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The Effectiveness of the Ombudsman's Systemic Intervention in Local Government Waste Management Governance in South Bangka Regency: A Perspective on Environmental Law Enforcement

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ABSTRACT

Waste management governance issues at the local level often stem from systemic failures and maladministration, which carry implications for violations of citizens' constitutional rights to a good and healthy environment. This study aims to analyse the effectiveness of the systemic intervention conducted by the Ombudsman of the Republic of Indonesia, Bangka Belitung Islands Representative Office, in driving the transformation of household waste management governance in South Bangka Regency. Employing a normative-juridical research method, with Lawrence M. Friedman's Theory of Legal Effectiveness and the Theory of Change framework as the analytical tools, this study examines the causal relationship between bureaucratic dysfunction

and environmental degradation. The findings indicate that the Ombudsman's systemic intervention successfully broke the chain of maladministration by compelling improvements across three elements of the legal system: legal substance (drafting of Regional Regulations and Standard Operating Procedures), institutional structure (the establishment of a Technical Implementation Unit for Waste Management), and legal culture (the integration of environmental education). The Government of South Bangka Regency responded cooperatively by implementing all of the recommended improvements in full. In conclusion, the Ombudsman's proactive oversight does not merely improve administrative procedures but functions as a robust instrument of administrative environmental law enforcement capable of fostering sustainable compliance. This approach has proven effective in bridging the gap left by conventional environmental law enforcement, which tends to be reactive and confrontational, and is recommended as a model of good environmental governance for other regions.

Keywords: Environmental Law; Maladministration; Ombudsman; Waste Management Governance; Theory of Legal Effectiveness.

INTRODUCTION

The management of waste in Indonesia has shifted from being merely an issue of urban cleanliness to a fundamental matter concerning the protection of citizens' constitutional rights. Within the framework of the welfare state (*welfare state*), local governments bear an imperative obligation to guarantee a good and healthy environment for every citizen, as mandated by Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This constitutional mandate is further translated in more technical terms through Law No. 18 of 2008 on Waste Management and Law No. 32 of 2009 on Environmental Protection and Management (Environmental Protection and Management Law, hereinafter "EPML").¹ These two legal instruments position local governments not as actors possessing facultative discretion, but as public service providers obliged to ensure that the waste management chain (from upstream to downstream) operates systematically, comprehensively, and continuously. The failure of local

¹ Undang-Undang Nomor 18 Tahun 2008 tentang Pengelolaan Sampah (LN 2008/No.69); Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

governments to manage waste constitutes not merely administrative inefficiency, but a form of administrative environmental failure that directly contributes to ecosystem degradation and violations of human rights to a decent environment.²

In the empirical context of South Bangka Regency, the implementation of household waste management governance continues to face structural and operational constraints. Based on the 2024 waste management balance data, out of a total waste generation of 31,547.53 tonnes per year, the realised waste reduction reached only 5,954.99 tonnes (18.88%), while waste handling was recorded at 16,198.70 tonnes (51.35%).³ These figures remain below the regional policy targets, which project a waste reduction of 28% and a handling rate of 71%. This gap between normative targets and factual realities indicates obstacles in both planning and policy implementation effectiveness on the ground.

Furthermore, the failure to meet these targets has direct implications for the quality of public services and gives rise to the potential for maladministration. Over the period from January 2022 to February 2025, the Ombudsman of the Republic of Indonesia, Bangka Belitung Islands Province Representative Office, recorded 33 public complaints related to household waste management governance.⁴ The substance of these complaints was dominated by allegations of neglect of legal obligations and suboptimal services provided by both the Environmental Agency and village government institutions. This situation is further exacerbated by the fact that the operational coverage of waste management services extends to only two sub-districts (Toboali and Air Gegas) out of a total of eight sub-districts within the administrative territory of South Bangka Regency.⁵

In practice, South Bangka Regency epitomises the challenges of waste management in regions trapped within an outdated paradigm. Conventional management practices, oriented solely towards a *collect-transport-dump* pattern without modern processing, have caused the final disposal site (TPA) to suffer from excessive overload and have led to the proliferation of

² Jundiani, et al., "Peran Hukum Administrasi Lingkungan Dalam Menanggulangi Bencana Ekologis Buatan Manusia Di Indonesia," *Proceeding APHTN-HAN*, Vol. 2, No. 1 (2024), hlm. 474-476.

³ Ombudsman Republik Indonesia Perwakilan Provinsi Kepulauan Bangka Belitung, *Laporan Hasil Analisis: Kebijakan Tata Kelola Sampah Rumah Tangga Berkelanjutan di Kabupaten Bangka Selatan* (Pangkalpinang: Ombudsman RI, 2025), hlm. 1-2.

⁴ *Ibid.*, hlm. 2.

