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## LEGAL REVIEW OF PLASTIC WASTE HANDLING FOR STREETFOOD BUSINESSES

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### KEYWORDS

Plastic Waste,  
Streetfood,  
Environment

### ABSTRACT

Plastic waste is still a problem that is difficult to solve due to the lack of awareness about the importance of keeping the environment clean and not leaving litter lying around. Usually, waste generation is generated by economic activities and has the potential to cause environmental pollution. In Cirebon City itself, plastic waste is still an unresolved problem. With the increase in population, there will be an increase in the volume of waste generated by human activities. The problem is how the Cirebon city local government policy related to handling plastic waste generated by street food business actors, this is intended to examine the regulations that have been implemented and run in the city of Cirebon, with an empirical juridical research approach and qualitative data included. This study aims to determine the procedure for handling plastic waste and the elements that influence plastic waste management in the city of Cirebon. Also to find out what anticipatory steps need to be taken in the future.

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### INTRODUCTION

The use of plastic has become part of the Indonesian lifestyle. Plastic is now present in almost all aspects of human life, including food packaging, spoons, forks, beverage bottles, rice sacks, tote bags, children's toys, communication devices, and military equipment. Food and beverage packaging is the most widely used plastic product in Indonesia, accounting for 80% of the total plastics used (Aulia & Triwahyudi, 2020).

Indonesia is the second largest waste producer in the world after China. This can be seen from the amount of need every year that always increases. In 2019, the amount of plastic waste in Indonesia was estimated to reach 9.52 tons (Anam et al., 2019). Plastic waste is currently still a problem that is difficult to solve due to the lack of awareness about the importance of maintaining environmental cleanliness and not letting garbage scatter. Law No. 18/2008 on Waste Management stipulates that waste should not be disposed of carelessly. These locations include places such as roads, rivers, and other areas that are not intended for garbage disposal and garbage that has been collected must be placed in an integrated waste management site or temporary shelter. pasal 4 ayat 5 of Cirebon City Regional Regulation No. 4/2018 also states that "Every person who organizes public gatherings that result in waste generation shall be responsible for collecting waste originating from such gatherings,"

Usually, waste generation is generated by economic activities and has the potential to cause environmental pollution. In Cirebon City itself, plastic waste is still an unresolved problem. With the increase in population, there will be an increase in the volume of waste generated by human activities. What distinguishes street food from other types of street food clearly lies in the way it is sold. Usually, buyers of food sold by street vendors can enjoy the food immediately or after a few minutes without having to cook it again. Alternatively, the food is usually ready to eat and is usually sold on the side of the road or in other public places (World Health Organization, 1996). Based on pasal 3 of Law No. 18/2008 on Waste Management, the government, and local governments are responsible for managing waste responsibly to ensure people's right to a good and healthy living environment. As a result, both traders and buyers should be aware of the importance of cleaning and protecting the environment from the above activities. Poor handling and management of plastic waste will pollute the scenery, cause unpleasant odors, increase flooding, cause various diseases, and pollute the environment.

This study aims to determine the procedures for handling plastic waste and the elements that influence plastic waste management in Cirebon City. Also to find out what anticipatory steps need to be taken in the future. This research can be useful academically to change the waste management policy that should be implemented by the city government (pemkot), especially with regard to plastic waste generated by street food businesses. Practically, this research can increase understanding of how the DPR and DPRD oversee the Waste Management Law and Cirebon City Regional Regulation No. 4/2018 on Waste Management (Prihatin, 2020).

## RESEARCH METHODS

The type of research used is empirical juridical research using qualitative data, the initial research is by examining secondary data, after which continuing by conducting research in the field or community. Research data obtained through observation in the field under study or obtained through interviews in the form of information or facts is also called data obtained from primary sources. In this research, legal concepts used as basic rules are used to study MSMEs and their relationship with environmental pollution. This research looks at written legal products such as Law Number 18 of 2008 concerning Waste Management, and Cirebon City Regional Regulation Number 4 of 2018 concerning Waste Management. Research on this issue is done descriptively and analytically, explaining how written laws can prevent environmental pollution (Rifai, 2012).

This research was conducted using the interview method at the Cirebon Dinas Lingkungan Hidup (DLH) and in one of the street food areas in Cirebon City. The type of data needed to find out how the implementation of the handling and management of plastic waste from street food business actors by the manager or coordinator of these business actors and the Cirebon City Environmental Service as well as obstacles and solutions are primary data and secondary data.

