

Community-Based Waste Management: Environmental Law Perspective

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Abstract

The purpose of this study is to analyze the community-based waste management in implementing the community participation as regulated in Law No. 8/2008 on Waste Management. To obtain deeper understanding on the community based-waste management, the legal and qualitative approaches were conducted in this study. The result showed that the waste management regulation has encouraged the waste management practices involving communities. However, the waste bank was found as a model involving communities in the processes of sorting, selecting, and appreciating. Thus, public participation in waste management was higher found in this waste bank model. This study has contributed in providing more extensive understanding on the community based-waste management practices.

Keywords: community-based waste management; environmental law; waste bank.

1 INTRODUCTION

Community-based waste management has been mandated by Law No. 18/2008 on Waste Management. Article 28 paragraph 1 mentions that the communities can participate in waste management held by the government and/or regional government. The role of communities has become an essential element to assist the government in waste management. It is impossible that the

government is able to handle all waste problems although the government has been supported by their officials and budgets. Thus, community-based waste management has become a new paradigm in waste management.

Along with the continuously increasing population, the waste production also increases each day. The Ministry of Environment and Forestry has reported that the national waste volume has reached 175,000 tons per

day or 64 million tons per year. This figure was obtained with the assumption that each person has produced 0.7 kg waste per day (*Bisnis Indonesia*, 2019). Although the waste volume in Indonesia is not as much as that in Singapore (3.72 kg per capita per day) and the global average (0.74 kg per capita per day), waste management should be well improved to anticipate from the environmental crisis and various diseases (liputan6, 2020).

In the environmental law perspective, the quality of environment, natural resource and ecological sustainability should be well managed by the state in controlling the interaction between humans and their environments which have the potential to result in the negative impact on the environment. However, in reality, the environmental regulations implemented by the government institutions were not able to completely answer the environmental problems. The alternative was that the strengths of communities or non-government institutions come to answer the inefficiency of the traditional regulations of law, such as the ineffectiveness of hierarchical government controls, rigid environmental rules, and legal sanction implementation (Holley & Lawson, 2015).

In its development, the community-based waste management practices in Indonesia cannot be separated

from the increasing community awareness not to depend on the role of government in waste management. The research conducted by Setiadi (2015) in Yogyakarta reported that the community-based waste management in the city showed high community awareness to the waste problems and they were able to gather collective actions for the mutual purposes.

However, the studies discussing the community-based waste management in rural areas have not obtained serious attentions. In fact, the spirit of togetherness of the village communities is much stronger than that of the city residents. Thus, this study aims at analyzing the community-based waste management in implementing the role of village communities as regulated in Law No. 8/2008 on Waste Management.

2 LITERATURE REVIEW

The national organization of natural resource management has just been made in the recent decades. In the natural resource utilization, the related components are not only the natural ones but others, such as production factors covering capital, workforce, and management strategies, including processing, market and transportation availability. The environmental pollutions or damages recently happen everywhere with a relatively fast speed. The environmental problems have

recently become the major attention of various parties since environment is the source of humans' needs to continue their lives. If this continuously happens, the quality of environment will continuously decrease (Ariman, 2010).

In the international society, the prevention against the environmental decrease has been implemented in the 1992 Rio declaration to implement *sustainable developments*. This principle may only improve the economic development without causing the environmental damages or pollutions (Soemawoto, 2009). As mentioned in the provisions of Article 1 Number (32) of Law No. 32 Year 2009 on Environmental Protection and Management as follows: Each person is an individual or either corporated and incorporated business entity. For mineral or mining businesses, the government can implement it by themselves, and/or appoints contractors, if needed, to implement the jobs which have not or never been implemented by the government institutions themselves.

Environment is a unity of room with all things, powers, conditions, and living things, including humans and their attitudes which influence the nature itself, life sustainability, and the prosperity of humans and other living creatures (Siahaan, 2008).

Based on the provisions contained in Article 1 Number (2) of Law No. 32

Year 2009 stating that the environmental protection and management are a systematic and integrated effort to preserve the environmental functions and to prevent from environmental pollutions and/or damages covering planning, utilization, control, maintenance, supervision and law enforcement.

According to Siti Sundari Rangkuti quoted from Yuliandri (2010), law is the underlying base to implement all policies issued by the government known as "Legal Policy" implemented in law to become the social engineering vehicle containing wisdom to be achieved by the government directing the society to accept the new values (Yuliandri, 2010). One of government's efforts to realize the good environmental management is by enforcing law through supervision and implementation as well as the imposition of sanctions both administrative, civil, and criminal sanctions to an individual or entity breaking the provisions of environmental law.

