

RUBBISH MANAGEMENT
(Law Number 18 Year 2008 dated May 7, 2008)

BY GRACE OF THE ALMIGHTY GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

CHAPTER I
GENERAL PROVISION

Part One

Definition

Article 1

Referred to in this law as:

Considering:

- a. that the growth of population and change in consumption pattern of people have increased the volume, kinds and characteristics of the increasingly varying rubbish;
- b. that rubbish management has not been suitable to environmentally sound rubbish management method and technique thus bringing about negative impacts to the public health and environment;
- c. That rubbish has become a national issue so that the management needs to be executed comprehensively and in integrated manner as from the upstream to downstream so as to bring about economic and medical benefit to the people and safe for the environment as well as to be able to change the people's behavior; That legal certainty, clarity of responsibility and authority of the government, regional administration as well as public participation are needed in rubbish management so that the rubbish can be managed proportionally, effectively and efficiently;
That having regards letters a, b, c and d, it is necessary to enact a law regarding rubbish management;

In view of:

Article 5 Sentence (1), Article 20, Article 28H Sentence (1), and Article 33 Sentence (3) and Sentence (4) of the Constitution of 1945;

With the joint approval of
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC
OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

D E C I D E S :

To stipulate:

THE LAW REGARDING RUBBISH MANAGEMENT.

1. Rubbish shall be solid material left over from daily human activity and/or natural process.
2. Specific rubbish shall be rubbish requiring special treatment because of its characteristic, concentrate and/or volume.
3. Rubbish source shall be origin where rubbish comes from.
4. Rubbish producer shall be everybody and/or natural process resulting in rubbish.
5. Rubbish management shall be a systematic, comprehensive and sustainable activity covering the reduction and handling of rubbish.
6. Temporary collection place shall be a place before rubbish is carried to recycling, treatment and/or integrated rubbish treatment place.
7. Integrated rubbish treatment place shall be a place where the collection, sorting, re-use, recycle and final processing of rubbish are executed.
8. Final processing place shall be a place used for processing and returning rubbish to the environmental media in a safe way for human and the environment. Compensation shall be the granting of reward for anybody affected negatively by rubbish handling in the final processing place of rubbish.
9. Party shall be individual, group of people and/or statutory body.
Emergency responsive system shall be a series of activities carried out in the framework of controlling, which covers prevention and mitigation of accident attributable to improper rubbish management.
Central government hereinafter called the government, shall be the President of the Republic of Indonesia holding the executive power of the Republic of Indonesia as meant in the Constitution of 1945.
10. Regional government shall be governor, regent or mayor and regional apparatuses as regional administrators.

11. Minister

11. Minister shall be the minister in charge of environmental management affairs and other related administration affairs.

Part Two Scope

Article 2

- (1) Rubbish managed on the basis of this law shall consist of:
- Domestic rubbish;
 - Rubbish similar to domestic rubbish; and
 - Specific rubbish.
- (2) The domestic rubbish as meant in Sentence (1) letter a shall result in from daily activities in the household, excluding feces and specific rubbish.
- (3) The rubbish similar to domestic rubbish as meant in Sentence (1) letter b shall result from commercial area, industrial estate, special area, social facility, public facility and/or other facility.
- (4) The specific rubbish as meant in Sentence (1) letter c shall cover:
- rubbish containing dangerous and toxic materials;
 - rubbish containing dangerous and toxic waste;
 - rubbish arising from disaster;
 - ruins of removed building;
 - rubbish which has not been able to process technologically; and/or
 - rubbish not arising periodically.
- (5) Further provision on kinds of specific rubbish outside the provision as meant in Sentence (4) shall be governed by a regulation of the Minister in charge of environmental affairs.

CHAPTER II

PRINCIPLE AND OBJECTIVE

Article 3

Rubbish management shall be executed on the basis of the principle of responsibility, sustainability, benefit, justice, awareness, togetherness, safety, security and economic value.

Article 4

Rubbish management shall aim at enhancing the public health and quality of the environment as well as promoting rubbish as resource.

CHAPTER III

TASK AND AUTHORITY OF ADMINISTRATION

Part One

Task

Article 5

The government and regional governments shall be assigned to guarantee the implementation of proper and environmentally sound rubbish management in accordance with the objective as meant in this law.

