

Legal Study of Plastic Waste Handling for Street food Business Actors**Abim Dwi Nugroho¹, Dianita Utami², Zahran Muhammad Ikhwan³, Endang Sutrisno⁴, Harmono⁵**

Universitas Swadaya Gunung Jati, West Java, Indonesia

abimdnugrr@gmail.com¹, zahranikhwan7@gmail.com², dianitautamiiii@gmail.com³,ending.sutrisno@ugj.ac.id⁴, harmono@ugj.ac.id⁵**Keywords**plastic waste, street food,
environment, Pemerintah
Kota Cirebon**Abstract**

In Cirebon City, 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. This study aims to determine the procedures for handling plastic waste and the elements that influence the management of plastic waste in the city of Cirebon. The type of research used is empirical juridical research using qualitative data, initial research by examining secondary data, then continued with research in the field or community. Research data obtained through field observations or obtained through interviews. 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 carried out descriptively analytically, explaining how written law can prevent environmental pollution. Waste management is difficult to resolve due to lack of awareness among business actors and insufficient socialization and efforts from the government. Law No. 18/2008 contains administrative provisions, civil liability, several rights to sue, and criminal sanctions. Regarding administrative sanctions, the above regulation authorizes the regent/mayor to impose administrative sanctions on waste managers who violate the provisions stipulated in the permit. The sanctions given are in the form of government coercion, forced money, and license revocation.

Corresponding Author: Abim Dwi Nugroho

E-mail: abimdnugrr@gmail.com**INTRODUCTION**

The use of plastic has become part of the lifestyle of Indonesian people. Plastic is now present in almost all aspects of human life, including food packaging, spoons, forks, drink bottles, rice sacks, tote bags, children's toys, communications equipment and military equipment (Suminto, 2017). Food and beverage packaging is the most widely used plastic product in Indonesia, amounting to 80% of the total (Wahyudi, Prayitno, & Astuti, 2018).

Indonesia itself is the second largest waste producer in the world after China. This can be seen from the large demand which always increases every year. In 2019, the amount of plastic waste in Indonesia is estimated to reach 9.52 tonnes (Sutrisno et al., nd). Plastic waste is currently still a problem that is difficult to solve due to a lack of awareness about the importance of keeping the environment clean and not leaving rubbish scattered around (Farida, Arifin, Rahmawati, & Iwannudin, 2021). Law Number 18 of 2008 concerning Waste Management stipulates that waste must not be thrown carelessly (Nurikah, Jazuli, & Furqon, 2022). These locations include places such as roads, rivers, and other areas that are not intended for waste disposal and the waste that has been collected must be placed in integrated waste processing sites or temporary shelters (Purnomo, 2021). Article 4 Paragraph 5 of the Cirebon City Regional Regulation Number 4 of 2018 also states that "Every person who organizes a public crowd that results in the generation of rubbish must be responsible for collecting the rubbish that comes from the crowd."

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 (Triningsih, 2023) . With increasing population, there will be an increase in the volume of waste produced by human activities (Pramita & Morin, 2019) . What differentiates 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 (Sari, 2023) . Alternatively, food is usually ready to eat and is usually sold on the roadside or in other public places (World Health Organization, 1996). Based on Article 3 of Law Number 18 of 2008 concerning Waste Management, the government and regional governments are responsible for managing waste responsibly to ensure people's rights to a good and healthy living environment. As a result, both traders and buyers must 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 landscape, because unpleasant odours, increase flooding, cause various diseases and pollute the environment.

This research aims to determine 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 academically useful for changing waste management policies that should be implemented by city governments, especially with regard to plastic waste produced by street food businesses. Practically, this research can increase understanding of how the DPR and DPRD supervise the Waste Management Law and Cirebon City Regional Regulation No. 4 of 2018 concerning Waste Management.

