

LEGAL REVIEW OF COASTAL WASTE MANAGEMENT IN IMPROVING COMMUNITY ECONOMY

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Abstract

Legal Review of Coastal Waste Management in Improving Community Economy. How can current regulations on beach waste management not improve people's economies? How is the legal construction in coastal waste management in improving the economy? The research method used is empirical juridical with a statutory approach, concept approach, and case studies. The results showed that: 1) The government is responsible for adequate recollection and disposal of waste from settlements. However, because there are other things that must be prioritized in development in the regions and the lack of supporting funds for the operationalization of waste management, making in some areas this waste management activity is not as expected. This is further strengthened by the lack of application of the principle that those who produce goods must manage waste from these goods. Of course, in this case, public legal awareness related to waste management and utilizing waste into goods of economic value is needed. By doing so, it will help in encouraging economic improvement in the community. 2) According to Law Number 18 of 2008 concerning waste management, states that waste is a national problem so that its management needs to be carried out comprehensively and integrated from upstream to downstream in order to provide economic benefits, healthy for the community, and safe for the environment, and can change community behavior. Presidential Regulation of the Republic of Indonesia No. 97 of 2017 concerning National Policies and Strategies for Household Waste Management and Similar Household Waste, targets a 30% waste reduction by 2025 through 3R (Reduce, Reuse and Recycle). One solution in waste or waste management can be the existence of a waste bank. Through waste banks, waste management needs to be carried out in order to benefit the community economically. Not only in the economic sector, waste banks also aim to educate so that people become aware and more creative. The waste bank also aims to provide a pattern of good behavior in managing waste so that people do not easily dispose of waste anywhere.

Keywords: Law Review, Waste Management, Beach, Improving Economy, Community.

INTRODUCTION

Background

Problems in coastal management in Indonesia are basically management problems and technical problems originating from land and sea. Coastal management has not been implemented in an integrated manner, but it is still sectoral. The implementation of the program is not based on the strategic plan of coastal management which is prepared by involving all *stakeholders* or there is already a strategic plan, but the implementation of the program or project is not based on the strategic plan that has been made.¹

In coastal management is not based on the principles of *good environmental governance*, namely:

- (1) Participation,
- (2) Law Enforcement,
- (3) Transparency,
- (4) Equality,
- (5) Responsiveness,
- (6) Foresight,
- (7) Accountability,
- (8) Supervision,
- (9) Efficient and Effective,
- (10) Professionalism.

² Related to regulatory issues or state administration policies in the field, especially coastal waste management, researchers relate to the existence of Law Number 18 of 2008 concerning waste management. Especially in article 11 of Law Number 18 of 2008 which is written that everyone has the right to get services in waste management both and environmentally sound from the government, local governments, and or other parties who are given responsibility for it.³

The legal basis can be further strengthened by article 163 of Law Number 36 of 2009, in which the article explains that the government and regions and the community must be able to create a healthy environment and free from the risk of adverse effects on health. With the existence of legal bases like this, it is also hoped that it can give consideration to the manager to further improve the waste management system to make it even better.⁴

Environmental pollution on the beach has a considerable impact on the surrounding environment, especially if the surrounding is the same residential area, residents generally make a living as sailors or fishermen. Population settlements are expanding, making the increase in household industrial products which will result in the development of industrial areas in big cities. This will trigger pollution on the coast, because all waste from land, both from urban settlements and from industrial areas eventually empties into the sea.⁵

With the occurrence of marine pollution due to garbage waste and destruction of coastal areas, there will be disadvantaged parties due to garbage waste pollution and destruction of coastal areas, and the disadvantaged parties can be individuals and communities, especially coastal communities. The occurrence of waste pollution and environmental destruction of coastal areas means that there have been civil disputes.

In pollution, environmental pollution is one of the causes of damage and changes in the environmental order, sources of pollution materials are increasing day by day. According to Mukono stated that a pollutant (pollutant) is a material that exists in the environment and is the result of human activities, which has a detrimental effect on living organisms.⁶

Indonesia is currently at 0.27-0.59 million tons per year.⁷ Control of pollution and/or environmental damage in coastal areas must be carried out by the Government, local governments, and those responsible for businesses and/or activities in accordance with their respective authorities, roles, and responsibilities. Environmental problems will arise if human demand for certain natural resources or environmental services exceeds the ability of regional ecosystems to provide those natural resources or environmental.

