practitioners, the general public and other researchers in order to understand the importance of clean air quality for public health, and in practice can contribute to legal politics in reviewing government responsibilities.

## **F. Operational Definition**

The operational definition contains various terms used in writing to avoid misunderstanding of the terms used in writing. The definitions used are as follows:

- A. **Implementation:** Implementation is the provision of means to carry out something that has an impact or effect on something. Cleaves' opinion quoted (in Wahab 2008; 187), which explicitly states that: Implementation includes "The process of moving towards policy objectives by means of administrative and political steps". The success or failure of implementation as such can be evaluated in terms of its real ability to continue or operationalize previously designed programs.<sup>18</sup>

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<sup>18</sup> Ase Satria, *Definition of Implementation and Implementation Theory by Experts in a Policy*, LEARNING MATERIALS, <https://www.materibelajar.id/2015/12/definisi-implementasi-dan-teori.html>

**B. Government Regulation Number 22 of 2021 concerning environmental**

**protection and management** : This regulation is stipulated and applies as part of the government's efforts to maintain environmental quality and improve people's welfare. This regulation covers various important aspects of environmental management, including the implementation of environmental protection and management.

It includes various policies and procedures that aim to reduce negative impacts on the environment and improve the sustainable management of natural resources.<sup>19</sup> Specifically in article 206 in this study which will discuss the fulfillment of emission tests applied to land transportation, especially motorized vehicles that have entered a service life of more than 3 years.

**C. Emission Test on Motor Vehicles** : A motor vehicle emission test is a

process used to measure the concentration of air pollutants produced by a motor vehicle. This process is important to ensure that the vehicle meets the emission standards set by the government and environmental organizations.

In article 206 of Government Regulation Number 22 of 2021 concerning exhaust emission tests of motor vehicles carried out after a service life of more than 3 (three) years.

**D. Fiqh Bi'ah** : Fiqh bi'ah can be understood as a product of Islamic law related

to taklifi law obtained in the process of istinbat through ijtihad in the context of masalah mursalah against the nash shara' associated with legal values

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<sup>19</sup> Government Regulation Number 22 of 2021 concerning Environmental Protection and Management

in the framework of maqasid al-shariah about the views, attitudes and treatment of people towards the ecological environment. In addition to legal products, fiqh bi'ah can be understood as a critical methodology for environmental problems in the corridor of ushul al-fiqh.

The word al-bi'ah means environment, namely: The unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, the continuity of life and the benefit of humans and other living things. It can be concluded that fiqh bi'ah or environmental fiqh is a set of rules governing human ecological behavior determined by competent scholars based on detailed arguments with the aim of achieving the welfare of ecologically nuanced life.<sup>20</sup>

### **G. Systematization of Writing**

Broadly speaking, the systematic writing in this research is divided into introduction, body, and conclusion. However, each chapter is further divided into sub-chapters.

The writing systematics in this research include:

- **CHAPTER I INTRODUCTION** , This chapter contains the background as the beginning of the topic. The background explains the reasons why researchers choose problem topics. So that starting from the background, a problem formulation emerges that functions so that the focus of the research does not get out of context; formulation of problems that contain questions about the problem to be researched; research objectives; benefits of research; as well as previous

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<sup>20</sup> Ashhari Abta, *Fiqh of the Environment*, (Jakarta: Gema Insani Press, 2006), 76-78

research, namely research that will be the material for similarities and differences between the research we study and previous research which aims to find out and learn from previous research, then there is a literature review, namely a discussion of chapter diction that will be correlated with the research we study, research methods, namely to find out what approach methods we use.

- **CHAPTER II LITERATURE REVIEW** , This chapter contains a literature review that will deepen the discussion in the research being studied.
- **CHAPTER III RESEARCH METHODS** , This chapter presents the research methodology which contains the type of research, research approach, research location, population and sample, data sources, and data collection techniques. In addition, this chapter also contains a systematic writing that must be considered in this study.
- This section contains a legal review of air pollution control based on Government Regulation No. 22 of 2021 concerning emission tests on motor vehicles from the perspective of Fiqh Bi'Ah case study of the Jakarta City Environment and Forestry Service which will be examined and researched comprehensively through various research methods.
- **CHAPTER V** , Is a cover that contains conclusions along with criticism and suggestions for research that has been carried out by researchers.

## CHAPTER II

### LITERATURE REVIEW

#### A. Previous Research

Previous research is a study that precedes and has the same relationship or correlation to the research to be conducted by the researcher. The function of previous research is to add insight for researchers to make their research better than before, so that the research becomes a form of improvement from previous research.

The following are previous studies that have similarities in this study:

1. Thesis by Yulia Azizah Syarif, Faculty of Sharia and Law, UIN Sunan Kalijaga Yogyakarta with the title "Review of Fiqh Siyasah on Local Government Efforts in Controlling PLTU Air Pollution in Talawi District, Sawahlunto City".<sup>21</sup> The research method uses descriptive qualitative method, which is research that describes events and phenomena that occur in the field as they are in accordance with existing reality. The conclusion of the thesis is that the air pollution control supervision efforts that have been carried out by the local government, namely, ambient quality monitoring, direct and indirect supervision, but the results of this supervision can be said to be less than optimal, there is no clear solution to the ombilin PLTU smoke waste. The difference between this research and the research conducted by the author lies in the discussion, where in the research the local government

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<sup>21</sup> Yulia Azizah Syarif Et Al., "Fiqh Siyasah Review of Local Government Efforts in Controlling Pltu Air Pollution in Talawi District, Sawahlunto City," *Journal Of Business Theory And Practice* 10, No. 2 (2021): 6, [Http://Www.Theseus.Fi/Handle/10024/341553](http://www.theseus.fi/handle/10024/341553)<https://jptam.org/index.php/jptam/article/view/1958><http://ejournal.undana.ac.id/index.php/glory/article/view/4816>[https://dspace.uii.ac.id/bitstream/handle/123456789/23790/17211077\\_Tarita\\_Syavira\\_Alicia.pdf?sequen](https://dspace.uii.ac.id/bitstream/handle/123456789/23790/17211077_Tarita_Syavira_Alicia.pdf?sequen).



is more focused on dealing with air pollution through ambient quality monitoring, direct and indirect supervision, while in the author's research the government handles air pollution by means of motor vehicle emission tests.

2. Journal by Irlandi Paradizsa University of Indonesia with the title "Analysis of Pollution Control Policies through Emission Tests through Motorized Vehicles with Fuel Oil (BBM) in the DKI Jakarta area".<sup>22</sup> The research method uses descriptive qualitative methods, namely using literature studies. Data collection from the study by reviewing several sources from implementation reports, planning documents, news, and regulations by the government. The conclusion of the research journal is that based on the results of the analysis of the implementation of the emission test policy, it cannot be used as the only policy in efforts to deal with air pollution, because in terms of its impact it has not effectively reduced emission levels in DKI Jakarta because the main cause is intrinsic, this policy is difficult to implement optimally because the supervision mechanism does not guarantee compliance from vehicle users. What distinguishes this research journal from the research conducted by the author lies in the focus of the discussion, where the research journal discusses various factors while the author is more focused on examining regional regulation number 22 of 2021 and uses the perspective of *fiqh bi'ah* in its analysis knife.

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<sup>22</sup> Irlandi Paradizsa, "Analysis of Pollution Control Policies Through Emission Tests for Motorized Fuel Oil Vehicles (BBM) in the DKI Jakarta Region," *EnviScience Journal* 7, no. 2 (2023): 203, <http://jurnalkesehatan.unisla.ac.id/index.php/jev/index>.

3. Journal by Denny Irawan majoring in State Administration Studies at Airlangga University with the title "Collaborative Governance (Descriptive Study of the Collaborative Governance Process in Air Pollution Control in Surabaya City)".<sup>23</sup> The research method uses descriptive qualitative methods. The conclusion of the research journal is that the collaborative governance process in controlling air pollution in the city of Surabaya is less effective. This can be seen from the collaborative government criteria that have not been fulfilled. The difference between the research journal and the research conducted by the author is in the subject matter, where the journal discusses various aspects of handling carried out by the Surabaya city local government, while the author is more focused on examining the DKI Jakarta City government policy using Government Regulation Number 22 of 2021.
4. Research Journal by Achdan Wafi; Hari Prasetyo, supervisor; Muhamad Ramdan Andri Gunawan Wibisana, Harsanto Nursadi; Wiwiek Awiati, examiner; Savitri Nur Setyorini, Faculty of Law, University of Indonesia with the title "Analysis on air quality control policies due to motor vehicle exhaust emissions in the DKI Jakarta region".<sup>24</sup> The research method used is empirical juridical, which uses literature studies as well as direct research in the field to obtain valid data. The conclusion of this research journal is that the policies taken by the government are less effective and less than optimal

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<sup>23</sup> Denny Irawan, "Collaborative Governance (Descriptive Study of Collaborative Governance Process in Air Pollution Control in Surabaya City)," *Public Policy and Management* 5, no. 3 (2017): 1-12, <http://sits.dishub.surabaya.go.id/ver2/berita->

<sup>24</sup> Examiner Achdan Wafi; Hari Prasetyo, supervisor; Muhamad Ramdan Andri Gunawan Wibisana, examiner; Harsanto Nursadi, examiner; Wiwiek Awiati, examiner; Savitri Nur Setyorini, "Analysis on Air Quality Control Policies Due to Motor Vehicle Exhaust Emissions in the DKI Jakarta Region," no. law (2021).

in the implementation process. The difference between this research journal and the one conducted by the author lies in the focus of the discussion, where the author is more focused on discussing and examining the motor vehicle emission test policy using Regional Regulation Number 22 of 2021.

5. Thesis by Serhaldaffa Jihardiko, Department of Land Law, Environment, and Customary Law, Faculty of Law, Atmajaya University Yogyakarta with the title "Legal Aspects of Air Pollution Prevention due to Motorized Vehicles in Sleman Regency".<sup>25</sup> This research uses empirical research methods, namely using empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. The conclusion of this research is that the regulation of air pollution control due to motorized vehicles in Sleman Regency has been running well, and counseling has been carried out to several areas in Sleman Regency. In Sleman Regency itself, the community has been orderly in conducting motor vehicle emission tests. What distinguishes this research from the author is that it lies in the region and the implementation of policies carried out by the Sleman government and the DKI Jakarta government, and the author is more focused on examining government policies using government regulation number 22 of 2021.