Article 6

The task of the government and regional governments as meant in Article 5 shall consist of:

- driving up and enhancing public awareness in rubbish management;
- undertaking research, developing rubbish reduction and handling technology;
- facilitating, developing and undertaking efforts to reduce, handle and utilize rubbish;
- undertaking rubbish management and facilitating the provision of rubbish management infrastructure and facility;
- encouraging and facilitating the development of benefits resulting from the rubbish management;
- facilitating the application of local specific technology which develops in local communities to reduce and handle rubbish; and
- undertaking coordinating between government institutions, communities and business communities so to as to result in integration in rubbish management.

Part Two

Authority of Government

Article 7

In executing rubbish management, the government shall be authorized:

- to stipulate national rubbish management policies and strategies;
- to stipulate rubbish management norms, standards, procedures and criteria;
- to facilitate and develop inter-regional cooperation, partnership and networking in rubbish management;
- to coordinate, foster and supervise performance of regional governments in rubbish management; and
- to stipulate policies on the settlement of inter-regional dispute over rubbish management.

Part Three
Authority of Provincial Government
Article 8

In executing rubbish management, provincial governments shall be authorized:

- a. to stipulate policies and strategies in rubbish management in accordance with the government policies;
- b. to facilitate cooperation between regions in a province, partnership and networking in rubbish management;
- c. to coordinate, foster and supervise performance of regencies/cities in rubbish management; and
- d. to facilitate the settlement of dispute over rubbish management between regencies/cities in a province.

Part Four
Authority of Regental/Municipal Government
Article 9

(1) In executing rubbish management, regental/municipal governments shall be authorized:

- a. to stipulate rubbish management policies and strategies on the basis of national and provincial policies;
- b. to undertake regency/city-scale rubbish management in accordance with norms, standards, procedures and criteria stipulated by the government;
- c. to foster and supervise performance of rubbish management executed by other party;
- d. to stipulate location of temporary collection place, integrated rubbish processing place and/or final rubbish processing place;
- e. to monitor and evaluate periodically, every 6 (six) months for 20 (twenty) years the final rubbish processing place by open disposal system which has been closed; and
- f. to formulate and implement rubbish emergency responsive system in accordance with their authority.

(2) Stipulation of the integrated rubbish processing place and final rubbish processing place as meant in Sentence (1) letter d shall be part of the regency/city layout plan in accordance with legislation.

(3) Further provision on guidelines on the formulation of the emergency responsive system as meant in Sentence (1) letter f shall be governed by a regulation of the Minister.

Part Five
Sharing of Authority
Article 10

The sharing of administration authority in the field of rubbish management shall be done in accordance with the provisions of legislation.

CHAPTER IV
RIGHT AND OBLIGATION

Part One
Right
Article 11

(1) Everybody shall be entitled:

- a. to obtain service in proper and environmentally sound rubbish management from the government, regional governments and/or other parties assigned to bear the responsibility;
- b. to participate in decision making, operation and supervision in the field of rubbish management;
- c. to obtain true, accurate and on-time information about the operation of rubbish management;
- d. to secure protection and compensation because of the negative impact of the activities of final rubbish processing place; and
- e. to obtain the fostering so that rubbish management could be executed properly and environmentally friendly.

(2) Further provision on procedures for exercising the rights as meant in Sentence (1) shall be governed by government regulation and regional regulation in accordance with their respective scope of authority.

Part Two
Obligation
Article 12

1) In managing domestic rubbish and rubbish similar to domestic rubbish, everybody shall be obliged to reduce and handle rubbish by environmentally friendly methods.

2) Further provision on technical procedures for the management of domestic rubbish and rubbish similar to domestic rubbish as meant in Sentence (1) shall be governed by a regional regulation.

Article 13

Management of resettlement area, commercial area, industrial area, special area, public facility, social facility and other facility shall be obliged to provide rubbish sorting facility.

Article 14

Every producer shall mention label or mark related to reduction and handling of rubbish in package and/or product.

Article 15

Producers shall manage the produced package and/or products which could not disintegrate or difficult to disintegrate by natural process.

Article 16

Further provision on procedures for the provision of the rubbish sorting facility as meant in Article 13, procedures for labeling or marking as meant in Article 14, and obligation of producers as meant in Article 15 shall be governed by a government regulation.

CHAPTER V

LICENSING

Article 17

- (1) Anybody undertaking rubbish management business activity shall be obliged to secure license from heads of regions in accordance with their respective scopes of authority.
- (2) The license as meant in Sentence (1) shall be issued in accordance with the provisions stipulated by the government.
- (3) Further provision on procedures for securing the license as meant in Sentence (1) shall be governed by a regional regulation in accordance with their respective scopes of authority.

