



Environmental Law Enforceent Against Plastic Waste Disposal Based on Law Number 18 of 2008 Concerning Waste Management

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Received: March 19, 2024	Revised: March 22, 2024	Accepted: March 25, 2024	Online: March 27, 2024
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ABSTRACT

Environmental problems that have existed from the past until now are waste, especially plastic waste. Based on data obtained from the Indonesian Plastic Industry Association (INAPLAS) and the Central Statistics Agency (BPS), plastic waste in Indonesia reaches 64 million tons / year of which 3.2 million tons are plastic waste disposed of into the sea. Of course, this problem is a threat to marine ecosystems, the threat of plastic waste can cause damage to human health and even potentially damage marine ecosystems and have an impact on climate change. Law No.18 of 2008 concerning Waste Management in preventing these problems, it is necessary to carry out supervisory efforts by law enforcement officials in the community. However, it was found that supervision efforts in the field as an act of prevention were not carried out optimally, the sanctions applied were not firm, making people not obey the laws that had been made. Environmental law enforcement is carried out with three legal instruments, namely administrative, civil and criminal sanctions. Indonesia needs to learn from developed countries, such as neighboring Singapore, Indonesia should apply the rule of law firmly, considering that efforts to protect the environment are fundamental to creating a comfortable place in the country. In protecting the environment of the State of Indonesia, the government should act decisively in enforcing its laws and implementing new legal rules in the form of fines that can be applied in the community and should be a priority for the state to keep the country free from plastic waste in the oceans.

Key Words: *Indonesian, Law Enforcement, Plastic Waste*

Journal Homepage <https://ejournal.iainbatanghari.ac.id/index.php/attasyrih/index>

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How to cite:

Apriandini, D., Azizah, A, N, T., Kirana, C, K., & Nugroho, A, F, M. (2024). Environmental Law Enforceent Against Plastic Waste Disposal Based on Law Number 18 of 2008 Concerning Waste Management. *At-Tasyrih: Jurnal Pendidikan dan Hukum Islam*, 10(1), 36-45. <https://doi.org/10.55849/attasyrih.v10i1.189>

Published by:

Pusat Penelitian dan Pengabdian Masyarakat, Institut Agama Islam Nusantara Batang Hari

INTRODUCTION

One of the environmental problems that has existed from the past until now is waste, especially plastic waste (Abbott dkk., 2021). Based on data obtained from the Indonesian Plastic Industry Association (INAPLAS) and the Central Statistics Agency (BPS), plastic waste in Indonesia reaches 64 million tons / year, of which 3.2 million tons are plastic waste disposed of into the sea (B. Beribe, 2023). Of course, this problem is a threat to marine

ecosystems, the threat of plastic waste can cause damage to human health and even potentially damage marine ecosystems and have an impact on climate change (Makniyah & Khotimah, 2023). It is predicted that in 2048 from the World Food Agency data, it is stated that the source of human food is contributed from the ocean.

Based on what is happening in the field, it can be concluded that law enforcement against plastic waste disposal is not firm enough (Minarti dkk., 2023). This problem has proven that environmental issues are not a priority for the government in protecting the country's environment. It was found that the source of plastic waste in the ocean is dominated by land that flows through rivers into the ocean (Yeltriana dkk., 2023). This can show that there is a lack of awareness among the public in maintaining the cleanliness of the country's environment. Law enforcers are expected to be able to overcome existing problems in an effort to prevent environmental damage (Abbott dkk., 2021). The rules for protecting the environment are clearly stated in the Law on Environmental Protection and Management, but in practice in the field it does not run optimally. Efforts in environmental law enforcement can be carried out in the form of administrative sanctions in the civil realm and the criminal realm (Mustajab dkk., 2023). Law enforcement efforts that already exist, but are still not enough to overcome the problems of our country, especially in the field.