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<sup>25</sup> H Jihardiko, "Legal Aspects of Air Pollution Prevention Due to Motorized Vehicles in Sleman Regency," 2023, [http://ejournal.uajy.ac.id/id/eprint/29165%0Ahttp://ejournal.uajy.ac.id/29165/2/170512921\\_Bab1.pdf](http://ejournal.uajy.ac.id/id/eprint/29165%0Ahttp://ejournal.uajy.ac.id/29165/2/170512921_Bab1.pdf).

**Table 4.1**

**Previous Research**

NO.	Researcher Name	Title	Equation	Difference
1.	Yulia Azizah Syarif (2023) Student of Faculty of Sharia and Law UIN Sunan Kalijaga Yogyakarta	Review of Fiqh Siyasah on Local Government Efforts in Controlling PLTU Air Pollution in Talawi District, Sawahlunto City	This research and the research conducted by the author both discuss the analysis of local government policies in dealing with air pollution.	Apart from the different regions, the research method carried out by the author with this research is different, where the research purely uses qualitative while the author uses empirical juridical, which in addition to finding data

				through field facts, the author also analyzes through literature because the author also analyzes government regulation number 22 of 2021.
2.	Irlandi Paradizza (2023) University of Indonesia Student	Analysis of Pollution Control Policies through Emission Testing through Fuel Oil Vehicles (BBM)	The research conducted by the author and the research both analyze air pollution control policies through	The difference between this research and the research conducted by the author is that the author focuses more

		in DKI Jakarta area	emission tests on motorized vehicles in the DKI Jakarta area.	on discussing the emission test using government regulation number 22 of 2021, and the author also uses the perspective of fiqh bi'ah as an analytical knife.
3.	Denny Irawan (2017) Student majoring in State Administration Studies Universitas Airlangga	Collaborative Governance (Descriptive Study of Collaborative Governance Process in Air Pollution	The research conducted by the author and the research both analyze local government policies in	In addition to the region that is the difference between the research and the research conducted by the author, the difference also

		Control in Surabaya City)	dealing with air pollution.	exists in the way the local government deals with air pollution, which of course the policy analysis that will be carried out by the author with the research will be different.
4.	Achdan Wafi; Hari Prasetyo, supervisor; Muhamad Ramdan Andri Gunawan Wibisana, Harsanto	Analysis on air quality control policies due to motor vehicle exhaust emissions in the DKI Jakarta region =	This research and the research conducted by the author both analyze government policies in	The difference between this research and the research conducted by the author is in the way the policy is

	Nursadi,; Wiwiek Awiati, Savitri Nur Setyorini, (2021) University of Indonesia Faculty of Law	Analysis on air quality control policies due to motor vehicle exhaust emissions in the DKI Jakarta region	dealing with air pollution through emission tests on motor vehicles in the DKI Jakarta area.	analyzed. Where the author uses government regulation number 22 of 2021 and uses the perspective of fiqh bi'ah.
5.	Serhaldaffa Jihardiko (2023) Department of Land, Environmental, and Customary Law Faculty of Law Atmajaya University Yogyakarta	Legal Aspects of Air Pollution Prevention from Motorized Vehicles in Sleman Regency	The similarity between this research and the research conducted by the author is that both analyze local government policies in dealing with air pollution	What distinguishes this research from the research conducted by the author is the place of research and the analytical knife.



## A. Theoretical Framework

Research is a scientific study that cannot be separated from the application of theory which is a provision for researchers in understanding and exploring the social context more broadly. The theoretical framework is an important requirement for a legal research that is used as the basis for legal research in which there is a theoretical framework that is described to solve a problem to be studied or used as an analysis knife in examining the problem.<sup>25</sup>

This research uses *green constitution* theory and fiqih bi'ah theory put forward by Prof. Dr. Jimly Asshiddiqie and Yusuf al-Qordhowi used by researchers as an angle to answer questions related to whether the implementation of article 206 of the government regulation on requiring emission tests on motorized vehicles that have entered the 3-year usage period can reduce air pollution that occurs in Jakarta, where the rule of law is one of the principles, namely the guarantee of legal certainty, legal order and legal protection, which contains the values of truth and justice, by providing guarantees and protection of the rights of citizens.<sup>26</sup> By prioritizing the recovery of increased air pollution and pollution is important for urban communities, because this is where people can breathe fresh air between pollution and hustle and bustle.

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<sup>25</sup> Elisabeth Nurhaini Batarbutar, *Legal Research Methods Steps to Find the Truth in Legal Science* (Bandung: PT. Refika Aditama, 2018), 126.

<sup>26</sup> Musleh Herry, "Implementation of the Prona Program for Weak Economic Communities": *De Jure Journal of Law and Sharia*, Vol. 4, No. 2 (2012): 187  
<https://ejournal.uinmalang.ac.id/index.php/syariah/article/view/2987/4882>

The hustle and bustle of the city, and the benefits are also very large to overcome the pollution emitted by motorized vehicles.<sup>27</sup> The description of the two theories is as follows:

#### 1. Policy Implementation

Implementation in Webster's Dictionary means to provide the means of carrying out (providing the means to do something) and to give practical effect to which means to cause an effect on something or cause an impact. In implementation itself, the state is formed as the "end result" of government action.<sup>28</sup> According to Muhammad Joni, a legal expert, the implementation of legal policy means the application of law in concrete cases, actions, decisions, or circumstances, applying law from law in book to law in action. In other words, legal effectiveness is the conformity between what has been regulated in law and how it is implemented.<sup>29</sup> In a broad sense, implementation is also often considered as an activity that has been legally planned and then agreed upon by various stakeholders, figures, organizations, and techniques to work together to realize the expected policy.

There are three important elements in the implementation process, namely:

##### a. Existence of Programs or Policies Implemented

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<sup>27</sup> Abdul Kadir, Mardhatila, Effectiveness of Malang City Regional Regulation Number 4 of 2011 on Green Open Space Management from the Perspective of Masalah Mursalah: *Al-Balad Journal of Constitutional Law*, Vol. 3, No. 2 (2021): 3 <https://garuda.kemdikbud.go.id/documents/detail/2290133>

<sup>28</sup> Solichin Abdul Wahab, *Policy Analysis from Formulation to Implementation of State Policy*, (Jakarta: Bumi Aksara, 2002), p. 64.

<sup>29</sup> Muhammad Joni, *Effectiveness of Law Application* (Online), <https://www.jonitanamas.co.id/efektifitas-application-of-law.html> (accessed on June 25, 2024).

- b. Target Group is the group of people who are targeted by the program and are expected to benefit from changes, improvements, or repairs.
- c. Implementors are organizations or individuals, responsible for carrying out and overseeing the implementation process.<sup>30</sup>

## 2. Vehicle Emission Test

Exhaust emissions are the residual combustion of fuel in the engine that is released through the engine exhaust system, while the combustion process is a chemical reaction between Oxygen in the air with Hydro Carbon compounds in the fuel to produce power. A perfect combustion process will produce exhaust gases containing Carbon Dioxide (CO<sub>2</sub>), Water Vapor (H<sub>2</sub>O), Oxygen (O<sub>2</sub>) and Nitrogen (N<sub>2</sub>).

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<sup>30</sup> Sumaryati, I. Nyoman. *Effectiveness of Regional Autonomy Policy Implementation*. (Yogyakarta: Citra Utama, 2005), 76

- 2) Fulfillment of the provisions of the Emission Quality Standard as referred to in paragraph (1) shall be implemented with the following provisions:
  - a. applied to road-based land transportation that have entered the service life of more than 3 (three) years; and
  - b. measurements are carried out by personnel who have certificates issued by certification bodies in accordance with the provisions of laws and regulations in the field of standardization and conformity assessment.
- 3) Fulfillment of the provisions of the Emission Quality Standard as referred to in paragraph (2) letter a is used as the basis for the imposition of motor vehicle tax rates.
- 4) Further provisions regarding the imposition of motor vehicle tax rates as referred to in paragraph (3) shall be regulated by the minister who organizes domestic government affairs, after coordinating with the Minister.<sup>32</sup>

### 3. *Green Constitution*

*Green constitution* was first introduced by Prof. Dr. Jimly Asshiddiqie in his book entitled "*Green Constitution: Green Nuances of the 1945 Constitution of the Republic of Indonesia*". According to Jimly, the green constitution implements environmental sovereignty or ecocracy, where the environment is no longer an

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<sup>32</sup> Article 206 of Government Regulation No. 22 of 2021 concerning Environmental Protection and Management

Subjects that have their own rights to be preserved and also protected from damage. In realizing the welfare of the lives of its citizens, the Republic of Indonesia puts the concept of *green constitution*, namely the implementation of the life of the state and nation which is based on efforts to preserve environmental functions so that it can realize the creation of a just, prosperous and equitable society.<sup>31</sup>

*Green constitution* was first found in the fourth amendment of the 1945 Constitution of the Republic of Indonesia. The right to a good and healthy environment is part of human rights that cannot be violated by anyone and this has been guaranteed by the 1945 Constitution of the Republic of Indonesia. Article 28J paragraph (1) of the 1945 Constitution states that everyone must respect the human rights of others in the orderly life of society, nation and state. The right to a healthy environment is also guaranteed in Article 28H paragraph (1) of the 1945 Constitution which states that "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and the right to obtain health services". From the above article, it is known that the 1945 Constitution provides a guarantee for every citizen to get a good and healthy environment and place to live. The existence of articles that have environmental norms proves that Indonesia adheres to a green constitution in its constitutional system.

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<sup>31</sup> Jundiani, Yunizar Prajamufti, The Concept of Green Constitution in Sustainable Economic Activities: Journal of Law and Sharia DE JURE, Vol. 3, No. 2 (2011): 205 <https://ejournal.uin-malang.ac.id/index.php/shariah/article/view/2147>

#### 4. Fiqh Bi'ah Theory

##### a) Definition of Fiqh Bi'ah

Fiqh bi'ah can be understood as a product of Islamic law related to taklifi law obtained in the process of istinbat through ijtihad in the context of masalah mursalah against the nash shara' associated with legal values in the framework of maqasid alshariah about the views, attitudes and treatment of people towards the ecological environment. In addition to legal products, fiqh bi'ah can be understood as a critical methodology for environmental problems in the corridor of ushul al-fiqh.