## RESULTS AND DISCUSSION

The state uses the principle of state responsibility as the central point and reference in environmental management and protection. The state plays an important role. Therefore, in sustainable development, the state, government, and all stakeholders must protect and manage the environment to ensure that Indonesia's environment remains a source and support of life for Indonesians and other living things (A'delina et al., 2022).

Paradigm with community participation (community-based management). Therefore, state responsibility can be linked to the duties and functions of all apparatus responsible for good governance. Good governance can only be achieved if the government in carrying out its functions is guided by the concept of the rule of law, which has the following five characteristics:

- a. The government exercises its authority based on the rule of law;
  - b. The government guarantees legal certainty;
  - c. The government must create responsive laws that are able to absorb the aspirations of the community;
  - d. The government must enforce the law in a consistent and non-discriminatory manner through the creation of mechanisms to enforce sanctions;
  - e. The government must create and ensure the implementation of an independent judiciary.
- When viewed from the description above, this principle of state responsibility is in line with the purpose of law, namely the theory of legal expediency.

Where according to Betham, the purpose of law is to provide the greatest benefit and happiness for as many citizens as possible. Therefore, this concept places profit as the purpose of the law. Measurement is the greatest happiness for the many. This theory has the same goal, which is to provide good services for the welfare of society.

Law no. 18 Year 2008 regulates domestic waste management on a national scale. This regulation explains the definition of waste as the residue of daily human activities and/or natural processes in solid form, which can be utilized or is still feasible / can be utilized. Waste includes household waste, similar household waste, and specific waste. Law 18/2008 divides domestic waste management into two parts, namely waste reduction and waste handling. Waste reduction includes 3R activities (reduce, reuse, recycle) at various sources of waste such as households, commercial, public facilities, and so on (Syarif & Wibisana, 2010).

Waste management is difficult to resolve due to a lack of awareness from business actors as well as socialization and efforts from the government that have not been maximized. Law No. 18/2008 contains administrative provisions, civil liability, several rights of action, and criminal sanctions. Regarding administrative sanctions, the above regulation authorizes regents/mayors to impose administrative sanctions on waste managers who violate the requirements stipulated in the license. The sanctions given are government coercion, forced money, and license revocation. The law does not have provisions that further explain who is meant by a waste manager, what requirements according to Law No. 18/2008 must be included in the license and what is the procedure or sequence for imposing sanctions. Further provisions or explanations about these two things are very important because they will be a measure of when sanctions will be imposed and what sanctions will be imposed. Given that most waste

management activities are currently in the hands of the government or the institutions it establishes, the existence of administrative sanctions should also include administrative sanctions that can be imposed on public officials or civil servants. For this reason, the Law should contain more detailed provisions on the procedures for imposing sanctions. In addition, Law No. 18/2008 also needs to be criticized because the administrative sanctions regulated in it do not contain fines. This is very surprising because fines are actually well-known in Indonesia and have been included in various regional regulations related to waste management. Law Number 18 Year 2008 also contains criminal sanctions for several waste-related criminal offenses. Waste crimes are broadly divided into two groups, namely material offenses and formal offenses. For material offenses, it provides criminal sanctions for:

Waste managers who deliberately do not pay attention to the norms, standards, and procedures for waste management so that they disturb health, cause security disturbances, or environmental pollution/damage; and waste managers who due to their negligence do not pay attention to the norms, standards, procedures for waste management so as to disturb health, cause security disturbances, or environmental pollution/damage.

**For formal offenses, Law No.18/2008 sanctioning:**

- a. any person who unlawfully disposes of household waste and/or similar household waste and
- b. any person who unlawfully imports specific waste.

Thus, related to waste reduction and handling, Law No. 18/2008 only recognizes material offense, that is if an act has caused an effect.

When compared to the criminal provisions under Law No. 32 Year 2009, which is discussed in a separate chapter of this book, the criminal provisions in Law No. 18 Year 2008 are very minimal. In addition, considering that waste managers also include the government (even fact that most waste management activities are carried out by the government or its formed bodies), therefore, this criminal provision needs to be explained in more detail so that we are sure that government officials or institutions will also be subject to criminal sanctions if they commit such criminal acts. Unfortunately, we do not find such provisions in Law No. 18/2008.