⁵ Ombudsman Republik Indonesia Perwakilan Provinsi Kepulauan Bangka Belitung, *Laporan Hasil Perlakuan Pelaksanaan Saran* (Pangkalpinang: Ombudsman RI, 2026), hlm. 1.

illegal dumping sites. This condition poses a real threat to the sustainability of the local ecosystem and to public health.⁶ The absence of an environmentally sound Standard Operating Procedure (SOP) for waste management, coupled with the lack of derivative regulations at the regency level, represents a tangible manifestation of the neglect of local legal obligations. This phenomenon demonstrates that the waste problem in South Bangka is not merely a technical constraint, but a fundamental issue rooted in the long-neglected dimension of environmental administrative law, one that ultimately heightens the risk of localised ecological disasters.⁷

In the discourse on environmental law in Indonesia, such issues are often relegated to the domain of criminal sanctions against corporations or civil law enforcement. This study, however, contends that preventive and corrective administrative law enforcement instruments play the most crucial role in preventing environmental damage at the local government level. Nurul Listiyani underscores that administrative law enforcement through supervisory instruments remains underappreciated within the architecture of environmental law enforcement in Indonesia.⁸ Indeed, as emphasised by Jundiani, without robust supervisory intervention over governance, human-made ecological disasters will continue to recur owing to weak bureaucratic compliance with the EPML.⁹ It is precisely here that the role of the Ombudsman of the Republic of Indonesia, Bangka Belitung Islands Representative Office, becomes strategically vital. As an external oversight body, the Ombudsman is empowered under Ombudsman Regulation No. 41 of 2019 to conduct a "Systemic Review", an instrument that not only identifies maladministration but also compels bureaucratic compliance through systemically binding recommendations for improvement.¹⁰

The novelty of this study lies in its use of an interdisciplinary approach to examine the effectiveness of the Ombudsman's systemic intervention as a mechanism of administrative environmental law enforcement. In contrast to prior studies focused on post-incident sanctions,

⁶ Ombudsman Republik Indonesia Perwakilan Provinsi Kepulauan Bangka Belitung, *Laporan Hasil Perlakuan Pelaksanaan Saran* (Pangkalpinang: Ombudsman RI, 2026), *Op. Cit.*, hlm 5.

⁷ *Ibid.*, hlm. 12.

⁸ Nurul Listiyani, Muzahid Akbar Hayat, & Ningrum Ambarsari, "Penegakan Hukum Administrasi Lingkungan Melalui Instrumen Pengawasan: Rekonstruksi Materi Muatan Undang-Undang Nomor 32 Tahun 2009," *Al'Adl*, Vol. XII, No. 1 (2020), hlm. 129.

⁹ Jundiani, *Op. Cit.*, hlm. 478.

¹⁰ Peraturan Ombudsman Republik Indonesia Nomor 41 Tahun 2019 tentang Tata Cara Pencegahan Maladministrasi Penyelenggaraan Pelayanan Publik.

this study explores how the Ombudsman's intervention functions as an early warning system and catalyst for compliance before environmental degradation reaches its peak.¹¹ This study positions the Ombudsman's systemic intervention in South Bangka as an empirical laboratory that has successfully transformed waste management governance from a conventional pattern into a sustainable one. The success of the South Bangka Regency Government in completing six out of seven of the Ombudsman's recommended improvements constitutes an important legal precedent, demonstrating that environmental law enforcement at the regional level need not always proceed through the lengthy administrative court (PTUN) litigation mechanism, but can instead be achieved through an elegant and constructive administrative approach.¹²

To scientifically analyse the success of this transformation, this study employs Lawrence M. Friedman's Theory of Legal Effectiveness as its primary analytical tool. Friedman argues that legal effectiveness is determined by three interrelated elements: legal substance, legal structure, and legal culture.¹³ This analysis will examine how The Ombudsman's intervention compelled the revision of outdated regional regulations to align them with Law No. 18 of 2008, the institutional restructuring within the South Bangka Environmental Agency strengthened the technical function of waste management and a shift in bureaucratic behaviour, in which government agencies began to adopt a transparent and accountable governance culture.

In addition to Friedman's theory, this study also integrates the Theory of Change as an evaluative framework for mapping the causality of change. This concept is used to explain why the intervention (input) in the form of the Ombudsman's systemic review was able to trigger a bureaucratic response (process) that ultimately produced improvements to the governance system (outcome).¹⁴ By combining these two theories, this study achieves a robust theoretical depth: Friedman dissects the "systemic conditions" that impede law enforcement, while the Theory of Change explains the "process mechanisms" underlying the successful transformation of

¹¹ M. Putra, *Intelijen Pelayanan Publik: Transformasi Pencegahan Maladministrasi dalam Optimalisasi Perbaikan Sistem Pelayanan Publik* (Jakarta: Ombudsman RI, 2021), hlm. 15.

¹² Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan* (Pangkalpinang: Ombudsman RI, 2026), hlm. 4.

¹³ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), hlm. 14-16.