Article 18

- 1) Decision on the licensing of rubbish management shall be announced publicly.
- 2) Further provision on business lines of rubbish management which secure license and procedures for the announcement as meant in Sentence (1) shall be governed by a regional regulation.

CHAPTER VI
RUBBISH MANAGEMENT

Part One

Management of Domestic Rubbish and Rubbish Similar to Domestic Rubbish

Article 19

Management of domestic rubbish and rubbish similar to domestic rubbish shall consist of:

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

Sentence One

Rubbish Reduction

Article 20

- (1) The rubbish reduction as meant in Article 19 letter a shall cover activities of:
 - a. Restriction of rubbish source;
 - b. Recycling of rubbish; and/or
 - c. Re-use of rubbish.
- (2) The government and regional governments shall be obliged to undertake the activities as meant in Sentence (1) by the following means:
 - a. Stipulating the target of rubbish reduction gradually in a specified period;
 - b. Facilitating the application of environmentally sound technology;
 - c. Facilitating the application of label of environmentally sound products;
 - d. Facilitating the re-use and recycling; and
 - e. Facilitating the marketing of recycled products.
- (3) Business communities in executing the activities as meant in Sentence (1) shall use production materials which yield rubbish as minimum as possible, could be re-used, recycled and/or is easy to disintegrate by natural process.
- (4) Communities in executing the activity of rubbish reduction as meant in Sentence (1) shall use materials which can be re-used, recycled and/or are easy to disintegrate by natural process.
- (5) Further provision on the reduction of rubbish as meant in Sentence (1), Sentence (2), Sentence (3) and Sentence (4) shall be governed by a government regulation.

Article 21

- (1) The government shall provide:
- a. Incentives for everybody undertaking rubbish reduction; and
 - b. Disincentives for everybody not undertaking rubbish reduction.
- (2) Further provision on kind, model and procedures for providing the incentives and disincentives as meant in Sentence (1) shall be governed by a government regulation.

Sentence Two
Rubbish treatment
Article 22

- (1) The activity of rubbish treatment as meant in Article 19 letter b shall include:
- a. The sorting in the form of classification and separation of rubbish in accordance with kind, quantity and/or characteristic of rubbish;
 - b. The collection in the form of the taking and removal of rubbish from rubbish sources to temporary collection place or integrated rubbish processing place;
 - c. The transportation in the form of the carrying of rubbish from source and/or temporary rubbish collection place or integrated rubbish processing place to the final processing place;
 - d. The processing in the form of the change in characteristic, composition and quantity of rubbish; and/or
 - e. The final processing in the form of the returning of rubbish and/or residue resulting from the previous processing to the environmental media safely.
- (2) Further provision on the rubbish treatment as meant in Sentence (1) shall be governed by a government regulation and/or regional regulation in accordance with their respective scopes of authority.

Part Two
Specific Rubbish Management
Article 23

- 1) The management of specific rubbish shall be the responsibility of the government.
- 2) Further provision on the management of specific rubbish as meant in Sentence (1) shall be governed by a government regulation.

CHAPTER VII
FINANCING AND COMPENSATION

Part One Financing
Article 24

- 1) The government and regional government shall be obliged to finance the implementation of rubbish management.
- 2) The financing as meant in Sentence (1) shall come from the state budget of revenue and expenditure and regional budgets of revenue and expenditure
- 3) Further provision on the financing as meant in Sentence (1) and Sentence (2) shall be governed by a government regulation and/or regional regulation.

Part Two
Compensation
Article 25

- 1) The government and regional governments individually or collectively may give compensation to people to compensate negative impacts arising from the activities of rubbish handling in the final rubbish processing place.
- 2) The compensation as meant in Sentence (1) shall be in the form of:
 - a. relocation;
 - b. environmental restoration;
 - c. medical and therapy cost; and/or
 - d. compensation of other form.
- 3) Further provision on the negative impact and compensation as meant in Sentence (1) and Sentence (2) shall be governed by a government regulation.
- 4) Further provision on the provision of compensation by the government and regional government as meant in Sentence (1) shall be governed by a government regulation and/or regional regulation.

CHAPTER VIII
COOPERATION AND PARTNERSHIP

Part One
Inter-regional Cooperation
Article 26

- 1) Regional governments may cooperate with other regional governments in the rubbish management.
- 2) The cooperation as meant in Sentence (1) may be realized in the form of cooperation and/or establishment of collective business of rubbish management.

- 3) Further provision on guidance for cooperation and model of collective business between regions as meant in Sentence (1) shall be governed in a regulation of the Minister in charge of home affairs.