The word al-bi'ah means environment, namely: The unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, the continuity of life and the benefit of humans and other living things. It can be concluded that fiqh bi'ah or environmental fiqh is a set of rules governing human ecological behavior determined by competent scholars based on detailed arguments with the aim of achieving the welfare of ecologically nuanced life.<sup>34</sup> Therefore, what is meant by environmental fiqh is knowledge or shar'i demands about environmental issues or shar'i demands that are used to criticize human behavior that tends to treat the environment destructively and exploitatively.<sup>35</sup> In QS. Al-A'raf verse 56 explains the damage done on earth.

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<sup>34</sup> Ashhari Abta, *Fiqh of the Environment*, (Jakarta: Gema Insani Press, 2006), 76-78

<sup>35</sup> Mariatul, Muhammad Roy, *Fiqh Biah in the Perspective of the Qur'an*. At-Thullab: FIAI-UII Student Journal, Vol. 1, No. 1 (2019): 26 <https://journal.uii.ac.id/thullab/article/view/13246/9636>

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِّنَ

← الْمُحْسِنِينَ ٥٦٦

Meaning: And do not make corruption in the earth, after it has been restored, and pray to Him with fear and hope. Verily the mercy of Allah is very near to those who do good (QS. Al-A'raf verse 56).

Fiqh bi'ah has the assumption that fiqh is al-ahkam ala'maliyah (behavioral law) which has responsibility for human behavior so that it always runs according to the line of goodness and policy and does not interfere with other parties (environment), so that benefit can be realized. In this case, the orientation and purpose of fiqh bi'ah is none other than environmental preservation, which is the ideal of progressive Islam (rahmatan li al 'alamin). Even environmental issues in Islam are included in the field of jinayat, where if there is someone who cuts down the forest carelessly, then strict sanctions must be prevented and punished.<sup>36</sup>

According to Yusuf al-Qordhowi, protecting the environment is the same as protecting the soul, protecting the mind, protecting offspring and protecting property. The rationality is that if the aspects of the soul, mind, offspring and property are damaged, then human existence in the environment becomes tarnished. The concept of environmental fiqh formulated by Muslim scholars reflects the dynamics of fiqh related to changes in context and circumstances. This is related to maqāsid al-syarī'ah, or the objectives of religious law, which are described in

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<sup>36</sup>Wahyudin Darmalaksana, Bandung City Waste Management Policy: An Environmental Fiqh Perspective, (Bandung: UIN Sunan Gunung Djati, 2018), 05

*kulliyāt al-khams*, namely *hifzu al-nafs* (protecting the soul), *hifzu al-aql* (protecting the intellect), *hifzu al-māl* (protecting property), *hifzu al-nasb* (protecting offspring), and *hifzu al-dīn*. He argues that protecting these five objectives of shari'ah is necessary to preserve the environment.<sup>37</sup>

According to Yusuf al-Qordhawi, protecting the environment is the same as protecting the soul, protecting the mind, protecting offspring and protecting property. The rationality is that if the aspects of the soul, mind, offspring and property are damaged, then human existence in the environment becomes tarnished. The concept of environmental fiqh formulated by Muslim scholars reflects the dynamics of fiqh related to changes in context and circumstances.<sup>38</sup>

The presence of fiqh bi'ah to provide an explanation to humans how about the rules of behavior and attitude of a Muslim in maintaining and dealing with environmental problems. The concept of the environment in Islam has a high and comprehensive position because it leads deep into the soul to control it. Ethics and manners are one form of environmental protection in Islam because they teach about cleanliness and purity.<sup>39</sup>

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<sup>37</sup> Djazuli, *Principles of Jurisprudence*, (Jakarta: Kencana, 2006), p. 165. 165.

<sup>38</sup> Yusuf Al-Qaradhawi, *Ri'ayatu Al-Bi`ah fi As-Syari'ah Al-Islamiyah*, (Cairo: Dar Al-Syuruq, 2001) pp. 39

<sup>39</sup> Saipul Nasution, et al, "Waste Management in Environmental Fiqh" *Journal of Islamic Law and Economics*, no.2 (2021): 310-311 <https://ejournal.unida.gontor.ac.id/index.php/ijtihad/article/view/7141>



## b) Basic Principles of Environmental Stewardship Obligations

Ali Yafie, an Indonesian expert on Islamic law, tries to explain the basic principles of the obligation to preserve the environment from the point of view of fiqh, among others:<sup>40</sup>

1. *Hifdh Al nafs* is the maintenance of soul-body-honor.

According to fiqh, life is precious and noble. In order to determine human value and dignity, life is the basic human capital. As a result, Islamic teachings provide many warnings to humans to use basic capital carefully and to the fullest extent possible.<sup>41</sup>

2. Worldly life is not the goal

The life of the world is a means (*wasilah*) to achieve the pleasure of Allah SWT in the afterlife.

3. *Hadd Al Kifayah* is that production and consumption must be in accordance with the standard of human needs.
4. The harmony and balance of nature (ecosystem) must be upheld.

The principle of harmony and balance is the basis of natural life according to Islam. According to this view, the universe functions in a harmonious manner and with precise calculations, which means that damage to one unit or part will cause

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<sup>40</sup> Ali Yafie, *Pioneering Environmental Fiqh*, (Jakarta: Yayasan Amanah 2006), pp. 163-188

<sup>41</sup> Muhammad Ghufon, *Fikih Lingkungan*, *Al-Ulum Journal*, Vol. 10, No. 1 (2010): 172

<https://www.journal.iaingorontalo.ac.id/index.php/au/article/view/17/13>

damage to other units or parts as well. For humans, the principle of harmonious order and precise calculation should be the guide and foundation for living on this earth. Therefore, every human action should be based on careful consideration that is expected to support the principle of order and balance. This principle will lead nature towards the desired goal of the Creator, because nature was created not to be wasted.

Humans are asked not only to think and act for the benefit of themselves, their group, or their nation, but are invited to think and act for the benefit of all people, the global community. Humans should not only think and act for the present, but also for the future. Thus, humans should not be arbitrary, arrogant, and try to control or conquer the universe for personal gain. In the Islamic view, the only one who has the right to conquer the universe is Allah SWT. Instead, humans should treat the universe wholeheartedly and make it a part of their lives.<sup>42</sup>

**c) Fiqh Bi'ah's view on air pollution (Al-Rih)**

The air is one of the signs of Allah's power, it gives humans lessons and shows his majesty, Allah SWT the substance that regulates the wind. In the wind there are lessons, valuable advice, and signs of power that show his majesty and perfection. In the Qur'an, air is called *jaww al-sama*, which according to religious terms all objects above the earth, including the biosphere, ozone layer, and

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<sup>42</sup>Muhammad Ghufon, Fikih Lingkungan, Al-Ulum Journal, Vol. 10, No. 1 (2010): 172  
<https://www.journal.iaingorontalo.ac.id/index.php/au/article/view/17/13>

atmosphere are all part of the sky. Air is a basic element in human life. Breathing and inhaling air is the first need for a person to start his life on this earth.

When a person stops breathing or inhaling air, it is a symptom of the death phase. Therefore, clean and unpolluted air is very important in human life. Therefore, it is necessary to pay attention and maintain the problem of air pollution. Air is related to the wind, in the Koran the word wind is mentioned 19 times in the form of mufraddi and in the plural form 10 times, so often Allah SWT describes the word wind in the Koran with a variety of different characteristics, including the *Sharshar* wind, *Thayyibah* wind, *Sakinah* wind, *Ashif* wind and *Ghashif* wind. One type of wind described by Allah SWT is in Surah Fushilat verse 16:

فَارْسَلْنَا عَلَيْهِمْ رِيحًا صَرْصَرًا فِي أَيَّامٍ نَحْسَاتٍ لِنُبَذِّقَهُمْ عَذَابَ الْخِزْيِ فِي

الْحَيَاةِ الدُّنْيَا وَلَعَذَابُ الْآخِرَةِ أَخْزَىٰ وَهُمْ لَا يُنصُونَ ١٦

Meaning:

"So We blew upon them a very violent wind on some unlucky days, for We wished them to taste a humiliating torment in the life of this world. But the punishment of the Hereafter will be more humiliating, and they will not be helped." (QS. Fussilat 41: Verse 16)

In his tafsir, Al-Qurtubi says that wind is moving air, the movement of the wind is often strong and sometimes weak.<sup>43</sup> There are times when something useful can turn into a disaster. The air that gives life, can also be a source of disaster for humans. In fact, this is a warning to remind us that there is a greater and unrivaled power.

The law of environmental conservation is *fardlu kifayah*, which means that all people, both individuals and groups, and companies, are responsible for environmental conservation and must be involved in dealing with damage. As the bearer of the people, the government has a greater responsibility and is responsible for initiating this obligation.

In addition, the government also has the authority to take action to stop those who damage the environment. However, helping the government to solve the problem is the responsibility of the community, the need for community participation and awareness in order to realize the desired results. The well-being of life both in this world and in the hereafter depends heavily on the development and preservation of the environment.

Supportive environmental components such as air, water, animals, plants and other objects must receive more productive attention. A broad and understanding human rational attitude oriented towards the benefit of creatures greatly influences the balance and harmony between all these elements.<sup>44</sup>

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<sup>43</sup> Lailatul Wardah, The Meaning of Rih and Riyah in the Quran, *Al-Tadabbur: Journal of Qur'anic Sciences and Tafsir*, Vol. 8, No. 1 (2023): 41

<https://jurnal.staialhidayahbogor.ac.id/index.php/alt/article/view/4116/1762>

<sup>44</sup> Mahfudh, Sahal MA, KH, *Nuances of Social Fiqh*, (Yogyakarta: LkiS, 1994), 376

## **CHAPTER III**

### **RESEARCH METHODS**

#### **A. Research Methods**

Before carrying out a research, choosing and determining the type of research is very important because the type of research is a research tool used as the main basis for conducting a research.