¹⁴ Carol H. Weiss, "Nothing as practical as a good theory: Exploring theory-based evaluation for comprehensive community initiatives for children and families," *New Directions for Evaluation*, No. 47 (1995), hlm. 66-68.

bureaucratic behaviour in South Bangka. The integration of these two analytical tools ensures that the study not only describes what occurred, but is also able to answer *why* and *how* an environmental policy can change effectively.¹⁵

The urgency of this study is critical to the development of environmental law and governance practices in Indonesia. Theoretically, this study enriches the body of administrative law scholarship by demonstrating that an external oversight body can play an active role as an accelerator of environmental law enforcement. Practically, the findings of this study are expected to serve as a blueprint or model for other local governments in Indonesia facing the complexities of waste management governance. The success of South Bangka in fulfilling the mandate of the EPML through the Ombudsman's intervention demonstrates that bureaucratic reform towards good environmental governance is achievable when political will is combined with a sharp external oversight function.¹⁶

Building on the background, literature review, and analytical framework outlined above, the research problems are formulated as follows:

1. How is maladministration in waste management governance in South Bangka Regency construed from the perspective of administrative environmental law enforcement, and to what extent does it constitute a violation of the environmental legal obligations mandated by the EPML?
2. To what extent is the Ombudsman's systemic intervention (through the instruments of review and recommendations for improvement) effective in compelling the South Bangka Regency Government to transform its waste management governance towards sustainable environmental standards?
3. How can the synergy between the Ombudsman's external oversight function and the obligations of local government fill the existing gaps in conventional environmental law enforcement instruments in Indonesia?

This study is expected to make a significant intellectual contribution to legal scholars and state administrators, while also offering concrete solutions for local governments in responding

¹⁵ James P. Connell & Anne C. Kubisch, *Applying a Theory of Change Approach to the Evaluation of Comprehensive Community Initiatives* (Washington DC: The Aspen Institute, 1998), hlm. 15.

¹⁶ Wirda Rohmah, Marina Ramadhani, & Herri Widiyanto, "Peran Pemerintah Daerah dalam Penegakan Hukum Lingkungan di Kota Surakarta," *Jurnal Bengawan Solo*, Vol. 3, No. 1 (2024), hlm. 70-71.

to local ecological challenges through a systematic and sustainable strengthening of administrative law.¹⁷

METHODS

This study employs a normative-juridical legal research method, namely research conducted by examining library materials or secondary data as the basis for analysing the synchronisation between applicable environmental legal instruments and the implementation of waste management governance policy in South Bangka Regency.¹⁸ This approach was selected because the study does not regard law merely as a static text embodied in legislation (the statutory approach), but rather as a normative system possessing its own autonomy and internal logic. In line with the perspective of Derita P. Rahayu and Sulaiman, the normative-juridical method holds that the effectiveness of legal application in governmental practice must be tested through an analysis of the quality of norms as they interact with administrative realities.¹⁹ Accordingly, this study examines the causal relationship between maladministration in waste management governance and environmental degradation, positioning the law as an instrument for the protection of citizens' constitutional rights.

To provide a robust analytical framework, this study employs Lawrence M. Friedman's Theory of Legal Effectiveness as its primary analytical tool. Friedman argues that legal effectiveness is determined by three interrelated and inseparable elements: legal substance, legal structure, and legal culture.²⁰ In the context of waste management governance in South Bangka Regency, this framework is operationalised in depth to evaluate the following dimensions. First, with respect to legal substance, this study examines the extent to which waste management regulations at the regional level (particularly the relevant regional regulations) are aligned with, and able to accommodate, the normative mandates of Law No. 18 of 2008 on Waste Management and Law No. 32 of 2009 on Environmental Protection and Management (EPML). This analysis is essential for identifying any legal vacuum or regulatory overlap that gives rise to

¹⁷ Louise Theresia, "Tata Kelola Sampah dalam Perspektif Hukum Lingkungan," *Palangka Law Review*, Vol. 1, No. 1 (2021), hlm. 65.

¹⁸ Derita P. Rahayu & Sulaiman, *Metode Penelitian Hukum* (Yogyakarta: Thafa Media, 2020), hlm. 45.

¹⁹ *Ibid.*, hlm. 52

²⁰ Lawrence M. Friedman, *Loc. Cit.*

maladministration. Second, with respect to institutional structure, this study examines the role of the Ombudsman as an external oversight body in enforcing bureaucratic compliance at the regional level, particularly within the Environmental Agency, through preventive and corrective administrative legal instruments. The focus here is on the effectiveness of the recommendations for improvement as catalysts for systemic change. Third, with respect to legal culture, this study maps the shift in local bureaucratic behaviour following the intervention, in which the previously dominant paradigm of "neglect" (*maladministration*) began to transform into a governance culture that is more transparent and accountable, in line with the principle of good environmental governance.²¹

To reinforce the analysis of this policy transformation process, this study also integrates the Theory of Change (ToC) as a dynamic evaluative framework. The Theory of Change is defined as a comprehensive description of how and why a desired change is expected to occur within a particular context.²² In this study, ToC is employed to map the causality between inputs (the Ombudsman's recommendations for improvement), activities (the implementation of SOPs and institutional restructuring), and outcomes (changes to the environmentally sound waste management system). This framework is grounded in the theory-based evaluation model developed by Carol H. Weiss, who emphasises that the success of a legal intervention depends not only on "what" rules are made, but also on how that intervention transforms the mindset and working mechanisms of the bureaucracy through an appropriate model logic.²³ By combining these two theories, this study achieves a robust theoretical depth: Friedman dissects the "systemic conditions" that impede law enforcement, while the Theory of Change explains the "process mechanisms" underlying the successful transformation of bureaucratic behaviour in South Bangka Regency. The integration of these two analytical tools ensures that the study not only describes what occurred, but is also able to answer *why* and *how* an environmental policy can change effectively.²⁴

The data sources employed in this study comprise three principal categories to ensure analytical validity. The primary legal materials, forming the principal foundation of this study,

²¹ H. Nurtjahjo, Y. Maturbongs, & D.I. Rachmitasari, *Memahami Maladministrasi* (Jakarta: Ombudsman Republik Indonesia, 2013), hlm. 35.