RESEARCH METHODS

The type of research used is empirical juridical research using qualitative data, initial research is by examining secondary data, then continuing by conducting research in the field or community. Research data is obtained through observations in the field being researched or obtained through interviews in the form of information or facts, also known as data obtained from primary sources. In this research, legal concepts are used as basic rules 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 was carried out descriptively and analytically, explaining how written laws can prevent environmental pollution.

This research was conducted using the interview method at the Cirebon City Environmental Service (DLH), and in one of the street food areas in Cirebon City. The type of data needed to know how to handle and manage plastic waste from street food business actors by the managers or coordinators of these business actors and the Cirebon City Environmental Service as well as the 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 for life for Indonesian people and other living creatures. (a'delina, 2022)

Paradigm with community participation (community-based management). Therefore, state responsibility can be linked to the duties and functions of all apparatus responsible for administering good government (Fetrimen, 2018) . Good governance can only be achieved if the government in carrying out its functions is guided by the concept of supremacy of law, which has the following five characteristics:

1. The government exercises its authority based on the supremacy of law;
2. The government guarantees legal certainty;

3. The government must create responsive laws that are able to absorb people's aspirations;
4. The government must implement the law consistently and non-discriminatorily through the creation of a mechanism for implementing sanctions;
5. The government must create and guarantee the implementation of independent justice. If seen from the description above, the principle of state responsibility is in continuity with the aim of law, namely the theory of legal benefit.

Where according to Betham, the aim of the law is to provide maximum benefit and happiness for as many citizens as possible (Aulia, nd) . Therefore, this concept places profit as the goal of law. Measurement is the greatest happiness for many people. This theory has the same goal, namely providing good services for the welfare of society.

Law no. 18 of 2008 regulates domestic waste management on a national scale (Nurikah et al., 2022) . This regulation explains the meaning of waste as the remainder of daily human activities and/or natural processes in solid form, which can be utilized or is still suitable/usable. What is included in waste is household waste, waste similar to household waste, and specific waste. Regulation Law 18/2008 divides domestic waste management into two parts, namely waste reduction and waste handling. Waste reduction in question includes 3R activities (reduce, reuse, recycle) on various waste sources such as household, commercial, public facilities, and so on. (Yuneke, 2016) .

Waste management is difficult to complete due to lack of awareness from business actors as well as socialization and efforts from the government that have not been optimal. Law Number 18 of 2008 contains administrative provisions, civil liability, several rights to sue, and criminal sanctions (Krismansyah, Sjaafari, & Widyastuti, 2017) . Regarding administrative sanctions, the above regulation gives the authority to the regent/mayor to impose administrative sanctions on waste managers who violate the requirements stipulated in the permit. The sanctions given are government coercion, forced money, and revocation of permits (Sisma, 2023) . The law does not have provisions that explain further who is meant by a waste manager, what requirements according to Law Number 18 of 2008 must be included in a permit and what the procedures or sequence for imposing sanctions are. Further provisions or explanations regarding these two things are very important because they will be a measure of when sanctions will be imposed and what sanctions will be imposed. Considering that most waste management activities are currently in the hands of the government or institutions it has established, 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 regarding procedures for imposing sanctions. Apart from that, Law Number 18 of 2008 also needs to be criticized because the administrative sanctions regulated therein do not contain fines. This is very surprising because fines are actually very well known in Indonesia and have been included in various existing regional regulations related to waste management. Law Number 18 of 2008 also contains criminal sanctions for several crimes related to waste. Waste crimes are broadly divided into two groups, namely material offenses and formal offenses. For material offenses, criminal sanctions are provided for:

- a) waste managers who deliberately do not pay attention to waste management norms, standards, procedures so that they disturb health, cause security disturbances, or cause environmental pollution/damage; And
- b) Waste managers who, due to their negligence, do not pay attention to waste management norms, standards, procedures, thereby harming health, causing security disturbances, or environmental pollution/damage.

For formal offenses, Law No. 18 of 2008 provides sanctions for:

- a) every person who unlawfully uses household waste and/or similar types of household waste and
- b) Any person who unlawfully imports specific waste.