Therefore, the selection of the type of research based on the right and good choice by the researcher will affect all research trips and will be sustainable in carrying out the research until it is completed. Research methods are generally a way for researchers to obtain data with specific purposes and uses. The scientific method means that a research activity is based on scientific characteristics, namely rational, empirical, and systematic.<sup>45</sup>

#### **B. Type of Research**

This research uses qualitative methods and empirical juridical research types or models. According to Soerjono Soekanto, empirical juridical research is a type of legal research by approaching facts in the field carried out through observation and research in government institutions and society.<sup>46</sup>

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<sup>45</sup> Haris Herdiansyah, *Qualitative Research Methodology for the Social Sciences*, (Salemba Humanika: Jakarta, 2010), 6.

<sup>46</sup> Soerjono Soekanto, *Introduction to Legal Research*, (UI Perss: Jakarta, 1986), 52.

### **C. Research Approach**

Researchers use a juridical-sociological approach by classifying and combining law as a social institution that functions in the sustainability of life.<sup>47</sup> The juridical-sociological approach is an approach that looks at a matter of legal reality in society. Researchers must focus their attention on how the law works in society and the resultants that can be seen and measured. In short, the juridical sociological approach aims to explain and analyze the relationship between legal aspects and reality. Where researchers carry out studies in the field to see, review and observe how the Legal Review of Pasal 206 Government Regulation Number 22 of 2021 concerning Emission Tests on Motor Vehicles Against Air Pollution Control in the Perspective of Fiqh Bi'ah.

### **D. Research Location**

The research location is where the research is carried out by the researcher. Researchers chose a research site at the DKI Jakarta Environmental Agency, in accordance with the Governor Regulation of the Special Capital Region of Jakarta Province Number 284 of 2016 establishing the DKI Jakarta Provincial Environmental Agency as a Regional Apparatus Organization (OPD). The DKI Jakarta Provincial DLH is assisted by the Environmental Service Tribe in the city administration area. The location of the Jakarta Environmental Agency is at Jl. Mandala V No.67, Cililitan, Kramat Jati District, East Jakarta City, Special Capital Region of Jakarta.

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<sup>47</sup> Soerjono Soekanto, *Introduction to Legal Research*, (Jakarta: University of Indonesia Press, 1986), 51

## **E. Data Source**

The data sources used in this research are divided into two, namely primary and secondary data.

### **1) Primary Data**

Primary data is information obtained directly from research activities, reflecting the truth in accordance with what is observed at the location or field.<sup>48</sup> In this study, the primary data used is Article 206 of Government Regulation Number 22 of 2021 concerning Emission Tests on Motor Vehicles and direct interviews with DKI Jakarta Environment and Forestry Service officials.

### **2) Secondary Data**

Secondary data is information that researchers obtain from various sources such as books, articles, journals, reports, or other data sources relevant to the research topic being discussed.<sup>36</sup> The following secondary data is used by researchers in research. In addition, the authors also use the type of primary data material, namely:

- 1) Constitution of the Republic of Indonesia 1945;
- 2) Government Regulation Number 22 of 2021 concerning Emission Tests on Motor Vehicles
- 3) Law No. 32 of 2009 on Environmental Protection and Management
- 4) Law Number 22 of 2009 concerning Traffic

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<sup>48</sup> Jalu Hudha Pratama and Adi Susetyaningsih, "Analysis of Green Open Space Availability in Garut Urban Area," *Journal of Construction* 19, no. 1 (2021): 25

5) Books and journals that discuss emission tests

## **F. Data Collection Methods**

To collect relevant data needed during the research, the researchers used several methods in collecting data, namely by interviewing sources, observation, field documentation and also seeking information through books and on the internet through scientific journals in accordance with the research topic.

### **1) Wawancara**

Interviews are a data collection technique in which the interviewer interacts directly with interviewees, presents questions directly to them, and then records or tapes the interviewees' responses and views.<sup>49</sup>

In this study, researchers will conduct interviews with DKI Jakarta Environment and Forestry Service officials regarding the management and impact of carbon emission tax, as well as several sources interviewed by researchers:

- a. The people of East Jakarta, Cililitan, especially those affected by air pollution from vehicle emissions.
- b. DKI Jakarta environment agency staff
- c. East Jakarta Police Sector, Cililitan in charge of ticketing vehicles that produce carbon emissions.

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<sup>49</sup> Sugiyono, *Data Collection Techniques* (Bandung: Alfabeta, 2010), 15.



## **2) Observation**

Data collection uses observation, which observes the process of forming opinions about human behavior based on evidence.<sup>63</sup> In this research, the author looks at the effects of transportation in the DKI Jakarta area, which causes very high air pollution.

## **3) Documentation**

Documentation according to the Big Indonesian Dictionary (KBBI) is the collection, selection, processing, and storage of information in the field of knowledge giving or collecting evidence and information such as pictures, quotations, newspaper cuttings, and other reference materials.

## **G. Data Processing Methods**

Data analysis or data processing methods in this study use descriptive methods or analysis, namely one branch of qualitative data processing in empirical legal research, where this method will explain certain situations carefully and the actual data in the field without any recreation through sentences that are easy to understand.<sup>50</sup>

The method of analysis used in this research is qualitative juridical analysis, which is a research method that produces analytical descriptive information, which is collected to then draw a conclusion and suggestion by utilizing deductive thinking, namely drawing conclusions that depart from general matters to specific matters.

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<sup>50</sup> Guidelines for Writing Scientific Writing in 2022. Faculty of Sharia UIN Maulana Malik Ibrahim Malang, 26.

This leatherative juridical analysis method is also carried out by analyzing the laws and regulations relating to the formulation of the problems contained in this study to be correlated with several principles and theories which are the basis or analysis knife in writing this research to find conclusions, solutions to matters under discussion.

Data analysis in the qualitative juridical analysis method is carried out using legal materials derived from concepts, theories, laws and regulations, doctrines, legal principles, expert opinions and the views of researchers themselves. Data analysis in this study was carried out qualitatively, namely from the data obtained then arranged systematically and then analyzed qualitatively to achieve clarity of the problems discussed. Qualitative data analysis is a research method that produces descriptive data analysis, namely what is stated by respondents in writing or verbally and also their real behavior, studied and studied as a whole.

## CHAPTER IV

### RESEARCH RESULTS AND DISCUSSION

#### A. Description of Research Objects

##### 1. Overview of the Province

DKI Jakarta Province is the capital city of Indonesia and has an area of approximately 661.26 km<sup>2</sup>. DKI Jakarta has six regions, consisting of five municipalities and one administrative district, including Central Jakarta, North Jakarta, West Jakarta, South Jakarta, East Jakarta, and the Thousand Islands. 9.041 million people live in DKI Jakarta Province, with a population density of 13,667.01 people per km<sup>2</sup>.<sup>51</sup>

**Table 1.1 Population of DKI Jakarta 2021-2023**

Kab/Kota	Jumlah Penduduk Menurut Kabupaten/Kota di Provinsi DKI Jakarta (Jiwa)		
	2021	2022	2023
DKI Jakarta	10 605 437	10 640 007	10 672 100
Jakarta Barat	2 446 687	2 458 707	2 470 054
Jakarta Pusat	1 057 465	1 053 482	1 049 314
Jakarta Selatan	2 232 442	2 234 262	2 235 606
Jakarta Timur	3 051 866	3 066 074	3 079 618
Jakarta Utara	1 788 981	1 799 220	1 808 985
Kep Seribu	27 996	28 262	28 523

Sumber : 2020: Hasil SP2020; 2021-2023: Proyeksi Penduduk hasil SP2020

*Source : Central Bureau of Statistics of DKI Jakarta Province*

<sup>51</sup> Rizqa Ayuni Azzahra, "Overview of DKI Jakarta Province as a Smart City" (Diponegoro University, 2019), <https://eprints2.undip.ac.id/id/eprint/14134/3/BAB%20II%20Skripsi%20Rizqa%20Ayuni%20Azzahra.pdf>

## 2. DKI Jakarta Environment Agency

The location of my research is at the DKI Jakarta Environmental Service, precisely in the Cililitan area, East Jakarta. I conducted this research because of the global and national indices that show that Jakarta is one of the most polluted cities in the world according to the Air IQ (Air Quality Index) and ranks first in Indonesia where the population is easily affected by ARI (Acute Respiratory Infection).<sup>52</sup> Therefore, I decided to conduct this research in this location, by collecting some data from the area.

The Environmental Service Line Work Unit forms several sections that play a role in various specific fields with their respective functions, one of which is to increase community participation in environmental management and cleanliness or referred to as the Community Participation Division. This unit organizes the following functions: provide counseling to the public about the environment and cleanliness.<sup>53</sup>

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<sup>52</sup> Air IQ (AQI) "Ranking of the world's most polluted megacities", accessed July 8, 2024, <https://www.iqair.com/id/world-air-quality-ranking>

<sup>53</sup> DKI Jakarta Provincial Environmental Agency, Fields, Sub-departments and UPT of DKI Jakarta Provincial Environmental Agency, <https://lingkunganhidup.jakarta.go.id/profile/bidang>

## **B. Discussion**

1. Implementation of article 206 of Government Regulation No.22 of 2021 related to emission tests on motorized vehicles on air pollution control in DKI Jakarta

Indonesia's capital city of DKI Jakarta has been named the third most polluted city in the world according to several global media outlets. The air quality in Jakarta has been categorized as unhealthy and unfit for living, according to the IQAir website.<sup>54</sup> Vehicle emission tests in Jakarta are one of the government's measures in an effort to address the air pollution problem, which is predominantly caused by the transportation sector. By measuring and monitoring exhaust gas levels such as carbon monoxide (CO), hydrocarbons (HC), carbon dioxide (CO<sub>2</sub>), oxygen (O<sub>2</sub>), and nitrogenoxide (NO<sub>x</sub>), the government can determine the level of vehicle compliance with applicable environmental regulations. This step is expected to reduce the adverse impact of air pollution on public health and the overall environment in Jakarta.

The government is taking preventive measures to reduce high carbon emissions in Indonesia, especially in Jakarta and its surrounding areas through Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management, the results of emission tests will be used as the basis for imposing motor vehicle taxes. Article 206 emphasizes that motor vehicles operated on the road must meet the exhaust emission threshold.

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<sup>54</sup> Air IQ (Index Quality of Air) <https://www.iqair.com/id/world-air-quality-ranking>

Through this process, both the vehicle owner and the person in charge of the emission test institution are responsible for ensuring that operating vehicles meet the set emission standards, which is useful for creating better air quality for the environment and public health.

