



LEGAL PROTECTION FOR COMMUNITIES AFFECTED BY TOFU FACTORY WASTE IN BANGUN SARI BARU VILLAGE, TANJUNG MORAWA DISTRICT FROM THE PERSPECTIVE OF MASLAHAH MURSALAH

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ABSTRACT

Legal protection for communities affected by tofu factory waste is crucial to ensuring their right to a clean and healthy environment. This study aims to analyze the forms of legal protection against environmental pollution in Bangun Sari Baru Village, Tanjung Morawa Subdistrict, based on Law No. 32 of 2009 on Environmental Protection and Management, as well as the principle of Maslahah Mursalah in Islamic law. The research employs an empirical juridical method with a case study approach, using field observations and interviews with local residents, factory managers, and village officials. Data were analyzed qualitatively through deductive reasoning. The findings reveal that the local tofu factory operates without an environmental permit and disposes of untreated liquid waste, causing water pollution, foul odors, and public health problems. From the perspective of positive law, this violates the obligation of business operators to prevent environmental pollution, while from the Maslahah Mursalah perspective, it threatens public welfare (hifz an-nafs, hifz al-mal, and hifz al-bi'ah). The study highlights the need for stricter law enforcement, enhanced supervision, and environmental education rooted in Islamic values as a sustainable solution. These findings contribute to strengthening the synergy between positive law and Islamic law in addressing environmental pollution caused by small-scale industries.

Keywords: Legal Protection, Tofu Waste, Law No. 32 of 2009, Maslahah Mursalah

1. INTRODUCTION

The environment is a fundamental factor supporting the survival of humans and other living things. Within the framework of sustainable development, environmental protection and management are a collective responsibility of the government, businesses, and the community (Tarigan et al., 2022). Indonesia, as a

nation governed by the rule of law, has emphasized the importance of environmental preservation through various regulations, one of which is Law No. 32 of 2009 concerning Environmental Protection and Management (Law 32, 2009). This law stipulates that every business activity must consider its environmental impacts to prevent pollution or damage that harms the community (Rahma, 2024).

However, the reality on the ground shows that some businesses still ignore this obligation, including small- and medium-scale industries such as tofu factories. While tofu production contributes to the local economy by providing jobs and a nutritious food supply, the production process generates large amounts of liquid waste. If not managed properly, this waste can pollute water, produce a pungent odor, and threaten public health (Hermawati & Widowaty, 2018).

This phenomenon was evident in Bangun Sari Baru Village, Tanjung Morawa District, Deli Serdang Regency, where a tofu factory discharged liquid waste directly into the waterway without prior treatment. This situation has led to public complaints regarding water pollution, unpleasant odors, and health problems. These impacts have also impacted the local economy, particularly for small-scale farmers and fishermen who depend on water quality (Wicaksony, 2021).

Legal protection for communities affected by waste is a manifestation of the state's protection of human rights violations, both through preventive and repressive measures (Prakasa, 2021). According to Satjipto Rahardjo, the law exists to provide a sense of security, justice, and protection for citizens, including in the context of environmental protection (Umboh, 2020). In the context of environmental law in Indonesia, law enforcement can be carried out through administrative, civil, and criminal proceedings in accordance with Law No. 32 of 2009 (Paradiaz & Soponyono, 2022).

In addition to a positive legal perspective, an approach to Islamic values through the concept of Maslahah Mursalah can provide a moral and spiritual foundation for environmental protection. Maslahah Mursalah is a public good that aligns with the objectives of Islamic law (maqasid syariah), although it is not explicitly mentioned in the texts (Maharani & Permata, 2024). Imam al-Ghazali emphasized that maslahah encompasses everything that brings benefit and prevents harm, as long as it does not conflict with the objectives of sharia (Muhammad Reza Novindri, 2020). In the context of environmental pollution, the value of maslahah encompasses the obligation to protect life (hifz an-nafs), property (hifz al-mal), and the environment (hifz al-bi'ah).

Previous research has tended to emphasize the technical aspects of law enforcement or normative analysis, while the integration of positive law and the principles of Maslahah Mursalah in the case of small-scale industries is rarely discussed (Adack, 2020). Furthermore, the restorative justice approach to resolving environmental disputes at the MSME level has also not been studied in depth. Therefore, this study is present to fill this gap with the aim of analyzing the

form of legal protection for communities affected by tofu factory waste in Bangun Sari Baru Village based on Law No. 32 of 2009 and the principle of Maslahah Mursalah, as well as providing practical recommendations for strengthening the enforcement of just and sustainable environmental law.

