



Roles of the Government in Fulfilling People's Right To a Healthy Environment Through Sustainable Waste Management

Sulatin Baeti Janah

Sebelas Maret University, Surakarta, Indonesia
sulatinbaetijanah87@gmail.com

Abstract. Waste is a problem that seems endless. Problems regarding this waste occur in various countries including Indonesia. Efforts to support the right to a clean, healthy and sustainable environment in Indonesian law need to be done by perfecting the principle of justice in various laws. Currently, waste management is increasingly becoming a complex problem, this is in line with the increase in the amount of existing waste. Sustainable waste management is a strategy for collecting and processing waste that involves all aspects of stakeholders which aims to prevent, recycle, and also restore pollution caused by waste. This research uses doctrinal normative legal research methods. This research looks at the law from the point of view of applicable norms, which are certainly prescriptive in nature. This research uses a statutory approach so that researchers can understand the philosophical content of the law and be able to imply whether or not there is a philosophical clash between the law and the issue at hand. In this research the author also uses secondary data sources, namely the author obtains data by studying literature or literature that has a relationship with the object of research.

Keywords: Government Role, Rights Fulfillment, Sustainable Waste Management.

1 Introduction

Waste is a problem that seems endless. This problem occurs in various countries including Indonesia. Waste disposal that is not in the right place and also improper management results in uncontrolled accumulation of waste. The accumulation of waste can cause environmental pollution which results in the community's right to a healthy environment being taken away. As stated in the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as UUD NRI 1945) Article 28 H paragraph 1 states that "every citizen has the right to be able to live in prosperity, physically and mentally, to have a place to live, and to have a good and healthy environment.

So how to deal with the waste that has already accumulated today? Various government efforts have been made to overcome this problem. One of them is by forming regulations regarding waste management. Law Number 18 of 2008 concerning waste management explains that the scope of waste management starts from reducing waste and also handling waste from its source. And also formed Government Regulation Number 81 of 2012 concerning Household Waste Management and Household Waste.

There are several factors that cause waste accumulation, namely: 1) Population Density. The denser the population, the more waste is generated. 2) Social Economy.

© The Author(s) 2024

D. B. Kharisma et al. (eds.), *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2024)*, Atlantis Highlights in Social Sciences, Education and Humanities 30,

https://doi.org/10.2991/978-94-6463-634-5_8

The higher the economic quality of the community, the more waste is generated. Much of the waste is also non-decomposable, depending on the materials available, regulations in place and public awareness of the waste problem. 3) Technology. The more advanced a technology is, the more it will affect the amount and quality of waste generated.[1]

Based on the description above, the author is interested in examining the role of the government in fulfilling people's rights to a healthy environment through sustainable waste management and the challenges faced by the government in implementing sustainable waste management policies.

2 Research Method

This research uses doctrinal normative legal research methods. This research looks at the law from the point of view of the applicable norms, which are certainly prescriptive in nature. This research uses a legislative approach so that researchers can understand the philosophical content of the law and be able to imply whether or not there is a philosophical clash between the law and the issue at hand. In this research the author also uses secondary data sources, namely the author obtains data by studying literature or literature that has a relationship with the object of research. The legal materials used are primary legal materials such as: 1945 Constitution of the Republic of Indonesia, Law No. 18 of 2008 concerning Waste Management, PP No. 81 of 2012 concerning Household Waste Management and Household Waste, and other regulations related to the object under study. Secondary legal materials used in this research include books, journals, papers, research reports, the internet and so on.

3 Discussion

3.1 The Government's Role in Fulfilling People's Right to a Healthy Environment through Sustainable Waste Management

Fulfillment of the Community's Right to a Healthy Environment

Efforts to support the right to a clean, healthy and sustainable environment in Indonesian law need to be made by improving the principle of justice in various laws. However, a policy must be accompanied by the seriousness of the government in its implementation in order to have a significant impact.[2] Environmental management is one of the integrated and systematic activities in an effort to prevent pollution and environmental damage. One of the causes of environmental damage is waste. Waste is waste generated from a production process both industrial and domestic.

The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as UUD NRI 1945) Article 28 H paragraph 1 states that "every citizen has the right to be able to live in prosperity, physically and mentally, have a place to live, and get a good and healthy environment." One of the government's efforts in realizing the fulfillment of people's rights to a good and healthy environment is by conducting waste management.

We already know that accumulated garbage can cause environmental pollution, which of course can interfere with the health of the people who live in the neighborhood.

Article 1 paragraph (2) of Law 32 of 2009 on Environmental Protection and Management (hereinafter referred to as the PPLH Law) states that environmental protection and management are systematic and integrated efforts carried out to preserve environmental functions and prevent environmental functions and prevent pollution and / or environmental damage which include planning, utilization, control, maintenance, supervision, and law enforcement.