²² James P. Connell & Anne C. Kubisch, *Loc. Cit.*

²³ Carol H. Weiss, *Loc. Cit.*

²⁴ Nurul Listiyani, et al., *Op. Cit.*, hlm. 131.

consist of the 1945 Constitution of the Republic of Indonesia, Law No. 18 of 2008 on Waste Management, Law No. 32 of 2009 on Environmental Protection and Management, and Ombudsman Regulation No. 41 of 2019 on Procedures for the Prevention of Maladministration in the Implementation of Public Services.²⁵ In addition, the secondary legal materials employed comprise specific institutional documents, such as the Ombudsman Bangka Belitung Detection Result Report of 2025, the Systemic Review Analysis Result Report of the Ombudsman Bangka Belitung of 2025, the Monitoring Report on the Follow-Up of Systemic Review Recommendations of 2026, as well as various relevant environmental law literature serving as analytical reference materials²⁶ Finally, the tertiary legal materials in this study comprise scholarly journal articles, the annual reports of the Ombudsman of the Republic of Indonesia, and literature on good environmental governance, which function as supporting materials to strengthen the theoretical arguments and to facilitate comparison of research findings.²⁷

Data analysis was conducted using a descriptive-qualitative approach, involving a systematic interpretation of all collected secondary data. The data were examined using Friedman's analytical framework and the ToC to draw conclusions on the effectiveness of environmental law enforcement through the Ombudsman's oversight instruments in South Bangka Regency.²⁸

RESULTS AND DISCUSSION

3.1 The Construction of Maladministration in Waste Management Governance in South Bangka Regency

The waste management governance issue in South Bangka Regency represents a manifestation of an ecological crisis rooted in the systemic failure of public service delivery. From the perspective of state administrative law, maladministration must not be reduced merely to procedural, administrative-technical errors; rather, it must be understood as a form

²⁵ Peraturan Ombudsman Republik Indonesia Nomor 41 Tahun 2019 tentang Tata Cara Pencegahan Maladministrasi Penyelenggaraan Pelayanan Publik.

²⁶ Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan*, Op. Cit., hlm. 4-5.

²⁷ Derita P. Rahayu & Sulaiman, Op. Cit., hlm. 110.

²⁸ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2004), hlm. 8.

of unlawful omission of legal obligations that carries implications for violations of citizens' constitutional rights to a clean and healthy environment. Based on the findings of the Ombudsman's systemic review, maladministration in waste management in South Bangka has reached an alarming level, where the local government's inability to provide adequate infrastructure and management systems constitutes a tangible form of state failure to fulfil the mandate of Law No. 18 of 2008 on Waste Management.²⁹

A deeper examination through the analytical lens of Lawrence M. Friedman's Theory of Legal Effectiveness reveals that this failure can be construed as an imbalance occurring across all three elements of the legal system. First, with respect to legal substance, a vacuum was identified in binding and operational technical regulations. Although a national legal framework exists, the local government has yet to translate it into regional regulations containing firm administrative sanctions. Without robust legal substance, every effort to address waste tends to be ad hoc and lacks the legal legitimacy to compel compliance from either the community or business actors. This regulatory vacuum creates a "grey area" in which the practice of illegal dumping becomes commonplace, owing to the absence of deterrent legal consequences for violators.³⁰

Second, with respect to institutional structure, the South Bangka Regency Environmental Agency has long suffered from structural dysfunction. The absence of a Technical Implementation Unit (UPT) specifically responsible for waste management has resulted in operational management proceeding without measurable control. In administrative theory, a structure lacking focus inevitably leads to inefficiency. This is precisely what has occurred in South Bangka: waste management is conducted in a fragmented manner, with the function of transporting waste from temporary collection points (TPS) to the final disposal site (TPA) frequently hindered by the scarcity of well-maintained facilities and infrastructure. This weak institutional structure is not merely a matter of insufficient budget, but concerns how the distribution of authority within the bureaucracy is managed without integrity. This is

²⁹ Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Hasil Analisis Kajian Sistemik: Kebijakan Tata Kelola Sampah Rumah Tangga Berkelanjutan di Kabupaten Bangka Selatan*, Op. Cit., hlm. 15-20.