In interviews that have been conducted by researchers with informants from the environmental service in the field of Community Participation of the DKI Jakarta Environmental Service (PSMDI) on environmental pollution and damage, which on this occasion is represented by Mr. Aswin, he stated that *when discussing air pollution, DKI Jakarta is experiencing very high air pollution since the period of August 2023 until today, where the statistics are up and down unstable, For example, sometimes today the air in DKI Jakarta is in the unhealthy category but the next day it decreases back to the normal category, but according to data at the Environmental Service which is the largest source in increasing air pollution from the industrial and transportation sectors, besides that one of the causes of air pollution that occurs in Jakarta is the prolonged dry season, this is due to the factor of wind movement which is considered immobile which causes pollution in Jakarta to not move and settle in the Jakarta area and its surroundings.*<sup>55</sup>

Issues related to environmental issues are now the most demanding issues for people who want comfort in life. People continue to question the

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<sup>55</sup> Aswin Kurnia, Community Participation Division of DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 29, 2024

government's efforts to address air pollution, especially in the DKI Jakarta area and its surroundings. Therefore, strict environmental management and protection and law enforcement are required for any action that affects the balance of nature either directly or indirectly, this is an action that will be taken in accordance with the current regulations in Indonesia.

The emission test policy has been implemented in the DKI Jakarta area since 2020, precisely in July. DKI Jakarta Governor Regulation Number 66 of 2020 concerning Exhaust Gas Emission Tests for Motorized Vehicles is the basis for implementing the emission test policy in the DKI Jakarta area since July 2020. The following is data on the year-on-year increase in vehicle emissions from the transportation sector that produces vehicle emissions in Jakarta inputted from data from the Statistics Agency of the Republic of Indonesia.

**Table 2.1**  
**Number of motorized vehicles in DKI Jakarta Province**  
**Year 2018-2022**



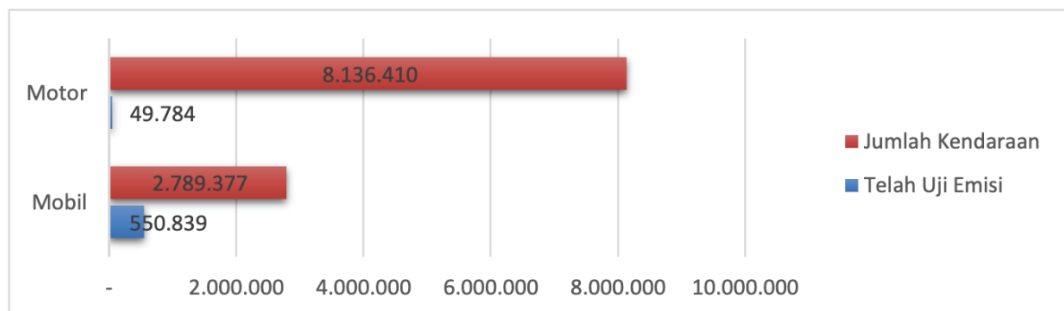
According to the Central Statistics Agency (BPS) report, the number of vehicles in DKI Jakarta has been steadily increasing in the last five years. The number of motorized vehicles in the capital city increased by 4.39% from the previous year (year-on-year) to 25.26 million units in 2022. The number of vehicles in DKI Jakarta in 2020 is 24.26 million units, up from 23.86 million units in 2019 and 22.49 million units in 2018, while by type, the number of vehicles in Jakarta in 2022 is mostly motorcycles, with 17.3 million units, or 65.6% of the total vehicles in the city.<sup>56</sup> The rapid growth of motorized vehicles

<sup>56</sup> Ovaldo Noor Hakim, "The Effectiveness of Handling Exhaust Gas Emissions in Vehicles in Jakarta (Reviewed from DKI Jakarta Governor Regulation Number 66 of 2020 concerning Exhaust Gas Emission Tests for Motor Vehicles) Adigama Law Journal, Vol. 4, No. 1 (2021): 1357 [file:///Users/apple/Downloads/jurnaladm,+Ovaldo+Noor+Hakim%20\(1\).pdf](file:///Users/apple/Downloads/jurnaladm,+Ovaldo+Noor+Hakim%20(1).pdf)



can have an impact on the high level of air pollution and congestion in the capital city. Therefore, it is important for the government and the community to address the growing number of motorized vehicles in DKI Jakarta.

**Table 3.1**



*Sumber: databoks.katadata.com (2022), Badan Pusat Statistik (BPS), Pemerintah Provinsi DKI Jakarta, 23 Februari 2022*

Based on data reported by the DKI Jakarta Statistics Agency, the number of motorized vehicles in DKI Jakarta As of February 23, 2022, the total number of motorcycle vehicles that have conducted emission tests has only reached 49.7 thousand units, while 4-wheeled vehicles that have conducted emission tests have reached 550.8 thousand units.<sup>57</sup> As an illustration, the table above shows the comparison between the number of cars and motorcycles and the total number of vehicles that have conducted emission tests.

In line with interviews conducted by researchers with informants *related to emission tests, this is based on DKI Jakarta Governor Regulation number 66 of*

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<sup>57</sup> Central Bureau of Statistics of DKI Jakarta Province

*2020, but the implementation is still not running optimally because when the regulation was passed, it should have been implemented and practiced directly to the public regarding emission tests, but at the time of the passing of this governor's regulation the Covid-19 case was still increasing which caused the focus of the Jakarta city government to shift to the case that had to be handled first, namely Covid-19, Therefore, currently the government is starting to re-enforce the governor's regulation which is also accompanied by a significant increase in air pollution in DKI Jakarta.<sup>58</sup>*

Governor Regulation Number 66 of 2020 concerning Exhaust Gas Emission Tests for Motorized Vehicles is a new law that requires all Jakarta residents who own motorized vehicles to undergo exhaust gas emission tests for their motorized vehicles, which is an action taken by the Jakarta Governor's government to issue a new regulation to regulate motorized vehicles, but in 2020 the Jakarta city government could not be carried out optimally regarding its enforcement because at the time of the ratification of the governor's regulation Covid-19 cases soared, even since 2021 through Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, where the results of emission tests will be used as the basis for the imposition of motor vehicle taxes.

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<sup>58</sup> Aswin Kurnia, Community Participation Division of DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 29, 2024

Article 206 of Government Regulation No. 22 of 2021 stipulates that emission tax can be imposed on vehicle exhaust emissions that have a negative impact on the environment. Tax subjects are individuals who own vehicles with a usage period of more than 3 years that can produce harmful gas emissions in vehicle engines, and vehicle emission taxes are carried out to reduce air pollution and build a more environmentally friendly economy. In accordance with the nation's values, the government has taken good actions to prevent bad things in the future.

The *green constitution* theory implements environmental sovereignty or *ecocracy*, where the environment is no longer an object that can be destroyed and changed carelessly by humans, but as an entity that has the privilege to be preserved and protected from damage. With the acceptance of the *green constitution* as part of the Indonesian government structure, it is considered that it can function as a legal basis for environmentally friendly environmental management and help preserve the environment, especially healthy and clean air, so that people can feel it.<sup>59</sup>

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<sup>59</sup> Meirina Fajarwati, Green Constitution as an Effort to Strengthen Environmental Norms, Rechtsvinding, January 27, 2016, pp. 2

**Table 4.1**

**Inventory of Air Pollution Emissions in DKI Jakarta Transportation Sector**

No.	Type of substance	Transportation Sector
1	SO <sub>2</sub>	11,58%
2	NO <sub>x</sub>	72,4%
3	CO	96,36%
4	PM <sub>10</sub>	57,99%
5	PM <sub>2.5</sub>	67,04%
6	BC	84,05%
7	NMV OC	98,5%

Source: *DKI Jakarta Provincial Environment Agency*

Based on the 2020 emission inventory, Mr. Aswin from the DKI Jakarta Environmental Agency said that the *largest NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> pollutants came from the transportation sector. The transportation sector is one of the biggest contributors after the industrial sector in the current air pollution phenomenon in the city of Jakarta.*<sup>60</sup>

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<sup>60</sup> Aswin Kurnia, interview, East Jakarta, July 29, 2024

Daily pollution levels across Jakarta are significantly higher in the dry season than the wet season. Average daily and seasonal PM2.5 levels across Jakarta exceed the WHO health-based Air Quality Guidelines.<sup>61</sup>

Mr. Aswin Kurnia as a resource person in this research also added that *in terms of imposing this vehicle emission tax, several steps have been taken. For example, the environment office is cooperating with the environment ministry, the taxation office, the general directorate of taxation of Indonesia, and the Metro Jaya traffic directorate which will later, if it runs efficiently, require the imposition of taxes for vehicles that produce exhaust emissions or for vehicles that have not conducted emission tests after 3 years of use to be taxed.*<sup>62</sup>

One of the causes of air pollution is transportation mobility in DKI Jakarta. Therefore, a vehicle emission tax law has been enacted. In this case, the environment department will work together with the environment ministry, taxation department, the Indonesian taxation general directorate, and the Metro Jaya traffic directorate to implement the emission tax. The Ministry of Environment and Forestry (KLHK) reminded the mandatory emission test rules for motor vehicles that will make one of the requirements for payment of Motor Vehicle Tax (PKB) which will apply nationally. The regulation is Article 206 of Government Regulation Number 22 of 2021 concerning the Implementation

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<sup>61</sup> World Health Organization. WHO Air Quality Guidelines for Particulate Matter

<sup>62</sup> Aswin Kurnia, interview, East Jakarta, January 29, 2024

of Environmental Protection and Management. Article 206 of this regulation states:

- 1) The provisions of the Emission Quality Standard shall be applied to each individual who generates emissions from road-based land transportation as mentioned in Article 204 paragraph (1) letter b and paragraph (3) letter a.
- 2) The requirements to meet the emission quality standards mentioned in paragraph (1) are as follows:
  - a. Applied to road-based land transportation equipment that is more than 3 (three) years old; and
  - b. Measurements are carried out by staff who have certificates issued by certification bodies in accordance with laws and regulations relating to standardization and conformity assessment.
- 3) The motor vehicle tax rate is determined based on the implementation of the provisions of the Emission Quality Standards listed in paragraph (2) letter a.
- 4) Further provisions regarding the imposition of motor vehicle tax rates as referred to in paragraph (3) shall be regulated by the

minister who organizes domestic government affairs, after coordinating with the Minister.<sup>63</sup>

According to this section, all vehicles more than three years old must be tested to qualify for emissions, and the test results are used to determine the PKB rate. PKB is the Motor Vehicle Tax that must be paid by the owner every year and is endorsed on the STNK. Emission tests measure two harmful substances in vehicles: hydrocarbons (HC), which is the residual fuel that is not burned during combustion, and carbon monoxide (CO), which is a polluting substance released from the exhaust during combustion. In addition to these two substances, emission tests also assess the opacity, or thickness, of the smoke produced by diesel-fueled vehicles.