The Indonesian government has issued the regulations of law, namely Law No. 32 Year 2009 on Environmental Protection and Management (known as *UUPPLH*) and the implemented the sustainable development where in its consideration mentioning that the environmental management should be held based on the principles of government responsibility,

sustainability, and benefits aiming at realizing the sustainable development with the environmental insights for the sake of the development of all Indonesia communities who are faithful and pious to the Almighty God (Manan, 2009). In the context of waste problems, Law No.18 Year 2008 on Waste Management is intended to support the waste management using the comprehensive approach through the cooperation between community, government, and other stakeholders. The purpose is to enable the society obtain the benefits on health, economy, well maintained environment and community behavioral changes to be more aware of the environmental problems.

One new paradigm in waste management is the community-based waste management. According to Asteria and Haruman (2016), the community-based waste management emphasizes on the active participation of communities as the important actors in waste management actions. The communities, in this case, have the role in providing education to the members related to the development of new waste management strategies, such as selecting, sorting, and appreciating the waste. Through the community-based waste management, the people's capability in recycling the waste to become more creative products has also developed (Firmansyah *et al.*, 2016). Thus, the waste in the future will

be no longer taken as the residue, yet can be processed into more beneficial products and have the economic values.

The community-based waste management is one waste management approach based on the communities' needs and demands, planned, implemented (if possible), controlled and evaluated together with the society. It can be said based on communities if: (i) the decision is entirely made by the communities; (ii) the operational responsibility and maintenance are based on the communities' agreements. When simplified, the community-based waste management is a system of waste management which is planned, arranged, operated, managed and owned by the community. Thus, the main role in waste management is the community. The government and other institutions are as the motivators and facilitators (Wahyono, 2013).

3 METHOD

This research used two approaches: legal and qualitative approach. First, the legal approach used was the *statute approach* and *conceptual approach*. Second, qualitative research approach was used to reveal the social-cultural meanings and experiences of the research subjects on community-based household waste management.

The research location in Kutasari Village, Baturraden District, Banyumas

Regency. The research location was purposively selected by considering that Kutasari Village has been developing the community-based household waste management pattern. The informants were purposively selected from the village government elements and waste management communities. In depth interview was conducted to answer the questions related to (i) how the regulation on waste management encourages the communities' active participations in waste management and (ii) how the community-based household waste management was practiced. The data were then analyzed using an interactive model, that is, the data analysis process starting from data collection, data reduction, data condensation and drawing conclusion. The data were analyzed in each step that the obtained data were adequately feasible to draw the research conclusion.

4 RESULT AND DISCUSSION

4.1 Environmental Law Analysis

To overcome the more complex waste problems, Banyumas Regency government has arranged the Regional Regulation No. 6 Year 2012 on Waste Management. The Article 31 paragraph 1 mentions that the communities have the role in waste management held by the regional government. The community participation in waste management is

regulated in Article 31 paragraph 2 in the form: a. giving opinions, consideration, and/or recommendation to the regional government in waste management activities; b. Giving recommendations and opinions in the formulation of household and other household-like waste management policies and strategies; c. Implementation of household and other household-like waste management activities independently or in partnership performed with the Regional Government; and/or d. the provision of education and training, campaign, and mentoring provided by the community groups to the community members in waste management to change the community members' behaviors.

To operate the regional regulations, the Banyumas Regent has issued the Regent Regulation No. 54 Year 2018 on General Guidance of the Duty Assistance in Household and other Household-like Waste Management to the villages in the areas of Banyumas regency. In this Regent Regulation, the Village government based on the administrative regional authorities is given the duties to:

- a. implement the household waste and other household-like waste reduction and management;
- b. create the independent community groups;
- c. determine the *TPS3R* locations;

- d. coordinate with the Waste Management Working Unit in the Regional areas;
- e. allocate funds in *APBDes* [Village Income and Expenditure Budget].

The implementation of Regency Government Policies on Waste has been translated by the Kutasari Village Government in the form of Village Regulation. The policy made is the Village Regulation No. 4 Year 2016 on Environmental Cleanliness. In general, the village government policy regulating the Household Waste Management covers two important things:

1. Coordination mechanism between stakeholders with Waste Management;
2. Stakeholders' Rights and obligations including the Rights and Obligations of Village Government and Village Government's Commitment related to the waste management policies in the village.

However, those village government policies have not completely regulated each waste-related activity in Kutasari Village. The Kutasari Village government has given rooms for the village communities to perform the household waste management practices. This is positively responded by some Kutasari village residents by making the household waste management models into three forms: Waste Management coordinated by the Neighborhood Association

(known as *RT/Rukun Tetangga*, Waste Management coordinated by the Independent Community Groups (known as *KMS/keompok swadaya*), and "*Inyong*" Waste Bank (known as *BSI/Bank Sampah Inyong*). Those three waste management models are one of success indicators to the regulations related to the waste management. Thus, the waste management regulations have encouraged the village government and communities to develop the waste management practices involving the community participations.

Normative juridical analysis found that regulation in the context of research has encouraged the enforcement of environmental laws at the community level. These findings support the study conducted by Candrakirana (2015) which also highlights the important role of laws in encouraging the government to institutionalize good environmental governance and environmental awareness at the community level.