Weak supervision, guidance and law enforcement have triggered various environmental problems. The lack of supervision and enforcement of law enforcement both at the lower level (community) and at the top level (government) makes the tendency of environmental damage worse. This can be seen from the absence of an independent special institution with full authority to supervise and enforce laws governing natural resource management.

Humans as users of natural resources and coastal environmental services have contributed to coastal development problems. Based on the description above, it is necessary to conduct a study related to **Legal Review of Beach Waste Management in Improving Community Economy**. In this case, it is reviewed based on community-based coastal waste management management, then it also needs to be linked to the authority of the Government.

Problem Statement

1. How can current regulations on beach waste management not improve people's economies?
2. How does the legal construction in coastal waste management improve the economy?

Theoretical Framework

The Grand Theory or the main theory on which the analysis knife is based in this study is the theory of legal protection. Legal protection is the obligation of the state in providing legal protection to every citizen. Legal protection can also be described as a function of law both as a function of regulating and as a function of enforcing the law to achieve justice and legal expediency. Legal protection is defined as providing protection to human rights and such protection is given to the community so that they can enjoy legal rights.⁸

According to Satjipto Rahardjo, legal protection is to provide protection for human rights that are harmed by others and that protection is given to the community in order to enjoy all the rights provided by law.⁹ Meanwhile, according to C.S.T. Kansil, legal protection is a variety of legal remedies that must be provided by law enforcement officials to provide a sense of security, both mentally and physically from interference and various threats from any party.¹⁰ Philipus M. Hadjon argues that legal protection is an act to protect or provide assistance to legal subjects, using legal instruments.¹¹

In terms of the utilization of coastal areas and small islands in Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands is given in the form of coastal waters concession rights or can be called HP-3, namely in Article 16 which stipulates that the utilization of coastal waters is given in the form of HP-3. The designation of HP-3 as "Rights" is inappropriate. It is more appropriate to use the term "permit" to utilize (in this case cultivate) coastal waters. The right to exploit coastal waters or HP-3 as described in Article 16 of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands.¹²

Middle Theory in this study uses the Hierarchy Theory of Legislation. According to Hans Kelsen, norms are tiered in layers in a hierarchical order. In this sense, the legal norms below apply and originate, and are based on higher norms, and higher norms also originate and are based on higher norms and so on until they stop at a highest norm called the Basic Norm (*Grundnorm*) and still according to Hans Kelsen is included in a dynamic norm system. Law is formed and abolished by its authorities who are authorized to form it, based on higher norms, so that lower norms (*Inferior*) can be formed based on higher norms (*superior*), in the end the law becomes tiered and multi-layered forming a Hierarchy.¹³

Applied Theory in this study uses Authority Theory. The concept of authority can be seen in Dutch known as "*bevoegdheid*" which means authority or power.¹⁴ Authority is the ability to perform certain legal actions in the sense of actions that cause legal consequences and include the emergence and disappearance of legal consequences.¹⁵ All government actions must be based on applicable law. Thus that legitimate government action is if it is in accordance with authority. It further said that authority can only be obtained in two ways, namely attribution and delegation.¹⁶

Sources of authority are obtained by attribution, delegation and mandate.¹⁷ The source of authority for the government in administering a government is very important, because the use of authority is related to legal responsibility.¹⁸ The concept of authority is very important in assessing the authority of the government in regulating the protection and management of community-based coastal areas in order to achieve community welfare.

The basis of authority is regulated in Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, as amended by Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, in Article 1 number 32 expressly states that the community is a community consisting of or Customary Law Peoples, Local Communities, and Traditional Peoples who live in coastal areas and small islands.

In this context, Law Number 1 of 2014 legally regulates communities to participate in the protection and management of coastal areas. This indicates that the community is given the authority to participate in determining policies and implementation related to the protection and management of coastal areas.

RESEARCH METHODOLOGY

This research is included in the type of collaborative research, where the approach method used is normative as well as empirical, namely normative juridical and empirical juridical collaboration. Normative legal research method, which is a study conducted by reviewing laws and regulations that apply or are applied to a particular legal problem. Normative research is often referred to as doctrinal research, which is research whose object of study is statutory documents and library materials. The normative method was chosen because the object of study is to require the study of related laws and regulations, Normative legal research is research that includes research on legal principles, research on legal systematics, research on legal synchronization, legal history research, and comparative legal research, in order to answer legal problems or issues to be studied.¹⁹ Empirical methods are also needed in this study intended to provide data and a clearer picture of coastal area management. The results of empirical research are then collaborated with normative legal research.

