

Regional Government Policy in Environmental- Based Waste Management

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ABSTRACT--*This study aims to find out and analyze the regulations of waste management based on Indonesian legislations as well as the implementation of waste management policies in Kuningan District. The method used in this study was an evaluative analysis method which is a method of collecting and presenting the obtained data to analyze actual situation and then followed up by rational analysis based on juridical references through library and field research. The results revealed that the regulations of waste management are based on the Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management. Meanwhile, at the regional level, the regulations of waste management are based on Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management and Kuningan District Regional Regulation No. 56 of 2012 concerning guideline for implementing Kuningan District Regional Regulation. Hereafter, regarding the implementation of waste management in Kuningan District, it has been institutionally handled by Environment Agency (DLH) in which its arrangement is based on Law and regional regulations on waste management. Further, in an effort to increase public awareness, the regional government has created various programs to increase community participation in protecting the environment.*

Keywords: *policy, environmental-based waste management*

I. INTRODUCTION

Article 1 Paragraph (3) of the 1945 Constitution of the Unitary State of the Republic of Indonesia declares that the state of Indonesia is a state based on the rule of law. A state based on the rule of law means that the state upholds the rule of law to seek truth and justice as there is no power that cannot be accounted for. [1] In other word, a state based on the rule of law is a state that stands on the law in order to guarantee justice to its citizens. Justice is one of prerequisites for creating happiness in people's life. Hence, actual legal regulation exists only if the legal regulation reflects justice for people's life.[2] Environment is a term that can encompass living creatures in nature, either on the earth or parts of the earth, which function naturally without excessive human intervention. A good and healthy environment is the basic right of every Indonesian citizen as mandated in Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia.

Environmental protection and management aims to realize sustainable development. Sustainable development is a concerted and planned effort that integrates

environmental, social, and economic aspects in a development strategy to ensure environmental integrity for the present and future generations. As stated in Article 5 paragraph (1) of UUPH, every person has the same right to a good and healthy environment. [3] One of the factors causing environmental damage in Indonesia is waste disposal. Waste is transported by special trucks and thrown away or piled up in certain places without any action. [4] This condition will certainly have an impact on the surrounding environment as the environment can become dirty and become a source of disease. Regional growth and development has led to efforts to increase community needs. The development of an area has an impact on consumption patterns and lifestyles of the community which causes an increased volume of waste. This problem has become more complex in relation to its management as the quantity of waste is increasing, the variety of composition varies, the limited sources of funds, and the higher activities of the potential sources of waste. In an effort to overcome this problem, Law No. 18 of 2008 concerning Waste Management was formed. The increased volume of waste that is not balanced with environmental-based management will cause environmental damage and pollution. [5] This increased volume of waste is undesirable and can cause pollution if the natural assimilation power is no longer able to support it. In addition, waste is closely related to public health as it can give birth to organisms that cause various diseases, such as abdominal typhus, diarrhea, hemorrhagic fever, etc. In addition to causing various diseases, in terms of aesthetics, waste will be the worst thing destroying the view and producing an unpleasant odor that will become a benchmark for the identity of the city in all aspects. Further, incomprehensive waste management will lead to social problems, such as demonstration, clashes between residents, blockade of TPA facilities, etc.[6]

Waste problem requires special handling which is not only done by the district government, but also by the community. Hence, the successful implementation of waste management highly depends on the desire of the district government as well as the community. This desire can be started from an understanding and awareness of the importance of waste management sector as a reflection of the success of district waste management. Waste management in a district aims to manage waste produced by its local community, to maintain the local community's health, and to create a clean environment. Currently, waste management is facing a lot of pressures, mainly due

to the increasing volume of waste generated by the community, both producers and consumers. Kuningan District that has a population of ±1.055.417 people [7] generates waste with a total of ±300 cubic per day from 11 districts. [8] To support the realization of Kuningan District as a District that is clean, healthy, comfortable, beautiful and environmentally friendly, Kuningan Regent creates a policy on Waste Management in Kuningan District. To strengthen the policy, Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management and Kuningan District Regional Regulation No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation were issued.

