

## Legal Policy on Environmentally Friendly Waste Management



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**ABSTRACT:** A healthy environment requires maintenance from the community. Society in every activity always produces residue called waste. The waste produced causes various problems in disposal and management. Overcoming the problems of the government is expected to provide policies and solutions for environmentally friendly waste management. This research was conducted with normative collected from primary normative sourced from the law. The results showed that the Provincial Government must be firm in making regulations related to landfills that are not one door for three districts and household waste processing can be used as feed for magot cultivation.

**KEYWORDS:** Environment, Policy, Society, Waste

### I. INTRODUCTION

Humans in their lives need a decent and conducive living environment in order to create a healthy society. A healthy society requires a healthy environment as well. A good and healthy environment is a human right. This is stated in Article 65 paragraph (1) of Law No. 32/2009 on Environmental Protection and Management (UUPPLH). Similarly, it is stated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, and to receive health services."

A healthy environment is the dream of every human being. Indonesian society is always increasing in terms of population every year, causing many changes that occur in the environment, changes that occur are positive and negative changes. Environmental changes that occur today are more in a negative context, for example the problem of waste generated from various community activities.

Humans with their activities cannot be separated from waste or always leave residue from activities, especially waste. Waste is a material or material that is no longer wanted or used by humans. Waste is one of the problems that cannot be resolved completely. Waste has been regulated in Law No. 18 of 2008 concerning Waste Management. This law has mandated that the government and local governments carry out waste management and provide public services in waste management.

The current reality of waste handling and waste management by local governments in various regions of Indonesia does not have a significant impact. Data shows that 302 districts/cities throughout Indonesia in 2022 with a percentage of 62.62% managed waste and 37.38% unmanageable waste.<sup>1</sup> People still think that burning waste is part of waste management, but burning waste can cause pollution to the environment and disturb health, especially for breathing.

Burning waste on a large scale can cause air pollution and cause health problems, especially respiratory problems, so destroying waste in this way is not recommended. Similarly, indiscriminate disposal of waste, for example, into rivers, rice fields, vacant land or in places that are not landfills will cause new problems to the environment, especially if it is done in urban or densely populated areas. This is because the volume of waste not only increases, but also non-organic waste is difficult to decompose. Many environmental problems will arise as a result of this, such as blockage of river flow, causing water pollution (including groundwater) and also air pollution.

To overcome this problem, the government has regulated an environmentally friendly waste reduction policy in order to create a clean and healthy environment that is free from non-degradable waste. This can be seen in the Law of the Republic of Indonesia Number 18 of 2008 concerning Waste Management, especially Chapter VI concerning the Implementation of Waste Management.

<sup>1</sup> <https://www.kemendiknas.go.id/72-juta-ton-sampah-di-indonesia-belum-terkelola-dengan-baik> accessed on October 26, 2023, at 22.09 WIB.

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Environmentally friendly waste management as regulated in article 22 paragraph (1) of Law Number 18 of 2008 concerning Waste Management. One of the principles contained in the Act is the principle of continuity, which means that waste management is carried out in a more modern way that does not cause negative impacts and is environmentally friendly so that it does not affect negatively on public health now or for future generations.

Based on these problems, it can be said that waste management in the community has not been carried out optimally or the management is not fully environmentally friendly so that it can have a negative impact on humans and the environment. The government has provided a policy on environmentally friendly waste management, but it is less detailed about how to manage it and existing practices in the community have not been able to be carried out properly as expected by all parties.

One problem that has not been solved until now is the management of waste at the Piyungan landfill which always accumulates every time. The waste that accumulates in Piyungan landfill cannot be decomposed because there is already too much waste so that only neglect is carried out without sustainable waste processing. The role of the Provincial Government of the Special Region of Yogyakarta is needed to take the right steps so that it is immediately resolved so that it does not become a protracted problem and always repeats itself every time. Therefore, research needs to be carried out with the title "Legal Policy on Environmentally Friendly Waste Management". The problems as described in the background create a formulation of problems related to how the proposed concept of waste management policy at the Piyungan Final Disposal Site is a good solution with the right policy so that there is no accumulation. The next problem formulation is about how the government's solution is related to environmentally friendly waste management so that waste that can be decomposed or recycled can be implemented so that not all waste must be disposed of in landfills.