In addition to the PPLH Law, Law No. 8/2008 on Waste Management Article 6 states that the government and local governments have duties in waste management, namely:

- 1) Develop and increase public awareness in waste management;
- 2) Conduct Research, development technology reduction, and waste management;
- 3) Facilitate, develop, and implement waste reduction, handling, and utilization efforts;
- 4) Carry out waste management and facilitate the provision of waste management infrastructure and facilities;
- 5) Encourage and facilitate the development of outcome benefits;
- 6) Facilitate the application of local specific technologies developed in local communities to reduce and handle waste; and
- 7) Coordinating between government institutions, the community, and the business world so that there is integration in management.

The operational policy of Law No. 18 of 2008 that regulates the management of waste banks is the Regulation of the Minister of Environment (Permen LH) Number 13 of 2012 concerning Guidelines for Implementation and through waste banks.[3] Furthermore, in 2021 the Minister of Environment established the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 14 of 2021 concerning Waste Management in Waste Banks so that Ministerial Regulation Nomo 13 of 2012 was officially revoked.

Sustainable Waste Management

Currently, waste management is increasingly becoming a complex problem as the amount of waste increases. As Scheinberg said, waste management has the potential to fail if the amount of waste managed is too large, the presence of waste that is not in the right place, or insufficient recycling.[4] The term sustainable development is currently the main focus in Indonesia. Sustainable development management is an effort made to manage development, which aims to reduce the impact on the environment. This sustainable development is carried out in various fields, one of which is in the field of waste management.

Recently, governments in various countries have been trying to reduce the intensity of waste disposal in landfills. With existing regulations, the Indonesian government promotes *source reduction*, reuse of waste that can still be used, recycling waste and making waste as a waste management tool energy source.[5] The existence of waste

management basically aims to manage waste generated from community activities so as not to have a negative impact on society and the environment.

The existence of an integrated sustainable waste management system requires the involvement of various aspects.[6] One of them is in terms of legal regulation of waste management which is considered less effective for Indonesia's current conditions. The utilization of technology and resources should be one of the steps in efficient waste management and public education is needed to increase public awareness to reduce waste, recycle, and be responsible in the use of consumer products.[7]

Waste management must take into account several aspects of society such as health, economics, conservation, engineering, beauty and other environmental considerations. According to Tchobanoglous, et.al, he formed *Integrated Solid Waste Management* into a hierarchy, namely:[8]

- a. *Source reduction*
- b. *Recycling*
- c. *Waste transformation*
- d. *Landfilling*

This is in line with Law No. 18 of 2008 concerning waste management. In Article 20, it explains that waste reduction is carried out by:

- a. Restriction of waste generation.
- b. Recycling waste.
- c. Reusing waste.

In terms of waste segregation, the existence of waste banks and community participation is very important. The 3R strategy (*Reduce, Reuse, Recycle*) is one of the waste management programs. The waste bank is used as a place to collect inorganic household waste which can then be recycled into something of economic value. With this waste bank, it can reduce waste disposal to landfill. This is what helps the government in managing waste. With waste banks, waste can be reprocessed and does not need to be disposed of in landfills.[9]

In addition to the community, government support in waste management is very important. Nowadays, the government should be involved in the waste minimization process by increasing the provision of information, as well as knowledge about the waste minimization process, and providing examples.[10]

Waste management must be supported by strong and comprehensive regulations. General regulations are regulated by the central government and the technicalities are regulated in local government regulations. Waste segregation and waste disposal must be regulated in detail and monitored properly.[11]

3.2 Challenges Faced by the Government in Implementing Sustainable Waste Management Policies

Generally, sustainable waste management is a strategy for collecting and processing waste that involves all aspects of stakeholders that aim to prevent, recycle, and also restore pollution caused by waste.[12] As for the challenges in implementing

sustainable waste management policies, namely:

a. Low Level of Public Awareness

The low level of public awareness of the culture of disposing of waste in its place is one of the factors that make it difficult for the government to manage waste. In addition, knowledge of waste management is still minimal in the community. Rapid population growth must be balanced with the level of public awareness of waste management. Director of Waste Management, Directorate General of Waste Management, Garbage, and Hazardous Toxic Materials (PSLB3) MoEF, Novrizal Tahar said that the results of a survey conducted by BPS in 2018 as many as 72% of people do not care about waste. This is a major challenge for the government and all environmentalists to be serious in accelerating waste management by targeting 100% of waste to be managed properly and correctly by 2023. [13]

b. Infrastructure and Technology

Waste management must be supported by adequate infrastructure. In Indonesia itself, waste management infrastructure is still lacking, especially in rural areas. The facilities referred to here are such as tools for recycling and also landfills that are safe and far from the community environment. [14]

c. Limited Human Resources

Waste management requires sufficient human resources. Limited human resources are one of the challenges for the government. This human resource is needed in every waste management process, starting from collection, sorting, and recycling.

4 Conclusions

One of the government's efforts in realizing the fulfillment of people's rights to a good and healthy environment is to carry out waste management. Waste management must pay attention to several aspects that exist in society such as health aspects, taking into account economic, conservation, engineering, beauty and other environmental considerations.

