

THE EFFECTIVENESS OF LAW NUMBER 32 OF 2009 CONCERNING ENVIRONMENTAL PROTECTION AND MANAGEMENT IN ADDRESSING WASTE IN BALI

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ABSTRACT

The growing number of residents and tourists in Bali has created new problems in the field of environmental hygiene in the form of uncontrolled waste. Therefore, the government needs to apply Law number 32 of 2009 in dealing with these problems. The purpose of this study is to analyze the effectiveness of Law number 32 of 2009 in dealing with waste problems in Bali. The method used in this study is to use qualitative methods. The results of this study indicate that the implementation of the waste handling activity plan in the AMDAL that has been made is not in accordance with the planned activity plan causing the waste management and handling to be not carried out properly and also the community's right to an unhealthy environment due to the impact of the smell of waste handling at the TPA in Bali, namely submitting objections or complaints to related parties. However, the objections raised have not been taken seriously by the management and the existence of more than one management agency means that complaints cannot be handled properly.

Keywords: *Effectiveness*, Protection, Management, Addressing Waste

INTRODUCTION

The environment and humans have a unique and close relationship. The reciprocal influence between one another can be explained as a good and healthy environment also reflects a good community life and concludes that the concept of the environment is a unified component (all objects and living things that exist with the environment itself) that interact with each other. to achieve the welfare of each other (Diantha, 2016).

According to Article 1 Number 14 UUPPLH 2009 In line with the times, the maturity and continuous development of human technology has also led to continuous changes in human lifestyles. In order to satisfy the human desire to be more advanced than today, the environment has been abandoned. The dream of having a good and healthy environment is out of reach. Tall buildings built in big

cities also reflect growing environmental problems "*Environmental pollution is the entry or inclusion of living things, substances, energy, and/or other components into the environment by human activities so that they exceed the established environmental quality standards.*"

In this way, we can divide environmental pollution into three categories, namely air, soil and water pollution. Water pollution is the author's main topic in this paper. Water as an important component in human life cannot be eliminated in everyday life. Water covers almost 71% of the Earth's surface. There are 1.4 trillion cubic kilometers (330 million mi³) available on Earth. But on the other hand, water which is very abundant on earth cannot be separated from pollution, which makes it difficult to obtain clean water in quantity and quality that meets human needs. Deterioration of water quality caused by pollution is a serious problem that needs to be solved and addressed.

Currently, the rapid increase and growth of population in Bali automatically affects the surrounding environment, both physical and non-physical, in various fields, such as one related to environmental hygiene. One of the problems that arises is a problem related to environmental hygiene, namely the problem of accumulated waste and has not been managed properly. 1 A good and healthy environment is a basic right of every Indonesian citizen as mandated in Article 28H of the Constitution of the Republic of Indonesia 1945 (hereinafter written the 1945 Constitution of the Republic of Indonesia).

Apart from that, Bali has many activities and is also one of the icons of Indonesia and is visited by many tourists. Therefore it allows for the use of more goods which eventually led to landfilling of waste in the City. Therefore, it is necessary to have a special handler by the government in dealing with waste in Bali. One of the rules set by the government in dealing with these problems is the stipulation of Law no. 32 of 2009 concerning environmental protection and management, this activity needs to be studied as a form of environmental protection. In addition, this article will be abbreviated UUPPLH 2009 (Sejati, 2009).

Based on the background of the question, the authors are interested in including this question in a scientific article entitled "The effectiveness of Law

Number 32 of 2009 concerning Environmental Protection and Management in addressing waste in Bali".

METHODS

The research method is a method of using careful thought to achieve goals through search, recording, formulation and analysis to prepare reports. The title mentioned refers to the form of supervision of companies or activities that have an impact on the environment under the 2009 PPLH Law. The research method is the method used to collect research data and compare it with predetermined measurement standards. In this case, the researchers used several appropriate research tools in this research method to get maximum results.

Types of research

This sequenced research falls into the category of empirical research, which can also be called field research, i.e. the study of applicable laws and societal realities. Empirical research is also called a method or procedure for solving research problems, this method is to examine additional data first, and then conduct research on the main data in the field. The results of the information collected and found through field research conducted in Bali are used to answer questions in this study.

Data Type

The source of this research data comes directly from the author's field observations and many speakers related to writing scientific papers. Therefore, the data types used in this study are primary and additional data types.