³⁰ Lawrence M. Friedman, *Loc. Cit.*

what we construe as institutional maladministration, a condition in which the governmental structure fails to perform the basic service functions already mandated by law.³¹

Third, with respect to legal culture, the local bureaucracy remains trapped in a "business as usual" paradigm. Waste management is viewed as a budgetary burden rather than as a strategic asset for ecosystem sustainability. A legal culture permissive towards environmental degradation indicates that the internalisation of good environmental governance values has yet to reach the level of bureaucratic awareness. Yet the EPML expressly affirms that every government administrator is obliged to integrate environmental protection principles into every development policy. The unwillingness to undergo a paradigm shift—from a pattern of "disposing of waste" to one of "managing waste"—constitutes the most formidable legal-cultural obstacle, as it touches upon the ideological dimension and the behaviour of state apparatus itself.³²

In the context of administrative environmental law enforcement, the conditions in South Bangka constitute a tangible violation of the legal obligations set out in the EPML. Every illegal dumping site left unaddressed by the local government serves as empirical evidence that the government has failed in its supervisory function. Under the relevant Minister of Environment Regulation, local governments bear an absolute obligation to supervise every activity with the potential to cause environmental impacts. This negligence in the supervisory function is what we term administrative environmental failure. The losses suffered by the community, whether material, such as groundwater contamination, or immaterial, such as the loss of comfort and a sense of well-being, constitute a direct consequence of the maladministration committed by the authorities.³³

Furthermore, this maladministration also has implications for public participation. The community tends to remain apathetic towards government programmes, as the government itself fails to set an example of good environmental management. Within the Theory of Change framework, public distrust towards the government constitutes a substantial barrier to policy transformation efforts. Without a transparent model of governance, it is impossible for the government to mobilise public participation in the 3R

³¹ Nurul Listiyani, et al., *Loc. Cit.*

³² H. Nurtjahjo, et al., *Loc. Cit.*

³³ Jundiani, et al., *Op. Cit.*, hlm. 480-482.

programme (*reduce, reuse, recycle*). Consequently, the construction of maladministration in South Bangka must be viewed as a "vicious circle": weak regulation leads to ineffective structures, which in turn give rise to a culture of neglect, ultimately resulting in permanent environmental losses for the community.³⁴

Empirically, the Ombudsman's intervention enters the picture to break this circle through early detection. Through the systemic review, the Ombudsman no longer frames the issue in terms of "who is responsible", but rather "what is wrong with the system". The construction of maladministration set out in the Ombudsman's 2025 report constitutes irrefutable scientific evidence that the local government has been negligent in fulfilling its legal obligations. This serves as the foundation for the Ombudsman to issue recommendations for improvement that compel the local government to undertake comprehensive corrective measures, ranging from regulatory revision to the strengthening of institutional structures, to ensure that the environmental legal obligations mandated by the EPML can be fulfilled constitutionally.³⁵

3.2 The Effectiveness of the Ombudsman's Systemic Intervention in Driving Local Government Policy Change

The effectiveness of the Ombudsman's systemic intervention in waste management governance in South Bangka Regency cannot be separated from its capacity to break the bureaucratic deadlock through a mechanism that is administratively compelling, while nevertheless prioritising a collaborative approach. Within the Theory of Change framework, this intervention functions not merely as a provider of recommendations, but as the principal catalyst (*trigger*) for a paradigm shift in bureaucratic behaviour, which had previously been trapped in a "business as usual" culture. This intervention succeeded in shifting the orientation of the local government from a reactive pattern of waste management towards one that is structured, data-driven, and oriented towards sustainable environmental considerations.³⁶

³⁴ Carol H. Weiss, *Op. Cit.*, hlm. 68.

³⁵ Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan*, *Op. Cit.*, hlm. 12-15.

³⁶ *Ibid.*, hlm. 7-9.

The successful implementation of the seven recommendations for improvement issued by the Ombudsman, achieving the status of "Recommendations Fully Implemented", provides empirical proof that when legal structure (institutional structure) is intervened upon with accurate data and solid legal arguments, legal substance (regional regulation) will follow. This policy transformation represents not merely a procedural change on paper, but a fundamental shift in the way the local government perceives the urgency of public services in the field of environmental management. The following presents a systematic mapping of this policy transformation:

Table 1: Matrix of Policy Transformation in Waste Management Governance in South Bangka Regency Following the Ombudsman's Intervention

No	Focus of Ombudsman Recommendation	Form of Bureaucratic Response	Impact (<i>Outcome</i>) on the Environment
1	Regional Regulation	Drafting of a comprehensive Regional Regulation on Waste Management	Provides legal certainty and an operational foundation from upstream to downstream
2	Institutional Structure	Establishment of a Technical Implementation Unit (UPT) for Waste Management within the Environmental Agency	Optimisation of the chain of command and efficiency of waste transport services
3	Budget	Refocusing of the budget towards waste infrastructure	Enhanced capacity of TPA and communal TPS facilities and infrastructure
4	Technical/SOP	Issuance of an environmentally sound SOP for waste management	Standardisation of operations that are ecologically safe and hygienic
5	Public Participation	Integration of waste education into the education curriculum	Cultivation of a waste-reduction culture from an early age in schools

The transformations presented in Table 1 confirm that the Ombudsman's intervention operated comprehensively across all three elements of Lawrence M. Friedman's Theory of Legal Effectiveness. With respect to legal substance, this intervention succeeded in driving the South Bangka Regency Government to fill the vacuum in technical norms through more specific operational policies. Without this impetus, waste management rules would have remained merely a collection of normative texts without practical implementation. With respect to institutional structure, the establishment of the Technical Implementation Unit (UPT) for Waste Management constitutes tangible evidence that a solid structure is an absolute prerequisite for the effectiveness of law enforcement. With the establishment of the UPT, the functions of oversight and infrastructure maintenance no longer operate on a case-by-case basis, but through measurable management.³⁷