## II. METHODS

The research method used is normative legal research method, by collecting library data. The results written in this study are the result of primary normative data collection obtained from Law Number 32 of 2009 concerning Environmental Protection and Management and Law No. 18 of 2008 concerning Waste Management. In addition, it also comes from regulations regarding waste that apply in DIY. Secondary normative materials are obtained from library materials regarding the theory of waste and environmentally friendly management, legal principles applicable in Indonesia regarding waste management, results of previous studies, expert opinions on a healthy environment and environmentally friendly waste obtained from related book journals.

## III. RESULT AND DISCUSSION

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and to receive health services." Law No. 39 of 1999 on Human Rights Article 9 paragraph (3) affirms that "Everyone has the right to a good and healthy environment". Law of the Republic of Indonesia No. 32 of 2009 on Environmental Protection and Management Article 65 paragraph (1) affirms that "Everyone has the right to a good and healthy environment as part of human rights." Everyone is obliged to maintain the preservation of environmental functions and prevent and overcome environmental pollution and destruction, in accordance with Article 6 Paragraph 1 UUPH.

A clean and healthy environment is one that has many positive impacts on human life and the ecosystem as a whole. The importance of a clean environment means that people can contribute to keeping their natural surroundings clean and sustainable. Environmental cleanliness involves responsible behavior towards waste, wise use of natural resources and participation in conservation efforts. Enforcement of environmental pollution laws is important to protect ecosystems, human health and the sustainability of human natural resources. Environmental law enforcement is an important element in maintaining environmental sustainability and protecting people's rights to live in a healthy environment. Strengthening the legal system, increasing sanctions and public awareness can help prevent and crack down on environmental crimes.

Waste is the residue of a business or activity that contains hazardous or toxic materials which, due to their nature, concentration, and amount, either directly or indirectly, can endanger the environment, health, human survival and other living things. Waste is divided into three parts, namely liquid waste, solid waste and gas waste.<sup>2</sup>

Solid waste is waste that has a solid form that is dry and cannot move. The majority of this solid waste does not produce a pungent odor but makes the scope of the full.<sup>3</sup> This solid waste is generated from food scraps, pieces of wood or dregs from industry. The classification of solid waste in each country varies depending on the type, form and composition of the waste. The general classification in each country is said to be almost the same.

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<sup>2</sup> R. Srihadi Darmo Wihardjo dan Henita Rahmayanti, Pendidikan Lingkungan Hidup (Pekalongan: NEM, 2021), hal. 101.

<sup>3</sup> Ibid. hal 103

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Organic waste as semi-perishable solid waste because it is decomposed by microorganisms produced from leftover processed food, vegetable and fruit waste.<sup>4</sup> Organic waste that does not decompose is organic solid waste which is said to be very difficult to decompose by microorganisms, this waste is mostly produced from glass or plastic businesses. Ash waste is solid waste in the form of grayish ash produced from burning garbage and is easily carried by the wind and can become air pollution.<sup>5</sup> This waste is not easily decomposed. Star carcass waste is a solid waste that is also said to be easily decomposed by microorganisms but takes longer than organic waste. This animal carcass waste can be a problem in the event of a natural disaster because it easily decomposes and causes a very strong odor and sometimes becomes a source of disease. Sweep waste is solid waste from street sweeping that contains various scattered garbage from the streets. This street sweep waste is generated more in developing countries. Industrial waste is solid waste generated from industrial discharges, this waste depends on the type of industry. The more industries there are, the more waste is generated. This industrial waste has the highest potential to pollute the environment.

Liquid waste is waste that has a liquid form and is always soluble in water, easily moving places. Liquid waste is a mixture of water with various pollutants carried by water in a dissolved or suspended state from domestic sources, industrial sources and at certain times mixed with groundwater, surface water and rainwater.<sup>6</sup> This liquid waste is generally divided into liquid waste derived from human excreta (feces and urine), sewage (wastewater) and industrial waste (waste material from industrial residues).

Gas waste is waste in the form of gas seen in the form of smoke and is always in motion so that its spread is very wide and fast. The majority of this gas waste is controlled by the combustion of motorized vehicles and the disposal of smoke from industrial products.<sup>7</sup> Air is the most easily polluted medium for this waste gas.

It is important to reduce this waste through efforts to control, reduce emissions, and protect the environment. Unfavorable pollution has significant impacts on human health, biodiversity, and environmental sustainability. Therefore, pollution reduction measures, prudent waste management, and environmental protection policies are essential to maintain the quality of life and the earth's ecosystem.