Thus, regarding waste reduction and handling, Law Number 18 of 2008 only recognizes material offenses, namely if an action has caused consequences.

When compared with the criminal provisions according to Law no. 32 of 2009, which is discussed in a separate chapter of this book, the criminal provisions in Law no. 18 of 2008 is very minimal. In addition, considering that waste management also includes the government (in fact, most waste management activities are carried out by the government or its bodies), therefore, this criminal provision needs to be explained in more detail so that we can be sure that government officials or institutions will also be subject to sanctions. Criminal if committing this criminal act. Therefore, the provisions regarding criminal liability need to be explained in more detail. Unfortunately, we cannot find this provision in Law Number 18 of 2008.

Minister of Environment and Forestry Regulation Number 75 of 2019 concerning Roadmap for Waste Reduction by Producers which regulates waste reduction by producers from 2020-2029. This regulation is a derivative of Law Number 18 of 2008 concerning Waste Management as mandated in article 15.

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 the provision of storage facilities. Using the right materials alone is not enough, producers have an obligation to plan, implement, monitor, evaluate and report to minimize waste produced by producers. In addition, producers have an obligation to educate consumers so they can play a role in reducing waste. The government can also reward and publicize poor performance (reproach, embarrass) producers. (Zero Waste Alliance, 2021)

The government's efforts to handle waste include data collection through the National Waste Management Information System (SIPSN). Apart from Law Number 18 of 2008 and Ministerial Regulation No. 75 of 2019 for regional level regarding more detailed decisions and regulations. The Cirebon City Regional Government also issued regulations and decisions. Regional Regulations are technical regulations to implement laws and regulations 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 suit specific regions. Regulations and decisions at the regional level are:

1. West Java Governor Regulation Number 91 of 2018 Guidelines for Implementing West Java Province Regional Regulation Number 12 of 2010 concerning Waste Management. This decision regulates waste management so that it meets the principles of responsibility and sustainability.
2. Cirebon City Regional Regulation Number 5 of 2023 concerning Environmental Protection and Management. This decision regulates efforts to overcome environmental problems in Cirebon City, it is necessary to carry out integrated environmental control so that sustainable development is environmentally sound.
3. Cirebon City Regional Regulation Number 4 of 2018 concerning Waste Management. This decision regulates waste management in order to improve public health, environmental quality, and make plastic waste an economically useful resource.

There are local regulations in the form of Cirebon City Regional Regulation Number 5 of 2023 concerning Environmental Protection and Management which regulates in Article 3 Environmental Protection and Management is a systematic and integrated effort carried out to preserve the function of the Environment and prevent environmental pollution and/or damage. Life that includes:

- a planning;
- b utilization and maintenance;
- c environmental approval;
- d B3 waste management and non-B3 waste management; control;
- e guidance and supervision;
- f procedures for applying administrative sanctions;
- g environmental dispute resolution;
- 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 of 2018 concerning Waste management is carried out and is the responsibility of the Regional City Government, the community and agencies.

Waste management consists of:

- a waste reduction; And
- b waste handling

The Mayor determines City Regional policies and strategies in waste management. Regional City policies and strategies in management include:

- a direction of waste reduction and handling policies; And
- b Waste reduction and handling programs.

The program must include

- a targets for reducing waste generation and prioritizing waste types in stages; And
- b waste handling targets for each certain period of time

In developing regional strategic policies, cities must be guided by national policies and strategies as well as provincial policies and strategies in waste management. In addition to establishing policies and strategies, the Mayor also prepares master plan documents and feasibility studies for managing household waste and similar types of household waste. The master plan as intended in paragraph (1) contains at least:

- a limiting waste generation;
- b waste recycling;
- c waste utilization;
- d waste sorting;
- e waste collection;
- f garbage transport;
- g waste processing;
- h final waste processing; And
- i Funding.