Furthermore, with respect to legal culture, the integration of local content on waste management into the curriculum of primary and secondary schools reflects a strategic effort to shift the public paradigm from being waste-generating actors to becoming subjects who protect the environment. Legal culture cannot be formed instantly; it requires a lengthy process of habituation. By engaging the younger generation as agents of change, the local government is laying the foundation for a more sustainable environmental legal culture. This aligns with the Theory of Change principle put forward by Carol H. Weiss, in which a change in final outcomes must be preceded by a change in the underlying logic of the actors within the system.³⁸

This success also provides empirical evidence that administrative environmental law enforcement instruments, when managed proactively through the Ombudsman's authority, are capable of filling gaps left untouched by conventional law enforcement mechanisms, which tend to be slow and confrontational. This approach offers a new model for other regions in Indonesia, in which the Ombudsman is no longer viewed merely as a body that receives complaints (*reactive*), but as a strategic partner (*proactive*) in safeguarding citizens' constitutional rights to a clean and healthy environment. The synergy between the findings of the Ombudsman's systemic review and the obligations of the local bureaucracy creates a

³⁷ *Ibid.*, hlm. 10-12.

³⁸ Carol H. Weiss, *Op. Cit.*, hlm. 68-70.

"new compliance mechanism" that is more adaptive, efficient, and oriented towards the long-term public interest.³⁹

3.3 The Relevance of Lawrence M. Friedman's Theory of Legal Effectiveness to Bureaucratic Reform

The success of the South Bangka Regency Government in reforming waste management governance cannot be separated from the synergy established among the three elements of the legal system as theorised by Lawrence M. Friedman. In the context of local environmental bureaucratic reform, Friedman's theory provides a comprehensive analytical framework for understanding why a legal intervention in this case, the Ombudsman's recommendations for improvement can transform from a mere administrative document into tangible behavioural change on the ground.⁴⁰

With respect to legal substance, the Ombudsman's intervention acted as a gap filler that addressed the existing normative vacuum. Prior to the intervention, regional regulations were often trapped within normative texts that lacked operational application. However, through the Ombudsman's recommendations, the South Bangka Regency Government was driven to formulate more specific legal instruments, such as waste management SOPs and operational technical rules. The substantiality of the law here is measured not merely by the existence or absence of a Regional Regulation, but by the extent to which that substance is able to address practical needs on the ground. With an environmentally sound SOP in place, the foundation for bureaucratic action becomes far more robust, thereby minimising hesitation in adopting technical policies.⁴¹

With respect to legal structure, this reform demonstrates that legal effectiveness depends heavily on institutional capacity possessing clear authority and responsibility. The establishment of the Technical Implementation Unit (UPT) for Waste Management

³⁹ Wirda Rohmah, et al., *Op. Cit.*, hlm. 72-75.

⁴⁰ Lawrence M. Friedman, *Op. Cit.*, hlm. 14-18.

⁴¹ Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan*, *Op. Cit.*, hlm. 11-13.

represents a strategic step that transformed the institutional landscape from what was previously regarded as an "additional task" for the relevant agency into an organised area of focus. Structurally, the existence of this dedicated unit facilitates coordination, budget allocation, and operational oversight. Friedman emphasises that a strong structure is a prerequisite for legal effectiveness; without a structure capable of responding to statutory mandates, the law remains merely a rule on paper. In this regard, the Ombudsman's intervention has compelled the restructuring of the institutional framework to be more adaptive and responsive to existing ecological challenges.⁴²

More profoundly, the changes that have occurred in South Bangka have touched upon the dimension of legal culture, the element that is the most difficult to change, yet the most decisive for the sustainability of that change. Legal culture within the context of local bureaucracy is often shackled by path dependency, or reliance on old patterns. However, through the educational and transparency-based approach triggered by the Ombudsman, a process of internalising new values among officials has taken place. When civil servants begin to understand that waste management is part of the constitutional obligation to protect the environment, their compliance is no longer driven by fear of sanctions, but by an awareness of professional responsibility. This transparent and accountable legal culture is the key to ensuring that the reform is not merely temporary, but becomes a new norm in governance.⁴³

Thus, Friedman's theory demonstrates that the success of bureaucratic reform in South Bangka was not a matter of mere coincidence. The Ombudsman's intervention successfully aligned all three components of the legal system simultaneously. Had only one element been addressed, for instance, merely adding regulations (substance) without improving the institutions (structure), the reform would have reached a dead end. It is precisely this synergy among legal demands, structural arrangement, and bureaucratic cultural change that creates *sustainable compliance* in environmental governance at the local level.⁴⁴

⁴² H. Nurtjahjo, et al., *Op. Cit.*, hlm. 40.

⁴³ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: PT Raja Grafindo Persada, 2007), hlm. 45-48.

⁴⁴ Nurul Listiyani, et al., *Op. Cit.*, hlm. 135.