Indonesia as a contributor to plastic waste in the ocean (Ulum dkk., 2023). Efforts to enforce the law can take an example from developed countries, especially Singapore, which is now able to apply strict sanctions in the form of fines among its people which are expected to have a deterrent effect on the perpetrators of environmental destruction and can create a plastic waste-free country which so far strict action in the form of fines among the people of Indonesia is still unable to apply firmly and has not been applied, especially in narrow areas, on the streets and residential neighborhoods.

The formulation of the problem formulated by the author is to formulate how the enforcement of Environmental Law on plastic waste disposal in Indonesia is in accordance with Law No.18 of 2008 concerning Waste Management, by taking research objectives and analyzing the realization of Environmental Law enforcement on plastic waste disposal in Indonesia.

This research method is using normative melode (Roshayanti dkk., 2023). Legal research from a normative point of view that is used is applying a legislative approach to parse the responsibilities of law enforcement in the management of plastic waste. The type of data that the author takes is quantitative data related to the percentage and amount of waste in Indonesia by referring to the dominant number of waste disposed of in Indonesia (Pamungkas & Halimah, 2023), namely plastic waste, the author uses data collection techniques with literature studies and document studies derived from books, sources, journals and websites related to the author's research, and data processing techniques in this paper are about analysis that connects the problem of the existing reality with the regulations of the Waste Management Law that do not run systematically.

RESEARCH METHODOLOGY

This paper is a literature study that uses qualitative methods with a descriptive approach from an anthropological historical perspective regarding the traces of kinship politics in Indonesia so that a common thread is found about why kinship politics still exists and is deeply rooted in Indonesia today (Fuadi & Mirsal, 2023). Historical data on patterns of kinship politics were taken from ethnographic works on anthropological research published two to three decades ago, in which there were discussions about the cultural aspects of society at that time and some time before (Suryaningsih, 2021). Ethnographic data which is heterogeneous in nature (covering several elements of culture) are parsed and reduced according to their relevance to the topic of discussion in this paper . Then, the data is presented diachronically to draw conclusions later.

RESULT AND DISCUSSION

Causes of Plastic Waste in Indonesian Seas

The use of plastic in society is very high, this is because plastic has functional properties, basically plastic is a tool that is used once, so it has high hygiene, and plastic production requires low costs so that it can be mass produced and easy to find.

Basically, plastic is a disposable tool that has high hygiene, and plastic production requires low costs so that it can be mass produced and easy to find. The high use of plastic will cause people to become dependent on plastic (Mutalib & Dylan, 2021). However, the dependence on plastic has a bad impact, which makes plastic potentially harmful to human health and the environment (Mudinillah & Rizaldi, 2021). Plastic waste pollution in the ocean is one example of how plastic waste is harmful to human health and the environment (Arsul dkk., 2021). Since the ocean is essentially a source of food, livelihood, trade, and transportation for humans, the interaction between humans and the ocean is inevitable, but this interaction can also have a negative impact on the marine environment (Rahmah & Martin, 2022). This adverse impact is caused by plastic materials that can break down into small parts in the sea, this is dangerous because marine biota can consider plastic waste as part of their food, and because the small particles of waste make cleaning up plastic waste in the sea difficult, this of course has an impact on the health of marine biota and also humans.

The waste problem will not be solved if there is no awareness from the public, the private sector and law enforcement on waste disposal in Indonesia (Afifah dkk., 2023). The cause of the large amount of plastic waste that stagnates in the Indonesian Sea is caused by the inherent culture of the community in terms of neglecting to protect the environment by littering (Yennizar dkk., 2022). According to Lawrence Green, the factors of community behavior in littering are caused by 3 factors, namely, Predisposing Factors, among others; low level of public education, low public awareness of waste management and lack of support from the village government for waste management (Amirudin dkk., 2022). Reinforcing factors include; diseases caused by improper waste management do not cause effects that can awaken the community, so this is underestimated. Enabling factors from the results of this study include: the unavailability of land that can be used as a landfill, the

absence of trash bins in residents' homes. People's behavior towards the environment is influenced by their level of education.