The targets of emission tests in Jakarta are two-wheeled and four-wheeled oil-fueled vehicles running on the roads in the DKI Jakarta area. There are additional requirements for the emission test, namely:

- Mandatory for individual passenger cars and motorcycles over 3 years old;
- Emission test results are valid for 1 year and can be renewed the following year;

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<sup>63</sup> Article 206 of Government Regulation No. 22 of 2021 concerning Environmental Protection and Management

- Emission test sites are (i) Emission Test Workshops, (ii) Emission Test Kiosks, and (iii) Emission Test Service Vehicles.<sup>64</sup>

Interviewee Mr. Aswin Kurnia also explained in an interview session to researchers that *emission tests must be carried out on individual passenger cars and motorcycles that are more than three years old. The results are valid for one year and can be renewed the following year. Emission test stations consist of workshops, kiosks, and emission test service vehicles. Last June, DKI also held simultaneous emission tests and now they are training emission test officers in West Java and Banten Provinces to prepare for the emission tests that will be held simultaneously from August to November.*<sup>65</sup>

As explained by the source, emission tests are carried out in several locations not only at the DKI Jakarta Provincial Environmental Agency (DLH) office, but also at workshops or private emission test kiosks spread throughout the city.

However, according to Mr. Agam as a police officer in the Metro Jaya traffic directorate, he stated that *the enforcement of this emission test is not the domain of the police, but this emission test is carried out and is the responsibility of the DKI Jakarta Environment Agency as a representative of the government assisted by automotive workshops in organizing this emission test program which determines whether or not the vehicle is operating on the road, the police only*

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<sup>64</sup> Environmental Agency, "Efforts to Fight Pollution with Emission Tests", August 23, 2023, accessed July 22, 2024, <https://www.jakarta.go.id/page/upaya-perangi-polusi-dengan-uji-emisi>

<sup>65</sup> Aswin Kurnia, Person in Charge of the Community Participation Division of the DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 19, 2024



*assist the Environment Agency by helping to check every vehicle passing by to check the exhaust whether it has conducted an emission test or not, but so far the police have not taken any action ticketing vehicles that have not conducted an emission test. In June, the police conducted a mass emission test on the road accompanying the Environmental Agency, the emission test was carried out en masse for a whole month by the Environmental Agency accompanied by the police, but at that time the policy for motorists who had not conducted an emission test had not been ticketed by the police.<sup>66</sup>*

In line with the statement from the police regarding the lack of written penalties for emission test violators, Mr. Aswin as a representative of the Jakarta Environmental Agency added *that the Jakarta Environmental Agency is currently counseling the public on the importance of conducting emission tests on their vehicles accompanied by the traffic police, as they have conducted simultaneous emission tests on the highway in June, and then the Environmental Agency will take further action against emission test violators, the results of which will become a requirement for allowing the vehicle to operate on the highway and also become an administrative requirement for PKB payments. This is regulated in Law No. 22/2009 on Road Traffic and Transportation.<sup>67</sup>*

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<sup>66</sup> Agam, interview, East Jakarta, January 30, 2024

<sup>67</sup> Aswin Kurnia, Person in Charge of the Community Participation Division of the DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 29, 2024

Paragraph 1 of Article 285 stipulates that drivers who drive vehicles that do not meet the technical and roadworthy requirements can be fined Rp250,000 for motorcycles and Rp500,000 for cars.

Researchers also had the opportunity to interview Mrs. Citra as the head of the Community Participation Division of the DKI Jakarta Environmental Service (PSMDI), who explained *that until now there are still no more ticket sanctions. However, in the future it will be attempted for motorists who have not conducted emission tests to be included in electronic ticketing violations or Electronic Traffic Law Enforcement (ETLE). We, the Environmental Agency, are still coordinating intensely with the police for the application of sanctions for violators, but currently the actions taken by the Environmental Agency in implementing this emission test are for drivers who have not tested only get a warning and must conduct an emission test on the spot.* Ms. Citra also added *that until now we are still effectively conducting emission tests, every day we open emission test services at the Environmental Agency, and every week we as Environmental Agency staff routinely conduct emission test compliance with the Police and Transportation Agency spread throughout the city of Jakarta.*<sup>68</sup>

Currently, the DKI Jakarta Provincial Government is intensely monitoring the emission testing of motorized vehicles in Jakarta. The emission test locations

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<sup>68</sup> Citra, Head of the Community Participation Division of the DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 19, 2024

that are scattered in almost all areas of DKI Jakarta, as well as affordable costs can be well utilized by Jakarta residents.<sup>69</sup>

**Table 5.1**

**Emission Test Statistics for January-July**



Source: *Greater Jakarta Blue Sky Emission Test System*

The statistics above show the number of motorists who have conducted emission tests on their vehicles and the number of available emission test stations and expert technicians. The awareness and actions of vehicle owners play an important role in reducing the negative impact of exhaust gases on the environment and overall public health. Vehicle owners are expected to ensure that the exhaust gases produced remain within the specified quality limits by understanding the importance of keeping the vehicle in good condition and complying with emission regulations. This includes performing regular maintenance such as changing air and oil filters, checking the combustion system for efficiency, and using more environmentally friendly fuels. Vehicle owners can also take actions such as using public transportation or reducing the use of private vehicles. The cost of conducting an emission test is determined

<sup>69</sup> Environmental Agency, "Efforts to Fight Pollution with Emission Tests", August 23, 2023, accessed July 22, 2024, <https://www.jakarta.go.id/page/upaya-perangi-polusi-dengan-uji-emisi>

by the emission test center chosen, while emission test fees for motorcycles usually cost around Rp 40,000-Rp 50,000.<sup>70</sup>

In line with this, Ms. Citra also added in her interview with the author *that the Environmental Agency plans to apply this emission test tax as a condition for PKB payment and related to the coefficient is still waiting from the Ministry of Home Affairs, because the Minister of Home Affairs (Mendagri) Tito Karnavian has issued Minister of Home Affairs Instruction (Inmendagri) Number 2 of 2023 concerning Air Pollution Control in the Jakarta, Bogor, Depok, Tangerang and Bekasi (Jabodetabek) Region. This directive includes restrictions on motor vehicles, improving public transportation services, and tightening emission tests. It also asks local governments to improve vehicle emission testing programs, increase supervision, and disseminate information about the importance of conducting emission tests on vehicles to prevent and mitigate air pollution that occurs in DKI Jakarta.*<sup>71</sup>

There are several provisions in the emission testing process, namely,

#### 1. Tool and Vehicle Preparation

- Before starting the emission test, a gas detection device is attached to the tailpipe of the vehicle to be tested. This process ensures that all exhaust gases from the tailpipe can be accurately detected.

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<sup>70</sup> Environmental Agency, "Efforts to Fight Pollution with Emission Tests", August 23, 2023, accessed July 22, 2024, <https://www.jakarta.go.id/page/upaya-perangi-polusi-dengan-uji-emisi>

<sup>71</sup> Citra, Head of the Community Participation Division of the DKI Jakarta Environmental Agency (PSMDI), Interview, East Jakarta, July 19, 2024

- Vehicles to be tested must ensure that electronic devices such as air conditioners, lights, or radios are not turned on. This is to ensure that the energy from the vehicle's electrical system does not affect the emission measurement results.

#### 1. Testing Implementation

- Emission testing is conducted over a standardized period of time, generally between 5 to 7 minutes. During this period, the vehicle engine is run at a specific engine speed set in accordance with the applicable test procedure.
- As long as the vehicle is running at a steady engine speed, the gas detector continuously monitors the composition of the exhaust gases coming out of the tailpipe. These include carbon monoxide (CO), hydrocarbons (HC), carbon dioxide (CO<sub>2</sub>), oxygen (O<sub>2</sub>), and nitrogenoxide (NO<sub>x</sub>).

#### 2. Recording Results

Upon completion of the test period, the results of the measurement of smoke content and levels are carefully recorded. This includes numerical values for each type of gas detected. This data is then used to evaluate whether the vehicle meets the emission limits set by regulations or standards applicable in a particular region or country.

#### 3. Verification and Proof of Completion:

If the vehicle meets the specified emission test standards, the vehicle owner will be given a proof of passing the emission test. This proof is

important for the vehicle registration renewal process or to fulfill other requirements that may be required by the government or related agencies. In addition, in some jurisdictions, users can verify the emission test pass status through the E-emission test website by entering the vehicle's police number. This allows easy and quick access to check the vehicle's emission test status, here is the official E-emission test website of the DKI Jakarta Environmental Agency <https://ujiemisi.jakarta.go.id/>

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After successfully passing the emission test, the vehicle will be given an official certificate stating its passing. The certificate is valid for 1 year from the date of testing and every vehicle that successfully passes the emission test will receive a proof that can be shown to the police or staff on duty in the event of a road raid and will also be required to extend the vehicle registration or for other transactions that require proof of compliance with applicable emission standards. The certificate records emission test results including carbon monoxide (CO), hydrocarbons (HC), carbon dioxide (CO<sub>2</sub>), oxygen (O<sub>2</sub>), and nitrogenoxide (NO<sub>x</sub>) levels, and ensures that the vehicle meets specified environmental requirements.

However, after researchers interviewed the surrounding community about emission tests and about the imposition of taxes for drivers who have not conducted emission tests on their vehicles, some people in DKI Jakarta already

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<sup>72</sup> Greater Jakarta Blue Sky Emission Test System, accessed July 23, 2024, <https://ujiemisi.jakarta.go.id/>

know about the mandatory emission tests, but there are also some who already know but only wait if they are caught by emission test officers, this is due to the lack of enforcement of sanctions for violators, therefore the lack of public concern for the surrounding environment is caused by ignorance of the consequences and the absence of sanctions that are firm enough to make them afraid and deterred. Without real punishment for behaviors that harm the environment, many still ignore environmental sustainability in their daily activities. This has resulted in increased air pollution.