However, the implementation of these policies often faces various problems, such as the slow transportation of waste from Temporary Waste Collection Site (TPSS) to Final Processing Site (TPA) in Ciniru, the bad condition of trucks transporting waste, etc. Based on an observation conducted at Environment Agency (DLH) of Kuningan District, it is indicated that the lack of facilities at Environment Agency (DLH) of Kuningan District becomes one of the causes of waste problem in Kuningan District. In fact, the effectiveness of implementing a policy is very important. In this case, effectiveness is defined as the completion of an activity on a predetermined time. Hence, effectiveness can be used as a means to assess how a policy can be said to be succeed or not.

Government efforts shall not end here. Yet, it shall be accompanied by concrete actions to implement the policy that has been made because a policy has a meaning of what should be done (by the government), not what is proposed to be done on a particular issue. Without the implementation stage, programs that have been prepared will only become official records on the table of policy makers. In the implementation stage, the government is also required to work effectively. The government's work is said to be effective when it has been successful in achieving the objectives of the policy. Based on the description, the problems discussed in this study are formulated into the following questions: How are the regulations of waste management based on Indonesian legislation? and How is the implementation of waste management policy in Kuningan District based on Regional Regulation No. 4 of 2010 concerning Waste Management?

II. RESEARCH METHOD

This descriptive-analytic research applied an empirical juridical approach. This research consists of field research and library research. In an empirical legal research, the data used was primary data. The data were collected through interview and document analysis. The collected data were then analyzed by applying descriptive analysis method.

III. FINDINGS AND DISCUSSION

A. *The Regulations of Waste Management Based on Indonesian Legislation*

General description of the legislation concerning waste management in Indonesia is described in Article 28H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia stating that every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care. Article 1 of Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management states; Waste is the remnant of human daily activities and/or natural processed in the solid form; Specific waste is the waste in which its types, concentration, and/or volume required to be managed specifically; A waste resource is the source where the waste derived from; A waste producer is anyone and/or by the natural process produced waste; Waste management is a systematic, holistic and sustainable activities included reducing and handling waste; Temporary collection site is the site before the waste is being transported for recycling, processing and/or to the integrated waste processing site; Integrated waste processing site is the site where collection, sorting, recycling, handling and final waste processing are taken place; Final processing site is the site where processing and returning of waste to the environmental medium that safe for human and the environment are taken place; Compensation is giving a certain amount of payment to a person who suffered from negative impacts caused by waste handling activities at the final processing site; A person is an individual, a group of people, and/or a legal entity; Emergency response system is a series of activities carried out to control that includes prevention and handling of accident caused by the improper waste management; Central government, so is called as the Government, is the President of the Republic of Indonesia who held the authority to govern the state of the Republic of Indonesia as stated in the 1945 Constitution of the Republic of Indonesia; Local government is the governor, the regent, or the mayor, and local officials as the part of the local government executive; The Minister is the minister who is responsible in environmental management and in other related sectors.

The Ministry of Environment, on November 1, 2012 in Jakarta, describes the important substance of Government Regulation No. 81 of 2012 concerning Household Waste Management and Household-like Waste Management that was enacted on October 15, 2012. This government regulation is very important as an implementation of Law No. 18 of 2008 concerning Waste Management and as a strengthening legal foundation for the implementation of waste management in Indonesia, especially in the regions. There are several important contents mandated by this regulation, namely: 1) Provide a stronger foundation for regional government in implementing environmental-based waste management from various aspects, including legal, management,

operational, financial, institutional, and human resources aspects; 2) Provide clarity regarding the division of tasks and roles of all parties involved in waste management starting from ministries/institutions at the central level, provincial government, district/city government, business actors, area managers, to the community; 3) Provide an operational basis for the implementation of 3R (reduce, reuse, recycle) in waste management replacing the old paradigm of waste collection and disposal; and 4) Provide a strong legal basis for involving business actors to take responsibility in managing waste in accordance with their roles.

As a follow up of the issuance of this government regulation, all related parties need to take actions, namely: 1) The central government through ministries/institutions in accordance with their authority formulates presidential regulations and ministerial regulations as mandated by this government regulation; 2) Provincial and district/city governments formulate regional regulations on waste management; and 3) The central government immediately conducts dissemination of this government regulation to the regional governments, business actors, area managers and all Indonesian citizens. Article 1 of Ministerial regulation on Guideline for the implementation of Reduce, Reuse, and Recycle through waste bank states that the activities of Reduce, Reduse, and Recycle, hereinafter referred to as 3R, are all activities that can reduce anything that can cause waste, activities to reuse waste for the same function or other functions, and activities to process waste to be used as new products. Waste bank is a place for sorting and collecting waste that can be recycled and/or reused as it has economic value. Currently, environmental problems occurred in various places. These problems involve pollution, either land, water or air pollution. The pollution is caused by human activities. For example, if the amount of waste that is piled up in certain places is not handled properly, it can cause land pollution and reduce the level of public health.