RESEARCH RESULTS

Current Coastal Waste Management Regulations Do Not Improve Community Economy

The environment is a condition and place of interaction between all living things and the environment, the environment is also a witness to the treatment and behavior of living things in caring, treating, and maintaining the universe. All human activities, animals, plants from daily needs such as shelter, livelihood, food, and pampering places of mind and mind are in the universe which is part of the unity of the environment. The increasing number of people from year to year in Buleleng regency with changes in consumption patterns and lifestyles of the community, the problem continues to increase, namely about waste. Mindsets, attitudes, and patterns of action that are still wrong towards waste will cause social, environmental and health problems. Environmental problems caused by garbage include damage to the water system, resulting in water pollution.²⁰

According to the understanding contained in article 1 of Law No. 32 of 2009 concerning Environmental Protection and Management, it contains the definition of the environment as a unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, the survival of life, and the welfare of humans and other living things. A healthy and clean living environment is the dream and hope of every living thing. And this is in line with article 28 H paragraph (1) of the 1945 Constitution which reads: "Everyone has the right to live a prosperous life outwardly and mentally, to reside, and to get a good and healthy living environment and the right to health services. But to create such conditions, namely comfortable, healthy and clean conditions, it turns out that it requires challenges, discipline, cooperation, rules and awareness of all people, especially from the human side or society as agents in charge of *social control* or social control. As for actions in environmental cleanliness, it has the basis of a person's perspective and understanding of environmental cleanliness.

According to D.D. Duncan, environmental problems (especially urban environments) have an interdependent relationship with demographic, organizational and technological aspects known as the POET model. Waste is part of an environmental problem that is strongly influenced by the number of inhabitants and the socioeconomic and cultural activities it undertakes, technology and social organization that develops.²¹

In the current millennial era, technological developments and advances are increasingly rapid which of course also has an impact on changes in people's behavior patterns such as lifestyle changes and changes in consumption patterns. Changes in the lifestyle of today's people, tend to be more modern, simple, practical, not complicated and instant / also fast food, which can be seen from the emergence of various instant needs of fast food goods that are more diverse and the *fashion* style is more fashionable. And in terms of changes in people's consumption patterns, it can be seen from the form of needs or goods purchased by the community, including in the form of drinks and ready-to-eat or packaged foods, medicines, masks (which are currently mandatory regulations to use, for protection from the Covid-19 chain), etc. From the needs or goods purchased by this community, the beginning of a condition arises that leads to an impact, the rest of the packaging will produce later environmental pollution conditions. Moreover, conditions like this, exacerbated by the wrong perspective of the community, where there are still many who treat waste with the old pattern, namely a pattern known as *Kumpul, Angkut, Dispos*, which is waste management without going through any processing at all.

The more the population, the more socioeconomic and cultural activities carried out, the more energy is consumed and the waste or waste it produces increases. The quality of the waste it produces also tends to increase the amount of waste that cannot rot (refuse). Related to the population and economic activities carried out, it is assumed that waste production reaches 3.68 lt / person / day.²² According to article 1 of Law No. 18 of 2008 concerning waste management, the definition of waste can be known, namely "Waste is the rest of human daily activities and / or natural processes in solid form". The problem of environmental pollution due to waste does not only last for one period, but its sustainability has been decades, even hundreds of years. Environmental pollution due to garbage is one of the many factors causing environmental damage on land, at sea and in rivers. In addition, poor waste management that is not sorted by category and type, will result in a mixture of types of waste, resulting in leachate generation which can pollute the soil, also cause a bad smell, causing the impression that the garbage dump is always shabby, dirty, and also as a breeding ground for insects and rats. Environmental pollution will also disrupt the natural system of the environment, the components contained in the environment will be damaged.²³

Indonesia is an archipelagic country that has long coastline/coastal resources. Coastal area management requires sustainable management so that it can provide sustainable benefits. The role of coastal resources is expected to increase in the future in supporting national, regional, and local economic development. Thus, to be able to utilize the space and resources of coastal areas optimally and sustainably, a deep understanding of the understanding and characteristics of this area and the people who inhabit it is needed. Coastal area management has the understanding that the management of natural resources and coastal environmental services is

carried out through *a comprehensive assessment*, determining the goals and objectives of utilization, and then planning and managing all utilization activities.

Proper management of coastal areas and carried out by taking into account regulations in management will certainly be successful, especially for waste management in coastal areas. In waste management, it must be very important, because if the management is not correct and not in accordance with the rules, disasters can occur, especially in the coastal environment itself. If the garbage is managed properly, the attraction of visitors will be even greater to the beach.