In my interview with Mr. Tigor from the Jakarta community, he shared his experience when he was caught by the Environmental Agency officers who then immediately conducted an emission test on the spot, *Around last February when I was traveling in the East Jakarta area, I was stopped suddenly by emission test officers. They checked my motorcycle and found that I had not conducted an emission test on the vehicle I was using and it did not meet the standards. I was initially worried because I didn't know what would happen, then I was told that I would only be given a warning this time and the officers on duty also suggested to conduct the emission test immediately on site. Without much protest, I agreed with the officer's suggestion.*

*The emission test took place quite quickly in the range of 10 to 15 minutes. Once my motorcycle was placed on the test equipment, the results came out within a few minutes. After that, I was asked to pay 40,000 rupiah for the emission test. Despite the cost, I was relieved that I only received a warning and*

*no more severe sanctions or fines. This incident made me realize how important it is to always check and maintain the condition of the vehicle, including taking care of necessary documents such as emission tests. I will make sure to pay more attention to this so that I don't experience similar problems in the future.*<sup>73</sup>

However, after researchers asked Mr. Tigor again about his opinion on the imposition of ticket sanctions for drivers who have not conducted emission tests on their vehicles, he disagreed, *I feel that the policy of imposing sanctions for violators like this could present social inequality especially for those who may not be financially able to do so. The emission test is indeed the responsibility of the individual for the vehicle they use but I think the government can focus on education and incentives for drivers to conduct emission tests or for example the government provides tax discounts or assistance for replacing vehicles that are more environmentally friendly. This is better than imposing additional taxes that only create injustice in society.*<sup>74</sup>

This emission testing program is an important step in the effort to maintain air quality. By measuring and controlling the level of exhaust emissions from vehicles, this program acts as the first line of defense in preventing excessive air pollution. Each vehicle tested will be checked whether its emissions meet the set environmental standards. Vehicles that do not meet the requirements will be required to make improvements before being allowed to operate again,

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<sup>73</sup> interview

<sup>74</sup> interview



therefore to support this emission test program it is hoped that the entire community can work together and be sensitive to the surrounding environment in order to get the desired results and if later sanctions will be set for violators then this is intended because there is still a lack of awareness from the surrounding community of the importance of conducting this emission test.

The impact of implementing this program is significant for the environment. First, by reducing emissions of harmful gases such as carbon monoxide, nitrogen oxides, and other toxic particles, the program is one that directly contributes to the reduction of air pollution. Cleaner air means better quality of life for people, as well as better health by reducing the risk of respiratory diseases.<sup>75</sup>

In addition, emission test programs encourage drivers and vehicle owners to pay more attention to the care and maintenance of their vehicles. This not only improves fuel efficiency but also extends the life of the vehicle itself. On the other hand, emission reduction also plays a role in climate change mitigation, as some exhaust gases are major contributors to the greenhouse effect.

Through this program, we also see a broader positive impact on the ecosystem. Cleaner air also supports plant and animal health, and keeps the

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<sup>75</sup> Zainal Arifin, Sukoco, *Vehicle Pollution Control* (Jakarta: AlfaBeta, 2009), 15.

overall ecosystem in balance. A cleaner and healthier environment creates a better space for future generations.

**Table 6.1**

**Air Pollution Standard Index (ISPU) data**

Data period	Polluters	Category
January	PM25	Medium
February	PM25	Medium
March	PM25	Medium
April	PM25	Medium
May	PM25	Unhealthy

Source: *One Data Portal Jakarta*

From the results of the air pollutant standard index data above, the implementation of the new emission regulations has shown significant results in improving motor vehicle compliance with emission standards. While there has been clear progress, especially in reducing CO and HC emission levels, and increasing the percentage of vehicles meeting the standards, there are still some areas that require further attention.

- **Effective Regulation:** New regulations are effective in driving improvements, with increased compliance across the community.
- **Continuous Improvement:** Continuously monitoring and adjusting regulations and implementing new technologies will be necessary to

achieve more optimal results and address vehicles that still exceed emission limits.

Overall, these results show positive progress in air pollution management, but also highlight the importance of additional measures to further reduce the environmental impact of motor vehicles and according to the interview results indicate that to ensure effective and efficient policy implementation, more in-depth discussions and research are needed.

This is in accordance with what Dr. Syahrudin said in his book entitled Implementation of public policy, namely, "The policy implementation process is determined by the plan by 20%, implementation is 60%, and the remaining 20% is determined by how we control implementation."<sup>76</sup> The most challenging sector is policy implementation, because this is where problems that sometimes do not appear in concept appear in practice. In addition, it shows that consistency in the implementation process is a major problem. Hence, there is a need for policy implementation models, both abstract and more operational.

Dr. Syahrudin in his work on public policy implementation argues that the policy implementation process can be analyzed from three main points of view, namely:

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<sup>76</sup> Dr. Syahrudin, S.E., M.Si, Public Policy Implementation Concepts, Theories and Case Studies, Bandung: Nusa Media, 2020, Page 38

1. Structural Viewpoint: Looks at how the organizational structure and hierarchy of government affect policy implementation. This includes the role of institutions, procedures, and available resources.
2. Process Viewpoint: Emphasizes on the steps and mechanisms involved in policy implementation. This includes how policies are formulated, implemented, and evaluated.
3. Participatory Viewpoint: Describes the importance of involving various stakeholders, including the public, in the implementation process. This includes how feedback from the community can influence the effectiveness of the policy.<sup>77</sup>

From this point of view, it can be concluded from the results of interviews and observations that the government has tried to reduce air pollution by making legal policies wrapped in laws to change or prevent the actions of the public and target groups to reduce the use of materials that produce carbon emissions. To achieve this goal, the government has imposed mandatory emission tests for vehicles whose lifespan is more than 3 years, which is regulated in Article 206 of Government Regulation number 22 of 2021 and will also later impose sanctions through PKB payments which have been regulated in Article 285 of Law number 22 of 2009<sup>78</sup>, but the implementation in the field is still not optimal because the above factors are still not efficient.

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<sup>77</sup> Dr. Syahrudin, S.E., M.Si, Public Policy Implementation Concepts, Theories and Case Studies, Bandung: Nusa Media, 2020, Page 42

<sup>78</sup> Article 285 of Law No. 22 of 2009 on Traffic

And if we refer to this research with the concept of *green constitution* related to the substance and implementation of policies listed in Article 206 of Government Regulation number 22 of 2021, it can be concluded that the law contains various provisions that emphasize the principles of natural balance, sustainable development concepts, and environmental protection. This concept is known as *green policies* or green legislation, which is realized in the form of *green legislation* and even *green constitution*.

Thus, a *green constitution* not only covers legal aspects that protect the environment, but also serves as a foundation for promoting environmentally friendly development practices and maintaining the balance of ecosystems in a sustainable manner.<sup>79</sup> In the implementation of Article 206 of Government Regulation No. 22 of 2021, the main objective is to protect the environment, especially in the context of air. This concept is related to the mandatory emission test policy, where legal entities or individuals who produce or contribute to emissions generated from vehicles must have their vehicles checked. This regulation reflects the ideals of the Green Constitution with efforts to prevent air pollution that occurs in Jakarta.

This approach is in line with Professor Jimly Asshiddiqie's view of the Green Constitution or *ecocracy*, which asserts that the environment is not just an object that can be treated carelessly by humans, but is a subject that has rights to be

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<sup>79</sup> Prof. Dr. Jimly Asshiddiqie, S.H., *Green And Blue Constitution Undang Dasar Berwawasan Nusantara*, Depok: Raja Grafindo Persada, 2021

preserved and protected from damage. By adopting the Green Constitution in Indonesia's constitutional system, it can provide a legal basis for sustainable and responsible environmental management.

Through the *Green Constitution* Concept embodied in Government Regulation No. 22 of 2021, the state affirms its commitment to making environmental conservation an essential part of national goals and values. This move reflects a serious effort to root the principles of sustainability in the constitutional framework, with the main aim of creating a strong legal basis to protect the environment, guarantee the rights of future generations, and address global challenges such as climate change.

Amidst increasing global awareness of the urgency of sustainability, the concept of a *Green Constitution* is becoming increasingly relevant and crucial in providing a legal foundation that supports development that is not only sustainable, but also environmentally friendly. This not only means protecting the current environment from further degradation, but also affirming the responsibility to ensure that natural resources that are essential for the future can be safeguarded and utilized wisely. Thus, a *Green Constitution* is not just a constitutional discourse, but a real commitment to protect our ecosystems and leave them in a better state to future generations.<sup>80</sup>

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<sup>80</sup> Meirina Fajarwati, *Green Constitution as an Effort to Strengthen Environmental Norms*, Rechtsvinding, January 27, 2016, pp. 2

2. How is the fiqh bi'ah perspective relevant to Government Regulation Number 22 of 2021 in controlling air pollution in Jakarta?