2. RESEARCH METHOD

This research uses an empirical juridical method that combines a normative legal approach with field studies to understand the application of laws and regulations in a factual context in society (Rahayu et al., 2023). This approach is relevant for analyzing the problem of environmental pollution caused by tofu factories because it allows researchers to compare applicable legal provisions with their implementation in the field (Ilham Mahajaya, 2023).

The research design uses a case study approach focused on a single location: Bangun Sari Baru Village, Tanjung Morawa District, Deli Serdang Regency. This location was chosen because of the problem of tofu factory waste pollution that has a significant impact on public health and environmental quality (Wicaksony, 2021). The location selection also took into account ease of data access and the representativeness of the case against similar phenomena in other regions.

The data used consists of primary and secondary data. Primary data was obtained through field observations of tofu factory activities and surrounding environmental conditions, as well as in-depth interviews with affected communities, tofu factory managers, village officials, and other relevant parties (Hermawati & Widowaty, 2018). Secondary data included primary legal materials such as Law No. 32 of 2009 concerning Environmental Protection and Management, implementing regulations, and secondary legal materials in the form of relevant scientific literature, journals, and research reports (Paradiaz & Soponyono, 2022).

Data collection techniques used triangulation to increase the validity of the findings. Triangulation involves comparing observations, interviews, and legal documents to ensure consistency of information (Prakasa, 2021). Interviews were conducted face-to-face using a semi-structured interview guide to obtain comprehensive data while remaining flexible in exploring additional information (Muhammad Reza Novindri, 2020).

Data analysis was conducted qualitatively using deductive reasoning, starting from the legal principles and theory of Maslahah Mursalah, then deriving these from empirical findings in the field (Maharani & Permata, 2024). The analysis stages included organizing data, categorizing them by theme, interpreting results, and drawing conclusions based on applicable theoretical and regulatory frameworks. This approach ensures that the analysis is not only descriptive but also argumentative and critical, thus providing relevant recommendations for environmental law enforcement in the small-scale industrial sector.

3. RESULT AND ANALYSIS

Conditions of Communities Affected by Tofu Factory Waste

Bangun Sari Baru Village is located in Tanjung Morawa District, Deli Serdang Regency, North Sumatra Province. This village is an area with a fairly dynamic level of economic activity, supported by the presence of various small and medium enterprises, including home industries and food processing. Its strategic location is not far from the center of Medan City and offers good transportation access, such as village roads connected to the main roads between districts.

The majority of Bangun Sari Baru Village residents work in the informal sector and agriculture, but in recent years, there has been an increase in food production businesses such as tofu, tempeh, and other snacks. One prominent business is Mr. Sofian's tofu factory, which processes soybeans into tofu products on a small to medium scale. This business is categorized as a Micro, Small, and Medium Enterprise (MSME), but it has a significant impact on the local economy.

Based on observations and direct research conducted in the field, it was discovered that the presence of the tofu factory in Bangun Sari Baru Village, Tanjung Morawa District, has a dual impact on the surrounding community. On the one hand, the factory serves as a source of livelihood for residents and contributes to the village economy. However, production activities that are not entirely environmentally friendly have created new problems, namely the disposal of liquid waste, which impacts the surrounding environment and residents' health. Observations indicate that the liquid waste produced from the tofu production process contains phytic acid and enzymes that can cause itching when in contact with the skin. Much of it is disposed of in open drains near residential areas without adequate waste treatment. This situation raises concerns among residents about environmental pollution, particularly water and soil pollution, as well as health risks, such as unpleasant odors that cause shortness of breath, itching, and other skin diseases.

Waste from the tofu factory is disposed of in open drains without adequate treatment. The grayish, pungent-smelling liquid waste flows into ditches and gutters around residential areas. This waste has sparked concern because it has the potential to contaminate the soil and water sources used by the community, and can cause long-term health problems.

Residents have complained from various sources. One resident, Mrs. Lilis, stated that:

"Sometimes wastewater from the factory flows into the ditch near our house. It has an unpleasant odor and color."

A similar complaint was voiced by Mr. Heri, a farmer who relies on water from the canal to irrigate his land. He expressed concern that the polluted water would impact their crops. In addition to ordinary residents, local community leaders also highlighted the business owners' lack of attention to environmental impacts. Mr. Rahmat stated,

"If waste is not managed properly, we worry that our children will get sick. We hope there is a solution that benefits not only the factory but also the community."

