




Analysis of Legal Aspects in Indonesia's Waste Management Policies

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Article Info	Abstract
Keywords: Waste Production, Effective Waste Management, Sustainable Activity, Waste Reduction	<i>The discrepancy between waste production and its effective management is emphasized, necessitating a balanced approach by waste managers. Law No. 18 of 2008 defines Waste Management as a sustainable, systematic activity encompassing waste reduction and handling. Complex challenges in waste management are outlined, containing rapid waste accumulation, the need for heightened public awareness, and concerns regarding final disposal procedures. The surge in waste volume due to a consumptive culture underlines the role of state intervention and societal engagement. Moreover, community involvement, particularly in recycling, is pivotal to waste management, positioning it as an integral facet of public service necessitating regulation to enhance citizens' quality of life. The issue of waste management is depicted as a pressing challenge fraught with obstacles, especially notable in Indonesia. Various laws and regulations are identified, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 32 of 2004 on Regional Government (replaced by Law No. 23 of 2014), and Law No. 18 of 2008 on Waste Management, alongside regional regulations.</i>
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INTRODUCTION

The increase in population and economic growth positively impacts society's welfare and hurts people's lives, such as environmental damage. One of the causes of environmental damage is waste, which increases along with the number of people (Exposto & Sujaya, 2021).

The search results provide information on various aspects of waste management and environmental sustainability, such as the environmental impacts of hazardous waste and management strategies to reconcile circular economy and eco-sustainability, the impacts of solid waste management practices in the Global South, dangerous wastes, adverse impacts, and management strategies, remedies for environmental damage under the National Environmental Standards and Regulations Enforcement Agency (NESREA) (Establishment) Act 2007 and the Harmful Waste (Special Criminal Provisions, etc) Act 1988, and a preliminary study

about solid waste caused by the sudden environmental pollution emergency system (Li-Ping, 2014).

Overall, Indonesia produces 175,000 tons of waste per day. That means, on average, each person has 0.7 kilograms of waste daily. Based on the total amount of waste, only 13.99% is processed, 19.62% is unmanaged, and the remaining 66.39% is dumped in landfills. The increasing volume of waste can cause environmental damage, impacting ecological and public health. If left unchecked, this can cause substantial economic losses for the country (Maskun et al., 2023).

According to the Big Indonesian Dictionary, waste is an item discarded because it has no use value anymore. Law No. 18/2008 on Waste Management states that waste is the residue of daily human activities and/or natural processes in solid form. The definition of waste illustrates that waste for Indonesians is still considered something useless that must be disposed of. Waste thrown away becomes a problem when the amount of waste generation continues to grow but waste management needs to be carried out. Thus, it can be concluded that waste will continue to be produced as long as human activities continue. Waste production cannot be avoided but can be minimized and processed to reduce waste generation.

According to Article 1 point (5) of Law No. 18 of 2008 concerning Waste Management, Waste Management is a systematic, comprehensive, and sustainable activity that includes reducing and handling waste. Today we are faced with various problems that are pretty complex. These problems include the high rate of waste accumulation, public awareness (human behavior), which still needs to be improved, and issues in final disposal activities. In addition, a consumptive culture influences the increase in the quality and type of waste, so waste management cannot be separated from the intervention of the state and various sectors of society. In addition, the role of the community, which is a network or community of waste disposers, also has a significant role in waste management, in this case, the recycling process to be reused. So, waste management is part of public services that must be regulated in regulations expected to provide comfort in citizens' daily lives.

The problem of waste management has become a crucial problem and has experienced many obstacles in waste management. In Indonesia, several laws and regulations correlate or are directly related to waste management, namely Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 32 of 2004 concerning Regional Government replaced by Law No. 23 of 2014 concerning Regional Government, Law No. 18 of 2008 concerning Waste Management and

several regional regulations that have been formed by local governments both at the Regency or City level. The role of the government is vital in issuing policies on waste management because if it can manage its waste correctly, the implementation of the principles of Good Environmental Governance can be said to be fulfilled.

This paper will review waste management policies in Indonesia according to the Waste Law so that a good and healthy environment can be realized. After the concept is reviewed, it will then be reviewed how the effectiveness of the waste management concept has been implemented, along with the obstacles faced.