Minister of Environment and Forestry Regulation No. 75/2019 on Roadmap for Waste Reduction by Producers regulates waste reduction by producers from 2020-2029. This regulation is a derivative of Law No. 18/2008 on Waste Management as mandated in pasal 15.

Minimizing plastic waste can be achieved through the use of products made from biodegradable materials, and recycling and reuse of plastic waste is a must. In addition, recycling and reuse of waste must be accompanied by waste disposal and provision of storage facilities. Using the right materials is not enough, producers have an obligation to plan, implement, monitor, evaluate, and report to minimize the waste generated by producers. In addition, producers have an obligation to educate consumers to play a role in reducing waste. The government can also reward and publicize the poor performance (censure, shame) of producers (Aliansi Zero Waste, 2021).

The Government's efforts in dealing with waste are by collecting data through the National Waste Management Information System (SIPSN). In addition to Law Number 18 of 2008 and Ministerial Regulation No. 75 of 2019 for the regional level regarding decisions and more detailed rules, the Cirebon City Regional Government also issued rules and decisions

(Suasono et al., 2023). Local Regulations are technical regulations to implement legislation issued by the central government, both Government Regulations and Ministerial Regulations. This is mainly due to regulations at the national level with slight changes to some parts of the regulations and decisions to be adapted to specific regions. Regulations and decrees at the regional level are:

- a. West Java Governor Regulation Number 91 of 2018 Guidance on the Implementation of Regional Regulation of West Java Province Number 12 of 2010 concerning Waste Management. This decree regulates waste management in order to fulfill the principles of responsible and sustainable principles.
- b. Cirebon City Regional Regulation Number 5 of 2023 concerning Environmental Protection and Management. This decree regulates efforts to overcome environmental problems in the city of Cirebon, it is necessary to carry out integrated environmental control so that sustainable development is environmentally sound.
- c. Cirebon City Regional Regulation No. 4/2018 on Waste Management. This decree regulates waste management in order to improve public health, and environmental quality, and make plastic waste an economically useful resource.

The local regulation in the form of Cirebon City Regional Regulation Number 5 of 2023 concerning Protection and Management of the Environment which regulates in pasal 3 Environmental Protection and Management is a systematic and integrated effort carried out to preserve the function of the Environment and prevent pollution and/or damage to the Environment which includes:

- a. planning;
- b. utilization and maintenance;
- c. environmental approval;
- d. hazardous waste management and nonhazardous waste management; control;
- e. guidance and supervision;
- f. procedures for applying administrative sanctions;
- g. settlement of environmental disputes;
- h. environmental information system;
- i. rights and obligations;
- j. participation;
- k. integrated environmental law enforcement team;
- l. administrative fines; and
- m. Financing

Cirebon City Regional Regulation No. 4/2018 concerning Waste management is carried out and is the responsibility of the City Regional Government, communities, and agencies.

Waste management consists of:

- a. waste reduction; and
- b. waste handling

The Mayor determines the policies and strategies of the City Region in waste management. City Regional policies and strategies in waste management contain :

- a. policy direction for waste reduction and handling; and

b. waste reduction and handling programs. (3)

The program must include:

- a. waste generation reduction targets and waste type prioritization in stages; and
- b. waste management target for each specific time period

In formulating strategic policies, the City Region must be guided by national policies and strategies as well as provincial policies and strategies in waste management. The Mayor, in addition to stipulating policies and strategies, also prepares master plan documents and feasibility studies for the management of household waste and waste similar to household waste. (2) The master plan as referred to in ayat (1) contains at least (Wahyudi et al., 2018):

- a. limitation of waste generation;
- b. waste recycling;
- c. waste utilization;
- d. waste sorting;
- e. waste collection;
- f. transportation of waste;
- g. waste processing;
- h. final waste processing; and
- i. funding.

The master plan is set for a period of at least 10 (10) years.

Based on interviews with the Cirebon City Environmental Service, the application of rules and policies regarding waste handling is difficult to implement due to a lack of awareness from the business actors themselves. Waste production in Cirebon City is caused by industrial activities, trade, living standards, and lifestyles of the community, households, and so on so waste production in the city of Cirebon reaches 600 m<sup>3</sup> every day. The waste that can be transported is 550 m<sup>3</sup> / day (Radar Cirebon, 2018) and the rest is burned, stockpiled by making holes or digging the ground, disposed of carelessly in certain places wildly, and so on (illegal dumping) and for the management of plastic waste itself in the recycling process through a long process, starting from collection by scavengers, sorting, and selling to used collectors to be used as raw material for manufacturers. However, the comparison between plastic waste that is processed and polluted in the environment is very different.