The principles contained in Article 3 of Law of the Republic of Indonesia Number 18 of 2008 concerning Waste Management are organized based on the principle of responsibility, the principle of sustainability, the principle of benefits, the principle of justice, the principle of awareness, the principle of togetherness, the principle of safety, the principle of security, and the principle of economic value. Meanwhile, Article 4 of Law of the Republic of Indonesia Number 18 of 2008 concerning waste management aims to improve public health and environmental quality and make waste a resource. The actual accountability of the government is also part of the waste management in Article 5 The Central Government and Regional Governments are tasked with ensuring the implementation of good and environmentally sound waste management in accordance with the objectives as referred to in this Law.

Article 6 Law number 18 of 2008 The duties of the Central Government and Regional Government as referred to in Article 5 consist of:

- a. develop and increase public awareness in waste management;
- b. conducting research, development of waste reduction and handling technology;
- c. facilitating, developing, and implementing efforts to reduce, handle, and utilize waste;
- d. implementing waste management and facilitating the provision of waste management infrastructure and facilities;
- e. encouraging and facilitating the development of the benefits of waste processing results;
- f. facilitating the application of local specific technologies that develop in local communities to reduce and handle waste; and
- g. coordinating between government institutions, the community, and the business world so that there is integration in waste management.

Legal theory is a term that is often used as in legal science to explain the basic concepts of what is studied in legal science in the form of ideas and ideas theoretically in order to support legal dogmatics that are arranged to make law a fundamental thing in the running of human life in various times and eras. Legal theory etymologically comes from the word "Legal Theory" which comes from English and "Rechtstheorie" in Dutch, along with the development of legal science in various times, legal experts began to use several terms, namely some called it Legal Philosophy, Jurisprudence and legal theory. Legal scholars use these terms to define legal theory although there are some differences in these terms.

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<sup>4</sup> Ibid. hal 103

<sup>5</sup> Ibid. hal 104.

<sup>6</sup> R. Srihadi Darmo Wihardjo dan Henita Rahmayanti, Pendidikan Lingkungan Hidup (Pekalongan: NEM, 2021), hal. 106.

<sup>7</sup> Ibid. hal 109.

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Legal Theory becomes the foundation for positive law in solving certain legal problems in accordance with the needs of the community where the law is jurisdictionally applicable. Legal theory is something that is value-free abstract and not normative in contrast to legal dogmatics which are concrete practical and contain perspective and normative values, in line with this, legal theory is also methodically different from legal science where legal theory analyzes by parsing, separating, peeling and discussing different and seeking the truth with what distinguishes the law from other rules. Legal theory if you see this explanation, it can be said that basically legal theory is a theory or theoretical ideas and ideas from legal science and it can be said that the object of legal theory is legal science where legal theory includes everything about the law not limited to the law that applies in a certain area and time.<sup>8</sup>

The requirements that must be completed in order to be called a legal theory are:

1. Contains the problem being studied;
2. Contains a certain method;
3. Contains a consistent set of statements<sup>9</sup>

Legal theory is a science characterized as an interdisciplinary science, which sees law from other disciplines. Legal theory has 3 roles, namely:

1. Rechtsleer is analyzing various kinds of understanding related to juridical law;
2. The relationship between logic and law;
3. Methodology in theoretical aspects and practical aspects.<sup>10</sup>

Benevolence is always related to the theory of utilitarianism popularized by Jeremy Bentham. Benevolence in the theory initiated is classified as an ethical theory that places behavior and actions that can be said to be good are actions that are useful, provide benefits and provide benefits, while actions that are not good will only provide distress and suffering.<sup>11</sup> Utilitarianism theory is to base every action taken by humans on actions or actions that direct and lead to the greatest possible happiness and avoid and reduce suffering.

Basic policies between society and government as an effort to regulate ethically good actions and provide benefits that are considered good for the wider community. So that the theory initiated by Jeremy Bentham is in line with the creation of a new concept of waste management policy in the Piyungan landfill area so that waste decomposition occurs properly and does not harm the community around the Piyungan landfill area.