- a) Primary data is data obtained from the source directly. Sources of data can be obtained by conducting direct interviews.
- b) Secondary data is data obtained from previous studies and is used as supporting data for primary data. Secondary data comes from documents, books, research results in the form of papers, reports, papers, and articles and journals. Secondary data consists of 3 types of legal information, namely:
 - 1) Primary legal materials are legal materials that are official and binding, such as laws and regulations.

- a. Basic law 1945;
 - b. Law Number 32 of 2009 concerning environmental protection and management
- 2) Secondary Law Materials, namely by providing an explanation of the existing Basic Law materials, we can support and strengthen the legal materials from the Basic Law materials so that we can analyze and deepen their understanding. Examples of secondary legal material include research journals, books, magazines and Internet resources.
- 3) Materials of Tertiary Law, meaning they are auxiliary legal materials in nature, and they provide additional instructions or explanations to the Basic Law and Supplementary Legal materials. The third category of legal materials includes legal dictionaries and encyclopedias related to the author's title.

Data Collection Techniques

By searching, selecting, analyzing and collecting relevant legal materials and processing interview results in relation to the questions asked, scrutinize the questions asked, that is, through the following methods:

a. Live interview

The process in which the interviewer conducts questions and answers with sources who can provide accurate and accountable oral answers.

The data management is traced and obtained through:

1. Direct interview with the Bali City Environmental Service officer
2. Direct observation at the location of the research

b. Documentation Study

Is a study of data collection in written data sources. Written documents are provided in the form of official documents, books, magazines, reports, archives and photographs relating to research questions. Complete to obtain and understand the concepts, theories and regulations to answer the question statement of this research report.

Data analysis method

By describing the data generated in the form of descriptions or explanations of sentences, the data obtained can be obtained, processed and analyzed qualitatively. Starting from data analysis, continuing to draw conclusions, which is a way of thinking based on general facts, and then draw specific conclusions to answer questions based on research results, and then provide some suggestions.

FINDINGS AND DISCUSSION

2.1. Environmental feasibility study of waste handling activities in the city of Bali

Based on Article 1 number 8 of Regional Regulation Number 5 of 2011, waste is the residue of daily human activities and/or natural processes in solid form. But in principle waste is a material that is wasted or disposed of from human and natural activities that are solid (Dewi, 2005). Based on Law Number 18 of 2008 concerning Waste Management (hereinafter written Law Number 18 of 2008) defines waste as the residue of human daily activities and/or natural processes in solid form. Thus waste is the residue of human daily activities originating from something that is not used in the form of solids that have been treated for a long time and have taken their main parts and have undergone processing and are no longer useful. According to Sejati, waste management is an activity carried out to handle waste from the time it is generated to its final disposal (Widto, 2009).

Waste management also aims to preserve environmental functions and public health, improve environmental quality by turning waste into a resource and increasing efficiency in the use of raw materials. In maintaining the preservation of environmental functions, it is important to carry out a control of environmental pollution or damage which includes prevention, mitigation and recovery as stipulated in Article 13 of Law Number 32 of 2009 concerning Environmental Protection and Management. One of the instruments for preventing environmental pollution and/or damage is an Environmental Impact Analysis (AMDAL). EIA is an important concept in implementing the principles of sustainable development (*sustainable development*) which is done to minimize the consequences of

development that is planned to have a large and important impact on the environment (Sodikin, 2007). The main objective of making an EIA is to prevent negative impacts that may occur on the environment. The AMDAL is also one of the environmental feasibility studies that is required to obtain permits in addition to technical feasibility studies and economic feasibility studies (Erwin, 2008).

The environmental feasibility study, in this case the AMDAL, has been carried out by the initiator. This is evidenced by the issuance of Denpasar Mayor Decree Number 301 of 2005 concerning Determination of Environmental Feasibility of the Sarbagita Integrated Waste Management Installation (IPST) Development Plan at the Pesanggaran TPA, Pedungan Village, South Denpasar District, Denpasar City. The scope of the waste management business and/or activity plan under review is an activity plan that has the potential to cause various impacts, one of which is the odor impact.