The causal factors for indiscriminate waste disposal among the community will continue to occur, the impact caused also has a reciprocal impact on humans. Factors causing. These factors are caused by the weak Law Enforcement system regarding indiscriminate waste disposal. Highlighting this, the Secretary General of Inaplas Fajar Budiyo, argued about the management or implications of the process of disposal flow from households to landfills there is still no significant effort from the government, Law Enforcement on waste disposal needs to be emphasized among people who are not only adrift of existing regulations (Mana, 2017).

Apart from factors among the community, law enforcement among the private sector also needs a strict mechanism, where the use of plastic is still applied in traditional market places, eating places, and shopping places. Therefore, the cause / factor of the unfinished plastic waste disposal problem which pollutes the oceans in Indonesia requires serious action from various groups, considering that Indonesia is a country rich in marine poieny and fisheries that can support the nation's economy and the welfare of its people.

Reality of Law Enforcement

Waste Management on plastic waste disposal in Indonesia Based on the reality that the author finds and based on the data that the author analyzes in this paper, that our country, Indonesia, in maintaining and maintaining law enforcement related to waste management law in Indonesia still needs decisive action from various apparatus.

The weak law enforcement in protecting the environment related to the large amount of plastic waste in the ocean can be seen from the data obtained from the Indonesian Plastic Industry Association (INAPLAS) and the Central Statistics Agency (BPS), plastic waste in Indonesia reaches 64 million tons / year of which 3.2 million tons are plastic waste disposed of into the sea. Christine Halim, chairperson of the recycling association, said that waste is still a problem in Indonesia because the law enforcement aspect is still not strong. In fact, instruments to enforce the law of linekunean have also not been implemented factually in the field. (Merdeka.com, 2018).

From the data showing that there is a lot of plastic waste in the Indonesian sea, it can be a proof that environmental law enforcement in Indonesia is not running optimally. Highlighting this problem, the impact of plastic waste in Indonesian seas threatens various aspects ranging from the destruction of marine ecosystems, disrupting tourism, disrupting the productivity of fishermen and threatening the health of fish and coastal residents around the region because their environment is polluted by waste. This is supported by data from the World Food Agency which states that in 2048, food sources in our country will come from the sea, where the source of our food needs comes from marine animals which can have the potential to threaten human health if food sources are contaminated by the disposal of plastic waste.

According to Nani Hendiarti, who studies maritime science with the World Bank, it is known that as much as 80% of marine debris comes from land that flows into the ocean. This problem must be addressed from the source first, namely how the government targets

to deal with water pollution recovery in order to preserve the environment and prevent pollution in the sea as stated in Waste Management as a state apparatus that has the authority to take action against violators of environmental pollution provisions must have a firm attitude and monitor violators to protect the country's environment as well as possible. But in fact, the aspect that hinders the implementation of water pollution is the non-optimal supervision system itself of our environmental law enforcement, in relation, non-routine supervision that should have been carried out by officials in the field is not carried out optimally, incomplete documentation and sources of information in conducting less open supervision. (Herlina N).

In Law No. 18/2008 on Waste Management, Article 15 specifically regulates the principle of producer responsibility to manage the waste they produce that is difficult to decompose by natural processes. The explanation part of Article 15 then explains that "what is meant by managing packaging is in the form of recalling packaging for recycling and/or reuse". The obligation for producers to be able to manage the waste they produce is not a bad thing because it is a

This is not a bad thing because it is a form of concretization of the polluter pays principle that has long developed in the principles of International Environmental Law.

International Environmental Law principles

As the legal umbrella and main operational basis for waste management in Indonesia, the Waste Management Law mandates the establishment of various derivative or implementing regulations. To date, there are several derivative legal products formed in accordance with this mandate, including: Government Regulation (PP) No. 81 of 2012 concerning Management of Household Waste (SRT) and Household-Style Waste (SSSRT), PP No. 27 of 2020 concerning Specific Waste Management, Presidential Regulation (Perpres) No. 97 of 2017 concerning National Policy and Strategy (Jakstranas) for SRT and SSSRT Management, Perpres No. 83 of 2018 concerning

Handling of Marine Debris, and Regulation of the Minister of Environment of the Republic of Indonesia (Permen LHK RI) No. 75 of 2019 concerning Roadmap for Waste Reduction. by the Community.