Piyungan landfill facilitates waste disposal from Sleman Regency, Bantul Regency, and Yogyakarta City while the location of Piyungan landfill itself is in Bantul Regency. Sleman Regency has a Strategic Environmental Assessment as stipulated in UUPPLH No. 32 of 2009 (Article 15, paragraph 3) KLHS is implemented with a mechanism:

1. Assessment of the influence of Policies, Plans, and or Programs (KRP) on environmental conditions in an area.
2. Formulation of alternative improvements to Policies, Plans, and or Programs (KRP)
3. Recommendation of improvements for KRP decision making that integrates the principles of sustainable development.

In fact, the three mechanisms above need to be supported by a process, namely the Strategic Environmental Assessment process needs to be designed, so that during the process and the results can be truly effective and efficient in accordance with the objectives. Government policy in Strategic Environmental Assessment must involve the interests of the community both in the preparation and evaluation of Policies, Plans, and or Programs in realizing a more strategic environment.<sup>12</sup>

The Bantul Regency Government in waste management has the principle of reducing, utilizing, and recycling waste. Policies in reducing and handling household and similar waste are contained in Bantul Regent Regulation Number 156 of 2018 concerning Regional Policies and Strategies (JAKSTRADA), which has the following objectives:

1. Improving the performance of household and similar waste reduction by implementing norms and procedures, strengthening coordination and cooperation between the Central Government, Regional Governments, and Village Governments, and strengthening the commitment of business actors through the application of producer obligations in reducing household waste.
2. Improving the performance of household waste management by strengthening the commitment of the executive and legislative bodies of Bantul regency in preparing the budget for waste management.<sup>13</sup>

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<sup>8</sup> Isharyanto, 2016, "Teori Hukum Suatu Pengantar dengan Pendekatan Tematik" (Jakarta..WR Penerbit) hal. 13

<sup>9</sup> Hasanah Uswatun dan Eny Suastuti. 2020. "Buku Ajar Teori Hukum". (Surabaya. Scopindo Media Pustaka) hal. 3

<sup>10</sup> Hasanah Uswatun dan Eny Suastuti. 2020. "Buku Ajar Teori Hukum". (Surabaya. Scopindo Media Pustaka) hal. 3

<sup>11</sup> Pratiwi, Endang, Theo Negoro, dan Hassanain Haykal. 2022. "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum atau Metode Pengujian Produk Hukum". Jurnal Ilmiah Hukum 2, No. 3. hal 274.

<sup>12</sup> Laporan Akhir Kajian Lingkungan Hidup Strategis Rencana Pembangunan Jangka Menengah Kabupaten Sleman Tahun 2021-2024

<sup>13</sup> Laporan Akhir Kajian Lingkungan Hidup Strategis Rencana Pembangunan Jangka Menengah Kabupaten Bantul Tahun 2021-2024.

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The Yogyakarta City Government in waste management is managed by the Environmental Agency, which explains that it has policies in reducing and handling household waste in strategic plans and designs with waste reduction, providing facilities and infrastructure for waste reduction and handling from waste sources to landfills, development plans and utilization of environmentally friendly technology in meeting the needs of reusing, recycling, and final handling.

Poor waste management practices can have a negative impact on the environment. A lot of waste management carried out by the government or the community is not optimal or environmentally friendly, thus disturbing the state of a healthy environment. Cases that occur today related to poor waste management such as littering and waste management can cause a number of environmental and public health problems. In addition to damaging the environment, pollution due to poorly managed waste can have a negative impact on human health with the onset of various diseases.

Dumping waste into rivers, for example, can have a number of detrimental effects both for the river environment itself and for the people who rely on the river, especially during the rainy season. Garbage that is dumped in the river can be carried from the river to the ocean and create a buildup in the sea and even a buildup on the beach. Garbage that accumulates in the river can block the flow of the river and cause flooding. In addition to the river, garbage disposal that is not in its place can spoil the scenery around, cause unpleasant odors, and can cause flooding because of the accumulation of garbage, garbage can also bring various diseases and pollute the environment.

Littering can cause ecological damage and spread disease. Waste management that is burned can have an impact on air pollution and cause health problems, especially for respiratory health. Burning waste will still leave traces of the combustion results, especially from plastic waste, so burning waste will not solve the problem of waste management or destruction.

Waste disposal that is currently always done by the government is to facilitate landfills as the end of the waste management chain. The final waste disposal system is on a large scale every day but cannot break down the waste properly, only the collection and accumulation of waste, this system uses an urug system that will always increase in the future. Waste management systems like this will cause many major environmental problems for local residents, namely being disturbed by diseases caused by garbage, smelling strong odors and can disturb the quality of groundwater which becomes discolored and smelly.