These complaints demonstrate that waste pollution has become a real environmental issue and requires serious attention.

Village officials also acknowledged that waste management is not being carried out professionally. The Hamlet Head explained that they have issued warnings to the business owners, but no significant changes have been seen. The Village Secretary also stated that the factory does not yet have an official environmental permit from the relevant agency, making law enforcement difficult without a strong administrative basis.

The tofu factory does not have an adequate wastewater management system. Waste is discharged directly into a ditch adjacent to the residential area.

"Wastewater from the factory flows into the gutter near our house. We often clean the gutter in front of our house, but it only reduces the unpleasant odor," said Mrs. Riri, a resident whose house is not far from the factory.

Every business is prohibited from discharging untreated waste into the environment. Furthermore, every business is required to have an environmental permit as a form of legal compliance. However, interviews with village officials revealed that the factory has not fully complied with these requirements. "They don't have an environmental permit. We've reminded them, but there's been no change from the factory," said the Village Secretary of Bangun Sari Baru.

This demonstrates weak oversight and law enforcement at the local level. The village government lacks sufficient regulatory powers to take firm action against violating businesses. Residents also feel at a loss as to where to report the impacts of wastewater. "We're ordinary people, so we don't know the law. We don't even know where to report it," complained Mr. Dedi, one of the affected residents.

Protecting the environment and preventing damage is a collective responsibility, and a balance must be struck between the economy and the environment. "We don't want their businesses to close, but please don't let their waste pollute our water and soil, disrupting our daily lives," said local community leader Mr. Roni. The local government actually has the authority to impose administrative sanctions on businesses found to be polluting the environment, such as warnings, temporary suspensions, and even permit revocation. However, research shows that these efforts have not been implemented optimally. "There has never been an official letter from the office. Only we from the hamlet have issued verbal warnings," explained the local hamlet head. The factory owner also explained that he didn't know how to properly manage waste. "We don't know how to properly treat waste because we produce to fuevery day, thinking that wastewater

will flow smoothly without causing odor and disease," the tofu factory owner said in an interview.

Interviews with residents revealed that this pollution has been going on for years. For example, one resident reported that wastewater frequently flows into a ditch near their home, changing its color and producing an unpleasant odor. Farmers also expressed concerns about the declining quality of irrigation water, which could impact crop yields (Tarigan et al., 2022).

Legal Protection Under Law Number 32 of 2009 concerning Tofu Factory Waste in Bangun Sari Baru Village, Tanjung Morawa District

Legal protection for communities impacted by tofu factory waste in Bangun Sari Baru Village, Tanjung Morawa District, is essentially expressly regulated in Law Number 32 of 2009, Article 69 paragraph (1) letter e, concerning Environmental Protection and Management. This law serves as a formal legal basis that requires every business actor to prevent environmental pollution and damage, while guaranteeing the community's right to a healthy and sustainable environment. From a positive legal perspective, the community of Bangun Sari Baru Village has the right to protection and management of the negative impacts of tofu factory waste that disrupt their daily lives (Ilham Mahajaya, 2023).

However, actual conditions on the ground demonstrate a variety of quite complex challenges. Tofu factory waste, in the form of pungent odors and water pollution, has caused environmental damage and compromised the health of village residents. The strong odor of the waste not only causes discomfort but also has the potential to cause respiratory problems and other health problems. Meanwhile, river and irrigation canal pollution due to liquid waste threatens basic community needs such as clean water and rice field irrigation, impacting their well-being. This situation requires legal protection that is not only normative but also applicable and capable of providing real solutions (Rangkuti et al., 2023).

Legally, Law No. 32 of 2009 grants the community the right to hold business actors accountable for such pollution. This right includes efforts to repair environmental damage, seek compensation, and ensure that business actors carry out proper waste management in accordance with regulations. However, in practice, the residents of Bangun Sari Baru Village often face obstacles such as minimal local government oversight, limited access to information, and socioeconomic barriers that make it difficult for them to fully assert their rights.

In addition to a positive legal approach, the principle of Maslahah Mursalah from an Islamic legal perspective can be an important foundation for addressing this problem. Maslahah Mursalah prioritizes the public interest and the protection of the interests of the wider community, including maintaining a clean and healthy environment (Maharani, 2024). In the context of Bangun Sari Baru Village, implementing this principle requires preventive and corrective efforts involving

businesses, the government, and the community to work together to protect and restore the environment to prevent harm to the lives and health of residents.