In general, waste management both regulated in Law No. 18 of 2008, PP No. 81 of 2012, and PP No. 27 of 2020 is organized through 2 mechanisms, namely reduction and handling. The waste reduction mechanism includes 3 activities, namely: (a) limiting waste generation; (b) recycling waste; and/or (c) reusing waste. Meanwhile, the waste handling mechanism includes 5 activities, including: (i) sorting; (ii) collection; (ii) transportation; (iv) processing in the form of changing the characteristics, composition, and amount of waste; and/or (v) final processing of waste.

In addition to the Law on Waste Management, Government Regulation No. 81 Year 2012, and Government Regulation No. 27 Year 2020, Indonesia also has Presidential Regulation (Perpres) No. 97 Year 2017 on National Policy and Strategy (Jakstranas) for SRT and SSSRT Management. The Jakstranas contains SRT and SSSRT reduction targets for 2017-2025. Through reduction efforts, the target is set to reduce waste generation by 30% or around 20.9 million tons from the projected waste generation figure in 2025 (end of

period) of 70.8 million tons. Meanwhile, through handling actions, the target of handling waste generation is set at 70% or around 49.9 million tons from the projected waste generation figure in 2025.

Rules regarding waste management are also addressed specifically for marine debris. Through Presidential Regulation No. 83/2018 on Marine Debris Handling, a National Action Plan (NAP) for Marine Debris Handling was designed for a period of 8 years with a period of 2018-2025. The NAP is implemented through a number of strategies that include: (a) a national movement to raise awareness of stakeholders; (b) management of land-based waste; (c) coastal and marine waste management; (d) funding mechanisms, institutional strengthening, monitoring and law enforcement; and (e) research and development. These strategies are then elaborated into a number of program and activity plans listed in the Appendix which is an integral part of Presidential Regulation No. 83/2018.

With the aim of the formation of Law No. 18 of 2008 concerning Waste Management in Indonesia in the rules and regulations so that everyone can protect their environment, but in fact our law enforcement officers have proven to be not optimal in carrying out supervision and legal actions that do not run continuously and tend not to be a top priority for the government, this can be proven in the Presidential Regulation of the Republic of Indonesia No. 7 of 2005 regarding environmental problems in Indonesia, namely the habitat of coastal and marine ecosystems is increasingly damaged, the level of water pollution is increasing, and waste management is not applied in the field. Very low public awareness of waste disposal still needs firm action from the government to prevent violations.

Of the three efforts in environmental law enforcement are administrative sanctions as the first solution, civil law and criminal law (Lumban Gaol dkk., 2023). To increase public awareness and business actors, these administrative sanctions cover the imposition of sanctions for various violations if they cause environmental damage that can endanger human safety and health, violations that violate environmental permit requirements, violations of alleged falsification of required documents, and violations related to business licenses.

The reality of waste disposal law enforcement in imposing administrative sanctions is also ineffective, because many people are not obedient in carrying out their responsibilities. It is also known that the reality of environmental law enforcement related to waste disposal is not sanctioned, there is a lot of leniency in imposing administrative sanctions (Muhammadong dkk., 2023). According to a lecturer in Environmental Law at Undip's Doctoral Program in Law, Adji Sameklo, law enforcement is still a concept that has not been carried out in a real way, it was found that industrial actors were proven to damage the environment which should have been taken legal action (Kompas.com, 2009).

Environmental Law Enforcement Measures for plastic waste disposal in Indonesia

Efforts or steps to enforce environmental law apply administrative sanctions, these sanctions are regulated in Article 32, namely giving written warnings to business actors in terms of environmental damage caused, coercion from the government, freezing and revoking environmental licenses to business actors, and fines for those who violate the provisions in the Waste Management Law. Government coercion in the form of temporary

suspension of production activities to confiscation. Freezing of environmental permits and revocation of environmental permits can be applied to anyone who does not carry out administrative sanctions of government coercion that cause pollution and disturb the community.