Based on SNI Decree of 1990, waste is solid waste consisting of organic and inorganic substances that are considered to be no longer useful and must be managed so as not to endanger the environment and to protect developmental investment. [9] Waste is the remnants of the materials that have been treated, either because the main part has already been taken, or because of processing, or because there are no benefits in terms of it has no value in social-economic aspect and it can cause pollution or disturbance to the environment in environmental aspect.[10]

Based on Article 1 of this regional regulation, waste management is systematic, holistic and sustainable activities through reduction, sorting, collection, utilization, transportation, and disposal of waste. Waste reduction is an activity to reduce the amount and weight of waste. Reduce, Reuse and Recycle (3R) is an activity to manage waste by reducing, reusing, and recycling. Waste sorting is waste segregation activities to be further managed in accordance with its type and needs. Waste container is a waste collection place based on the type of waste. Waste collection is the collection of waste from a

waste resource to Temporary Collection Site (TPS). Temporary Collection Site (TPS) is the site before the waste is being transported for recycling, processing and/or to Final Processing Site (TPA). Waste transportation is the activity of transporting waste from Temporary Collection Site (TPS) to Final Processing Site. Integrated Waste Processing Site (TPST) is the site where collection, sorting, recycling, handling and final waste processing are taken place. Final Processing Site (TPA) is the site where processing and returning of waste to the environmental medium that safe for human and the environment are taken place. Waste management services are waste services provided by the government and other parties aimed at people in need. Waste organization is a group formed on their own will and desire in which its objectives and activities are in the field of waste management.

Article 6 of the Regulation of Kuningan Regent No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management states that: 1) Waste management activities developed in regions are: a) urban areas with a waste management system based on technical services conducted by BPLHD in collaboration with the community and b) rural areas with community-based waste management system; 2) These systems will apply the concept of waste management which includes the efforts to Reduce, Reuse, and Recycle in each stage of waste management where BPLHD has the responsibility to conduct development and guidance; 3) The type of waste managed by BPLHD is organic waste, inorganic waste, and household B3 waste, excluding industrial and medical waste; 4) Industrial waste is the responsibility of each related institution or individual and/or agency. Household waste originating from daily activities, excluding specific feces and waste, household-like waste from commercial areas, industrial areas, specific areas, social facilities, public facilities, and other facilities. Specific waste includes:

- a Waste contains hazardous and toxic materials;
- b Waste contains hazardous and toxic waste;
- c Waste derives from disaster;
- d Construction and demolition waste;
- e Waste that cannot be processed due to there are no available technology existed;
- f Waste that is not periodically occurred.

Article 1 of Law No. 32 of 2009 concerning Environmental Protection and Management states that environment shall be an integral space with all the things, resources, conditions, and living creatures, including humans and their behaviors that affect the nature and the continuity of livelihood and the welfare of human beings and other living creatures. Based on the description, it can be concluded that waste management in Kuningan District is in accordance with the theory of the rule of law governing waste management based on legislation.

B. The Implementation of Waste Management Policy in Kuningan District Based on Regional Regulation No. 4 of 2010 concerning Waste Management

The policy of Environment Agency (DLH) in handling waste generated from household is that there must be a sorting process done by households to separate organic and inorganic waste before it is dumped into TPS and the waste disposed must be residual waste or waste that cannot be recycled. This policy is in accordance with Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management Chapter VII Article 13 stating that sorting is a process of grouping and separating waste based on its type and/or its nature. After grouping and separating waste based on its type and/or its nature, then the remnants of waste that is dumped into TPS must be residual waste or waste that cannot be recycled. Waste in TPS will then be handled by officers of Environment Agency (DLH), especially the waste transportation department which will transport the waste in TPS at rural areas once a day (every morning) and twice a day (every morning and evening) in TPS at main lane, namely Siliwangistreet.