Part Two
Partnership
Article 27

- 1) Regental/city governments individually or collectively may promote partnership with rubbish management business entities in the implementation of rubbish management.
- 2) The partnership as meant in Sentence (1) shall be written down in the form of agreement between regental/municipal governments and the business entities.
- 3) Procedures for executing the partnership as meant in Sentence (2) shall be in accordance with legislation.

CHAPTER IX
PUBLIC PARTICIPATION
Article 28

- (1) The public may participate in the rubbish management executed by the government and/or regional governments.
- (2) The role as meant in Sentence (1) may be realized by:
 - a. Submitting recommendation, consideration, and suggestion to the government and/or regional government;
 - b. Formulating rubbish management policy; and/or
 - c. Conveying recommendation and opinion in the settlement of rubbish-related dispute.
- (3) Further provision on the model and procedures for executing the public participation as meant in Sentence (1) and Sentence (2) shall be governed by a government regulation and/or regional regulation.

CHAPTER X
PROHIBITION
Article 29

- (1) Everybody shall be prohibited from:
 - a. Importing rubbish into the territory of the Unitary State of the Republic of Indonesia;
 - b. Importing rubbish;
 - c. Mixing rubbish with dangerous and toxic waste;
 - d. Managing rubbish, which pollutes and/or destroy the environment;

- e. Disposing rubbish not in the stipulated or provided place;

Handling rubbish by open disposal in the final processin place; and/or

- f. Burning rubbish by way not suitable to the technical requirements of rubbish management.
- (2) Further provision on the prohibition as meant in Sentence (1) letter a, letter c and letter d shall be governed by a government regulation.
 - (3) Further provision on the prohibition as meant in Sentence (1) letter e, letter f and letter g shall be governed by a regional regulation of regency/city.
 - (4) The regional regulation of regency/city as meant in (3) may stipulate sanction in the form of imprisonment or fine for the violation of the provision as meant in Sentence (1) letter e, letter f and letter g.

CHAPTER XI
SUPERVISION
Article 30

- 1) The government shall supervise the implementation of rubbish management policies by regional governments.
- 2) Governors shall supervise the implementation of rubbish management in the regental/municipal level.

Article 31

- 1) Supervision over the implementation of rubbish management executed by rubbish managers shall be done by regional governments individually or jointly.
- 2) The supervision by the regional governments as meant in Sentence (1) shall be based on supervision norms, standards, procedures and criteria governed by the government.
- 3) Further provision on supervision over the rubbish management as meant in Sentence (1) shall be governed by regional government.

CHAPTER XII
ADMINISTRATIVE SANCTION
Article 32

- (1) Regents/mayors may impose administrative sanction on rubbish managers violating the required provisions stipulated in the licensing.
- (2) The administrative sanction as meant in Sentence (1) may be in the form of:

- a. Administration coerciveness;
 - b. Coercive money; and/or
 - c. *Revocatio of license.*
- (3) Further provision on the application of the administrative sanction as meant in Sentence (1) and Sentence (2) shall be governed by regional regulation of regency/ city.

CHAPTER XIII
SETTELEMENT OF DISPUTE

Part One
General
Article 33

- (1) Dispute which may arise from the management of rubbish shall consist of:
 - a. Dispute between regional government and rubbish manager; and
 - b. Dispute between rubbish manager and communities.
- (2) The settlement of the dispute as meant in Sentence (1) may be realized through out-of-court settlement or the court.
- (3) The settlement of the dispute as meant in Sentence (1) and Sentence (2) shall be executed in accordance with legislation.

Part Two
Out-of-Court Settlement of Dispute
Article 34

- 1) The out-of-court settlement of dispute shall be realized by mediation, negotiation, arbitration or other choices of parties in dispute.
- 2) In the case of the out-of-court settlement as meant in Sentence (1) failing to achieve an agreement, the parties in dispute may bring about the case into the court.

Part Three
Settlement of Dispute in the Court
Article 35

- 1) The settlement of rubbish dispute in the court shall be done through lawsuit against legal violation.
- 2) The lawsuit against the legal violation as meant in Sentence (1) shall require the plaintiff to prove substance of mistake, loss and causative relations between the action and loss arising from.

- 3) Demand and lawsuit against the legal violation as meant in Sentence (2) may be in the form of compensation for loss and/or specific measure.

Part Four
Class Action
Article 36

Communities affected by unlawful action in the field of rubbish management shall be entitled to file lawsuit through class action.