5

4.2 Community-Based Waste Management Practices

One community-based waste management model found in Kutasari Village was *Inyong* Waste Bank (known as *BSI/Bank Sampah Inyong*). Although there were other household waste management patterns, such as Waste Management coordinated by the Neighborhood Association (known as

RT/Rukun Tetangga) and Independent Community Groups (known as *KMS/ kelompok swadaya*), the methods of selecting, sorting, appreciating to the waste tend to be more practiced by the *Inyong* Waste Bank.

The waste management in Kutasari Village has uniquely developed. The awareness on waste management has been related to the economic values. Waste management practices coordinated by the Neighborhood Association (known as *RT/Rukun Warga*) have seen the waste as products which have the economic values. Waste management in the level of Neighborhood Association (known as *RT/Rukun Warga*) has utilized the waste taking services in the household level to obtain incomes, such as retribution. The communities are provided with various benefits due to the availability of waste taking services although they have to pay those services. Meanwhile, for the waste managers, they have also earned their incomes from the waste selling results. However, waste selecting and sorting practices have not been well implemented in the waste management model made by the Neighborhood Association (known as *RT/Rukun Tetangga*).

Similarly, waste management coordinated by the Independent Community Groups (known as *KMS/ kelompok swadaya*), the already-taken waste from the surrounding residents was

selected in the final waste disposal sites. The communities in cooperation with the Independent Community Groups (known as *KMS/ kelompok swadaya*) are not required to select and sort the waste. Thus, the waste management practiced by the Independent Community Groups (known as *KMS/ kelompok swadaya*) has not reflected the community-based waste management model as expected.

Dissimilar with the waste management model coordinated by the Neighborhood Association (known as *RT/Rukun Tetangga*) and the Independent Community Groups (known as *KMS/ kelompok swadaya*), the "*Inyong*" Waste Bank (known as *BSI/ Bank Sampah Inyong*) has provided education related to waste management to its customers. The surrounding residents who have become the customers of "*Inyong*" Waste Bank (known as *BSI/ Bank Sampah Inyong*) have been trained to select and sort the waste since produced in the household level. At the beginning, it was not easy to give the waste management education to the surrounding residents. However, the community awareness was the created after some educational processes and active participations of the waste managers (*BSI/ Bank Sampah Inyong*) in educating the surrounding residents as their customers.

The "*Inyong*" Waste Bank (known as *BSI/ Bank Sampah Inyong*) was formed

and coordinated with the motivation to overcome the environmental inconveniences due to the unmanaged accumulated-produced waste. To draw people's attention to participate in and become the costumers of the "Inyong" Waste Bank (known as *BSI/Bank Sampah Inyong*), the managers provide incentives in the form of waste saving program and exchange their waste with their daily basic needs (known as *sembako*). This program encourages the surrounding residents to sort their waste based on organic and non-organic waste. The Organic waste has been processed into compost. Special for the non-organic waste, The "Inyong" Waste Bank (known as *BSI/Bank Sampah Inyong*) has highly appreciated the waste saving received from the surrounding residents. Although the economic values of the non-organic waste are not high, this strategy is relatively effective to motivate the surrounding residents not to easily throw their waste away. The perception mentioning that waste still has its price is once formed and implanted in the costumers' mind; the household waste production can be then well managed.

At the beginning, the "Inyong" Waste Bank's (known as *BSI/Bank Sampah Inyong*) service range was only provided for the Residents of Neighborhood Association (known as *RT/Rukun Teteangga*). However, due to the discontinuation of waste disposal

sites at the hamlet level in response to the implementation of the waste-selection based regional government policies, the "Inyong" Waste Bank's (known as *BSI/Bank Sampah Inyong*) services were developed to the hamlet level. These services were given to improve the community awareness on waste. With more extensive service areas, the "Inyong" Waste Bank (known as *BSI/Bank Sampah Inyong*) has become one community-based waste management model in the village areas of Banyumas Regency.

The findings of this study corroborate previous studies which reported that waste banks are a more effective model of waste management in encouraging wider community participation (Astheria, & Heruman, 2016; Setiadi, 2015). Waste banks do not only provide added value economically, but also educate the public to care about protecting the surrounding environment.

5 CONCLUSION

This study has eventually drawn the following conclusions:

1. From the environmental law perspective, the community-based waste management has been strengthened with the regulation in the central, regency, and village government levels. The regulation on waste management regulates the interaction between communities

with their environments without resulting in the negative impacts of waste to the environmental health and convenience. The research results show that the regulation on waste management has encouraged the waste management practices in the community levels.

2. This qualitative research indicated that public participation in waste management was found in the waste bank model in which the communities were educated to select, sort, and appreciate the waste. The waste bank model has also provided positive impacts on the environmental health and convenience including the increase of community income earned from their waste saving results. Thus, the waste bank model is one ideal model to improve the community-based waste management practices.

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