Based on the background described, the problem identification is as follows: How is the concept of waste management in Indonesia according to Law No.18 of 2008 concerning Waste Management? What is the role of the government in implementing waste management in Indonesia? What is the effectiveness of waste management in Indonesia?

LITERATURE REVIEW

West Management

Waste management refers to the processes and actions required to manage waste from its inception to its final disposal. This includes waste collection, transport, treatment, disposal, monitoring and regulation of the waste management process, and waste-related laws, technologies, and economic mechanisms. Garbage can be solid, liquid, or gases and each type has different methods of disposal and management (Kamaruddin et al., 2022).

Waste management aims to reduce the dangerous effects of such waste on the environment and human health. Waste Management, Inc. (WM) is a waste management, comprehensive waste, and environmental services company operating in North America WM is North America's leading provider of complete environmental solutions (Puluhulawa et al., 2022). The company provides sustainable waste management and recycling services. WM provides equal employment opportunities to all employees and applicants and prohibits discrimination.

In Plano, Texas, the Environmental Waste Services division provides weekly trash collection services to all Plano residences. The Waste Management Journal presents and discusses information on solid waste generation, characterization, minimization, collection, separation, treatment, and disposal (Karjoko et al., 2022).

RESEARCH METHODS

Juridical research is a research approach that focuses on analyzing the legal aspects of a phenomenon or problem. This approach focuses on understanding, interpreting, and applying legal regulations and provisions relating to the research subject. Juridical research tries to reveal how the law is regulated, applied and how it affects or is related to the phenomenon being studied. Legal research must be comprehensive and precise; one missed source may invalidate other relied-upon sources. There are different methodologies for legal research, such as doctrinal legal research methodology, which focuses on the letter of the law rather than the law in action, and comparative legal research methodology, which involves critical analysis of different bodies of law to examine how they differ. Legal research is a systematic understanding of the law while considering the method suitable for the case and helpful for the client. Legal research involves identifying, finding, and cite-checking the information and applicable laws needed to support legal decision-making. The process includes identifying the issue, applying “good” law to the facts, predicting counterpoints, and assessing the case’s outcome. Strategies to maximize legal research efficiency include conducting more efficient research remotely and using available tools.

RESULT

Proper waste management requires the integration of various aspects, from upstream to downstream various aspects, from upstream to downstream. The upstream aspect includes waste processing activities at the first-level producer level. Based on its original material, waste is divided into organic and inorganic. To facilitate waste transportation to the landfill, waste is sorted based on its classification. Waste segregation must be carried out at the first level of waste generation.

To support the smooth running of waste segregation activities, two things seem to be necessary, namely the existence of waste banks and community participation.

a) Waste Bank

A waste bank is a place to collect various kinds of waste that have been separated according to their type to be deposited at an environmental workshop; the results of the waste deposit will be saved and can be taken or withdrawn.

The results of waste deposits will be saved. They can be taken or disbursed within a certain period by adopting banking principles so that waste depositors will get a savings book. The main objective of establishing a Waste Bank is to help

manage waste in Indonesia. The next goal is to make people aware of a healthy, neat, clean environment. Waste Bank was also established to turn waste into something more useful in the community, for example, for crafts and fertilizers that have economic value.

b) Community Participation

Based on Law No. 18 of 2008 concerning Waste Management, community involvement in waste management is to participate in the decision-making process, implementation, and supervision in the field of waste management. Community participation in the waste management system can be divided into several levels based on the involvement or role of the community in it. The levels of participation are as follows:

- Implementing the proper habits towards waste. Contribution of financial, goods and labor and other forms of direct contribution to implementing waste management programs.
- Participation in consultation activities regarding waste management.
- Participation in administrative and management activities, which is the highest level of community participation in the waste management system. At this level of participation, community members can play a role in participating in community committees; becoming members of community-based organizations related to waste collection, environmental education, and so on; participating in decision-making during meetings related to waste management programs.

Law No. 18 of 2008 concerning Waste Management is the basis that the environment must be an essential point in the context of human rights protection in Indonesia, and law enforcement is an element of human rights protection. Law enforcement itself is the process of making efforts to uphold or function legal norms in reality as a guide to behavior in traffic or legal relations in the life of society and the state.¹⁰ The legal regulation of waste management in Law No. 18 of 2008 concerning Waste Management is based on the principle of responsibility, the principle of sustainability, the principle of benefits, the principle of justice, the principle of awareness, the principle of togetherness, the principle of safety, the principle of security, and the principle of economic value.