In addition to the community, government support in waste management is very important. Nowadays, the government should be involved in the waste minimization process by increasing the provision of information, as well as knowledge about the waste minimization process, and providing examples. Waste management must be supported by strong and comprehensive regulations. General regulations are regulated by the central government and technical regulations are regulated by local government regulations. Waste segregation and waste disposal must be regulated in detail and monitored properly.

References

1. Arif Waskitha Aji, Rahayu Subekti, and Sapto Hermawan. "Peran Pemerintah Dalam Pencegahan Sampah Plastik (Studi Kasus Dinas Lingkungan Hidup Kabupaten Gunungkidul)." *Jurnal Komunitas Yustisia* Vol. 5. No. 3 (2022): 315–329. <https://doi.org/10.23887/jatayu.v5i3.54248>
2. Andang Binawan and Maria Grasia Sari Soetopo, "Implementasi Hak Atas Lingkungan Hidup Yang Bersih, Sehat, Dan Berkelanjutan Dalam Konteks Hukum Indonesia," *Jurnal Hukum Lingkungan Indonesia* Vol. 9. No. 1 (2022), hal. 139, <https://doi.org/10.38011/jhli.v9i1.499>.
3. Dipo Gita Ambina, "Tinjauan Pemilahan Sampah Menurut Undang-Undang Nomor 18 Tahun 2008 Tentang Pengelolaan Sampah," *Bina Hukum Lingkungan* Vol. 3. No. 2 (2019), hal. 177, <https://doi.org/10.24970/jbhl.v3n2.13>.
4. Scheinberg A., "The Need for the Private Sector in a Zero Waste, 3-R, and Circular Economy Materials Management Strategy," Discussion Paper for the CSD 18/19 Intercessional, 16-18 February 2010 (Tokyo, Japan, 2010).
5. Ely Sufianti, "Pembangunan Berkelanjutan Berwawasan Lingkungan : Strategi Pengelolaan Sampah Melalui Pendekatan Partisipatif," *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu Dan Praktek Administrasi* Vol. 1. No. 2 (2018), hal. 31–39, <https://doi.org/https://doi.org/10.31113/jia.v1i2.194>.
6. Rizqi Puteri Mahyudin, "STRATEGI PENGELOLAAN SAMPAH BERKELANJUTAN," *EnviroScienteeae* Vol. 10. No.1. (2014), hal. 80–87, <https://doi.org/http://dx.doi.org/10.20527/es.v10i1.1962>.
7. Mohammad Amin Lasaiba, "Strategi Inovatif Untuk Pengelolaan Sampah Perkotaan: Integrasi Teknologi Dan Partisipasi Masyarakat," *GEOFORUM Jurnal Geografi Dan Pendidikan Geografi* Vol. 3. No. 1 (2024), hal. 1–19, <https://doi.org/10.30598/geoforumvol3iss1pp1-19>.
8. George Tchobanoglous and Frank Kreith, *Handbook of Solid Waste Management, The A-Z Encyclopedia of Food Controversies and the Law*, Second edi, vol. 2–2 (New York: McGraw-Hill, 2010), <https://doi.org/10.2307/j.ctvjz80w7.13>.
9. Sukmaniar et al., "Bank Sampah Sebagai Upaya Pengelolaan Sampah Di Perkotaan," *Environmental Science Journal (Esjo) : Jurnal Ilmu Lingkungan* Vol. 1. No. 2 (2023). hal. 65, <https://doi.org/10.31851/esjo.v1i2.11960>.
10. Ely Sufianti, "Pembangunan Berkelanjutan Berwawasan Lingkungan : Strategi Pengelolaan Sampah Melalui Pendekatan Partisipatif," *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu Dan Praktek Administrasi* Vol. 1. No. 2 (2018), hal. 31–39, <https://doi.org/https://doi.org/10.31113/jia.v1i2.194>.
11. Mustamin Rahim, "STRATEGI PENGELOLAAN SAMPAH BERKELANJUTAN," *JUrnal Sipilsains* Vol. 10. No. 1. (2020), hal. 33., <https://doi.org/https://doi.org/10.33387/sipilsains.v10i1.1920>.
12. Mardianto Haholongan Napitupulu and Ali Muhyidin, "Tantangan Partisipasi Pemangku Kepentingan Dalam Tata Kelola Sampah Kota Berkelanjutan," *Jurnal Pembangunan Wilayah Dan Kota* Vol. 17. No. 4. (2021): hal. 386., <https://doi.org/10.14710/pwk.v17i4.34438>.
13. Faustinus Nua, "Sebanyak 72% Masyarakat Belum Peduli Sampah," *Media Indonesia.com*, 2021, <https://mediaindonesia.com/humaniora/400163/sebanyak-72-masyarakat-belum-peduli-sampah>.
14. Mita Defitri, "Tantangan Dan Soliusi Penerapan Retribusi Sampah Di Indonesia," *waste4change.com*, 2023, <https://waste4change.com/blog/tantangan-dan-solusi-penerapan-retribusi-sampah-di-indonesia/>.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