The gap between legal provisions and the reality in the village indicates the need for synergy between formal law enforcement and a value-based approach. The government needs to increase oversight and enforce the law firmly against tofu factories that pollute the environment, while also providing education and empowerment to the community so they can effectively monitor and report violations. Furthermore, businesses must also implement environmentally friendly waste management as a form of social and legal responsibility. This way, legal protection for affected communities can be effective and sustainable (Yeremia, 2019).

Thus, legal protection for communities affected by tofu factory waste in Bangun Sari Baru Village is not only based on Law No. 32 of 2009, but can also be enriched with the Maslahah Mursalah approach, which prioritizes the public interest. Synergistic implementation of both is crucial to address real-world problems and ensure that the community's right to a healthy environment is fulfilled in a concrete and sustainable manner.

Implementation of Tofu Factory Waste Disposal and Management in Bangun Sari Baru Village, Tanjung Morawa District

The issue of tofu factory waste disposal and management in Bangun Sari Baru Village, Tanjung Morawa District, is an urgent environmental issue requiring study. The massive growth of tofu production in this village is not accompanied by standard waste management. Most businesses discharge liquid waste directly into waterways or open spaces without prior treatment. This causes water pollution, produces a pungent odor, and negatively impacts the health and well-being of local residents. Although this is a home industry, the environmental impact is quite serious and has the potential to trigger social conflict between businesses and affected communities.

Ironically, this problem persists despite a clear legal framework, namely Law No. 32 of 2009 concerning Environmental Protection and Management. Normatively, this regulation requires every business actor to properly manage their waste and guarantees the community's right to a clean and healthy environment. However, in its implementation in Bangun Sari Baru Village, this regulation has not been implemented effectively. Lack of supervision, low legal awareness among business actors, and minimal intervention from the local government are the main obstacles in addressing waste pollution. Therefore, this study is crucial to examine how waste disposal and management efforts are implemented at this location, and how they align with applicable legal provisions. Although legal protection is provided through Law No. 32 of 2009 concerning Environmental Protection and Management, implementation at the local level has not shown adequate results. On paper, this regulation guarantees every citizen's

right to a clean and healthy environment and obliges business actors to refrain from polluting the environment. However, the reality on the ground is far from expectations. In Bangun Sari Baru Village, Tanjung Morawa District, many residents still face pollution from tofu factory waste, which operates without an adequate waste management system. This is ironic because the law, which should protect the public, has failed to deter polluters.

Supervision from the local government and environmental agencies appears inconsistent and unsustainable. In many cases, small and medium-sized businesses, such as tofu factories, often lack regular oversight of their waste management systems. Even when indications of pollution are discovered, the steps taken tend to be light administrative measures, lacking firm legal recourse. The sanctions imposed do not reflect the urgency of protecting community rights or environmental sustainability. The lack of action by authorities means that businesses do not feel threatened to improve their waste management systems, resulting in recurring pollution (Wicaksony, 2021).

Residents of Bangun Sari Baru Village directly experience the impacts of this lack of oversight. Many complain that waste from the tofu factory often flows into the ditches and gutters that run through their homes. Water that should be clear turns black and emits a pungent odor that disrupts daily activities. This unpleasant odor not only causes discomfort but also harms the health of residents, especially children and the elderly, who are more susceptible to respiratory problems. Polluted wastewater also contaminates residents' water sources and reduces the quality of agricultural irrigation, impacting crop yields. These complaints have been ongoing for years, but no concrete, sustainable solutions have been implemented.

Another problem is the lack of public access to legal processes and adequate legal assistance. Many residents do not fully understand the complaint mechanisms available to them, or even know where to report them. Even if they do file a report, the process is often opaque and offers no assurance of follow-up. Furthermore, limited resources and legal education make people reluctant or afraid to pursue legal action. The lack of assistance from legal aid institutions or civil society organizations further exacerbates this situation. As a result, residents feel powerless and resigned to accepting pollution as part of their lives.

This gap between ideal regulations and the reality on the ground reflects the need for systemic change. Local governments must increase their capacity to monitor and enforce the law against businesses that pollute the environment, including MSMEs. Law enforcement must be accompanied by strict sanctions and environmental restoration mechanisms that involve affected communities. Furthermore, communities need to be empowered through environmental law education and active involvement in participatory oversight. Legal aid and advocacy need to be expanded to empower residents to have the courage and ability to fight for their rights to a healthy environment. Without synergy between

regulations, oversight, and community empowerment, legal protection will remain a mere discourse that fails to address the root of the problem.