3.4 The Urgency of Strengthening Environmental Administrative Law as a Solution to Ecological Disaster

As a synthesis of the entire preceding discussion, it can be affirmed that the strengthening of environmental administrative law constitutes the most crucial instrument for mitigating the risk of ecological disaster at the local level. To date, environmental law enforcement in Indonesia has tended to be trapped within a reactive, repressive approach, namely, focusing on the imposition of criminal or civil sanctions after environmental damage has occurred. While necessary, this approach is often ineffective in resolving the root causes of governance problems, as it is case-by-case in nature, time-consuming, and frequently provokes bureaucratic resistance rather than encouraging systemic improvement.⁴⁵

This study offers an alternative perspective that positions the Ombudsman's systemic intervention as a form of "Proactive Environmental Law Enforcement". The synergy between the Ombudsman's external oversight function and the obligations of local government is capable of filling the legal vacuum within conventional law enforcement instruments. Within the framework of administrative law, the Ombudsman functions as a compliance catalyst, ensuring that the bureaucracy adheres not only to the letter of the law, but also to the essence of environmental protection mandated by the EPML.⁴⁶

Table 2 below presents a comparison of paradigms between conventional law enforcement and the systemic intervention approach developed in this study:

Table 2: Comparison of Environmental Law Enforcement Instruments

Dimension of Analysis	Conventional Law Enforcement	Ombudsman's Systemic Intervention Approach
Nature of Action	Reactive (Post-damage)	Preventive-Corrective (Early Detection)
Bureaucratic Impact	Resistance and Defensiveness	Cooperation and Systemic Transformation
Social/Legal Cost	High (Litigation and Disputes)	Efficient (Mediation and Technical

⁴⁵ Muhammad Giffari Soamole & Emy Rosnawati, "Analisis Penegakan Hukum Terhadap Pencemaran Lingkungan," *Indonesian Journal of Law and Justice*, Vol. 2, No. 1 (2024), hlm. 5-7.

⁴⁶ Nurul Listiyani, et al., *Op. Cit.*, hlm. 136.

		Recommendations)
Ultimate Objective	Imposition of Sanctions/Punishment	Governance Reform (<i>Sustainable Compliance</i>)

As the table above makes clear, the Ombudsman's approach offers a more elegant solution to the failure of waste management governance. Whereas conventional law enforcement often stops at penalising perpetrators, the Ombudsman's systemic approach instead ensures that the *system* giving rise to violations is rectified, thereby enabling potential pollution to be prevented permanently. This addresses the need for Good Environmental Governance, which demands transparency, accountability, and the active participation of government administrators.⁴⁷

The urgency of strengthening this instrument is also grounded in the reality of decentralisation in Indonesia, in which local governments hold broad autonomy yet often possess limited capacity to carry out mandatory basic service functions such as waste management. In the absence of external oversight equipped with legal "teeth", as the Ombudsman is, the potential for *regulatory capture* or neglect of public obligations will increase further, ultimately worsening ecological conditions at the local level. Accordingly, strengthening the role of the Ombudsman is not intended to displace the authority of local government, but rather to reinforce the function of social and legal control within the framework of the welfare state.⁴⁸

As a conclusion to this section, it has been demonstrated that the transformation of waste management governance in South Bangka Regency is not merely an administrative success, but a model of successful outcome-based environmental administrative law enforcement. This synergy proves that local ecological disasters can be mitigated when legal oversight is conducted systematically, measurably, and based on inter-institutional collaboration. The experience of South Bangka serves as crucial empirical evidence that environmental law must not remain merely a norm on paper, but must be brought to life

⁴⁷ M. A. Sentosa, *Good Governance Hukum Lingkungan* (Jakarta: ICEL, 2001), hlm. 22-25.

⁴⁸ Jundiani, et al., *Op. Cit.*, hlm. 482.

through enforcement that is intelligent, proactive, and directly impactful on ecosystem preservation.⁴⁹

CONCLUSION

Based on the overall analysis of waste management governance in South Bangka Regency, it can be concluded that the Ombudsman's systemic intervention has proven to be a crucial legal instrument in breaking the chain of maladministration that has hitherto impeded the achievement of environmental sustainability targets. The maladministration construed in the foregoing analysis was not merely a technical issue on the ground, but a manifestation of systemic failure encompassing a regulatory vacuum, a weak institutional structure, and a bureaucratic legal culture neglectful of the principle of good environmental governance. This has tangibly impaired citizens' constitutional rights to a clean and healthy environment, and constitutes a violation of the environmental legal obligations mandated by the EPML.⁵⁰

The success of the South Bangka Regency Government in implementing all of the Ombudsman's recommendations for improvement confirms that the effectiveness of environmental law enforcement can no longer rely entirely on a conventional, repressive approach. The proactive-corrective approach applied by the Ombudsman—through the mechanisms of systemic review and periodic monitoring—successfully compelled the local government to undertake fundamental policy transformation. The paradigm shift from case-by-case waste management to an integrated and sustainable system demonstrates that when the legal structure is intervened upon with valid data and administratively binding arguments, local government possesses the capacity to reform itself. This success extends beyond the fulfilment of administrative targets, having succeeded in placing the principle of environmental protection at the forefront of local development policy.⁵¹

The synergy between the Ombudsman's external oversight function and the obligations of local government has proven capable of filling the legal vacuum in environmental law

⁴⁹ Ombudsman RI Perwakilan Kepulauan Bangka Belitung, *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan*, *Op. Cit.*, hlm. 16.