The Pesanggaran TPA in Bali was originally a mangrove forest under the Ministry of Environment and Forestry of the Republic of Indonesia whose management was handed over to UPT Taman Hutan Raya (Tahura Ngurah Rai) at the Bali Provincial Forestry Service. This causes land use planning and preparation for TPA not to be carried out properly, such as the absence of a geotextile or geomembrane layer in the TPA subsoil resulting in environmental pollution by TPA operations. Based on the results of an interview with Mr. Aryawan as the Technical Section Head of the Bali Provincial Waste Management UPT on Thursday, March 1 2023, the factors that affect waste handling activities at the Pesanggaran TPA causing an unpleasant odor are leachate produced by piles of garbage, decomposition and landfilling and livestock farming waste around the TPA Bali area.

In the environmental impact analysis that has been carried out by the initiator, building a leachate collection pond is the initiator's priority because leachate is toxic water resulting from the decomposition process of old waste, waste vehicle washing water and toilet water. The existence of leachate treatment has a positive impact on several environmental components so that leachate treatment activities produced by piles of waste are not planned in the study of environmental management plans, as well as environmental monitoring plans in

the AMDAL of this activity where the AMDAL is an environmental permit to prevent and mitigate environmental pollution (Main , 2016). In practice, the leachate produced is not treated properly and is not planned in the environmental management plan. In addition, livestock waste such as pigs, cows or ducks around the landfill also contributes to the smell. Which is the activity of raising livestock around the Pesanggaran TPA by the community has been banned. However, the community does not heed the ban and the management is not strict in monitoring it so that the community continues to raise livestock and causes an unpleasant odor.

Other factors that cause bad odors are decay and landfilling. Handling of waste at the TPA in Bali uses the method *sanitary landfill* where the garbage is covered with soil every last day of operation so it doesn't smell, but it is stockpiled once a week. In this activity's environmental management plan, the impact of environmental degradation is carried out using a technological approach, a socio-economic approach and in collaboration with related agencies. However, the activity plan in the AMDAL was not implemented properly, causing an odor impact on waste handling at the TPA in Bali and disturbing the surrounding environment. The issuance of permits that are wrong or careless and does not take into account and take into account environmental interests will result in disruption of the ecological balance that is difficult to restore.

2. The community's right to the impact of odors in handling waste at the Pesanggaran TPA.

Indonesia as a legal state, the obligations and rights of Indonesian citizens are regulated in the 1945 Constitution. One of the rights as an Indonesian citizen is the right to a good and healthy environment. The right to a good and healthy environment is regulated in Article 28H paragraph (1) of the 1945 Constitution which stipulates that "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to get a good and healthy environment and has the right to obtain health services." The unpleasant smell that arises from the handling of waste disturbs the surrounding community and people who pass by the area around the TPA in Bali are also disturbed by the pungent odor. In addition, the piles of garbage that are starting to pile up also make the view

unsightly to enjoy, moreover the piles of garbage can be seen from Ngurah Rai International Airport and Benoa Harbor, thereby reducing the aesthetics of the surrounding environment. Based on Article 65 point 5 of the PPLH Law "everyone has the right to file a complaint due to allegations of environmental pollution and/or damage." Communities have equal and widest rights and opportunities to play an active role in protecting and managing the environment where the role of the community can be in the form of social supervision, providing suggestions, opinions, proposals, objections, complaints and/or providing information and/or reports as determined in Article 70 of the PPLH Law.

Based on the provisions of the article above, the community has the right to submit objections and/or complaints regarding bad odors caused by improper waste handling that disrupts residents' activities. The fulfillment of this right has been carried out by filing an objection. This was conveyed by the affected community, Mr. Sageri in an interview conducted on Thursday, 30 March 2023, stating that his party had often raised objections to the management of the Pesanggaran landfill. However, the objection raised has not been taken seriously by the management. Moreover, there was a termination of cooperation with the private sector so that the situation and the impact of the odor that occurred became even more pungent and disturbed the community.

CONCLUSION

1. The environmental feasibility study, in this case, is an EIA that has been carried out by the proponent. However, the implementation of the waste management activity plan in the AMDAL that has been made has not been in accordance with the planned activity plan causing the waste management and handling to not be carried out properly.
2. The community's right to an unhealthy environment due to the smelly impact of handling waste at the TPA in Bali, namely submitting objections or complaints to related parties. However, the objections raised have not been taken seriously by the management and the existence of more than one management agency means that complaints cannot be handled properly.

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