The right for everyone to have a good and healthy environment has been mandated in Article 28, paragraph (1) of the 1945 Constitution. The mandate provides legal consequences for the government to provide public services in waste

management. The government is the most authorized and responsible party in waste management.

Article 20 Paragraph (2) of Law No. 18 of 2008 concerning Waste Management regulates that the government and local governments are required to carry out the following activities:

- a. Set a target for waste reduction gradually within a certain period;
- b. Facilitate the application of environmentally friendly technology;
- c. Facilitating the application of environmentally friendly product labels;
- d. Facilitating reuse and recycling activities;
- e. Facilitating the marketing of recycled products.

Law Number 18 of 2008, concerning Waste Management, regulates the duties of the government in implementing environmentally sound waste management. Article 5 of the Waste Management Law states that the government is tasked with ensuring the implementation of good and environmentally sound waste management by the objectives as referred to in this Law. In Article 6, the government's duties consist of:

- Developing and increasing public awareness in waste management;
- Conducting research, development of waste reduction and handling technology;
- Facilitating, developing, and implementing efforts to reduce, handle, and utilize waste;
- Implementing waste management and facilitating the provision of waste management infrastructure and facilities;
- Encouraging and facilitating the development of the benefits of waste processing results;
- Facilitating the application of local-specific technology developed in the local community to reduce and handle waste; and
- local communities to reduce and handle waste; and
- Coordinating between government agencies, communities, and the business world to integrate waste management.

Law 18/2008 on Waste Management also regulates the government's authority. According to Article 7 of the Waste Management Law in organizing waste management, the Government has the authority:

- Establish national waste management policies and strategies;
- Establish norms, standards, procedures, and criteria for waste management;

- Facilitate and develop inter-regional cooperation, partnerships, and networks in waste management;
- Organizing coordination, coaching, and supervising the performance of local governments in waste management; and
- Establishing policies for resolving inter-regional disputes in waste management.

The duties and authority of the government in carrying out environmentally sound waste management as stipulated in Law Number 18/2008 concerning Waste Management is an effort to provide legal certainty in waste management regarding the responsibilities and authority of the government and the role of the community so that waste management can run proportionally, effectively, and efficiently.

Referring to Law Number 18 of 2008 concerning Waste Management which mandates waste reduction and handling. waste reduction is carried out using 3-R, namely reduce (reduce), reuse (reuse), and recycle (recycle). Meanwhile, waste handling includes activities:

- Segregation and containerization.
- Collection, in the form of waste collection and transfer from waste sources to temporary shelters (TPS).
- Transportation by carrying waste from TPS or to the final processing site.
- Processing, in the form of changing the characteristics, composition, and amount of waste. Final processing, in the form of safely returning waste and/or residues from previous processing to environmental media.

In addition to referring to Law No. 18 of 2008 concerning waste management, each region in Indonesia is given the authority to make legislative products in the form of Regional Regulations that regulate waste management in each region. Because relating to waste management for the government and local governments cannot be separated from the principles contained in Article 2 of Law No.32 of 2009 concerning Environmental Protection and Management or PPLH Law which regulates the principles of state responsibility, participatory principles, principles of good governance, and principles of regional autonomy (Mahardika & Bayu, 2022). Therefore, waste management is a state responsibility through the government and local governments. Where community participation is needed to carry out its management. In addition, it is strengthened by Article 63 of the PPLH Law, which regulates the authority of the government and local governments in environmental protection and management.

CONCLUSION

The substances directly related to waste management in this Law are in Article 19, which regulates the management of household waste and waste similar to household waste, and Article 20, which outlines the three main activities in organizing waste reduction activities. With the enactment of Law No. 18/2008 on Waste Management, the waste management policy began. The waste management policy that for more than three decades only relied on the collect-transport-dispose approach (end of pipe) by depending on the existence of landfills was changed to a reduce at source and resource recycle approach through the application of the 3Rs (Reduce, Reuse, Recycle).

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