Proper management of coastal areas carried out by taking into account regulations in management will certainly be successful and the attractiveness of coastal areas will increase, thereby increasing the income of local residents or to the local area. Beach cleanliness must also be considered, especially in waste management. Coastal area management requires sustainable management for the future, not only enjoyed for the present, but we in managing coastal areas must think about the long term, so that coastal areas remain sustainable and can continue to be enjoyed. As in the general provisions of Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands, it is said that the Management of Coastal Areas and Small Islands is a process of planning, utilizing, supervising, and controlling Coastal Resources and Small Islands between sectors, between Government and Regional Governments, between land and sea ecosystems, and between science and management to improve community welfare.²⁴

Landfill in an open place (*open dumping*) that rots naturally can cause unpleasant odors and sights, which can reduce the aesthetic value of the environment. In addition to disrupting the activities and comfort of daily life of residents around it, a long pile of garbage in a place can cause protests and reduce the arrival or visit of tourists. Indirectly, this incident will affect the survival of tourism, livelihoods and income of surrounding residents.²⁵

The community in managing waste still relies on the *end-of-pipe* approach, where waste is collected, transported, and disposed of at the final waste processing site. In fact, large volumes of landfill at the site of the final processing site have the potential to release methane gas (CH₄) which can increase greenhouse gas emissions and contribute to global warming. In order for landfills to decompose through natural processes, a long period of time is needed and handling is needed at a large cost.²⁶

Regarding several principles or principles in waste management, the Government is responsible for adequate recollection and disposal of waste from settlements. However, because there are other things that must be prioritized in development in the regions and the lack of supporting funds for the operationalization of waste management, making in some areas this waste management activity is not as expected. This is further strengthened by the lack of application of the principle that those who produce goods must manage waste from these goods. Of course, in this case, public legal awareness related to waste management and utilizing waste into goods of economic value is needed. By doing so, it will help in encouraging economic improvement in the community.²⁷

Legal Construction in Coastal Waste Management in Improving the Economy

According to Law Number 18 of 2008 concerning waste management, it states that waste is a national problem so that its management needs to be carried out comprehensively and integrated from upstream to downstream in order to provide economic benefits, healthy for the community, and safe for the environment, and can change community behavior. According to the World Health Organization (WHO) definition, waste is something that is not used, not used, disliked or something that is thrown away that comes from human activities and does not occur by itself. Based on the SNI Decree in 1990, waste is solid waste consisting of organic substances and inorganic substances that are considered no longer useful and must be managed so as not to harm the environment and protect development investment.²⁸

In Law Number 18 of 2008 concerning Waste Management, it is stated that waste is a residue of human daily activities and / or natural processes that are formed solidly. Waste management is a systematic and continuous activity. Waste is a man-made concept, in natural processes there is no waste, there are only moving products. Based on the material of origin, the waste is divided into two types, namely organic and inorganic waste. In countries that have implemented integrated waste management, each type of waste is applied according to its type.

The Regency / City Government has the authority to carry out waste management in accordance with the norms, standards, procedures and criteria set by the government, this is stated in Article 9 paragraph (1) letter b of Law No. 18 of 2008 concerning waste management, namely: In carrying out waste management, the district / city government has the authority; organizing district/city-scale waste management in accordance with norms, standards, procedures and criteria set by the Government.²⁹

To facilitate transportation to the final landfill, waste according to Law Number 18 of 2008 concerning Waste Management, is selected based on its classification, as follows:

1. Household garbage. Household waste is waste derived from daily household activities, excluding feces and specific garbage;
2. Garbage is a type of household waste. Waste of a type of household waste is waste originating from commercial areas, industrial areas, special areas, social facilities, facilities; and
3. Specific waste, Specific waste is waste which includes:
 - a. Garbage containing hazardous and toxic materials;
 - b. Garbage containing hazardous and toxic waste;
 - c. Garbage arising from disasters;
 - d. Building demolition debris;
 - e. Waste that is technologically unprocessable; and/or
 - f. Garbage that arises on an irregular basis.³⁰

The waste management mechanism in Law N0.18 of 2008 concerning Waste Management includes, the following activities:

1. Waste reduction, namely activities to overcome the emergence of waste from waste producers (households, markets, and others), reuse waste from the source and / or at the processing site, and recycle waste at the source and / or at the processing site. Waste reduction will be regulated in a separate Ministerial Regulation, the activities included in this waste reduction are:
 - a. Setting waste reduction goals
 - b. Developing Clean Technology and Product Labels
 - c. Using production materials that can be recycled or reused
 - d. Use-to-use or recycling facilities
 - e. Develop awareness of reuse or recycling programs.³¹