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

Based on interviews with the Cirebon City Environmental Service, implementing rules and policies regarding waste handling is difficult to implement due to a lack of awareness among business actors themselves. Cirebon City's waste production is caused by industrial activities, trade, living standards and lifestyles of the community, households, and so on, so that waste production in Cirebon City reaches 600 m³ every day. The waste that can be transported is 550 m³/day (Radar Cirebon, 2018) and the rest is burned, piled up by making holes or digging the ground, thrown carelessly in certain places in the wild, etc. (illegal dumping) and for management Plastic waste itself is recycled through a long process, starting from collection by scavengers, sorting, and selling to waste collectors to be used as raw material for manufacturers. However, the ratio between processed and polluted plastic waste in the environment is very different.

Until now there are still micro, small and medium enterprise activities that do not comply with regulations issued by the Government, so that the majority of environmental pollution caused by micro, small and medium enterprise activities at the implementation level can be interpreted appropriately, so that it remains only "good" in the field of conceptual and discursive development, not only does it require precise intelligence from every element of the government bureaucracy as a form of (political will) with great determination, but this also includes the socio-economic ability of the community to work together with business actors in industry and the government is determined not to only build for the welfare of society. Micro, small and medium enterprises (MSMEs) are the most strategic sector of the national economy, related to the livelihoods of many people and are the backbone of the national economy. 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 Number 6 of 2009 concerning the Development of Creative Industries, 28 central and regional 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 Article 4, Part Two of Regional Regulation Number 4 of 2018 concerning Waste Management that waste producers are obliged to place/dispose of waste in the waste bins provided according to the type of waste and are obliged to manage household waste and household waste. Steps in an environmentally sound manner. Apart from that, every person who organizes a public gathering which results in the generation of waste must be responsible for collecting the rubbish originating from the holding 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 regional government policy. This is an effort that can be made to protect the environment as part of our duties as humans.

The Cirebon City Regional Government has implemented an Environmental Pollution Management Program policy for handling plastic waste, namely:

1. The activity carried out is to provide facilities in the form of waste sorting stations to several places that have the potential to produce high levels of plastic waste.
2. Created several programs, namely Trash ATM, by placing plastic waste at the destination and getting money based on the amount per piece of waste entered based on the world price of plastic waste. Apart from that, there is a Mobile TPS program. This program is specifically for transporting household waste for residents whose homes are within a 3 km radius to be allowed to dispose of waste at the mobile TPS. Later the trucks will operate every morning in residential areas.
3. Carry out inspections and supervision of street vendor areas that have the potential to produce waste. This method is considered effective, if any street vendor is caught throwing rubbish carelessly, they will be subject to sanctions and a deterrent effect.

CONCLUSION

Waste management is still difficult to resolve due to a lack of awareness from businesses and the public, as well as government efforts that have not been maximized. Law No. 18/2008 on Waste Management regulates administrative provisions, civil liability, the right to sue, and criminal sanctions. The relevant regulations authorize regents/mayors to impose administrative sanctions on managers who violate waste management provisions. However, the law does not further explain the provisions of who is meant by waste management and what requirements must be met. To minimize plastic waste, it can be done through the use of products made from biodegradable materials, recycling, and the provision of waste disposal facilities. In addition, producers also have the obligation to plan, implement, monitor, evaluate, and report on their waste minimization efforts, as well as educate consumers.

REFERENCES

- Aulia, Maisa. (n.d.). *Aliran Utilitarianisme dalam filsafat Hukum dan Korelasinya dengan Hukum di Indonesia*.
- Farida, Annikmah, Arifin, Zaenal, Rahmawati, Rita, & Iwannudin, Iwannudin. (2021). Pemberdayaan Ekonomi Masyarakat Melalui Pengelolaan Bank Sampah Berkah di Sekampung Kabupaten Lampung Timur. *Wisanggeni: Jurnal Pengabdian Masyarakat*, 36–51.