⁵⁰ *Ibid.*, hlm. 17

⁵¹ Nurul Listiyani, et al., *Op. Cit.*, hlm. 138-140.

enforcement. In the Indonesian context, where bureaucratic resistance to confrontational law enforcement frequently occurs, a collaborative approach based on systemic recommendations offers a far more effective model of sustainable compliance. Accordingly, strengthening the Ombudsman's role as a compliance catalyst and strategic partner of local government constitutes an urgent necessity to mitigate the risk of future ecological disasters. The experience of South Bangka demonstrates that the strengthening of institutional capacity, the alignment of derivative regulations, and systematic public education are the key factors enabling regions to achieve sustainable environmental targets independently and with integrity.⁵²

As a way forward, the success achieved in South Bangka must be replicated and adopted as best practice for other regions across the Bangka Belitung Islands Province and Indonesia more broadly. The urgency of strengthening environmental administrative law has now shifted from a mere normative discourse to a practical necessity in protecting ecosystems from damage caused by human activity. Therefore, the synergy between sharp external oversight and strong political will from regional heads constitutes the key determining variable. Through this model, waste management is no longer viewed as a burden, but as a strategic asset capable of generating economic, social, and ecological benefits, while simultaneously guaranteeing the fulfilment of citizens' basic rights within the framework of a welfare state oriented towards the preservation of the environment for future generations.⁵³

DAFTAR PUSTAKA

- Connell, James P., & Anne C. Kubisch. *Applying a Theory of Change Approach to the Evaluation of Comprehensive Community Initiatives*. Washington DC: The Aspen Institute, 1998.
- Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975.
- Nurtjahjo, H., Y. Maturbongs, & D.I. Rachmitasari. *Memahami Maladministrasi*. Jakarta: Ombudsman Republik Indonesia, 2013.

⁵² Jundiani, et al., *Op. Cit.*, hlm. 483-485.

⁵³ Wirda Rohmah, et al., *Op. Cit.*, hlm. 76.

- Putra, M. *Intelijen Pelayanan Publik: Transformasi Pencegahan Maladministrasi dalam Optimalisasi Perbaikan Sistem Pelayanan Publik*. Jakarta: Ombudsman RI, 2021.
- Rahayu, Derita P., & Sulaiman. *Metode Penelitian Hukum*. Yogyakarta: Thafa Media, 2020.
- Sentosa, M. A. *Good Governance Hukum Lingkungan*. Jakarta: ICEL, 2001.
- Soekanto, Soerjono. *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2004.
- Soekanto, Soerjono. *Pokok-Pokok Sosiologi Hukum*. Jakarta: PT Raja Grafindo Persada, 2007.
- Jundiani, Jundiani, et al. "Peran Hukum Administrasi Lingkungan Dalam Menanggulangi Bencana Ekologis Buatan Manusia Di Indonesia." *Proceeding APHTN-HAN*, Vol. 2, No. 1 (2024): 474–485.
- Listiyani, Nurul, Muzahid Akbar Hayat, & Ningrum Ambarsari. "Penegakan Hukum Administrasi Lingkungan Melalui Instrumen Pengawasan: Rekonstruksi Materi Muatan Undang-Undang Nomor 32 Tahun 2009." *Al'Adl*, Vol. XII, No. 1 (2020): 129–140.
- Rohmah, Wirda, Marina Ramadhani, & Herri Widiyanto. "Peran Pemerintah Daerah dalam Penegakan Hukum Lingkungan di Kota Surakarta." *Jurnal Bengawan Solo*, Vol. 3, No. 1 (2024): 68–76.
- Soamole, Muhammad Giffari, & Emy Rosnawati. "Analisis Penegakan Hukum Terhadap Pencemaran Lingkungan." *Indonesian Journal of Law and Justice*, Vol. 2, No. 1 (2024): 1–7.
- Theresia, Louise. "Tata Kelola Sampah dalam Perspektif Hukum Lingkungan." *Palangka Law Review*, Vol. 1, No. 1 (2021): 56–69.
- Weiss, Carol H. "Nothing as practical as a good theory: Exploring theory-based evaluation for comprehensive community initiatives for children and families." *New Directions for Evaluation*, No. 47 (1995): 65–70.
- Ombudsman RI. *Laporan Hasil Analisis Kajian Sistemik: Kebijakan Tata Kelola Sampah Rumah Tangga Berkelanjutan di Kabupaten Bangka Selatan*. Pangkalpinang: Ombudsman RI, 2025.
- Ombudsman RI. *Laporan Monitoring Tindak Lanjut Saran Kajian Sistemik Pengelolaan Sampah di Bangka Selatan*. Jakarta: Ombudsman RI, 2026.
- Republik Indonesia. *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.

Republik Indonesia. *Undang-Undang Nomor 18 Tahun 2008 tentang Pengelolaan Sampah*. LN No. 69 Tahun 2008.

Republik Indonesia. *Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*.

Republik Indonesia. *Peraturan Ombudsman Republik Indonesia Nomor 41 Tahun 2019 tentang Tata Cara Pencegahan Maladministrasi Penyelenggaraan Pelayanan Publik*.