The waste or garbage management system in the sea and coastal areas is not so different from the waste management system in general. Thus, the discussion of the waste management system in tourist areas is not separated from the waste management system in general. The waste problem is a general problem that concerns everything from system planning, implementation, to supervision. At the operational level, the integrated waste management system is a combination of waste management systems by recycling inorganic waste, composting organic waste, incineration and final disposal systems. This approach is a manifestation of the 3R system which is currently an international consensus: *Reduse*, Reuse, Recycle or 3M (Reduce, Reuse, and Recycle). This is in line with the Presidential Regulation of the Republic of Indonesia No. 97 of 2017 concerning National Policies and Strategies for Household Waste Management and Similar Household Waste, targeting a 30% waste reduction by 2025 through 3R (Reduce, Reuse and Recycle).³²

Participation from the community in handling beach cleanliness is in the form of helping to maintain the cleanliness of the beach so that the beach conditions look cleaner and tourists who come will feel comfortable. In this case, community participation in physical contributions in handling beach cleanliness is very important in supporting beach cleanliness conditions. Moreover, the role of the community will be very important in supporting good beach quality in order to support economic conditions through tourism on the beach; 2) Community participation regarding material donations. Material contribution is the participation of the community who participate in maintaining the cleanliness of the beach by donating in the form of cleaning equipment provided to clean the coastal area. In this case, it is usually focused on the role of the local government, both the sub-district government and related agencies to be more serious,

To directly handle the cleanliness of the beach without serious support from the government can cause a deterrent effect and will reduce the level of public awareness in maintaining the cleanliness of the beach. Therefore, moral contributions and participation are needed from the community who participate in maintaining the cleanliness of the beach by inviting the community and providing suggestions to better maintain the cleanliness of the beach. In this case, it is emphasized to the community together or working together to maintain the cleanliness of the community. By linking each other and working together to better guard together in handling the cleanliness of the beach and improving beach sustainability.³³

Then, one solution in waste or waste management can be the existence of a waste bank. Through waste banks, waste management needs to be carried out in order to benefit the community economically. Not only in the economic sector, waste banks also aim to educate so that people become aware and more creative. The waste bank also aims to provide a pattern of good behavior in managing waste so that people do not easily dispose of waste anywhere.³⁴

Waste bank activities are a collective waste management system by holding the principle of recycling, but not all waste can be recycled but can be used as other products, one example is organic waste derived from human activities. Organic waste cannot be recycled again but can be used as compost so that the results of compost management can become a product that has high economic value. People who participate in waste bank activities will have a passbook where the passbook can be taken as needed. Thus, waste bank management has a positive impact on the community's economy and also on the environment.³⁵

Waste or waste that can be recycled is generally in the form of plastic, paper, bottles, and iron. These items also have economic value so that they can be sold. Therefore, in deciding whether these items will be recycled by themselves or sold directly, it depends on what is more profitable based on the results of technical and economic evaluations. Then the non-recyclable waste residue is disposed of in landfill or burned in an *incinerator*. Ash from incinerators can be used as building raw materials, thus the results of waste management can improve the community's economy.³⁶

CONCLUSION

The results showed that;

1. The government is responsible for adequately recollecting and disposing of waste from settlements. However, because there are other things that must be prioritized in development in the regions and the lack of supporting funds for the operationalization of waste management, making in some areas this waste management activity is not as expected. This is further strengthened by the lack of application of the principle that those who produce goods must manage waste from these goods. Of course, in this case, public legal awareness related to waste management and utilizing waste into goods of economic value is needed. By doing so, it will help in encouraging economic improvement in the community.

2. According to Law Number 18 of 2008 concerning waste management, it states that waste is a national problem so that its management needs to be carried out comprehensively and integrated from upstream to downstream in order to provide economic benefits, healthy for the community, and safe for the environment, and can change community behavior. Presidential Regulation of the Republic of Indonesia No. 97 of 2017 concerning National Policies and Strategies for Household Waste Management and Similar Household Waste, targets a 30% waste reduction by 2025 through 3R (Reduce, Reuse and Recycle). One solution in waste or waste management can be the existence of a waste bank. Through waste banks, waste management needs to be carried out in order to benefit the community economically. Not only in the economic sector, waste banks also aim to educate so that people become aware and more creative. The waste bank also aims to provide a pattern of good behavior in managing waste so that people do not easily dispose of waste anywhere.

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