Some cases of poor waste management practices can be concluded that poor waste management can have a negative impact on the environment and human health. Therefore, an appropriate legal policy is needed in environmentally friendly waste management to maintain the sustainability of the environment. Waste management in the Piyungan landfill has shortcomings if the gas produced from the waste collected in that place is not managed properly so that it can pollute the air. Piyungan landfill in managing leachate water is not maximized so that the resulting water quality standards can exceed the water quality standards. Leachate is water that seeps or drips through waste in landfills or waste disposal sites (TPS). This water is often impure or contaminated by substances present in the waste, and can contain compounds that are harmful to the environment and human health. Poor compost processing can cause a number of problems, both in terms of the quality of compost output, process efficiency, and environmental impact.

Addressing these issues, it is important to implement optimal compost processing practices. Thus, the resulting compost can be a high-quality and sustainable organic fertilizer. Cows in landfills are not given enough attention, which is a form of disrespect for other living things.

The Special Region of Yogyakarta is one of the provinces that is still experiencing waste management or waste disposal due to limited landfills. This problem certainly affects activities in Yogyakarta Province itself, especially in terms of cleanliness, namely because of the difficulty of managing waste and the lack of landfills. Waste management aims to move waste from the place to the Final Processing Site (TPA) so that it does not endanger the environment. According to Law No. 18 of 2008, each local government has the task of carrying out waste management and facilitating the provision of waste management infrastructure and facilities. Waste management in the city of Yogyakarta and its surroundings is handled by each district/city. Piyungan Landfill is located in Bantul, Yogyakarta. As a final disposal site, Piyungan Landfill is responsible for accommodating and managing waste originating from Yogyakarta and surrounding areas.

Piyungan landfill has a very vital role because Piyungan landfill is not only the final disposal for the Bantul area, but the Yogyakarta City and Sleman Regency areas also dispose of waste in the same place. Therefore, Piyungan Landfill has a very heavy burden and often found various problems that until now have not found a solution strategy.

Waste disposal that is always problematic at any time that occurs in the DIY area should be of more concern to the Provincial Government as regulated in the Yogyakarta Special Region Regional Regulation Number 3 of 2013 concerning Management of Household Waste and Waste Similar to Household Waste. The technical management of Piyungan Landfill should only be able to operate for 10 years, this is as explained in Article 36 paragraph (2) of the Minister of Public Works Regulation Number 3/PRT/M/2013 concerning the Implementation of Waste Infrastructure and Facilities in Handling Household Waste and Waste Similar to Household Waste which states that "The technical life of the landfill is at least 10 (ten) years". It is calculated that the

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Piyungan Landfill in 2016 should no longer be operated. The current landfill is no longer able to accommodate the large amount of waste that arrives every day and is increasing in volume.

The phenomenon of increasing waste not accompanied by the addition of landfills has a bad effect on residents around the landfill who have complained about the smell and pollution of their air and groundwater. The government should provide appropriate legal assertiveness about legal policies related to waste management so that there is no accumulation of too large a volume.

### IV. CONCLUSION

Based on the data above, the following conclusions can be drawn:

The condition of waste management in Piyungan landfill should be taken over by Bantul Regency, then Yogyakarta City and Sleman Regency can find a place in their respective areas and provide direction to the community to be able to manage household waste independently by being given training by the government by cooperating with competent parties in their fields.

The government policies of Sleman, Bantul and Yogyakarta City in waste management each have Strategic Environmental Studies in strategies in household waste management but in the final stage all household waste continues to accumulate at the Piyungan landfill without independent management in each household.

Meanwhile, the recommendations that can be given are as follows, the provision of new land for two districts outside the bantul district so that there is no accumulation of waste in Piyungan which is in the bantul district. The Yogyakarta City Government, which is said to be a very densely populated area and there is no vacant area to make a final landfill, can be recommended to cooperate with Sleman Regency to find a final landfill, besides that, residents of Sleman Regency and Yogyakarta City are educated to process their own organic and non-organic household waste.

The processing of organic waste that can be done is by collecting leftover foodstuffs or food waste in one place to be used as maggot feed so that it decomposes. Non-organic waste processing can be recycled such as pots, bags or plastic flowers as decoration.

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