Until now, there are still micro, small, and medium business activities that do not comply with the regulations issued by the Government, so most of the environmental pollution caused by micro, small, and medium business activities at the implementation level can be interpreted appropriately, in order to remain only “good” in the field of conceptual and discursive development, not only does it require the right intelligence from every element of the government bureaucracy as a manifestation (political will) with great determination, but this also includes the socio-economic ability of the community to cooperate with business actors in the industry and the government is determined not only to build for the welfare of the community. Micro, small, and medium enterprises (MSMEs) are the most strategic sectors of the national economy, related to the livelihood of many people, and are the backbone of the national economy (Pratami et al., 2021). MSMEs are also the largest group of economic actors in the Indonesian economy and have proven to play an important role in ensuring the resilience of the national economy during economic crises and determining subsequent economic growth.

Through Presidential Instruction No. 6/2009 on Creative Industry Development, 28 central and local government agencies have issued policies to support the development of creative industries from 2009 to 2015, namely the development of economic activities based on creative industries, creativity, skills, and talents (Rifa'i, 2012).

The Cirebon City Regional Government must be able to implement pasal 4 of the Second Part of Regional Regulation Number 4 of 2018 concerning Waste Management that waste generators are obliged to put/dispose of waste in the trash that has been provided according to the type of waste and are obliged to manage household waste and waste similar to household waste in an environmentally sound manner besides that Everyone who organizes a public crowd that results in waste generation must be responsible for collecting waste from the organization of the crowd. However, various efforts have been made to prevent and repair damage and pollution in Cirebon City, currently through programs issued based on local government policies. This is an effort that can be made to protect the environment as part of our duties as humans.

The Cirebon City Regional Government conducts an Environmental Pollution Control Program policy for handling plastic waste, namely:

- a. The activity carried out is to provide facilities in the form of waste sorting bins to several places that have the potential to produce high plastic waste.
- b. Creating several programs, namely the Trash ATM by entering plastic waste into the designated place and will get money based on the amount of waste entered based on the world price of plastic waste besides that there is a TPS Mobile program. This program is devoted to transporting household waste for residents whose homes are within a 3 km radius to be allowed to dispose of waste at the mobile TPS. The truck operates every morning in residential areas.
- c. Conducting inspections and supervision of PKL areas that have the potential to generate waste. This method is considered effective, if there are street vendors who are caught littering, sanctions and deterrent effects will be imposed.

## **CONCLUSIONS**

Waste management is difficult to resolve due to a lack of awareness from business actors as well as socialization and efforts from the government that have not been maximized. Law No. 18/2008 contains administrative provisions, civil liability, several rights of action, and criminal sanctions. Regarding administrative sanctions, the above regulation authorizes regents/mayors to impose administrative sanctions on waste managers who violate the requirements stipulated in the license. The sanctions given are government coercion, forced money, and license revocation. The law does not have provisions that further explain who is meant by a waste manager, what requirements according to Law No. 18/2008 must be included in the license and what the procedure or sequence of sanctions is. Further provisions or explanations on these two matters are very important because they will be a measure of when sanctions will be imposed and what sanctions will be imposed. Given that most waste management activities are currently in the hands of the government or the institutions it establishes, the existence of administrative sanctions should also include administrative sanctions that can be imposed on public officials or civil servants. Minimizing plastic waste

can be achieved through the use of products made from biodegradable materials, and recycling and reusing plastic waste is a must. In addition, recycling and reuse of waste must be accompanied by waste disposal and provision of storage facilities. Using the right materials is not enough, producers have an obligation to plan, implement, monitor, evaluate, and report to minimize the waste generated by producers. In addition, producers have an obligation to educate consumers to play a role in reducing waste. The government can also reward and publicize the poor performance (censure, shame) of producers.

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- c. Cirebon City Regional Regulation Number 4 of 2018 concerning Waste Management. This decree regulates waste management in order to improve public health, and environmental quality, and make plastic waste an economically useful resource.

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