The concept of fiqh biah introduced by KH Ali Yafie in his book "Merintis Fiqh Lingkungan Hidup" is an attempt to integrate Islamic teachings with environmental issues, by referring to the classical intellectual heritage of Islam. Published in 2006, the book explores environmental fiqh (fiqhul bi'ah) as a response to the increasingly urgent environmental crisis. The main approach put forward by Ali Yafie includes several important principles:

1. Moral Responsibility: Ali Yafie emphasizes that environmental conservation is an integral part of faith. For him, the quality of one's faith can be seen from how much he cares about the environment. Efforts to preserve and protect the environment from damage are seen as a manifestation of true faith.
2. Human and Nature Relations: In his fiqh studies, Ali Yafie explores the relationship between humans and the universe. According to him, as khalifah on earth, humans have the responsibility to care for and protect the nature that Allah created. This confirms that environmental protection is not just a practical task, but also a moral mandate that must be carried out with full awareness, this benefit aims to alleviate efforts to implement a law.
3. Maqasid sharia or holistic perspective: Ali Yafie proposes a Maqasid sharia approach in understanding environmental fiqh. His approach not only considers the formal aspects of the law, but also puts forward an understanding of the real impact of human behavior on the environment. He

invites Muslims to realize that environmental issues cannot be separated from their moral and social responsibilities. Thus, this approach allows Muslims to contribute positively to preserving nature.<sup>81</sup>

In the statement of K.H, Ali Yafie, we can take the values in his book and then juxtapose it with this research, that in dealing with environmental problems, especially the air element, the role of humans is so central in maintaining and preventing pollution and environmental damage, K.H. Ali Yafie said in his book, and combined with this research, that the role of humans is very important in maintaining and preventing pollution and environmental damage, especially in terms of air. The government can participate in protecting and preserving the environment by making policies that protect the air from carbon emissions, namely government regulation number 22 of 2021 concerning the Implementation of Environmental Protection and Management and Governor Regulation Number 66 of 2020 concerning Exhaust Gas Emission Tests for Motorized Vehicles.<sup>82</sup>

The purpose of the policy is to protect the environment, especially air, from various aspects, such as through receiving state revenue through carbon taxes, as well as mechanisms and sanctions to create regulations that are respected and obeyed by society as a whole in accordance with al-dlaruriyat al-sitt or al-kulliyat al-sitt, namely hifdh al-nafs (protection of the soul of honor), hifdh al-

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<sup>81</sup> Ali Yafie, *Pioneering Environmental Fiqh*, Jakarta: UFUK Press, 2006, p. 176

<sup>82</sup> Ali Yafie, *Pioneering Environmental Fiqh*, Jakarta: UFUK Press, 2006, p.210



aql (protection of reason), hifdh al-din (protection of religion) and hifdh al-bi'ah (protection of the environment). to achieve noble goals, such as the preservation of nature and the improvement of the country's economy, by working together to achieve the common good.<sup>83</sup>

In Ali Yafie's statement discussed above, there are several solutions to avoid mistakes that cause environmental damage. These solutions include government policies as well as our awareness as a society, which has basically shown the desire and will to shift the focus of development towards environmental preservation. The government has set environmentally sound development standards. The government has developed environmentally sound development outlines and plans. In addition, various regulations and laws have been made relating to environmental conservation efforts.

The government has also established special institutions to handle environmental issues, such as environmental agencies in each region, especially in DKI Jakarta, and the Ministry of Environment (KLH). Although the government and these special institutions play an important role in formulating policies and regulations to reduce air pollution, the contribution of the community is also very crucial in realizing the clean air we want.

The role of society starts with awareness and daily actions. Each individual has the ability to make environmentally friendly choices, such as using public

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<sup>83</sup> Ali Yafie, *Pioneering Environmental Fiqh*, Jakarta: UFUK Press, 2006, p.210

transportation, cycling, walking or by conducting emission tests on their personal vehicles so that they can be used in accordance with predetermined standards, by paying attention to personal vehicles we can reduce excessive emissions produced by these vehicles that can cause air pollution, we can reduce vehicle gas emissions and pollutants that endanger health.<sup>84</sup>

K.H. M. Ali Yafie also realizes the challenges in applying fiqh biah, especially in modern society which faces various global environmental issues. Therefore, it is important to develop solutions that are adaptive and responsive to changing times and involve all parties in environmental conservation efforts. The concept of fiqh biah in general according to K.H M. Ali Yafie is an attempt to integrate Islamic principles with the urgent need to protect and preserve the environment. It is a call to act consciously and responsibly towards nature as part of our faith and devotion to God.<sup>85</sup>

وَضَرَبَ اللَّهُ مَثَلًا قَرْيَةً كَانَتْ ءَامِنَةً مُطْمَئِنَّةً يَأْتِيهَا رِزْقُهَا رَغَدًا مِنْ كُلِّ مَكَانٍ فَكَفَرَتْ

بِأَنْعَمِ آلِهِ فَأَذَقَهَا آلَهُ لِبَاسَ الْجُوعِ وَالْخَوْفِ بِمَا كَانُوا يَصْنَعُونَ ۝ ۱۱۲

Meaning: *And Allah has made a parable (with) a land that was once secure and peaceful, and its sustenance came to it in abundance from all places, but its*

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<sup>84</sup> Ali Yafie, *Pioneering Environmental Fiqh*, Jakarta: UFUK Press, 2006, p.210

<sup>85</sup> Abdul Quddus, *Initiating Fiqh Al-biah as an Ethical-Practical Basis for Nature Conservation*, Vol. 19, No. 1 (2015): 221 <https://repository.uinmataram.ac.id/1889/1/MENGGAGAS%20FIQH%20AL-B%4%AA%E2%80%99AHSEBAGAI%20BASIS.pdf>

*(inhabitants) denied the favors of Allah; therefore Allah made them wear the garment of hunger and fear, because of what they had always done.*

As explained above, all forms of damage that occur on this earth such as floods, landslides, earthquakes, tsunamis are the result of human actions. Allah SWT explains the consequences of human actions that overexploit the environment. In addition, the verses of the Qur'an create a new paradigm for environmental management through religious teachings, so that the right to the environment is given to every people on earth.<sup>86</sup>

In relation to Article 206 of Government Regulation No. 22 of 2021, it states that the Implementation of Environmental Protection and Management is a coordinated effort aimed at maintaining and caring for the quality of the environment. This includes various activities and policies designed to prevent environmental damage, conserve natural resources, and manage the impact of human activities to remain sustainable. Through this implementation, it is expected to create a balance between development needs and environmental sustainability, ensuring that current and future generations can enjoy a healthy and well-functioning environment that has a negative impact on the environment.

Article 206 stipulates that the government will assign tax responsibilities to individuals who create or produce carbon emissions in their vehicles that

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<sup>86</sup>Dwi Runjani, *Fiqh Environment in Islamic Perspective*, Vol. 5, No. 1 (2017): 36  
<https://ejournal.kopertais4.or.id/mataraman/index.php/washatiya/article/view/3025/2254>

negatively affect life and the environment. Polluting the environment, causing harm or air pollution, global warming, and anything else that can harm others is basic from a fiqh biah perspective. This means that it is absolutely forbidden or discouraged in Islam to produce air pollution that can cause damage and pollution to the environment.<sup>87</sup>

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<sup>87</sup> Muhammad Yusuf, *Jurisprudence & Ushul Jurisprudence*. (Yoyakarta: UIN Working Group, 2005), 3.

## CHAPTER V

### CLOSING

#### A. Conclusion

1. In the implementation of article 206 of Government Regulation number 22 of 2021, there are several implementation factors in the field that have not run efficiently and optimally from policies on the transportation sector, namely from human resource factors, infrastructure facilities and mechanisms that must be evaluated gradually in order to produce good policies. However, in the concept of green constitution, this PP has fulfilled aspects of the green constitution which in the concept of the green constitution has the aim of preserving nature, preventing environmental damage, and producing a green economy.
2. The principles of fiqh biah teach the importance of maintaining environmental balance and health as part of human responsibility towards God's creation, which is certainly very relevant to government policy through Government Regulation No. 22 of 2021. By applying these values, communities are encouraged to reduce pollutant emissions, manage natural resources wisely and adopt environmentally friendly practices. The implementation of fiqh biah teachings can help minimize the impact of air pollution, protect public health, and ensure environmental sustainability for future generations.

## **B. Advice**

1. It is recommended that relevant governments such as the Environmental Agency, Directorate General of Taxation, Directorate of Traffic, and parties involved in the implementation of Article 206 of PP No. 22 of 2021 need to set strict emission standards for vehicles. In addition, the implementation of an incentive system for vehicle owners who comply with emission standards, accompanied by strict sanctions for violators, can encourage compliance. Socialization and education campaigns are also important to raise public awareness about the importance of emission tests and the impact of air pollution.
2. The Department of Environment, Government and other agencies should expand emission testing infrastructure by providing easily accessible facilities and ensuring efficient processes. Encourage the use of environmentally friendly technologies, such as electric vehicles and advanced emission control engines, through support in research and subsidies.
3. Close monitoring of emission test compliance and effective enforcement of violations are essential, with collaboration with other sectors of the agency for innovative solutions to reduce emissions, and it is also hoped that the public will pay more attention to the existence of regulations, both individually and as legal entities, for the public good. With these measures, the government can significantly reduce air pollution, protect public health, and preserve the environment.

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## APPENDIX

### Appendix 1: Interview Transcript

#### Interview Guide with DKI Jakarta Environment Agency

##### Informant Biodata

Name : Aswin

Age : 35

Position : Staff of the Prevention of Pollution and Environmental Damage  
Division of the DKI Jakarta Environmental Agency

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Name : Citra

Age : 28

Position : Chairman of DKI Jakarta Environment Agency

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Name : Agam

Age : 55

Position : Secretary of Metro Jaya Traffic Directorate

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Name : Nur wachid

Age : 29

Position : Online motorcycle/gojek rider

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*Emission tax question*

1. *What types of gases or substances are tested in a motorcycle emission test?*
2. *How are motor emission test results used to identify potentially polluting vehicles?*
3. *How can motorcycle owners actively participate in supporting pollution control efforts through emission testing?*
4. *Are there certain emission limits that motor vehicles must comply with, and what are the consequences of violating them?*
5. *In the implementation of this carbon emission tax, who are you working with?*
6. *ministry of home affairs, ministry of environment, Are there any additional technologies or devices that can be fitted to motors to help reduce emissions?*
7. *So far, from the number of drivers who have conducted emission tests, has the percentage of air pollution in Jakarta decreased?*

## Appendix 2: Research Photos

1. the condition of DKI Jakarta due to air pollution resulting from transportation in the DKI Jakarta area



2. visited the Ministry of Environment and Forestry and searched for data related to air pollution.



3. Interview with Mr. Agam as the traffic police of the DKI Jakarta metro jaya traffic directorate regarding the role of pollution in handling and cracking down on vehicles that have carbon emissions.



4. Interviewing Mr. Aswin as staff in the field of preventing pollution and environmental damage at the DKI Jakarta Environmental Agency regarding emission tests on motorized vehicles in DKI Jakarta on January 29, 2024.



5. submission of data files related to the implementation of emission tests with Mrs. Mutiah as staff staff of the DKI Jakarta Environmental Service.



6. Interviewing DKI Jakarta residents regarding the adverse effects of air pollution and responses regarding emission tests on vehicles



8. Measuring the level of vehicle emissions carried out by the environmental service called the Gas analyzer





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