In addition to household waste, Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management also regulates waste originating from markets and supermarkets. In this case, market waste will be transported first by waste transportation officer to TPS, while supermarket waste will be directly transported by waste transportation officer with a drum truck. Waste that is on the highway has been served by street sweepers from Environment Agency (DLH), including Siliwangi Street, Otista Street, Veteran Street, Ahmad Yani Street, Pramuka Street, Cijoho Street, Juanda Street, Ciporang Street, and Cirendang Street. Street sweepers operate from 06.00 WIB until finished in accordance with their respective lanes. Yet, the number of street sweepers is not enough to serve the whole area in Kuningan District.

Waste management in Kuningan District is based on Law No. 18 of 2008, Law No. 32 of 2009, Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management, and Regulation of Kuningan Regent No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation. Yet, the implementation of waste management is not yet optimal due to the limited number of street sweepers and waste transportation officers as well as the facilities and infrastructures in which there are only 13 drum trucks, 4 armrols, 2 tankers, 2 pickup trucks, 65 garbage carts, 5 three-wheeled motorcycles, 1 bulldozer, and 1 saporator. This number is not enough for providing waste services in Kuningan District as there is 6 m³ of waste per day from urban areas.

Waste processing in Final Processing Site (TPA) has not been in accordance with Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management, especially Article 17 regarding the final waste processing which should apply sanitary landfill method or burying waste with the height of 30-50 cm. Yet, in fact, TPA in Ciniru applies landfill control method which is a three-month burial of waste due to an

insufficient budget from the local government to apply sanitary landfill method.

C. The legal system in waste management in Kuningan District

According to Friedman, as quoted by Ade MamanSuherman, legal system is a system that includes legal substance, legal structure and legal culture. [11] First, legal structure is the institutionalization of legal entities. For example, the court power structure (in Indonesia) consists of Level 1 Court, Appellate Court, and Cassation Level Court. Besides, there are also General Court, Religious Court, Military Court, State Administrative Court, and Tax Court. Further, Friedman asserts that law has the first element of the legal system, including legal structure, institutional arrangement, and institutional performance. Second, legal substance is a rule or norm which is a pattern of human behavior in a community within the legal system. For example, a driver exceeding the speed limit will be fined and someone who buys goods must hand over a certain amount of money to the seller. Third, legal culture is attitudes and values associated with shared behavior and law in its respective institutions.

The organizational structure of Environment Agency (DLH) of Kuningan District is; 1) Head of Office; 2) Office Secretary who supervises several sub-sections, namely: Sub-Division of Finance, Sub-Division of Program, and Sub-Division of General; 3) Head of Environmental Management Division that includes Section of Environmental Impact and Technology and Section of Partnership and Capacity Building; 4) Head of Sanitation and Gardening Division that includes Section of Sanitation Management, Section of City Parks and Forests; 5) Head of Environmental Conservation Division that includes section of Energy and Mineral Resources, Section of Natural Resources Conservation, and Section of Environmental Quality Recovery; 6) Head of Environmental Pollution and Damage Control Division that includes Section of Environmental Pollution and Damage Control and Section of Environmental Pollution and Damage Monitoring; 7) Head of UPTD of Kuningan Botanical that includes Head of Subdivision of Kuningan Botanical Administration; and 8) Head of UPTD of Waste Management that includes Head of Subdivision of Waste Management. Meanwhile, Waste management in Kuningan District is based on:

- a. Law No. 18 of 2008 concerning Waste Management;
- b. Law No. 32 of 2009 concerning Environmental Protection and Management;
- c. Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management;
- d. Kuningan District Regional Regulation No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management.

D. The culture of Kuningan District's community towards Waste Management

The culture of Kuningan District's community towards waste management is not in line with the expectation of the regional government. The community has not yet fully managed or sorted waste before it is dumped into TPS. In fact, the regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management has been socialized. Besides, there have been waste disposal sites for the separation of organic and inorganic waste in each service lane and TPS in the form of wall TPS, plate easer TPS, and viber trash can. Yet, there are still a lot of people in Kuningan District who are not aware to dump waste into TPS provided by Environment Agency (DLH) of Kuningan District. The implementation of regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management will be optimal if Environment Agency (DLH) conducts socialization to the community as a whole, not only to urban community, but also rural community because community's active role is strongly needed in the implementation of this policy.