The second remedy in the civil realm, which is regulated in Article 34 and Article 35, can be pursued through the court or mediation in the event that there has been a dispute over legal relations with individual interests.

The third remedy in the criminal realm, which is regulated in Articles 39, 40, 41, 42, 43, is in the form of minimum and maximum threats in terms of imprisonment for anyone who violates the rules of Law No.18 of 2008 concerning Waste Management.

Environmental law enforcement on plastic waste disposal in Indonesia must and needs to be enforced by the Indonesian government in this case in order to prevent health impacts that affect the nation's social and economic conditions and the marine environment of the Indonesian nation. Looking at the reality based on data obtained from the Indonesian Plastic Industry Association (INAPLAS) and the Central Statistics Agency (BPS), plastic waste in Indonesia reaches 64 million tons / year of which as much as 3.2 million tons is plastic waste disposed of into the sea (Kompas, 2018), waste management law enforcement has proven not to be maximally pursued and law enforcement is still very weak, even though the concepts and regulations have been written and stated, in fact in the field it is not pursued optimally. This needs to be a big concern of the government and law enforcement officials in order to enforce waste management laws in the community and industrial activities where Indonesia's goal as a plastic-free country can be realized.

In Dispute Resolution on the Environment which can cause and harm many parties, can be pursued. Dispute Resolution on the Environment is also regulated in the Waste Management Law in Article 33. The article regulates that environmental dispute resolution can be pursued through the court / out of court. In out-of-court dispute resolution, third parties can be used in accordance with Article 35 of the Waste Management Law, in which third parties have the authority to make decisions to help resolve disputes. In addition, it can be in Article 36 of the Waste Management Law, that the government / community can form a free and impartial environmental dispute resolution service provider.

In the settlement of disputes through the courts, it can be in the form of a lawsuit for compensation which is processed to the State Administrative Court. A lawsuit to the General Court can be carried out in accordance with the provisions of Article 35 of the Law, namely regarding compensation claims, class action claims based on the provisions of Article 37, and legal standing claims in accordance with the regulations of Article 38,

Enforcement of environmental law on plastic waste disposal in Indonesia, the government should take steps that can be started in a simple way that so far there is no regulation of sanctions or fines for people who throw garbage on the streets, narrow and unreachable accesses. Reflecting on developed countries such as Singapore that have implemented environmental laws, after Singapore's independence, various campaigns have been carried out to keep the country clean, environmental laws that have been implemented, namely applying sanctions in the form of fines. (BBC, 2021). In this case, the deliberate

disposal of garbage has made Singapore citizens more aware of the impact on their country. The government's efforts are proven to keep morale high, health and social conditions and economic growth that drives their industry and tourism continues to increase. The government's measures are also considered effective in creating a society that cares about the environment because the law enforcement is strictly regulated. For this reason, the Indonesian state needs to take new steps to encourage the community and business actors and take firm action in terms of imposing sanctions, either supervision or fines, as a legal state that is able to keep its country's environment maintained and free from plastic waste.

CONCLUSION

Environmental law efforts in Indonesia are not firm, affecting the weak awareness of the public and industry players in protecting the country's environment. So far, there has been no regulation related to fines for disposing of garbage carelessly, such as in waste places or on highways. Various regulations and government efforts that are not firm are evidenced by reallias in the field where these regulations are just a mere warning that results in the oceans in Indonesia becoming full of garbage, most of which comes from suneai yane flows into the sea.

This certainly has an impact on the health aspects of an increasingly dirty environment, water pollution, and affects human health. Seeing the reality that exists, the government's efforts are needed, both administrative sanctions, criminal sanctions and civil sanctions that need to be enforced by the government and law enforcers. Firm efforts from the government are expected to change the stigma of Indonesia becoming a plastic waste-free country, a firm legal state of environmental law enforcement is expected to increase public awareness and business actors towards the impact of plastic waste on the country in accordance with the objectives and mandates in the Waste Management Law in Indonesia in the rules and regulations so that every person protects the country's environment.

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