An Overview of Maslahah Mursalah Regarding the Protection of Communities Affected by Tofu Factory Waste

From the perspective of Maslahah Mursalah, protecting communities from the negative impacts of waste falls under the category of maslahah 'ammah, or public welfare, which must be prioritized in community life. Basic Islamic principles emphasize the importance of preventing damage and bringing benefits to humanity. In the context of Bangun Sari Baru Village, pollution from tofu factory waste not only damages environmental quality but also disrupts the social, economic, and health of residents. Therefore, from a sharia perspective, protecting the environment from pollution is not merely an obligation of the state but a shared moral responsibility that must be upheld to ensure the continuity of community life with dignity (Muhammad Reza Novindri, 2020).

Islamic teachings emphasize that any form of damage to the earth and its creatures constitutes a violation of the trust of Allah SWT. The concept of maslahah mursalah demands that laws and public policies go beyond mere legality and also consider the values of social justice, humanity, and moral responsibility. In the case of tofu factory waste in Bangun Sari Baru Village, resolution efforts are not sufficient by simply enforcing administrative regulations; they must be accompanied by an ecological justice approach and empathy for affected residents. This means that business operators should not simply be given warnings; they must also be directed to implement waste management according to standards so as not to endanger the surrounding community (Adack, 2020).

The government, as the holder of the mandate of power, is obligated to guarantee the creation of public welfare. In practice, this means that local governments and relevant agencies must ensure that industries operating in their areas comply with regulations and do not neglect environmental impacts. If waste is not handled properly, the government has failed to uphold the maqasid sharia, particularly in the aspects of life protection (hifz al-nafs) by protecting the community from the negative impacts of tofu factory waste and regulating occupational safety and security in tofu factories; property protection (hifz al-mal) by compensating the community for losses caused by tofu factory waste; and environmental protection (hifz al-bi'ah) by regulating tofu factory waste management and supervising tofu factory activities, which support life. Weaknesses in oversight, indecisiveness against polluters, and slow response to public complaints indicate that principles of public welfare have not been the primary foundation for policymaking at the local level (32, 2009).

On the other hand, business actors also have a moral and social obligation to pursue not only economic profit but also to ensure that their business activities do not harm others. In Islam, the blessing of a business is measured not only by the amount of profit, but also by the extent to which the business benefits the wider community and does not cause harm. Therefore, the tofu factory operating in Bangun Sari Baru Village should not be apathetic to residents' complaints. There must be a collective awareness to improve the waste management system to prevent further environmental pollution. Such a commitment not only fulfills formal legal requirements but also embodies the values of Maslahah Mursalah, which align with religious guidance.

Communities themselves also need to be given space and a role in environmental oversight in their areas. The aspirations of residents, as expressed by one community leader, "We don't want the factory to close, but the waste must be properly managed so we can live healthily," reflect a shared desire to achieve a just and sustainable solution. This demonstrates that the community is not anti-industry, but rather desires a balance between economic activity and the protection of the right to a healthy life. Within the framework of Maslahah Mursalah, collaboration between the government, business actors, and the community is crucial. All three must work together to build synergy to realize environmental governance that supports the sustainability of the community and reflects the principles of justice in Islam.

4. CONCLUSION

Based on a review of Law No. 32 of 2009 concerning Environmental Protection and Management and the Maslahah Mursalah approach, it can be concluded that the residents of Bangun Sari Baru Village actually have a strong legal basis for protection from the negative impacts of tofu factory waste. The law expressly guarantees the community's right to a good and healthy environment and requires business operators to manage their waste responsibly. However, implementation of the law on the ground remains far from expectations. Oversight by authorities requires increased vigilance, and residents' complaints about pungent odors and water pollution have not received a serious response. This demonstrates a clear gap between legal norms and implementation on the ground.

From the Maslahah Mursalah perspective, waste management and protection of affected communities are not merely administrative matters, but also concern humanitarian values, morality, and social justice. Preventing harm to community life and preserving the environment are part of the goals of Islamic law that must be upheld collectively. Therefore, legal protection for the community in Bangun Sari Baru Village needs to be realized in real terms through concrete actions from the local government, awareness of business actors, and active involvement of the community in supervision, collaboration and moral commitment of all parties are very necessary so that this problem is not only resolved on paper, but truly brings benefits to the environment and the lives of local residents.

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