Kuningan District Regional Government is trying to offer the concept of community-based waste management that applies the 3R (Recycle, Reuse and Reduce) principle by establishing a waste bank in several villages or sub-districts in Kuningan District. It is followed by the commitment of the Kuningan District Regional Government in terms of funding for the procurement of equipments and facilities. The socialization process before carrying out this waste management program begins with the process of conveying ideas from the local government to the community, represented by RT/RW officials, Environmental Cadres, PKK members, community leaders, and religious leaders. Further, the socialization to the community is carried out through various activities, for example PKK meetings, *dasawisma* meetings, and incidental meetings between the community and RT/RW officials that specifically discuss the waste management program. The roles of RT/RW officials, Environmental Cadres, PKK members, community leaders, and religious leaders in pioneering waste sorting programs are very significant. They are the spearhead, motivators and mediators bridging the communication between the government and the community.

So far, through the socialization conducted by Environment Agency (DLH) to the community, there are 11 villages, such as Ragawacana Village, that have begun implementing the policy by forming waste bank and 3R (reduce, reuse and recycle) group. The community in Ragawacana village has formed a waste bank and a 3R group in which its operation is assisted by the local government, in this case Environment Agency (DLH), that has provided facilities in the form of 1 unit of laptop, 1 unit of printer, 1 unit of three-wheeled vehicles, and 1 unit of garbage cart. Besides, the community also plays an active role in the government program, namely PROKASI (*Program Kali Bersih/Clean River Program*). One of the examples is the implementation of PROKASI in Citamba

river in which, in its implementation, it is not only the community around Citamba River who participated, but also other community and government agencies, such as LSM, KODIM, Polres, etc. Based on the description, it can be concluded that waste management in Kuningan District has been in accordance with the legal system theory, namely the existence of Environment Agency (DLH). Meanwhile, its legal substances are in the Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management and the culture of community, institutions, waste bank, and 3R groups.

IV. CONCLUSION

Based on the analysis and discussion concerning the implementation of regional government policy in waste management based on Kuningan District Regional Regulation No. 04 of 2010 on Waste Management, it can be concluded that Environment Agency (DLH) is the executor of regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 on Waste Management. Basically, waste management in Indonesia is regulated in Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management.

The implementation of waste management policy in Kuningan District is realized by the existence of Environment Agency (DLH) of Kuningan District. Meanwhile, its implementation is based on Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia No. 18 of 2008, Government Regulation of No. 81 of 2012, and Kuningan District Regional Regulation No. 04 of 2010. Further, the legal culture found in the community is the participation of the community in forming Waste Bank and 3R Group. Basically, the regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management has been implemented. Yet, in the field, its practice has not been optimal because there are still many people who do not know about Regional Regulation No. 04 of 2010. Besides, the budget for operational costs is insufficient so that the services to the community is not optimal. For example, there are only 13 dum trucks to transport waste from TPS to TPA throughout Kuningan District. In terms of community's roles in the implementation of regional government policy on waste management based on Regional Regulation No. 04 of 2010 concerning Waste Management, there are still many people in Kuningan District who do not know yet about the policy. Yet, the community who have received socialization from Environment Agency (DLH) on the implementation of regional government policy on waste management based on Regional Regulation No. 04 of 2010 on Waste Management have taken an active role by forming a waste bank, a 3R group, and participating in various waste management programs, such as PROKASI (*Program Kali Bersih/Clean River Program*).

V. SUGGESTION

In disseminating Regional Regulation No. 04 of 2010 on Waste Management, it is expected that the regional government conducts socialization to the community as a whole, not only to urban community, but also rural community, so that the community can understand and implement the regional government policy on waste management based on Regional Regulation No. 04 of 2010 concerning Waste Management.

Further, there is a need for training and guidance for the community of Kuningan District. In this case, Environment Agency (DLH) as the executor of the regional government policy must prepare everything so that the policy can be implemented optimally. Some of the things that must be considered by Environment Agency (DLH) are the improvement of the quality of facilities used, the addition of human resources or personnel in accordance to the needs in the field, and providing assistance in the form of funds or infrastructure for the community that has formed waste bank and 3R group.

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