- Fetrimen, Fetrimen. (2018). Paradigma Manajemen Pendidikan Pada Badan Diklat Dalam Penerapan Good Government. *Jurnal Administrasi Dan Kebijakan Publik*, 8(2), 30–48. <https://doi.org/10.33558/akp.v8i2.1620>
- Krismansyah, Fitria, Sjafari, Agus, & Widyastuti, Yeni. (2017). *Implementasi Perda Nomor 3 Tahun 2013 Tentang Pengelolaan Sampah Di Kecamatan Kelapa Gading Kota Administrasi Jakarta Utara*. Universitas Sultan Ageng Tirtayasa.
- Nurikah, Nurikah, Jazuli, E. Rakhmat, & Furqon, Eki. (2022). Tata Kelola Pengelolaan SaMPAH Berdasarkan Undang-Undang Nomor 18 Tahun 2008 Tentang Pengelolaan Sampah Terhadap Pengelolaan Sampah Berbasis Partisipasi Masyarakat Di Kota SeraNG. *Gorontalo Law Review*, 5(2), 434–442. <https://doi.org/10.32662/golrev.v5i2.2201>
- Pramita, Roni Andri, & Morin, Zakarias. (2019). Pelatihan Pembuatan Tempat Sampah Organik Dan Non Organik Pada Masyarakat Kampung Teluk Dore. *Jurnal ABDIMASA Pengabdian Masyarakat*, 2(2), 40–48.
- Purnomo, Chandra Wahyu. (2021). *Solusi pengelolaan sampah Kota*. Ugm Press.
- Sari, Novita. (2023). *Tinjauan Hukum Islam Terhadap Praktik Pengalihan Lapak Pedagang Kaki Lima Di Jalan Baru Kabupaten Ponorogo*. IAIN Ponorogo.
- Sisma, Annisa Fianni. (2023). *Rekonstruksi Pengaturan Sanksi Administratif Terhadap Pelanggaran Perlindungan dan Pengelolaan Lingkungan Hidup di Indonesia*. UNS (Sebelas Maret University).
- Suminto, Sekartaji. (2017). Ecobrick: solusi cerdas dan kreatif untuk mengatasi sampah plastik. *Productum: Jurnal Desain Produk (Pengetahuan Dan Perancangan Produk)*, 3(1), 26–34. <https://doi.org/10.24821/productum.v3i1.1735>
- Sutrisno, Valiant Lukad Perdana, Setyaningrum, Dyah Ayu, Oktaviani, Fedriana, Irfanto, Fikri Dani, Husnandar, Khoirul Anwar, Munawaroh, Laila Fajar, Pratama, Murni Evi, Safitri, Nurina, Nastiti, Purista Putri, & Muna, Rhesta. (n.d.). Sosialisasi Pembuatan Kerajinan Berbahan Dasar Kantong Kresek Sebagai Upaya Pengurangan Limbah Plastik Rumah Tangga di Desa Ketaon, Boyolali. *DEDIKASI: Community Service Reports*, 5(1). <https://doi.org/10.20961/dedikasi.v5i1.68203>
- Triningsih, Anisah. (2023). *Laporan Pkm-Evaluasi Pengelolaan Limbah Bahan Berbahaya Dan Beracun (B3) Di PT. VINCENT SHEPPARD, Kabupaten Cirebon*.
- Wahyudi, Jatmiko, Prayitno, Hermain Teguh, & Astuti, Arieanti Dwi. (2018). Pemanfaatan limbah plastik sebagai bahan baku pembuatan bahan bakar alternatif. *Jurnal Litbang: Media Informasi Penelitian, Pengembangan Dan IPTEK*, 14(1), 58–67. <https://doi.org/10.33658/jl.v14i1.109>
- Yuneke, Villi. (2016). *Penerapan Prinsip 3R (Reduce, Reuse, Recycle) dalam Pengelolaan sampah Sebagai Upaya Pengendalian Pencemaran Lingkungan di Kabupaten Bantul*. UAJY.