Part Five
Right of Rubbish Organization to File Lawsuit
Article 37

- 1) Rubbish organizations shall be entitled to file lawsuit in the interest of rubbish management, which is safe for the public health and environment.
- 2) The right to file lawsuit as meant in Sentence (1) shall be limited to specific measure, except real cost or expenditure.
- 3) Rubbish organization entitled to file the lawsuit as meant in Sentence (1) shall comply with the following requirements:
 - a. In the form of statutory body;
 - b. Having memorandum of association in the rubbish management; and
Already executing concrete activity minimally one year, according to the memorandum of association thereof.

CHAPTER XIV
INVESTIGATION
Article 38

- (1) Besides investigators of the Indonesian Police, certain civil servants within the government institutions in charge of rubbish management affairs shall be given special authority to become the investigators as meant in the Criminal Code.
- (2) The civil servant investigators as meant in Sentence (1) shall be authorized:
 - a. To examine the truth of report or information related to crime in the field of rubbish management;
 - b. To interrogate anybody allegedly committing crime in the field of rubbish management;

- c. To ask information and evidence from the relevant party in connection with the crime in the field of rubbish management;
 - d. To audit bookkeeping, record and other documents related to crime in the field of rubbish management;
 - e. To inspect certain places allegedly containing evidences, bookkeeping, and other documents as well as confiscate substances and goods resulting from the crime, which may be used as evidence in the case of crime in the field of rubbish management; and
 - f. To seek assistance from specialists in the implementation of tasks of investigation into crime in the field of rubbish management.
- (3) The civil servant investigators as meant in Sentence (1) shall notify the commencement of investigation and result of investigation to investigators of the Indonesian Police.
- (4) The civil servant investigators as meant in Sentence (1) shall convey the result of the investigation to public prosecutor through the investigators of the Indonesian Police.

CHAPTER XV PENAL PROVISION

Article 39

- 1) Anybody inserting and/or importing unlawfully domestic rubbish and/or rubbish similar to domestic rubbish into the territory of the Unitary State of the Republic of Indonesia shall be liable to imprisonment for 3 (three) years at the minimum and 9 (nine) years at the maximum and a fine of Rp100,000,000.00 (one hundred million rupiah) at the minimum and Rp3,000,000,000.00 (three billion rupiahs) at the maximum.
- 2) Anybody inserting and/or importing unlawfully specific rubbish into the territory of the Unitary State of the Republic of Indonesia shall be liable to imprisonment for 4 (four) years at the minimum and 12 (twelve) years at the maximum and a fine of Rp200,000,000.00 (two hundred million rupiah) at the minimum and Rp5,000,000,000.00 (five billion rupiahs) at the maximum.

Article 40

- 1) Rubbish manager unlawfully and intentionally undertaking activity of rubbish management without paying attention to norms, standards, procedures or criteria, which may affect the public health, disturb security, pollute the environment and/or destroy the environment shall be liable to imprisonment for 4 (four) years at the minimum and 10 (ten) years at the maximum and a fine of Rp100,000,000.00 (one hundred million rupiah) at the minimum and Rp5,000,000,000.00 (five billion rupiahs) at the maximum.
- 2) If the crime as meant in Sentence (1) causes anybody to die or suffer from serious injury, the rubbish manager shall be liable to imprisonment for 5 (five) years at the minimum and 15 (fifteen) years at the maximum and a fine of Rp100,000,000.00 (one hundred million rupiah) at the minimum and Rp5,000,000,000.00 (five billion rupiahs) at the maximum.

Article 41

- 1) Rubbish managers undertaking activity of rubbish manager by way violating the norms, standards, procedures or criteria because of their negligence thus being potential to affect the public health, disturb security, pollute the environment and/or destroy the environment shall be liable to imprisonment for 3 (three) years at the maximum and a fine of Rp100,000,000.00 (one hundred million rupiah) at the maximum.
- 2) If the crime as meant in Sentence (1) causes anybody to die or suffer from serious injury, the rubbish manager shall be liable to imprisonment for 5 (five) years at the maximum and a fine of Rp500,000,000.00 (five hundred million rupiah) at the minimum.

Article 42

- 1) Crime shall be considered as corporate crime if the crime is committed in the framework of achieving corporate goals and committed by executives authorized to make decision on behalf of the corporation or representing the corporation to take legal action or having authority to control and/or supervise the corporation.

- 2) If the crime as meant in Sentence (1) is committed by or on behalf of corporation and individuals, based on working relations and other relations that act within the corporate environment, penal charge and sanction shall be imposed on the people acting leader or giving the order no matter whether the people commit the crime individually or collectively on the basis of working relations or other relations.
- 3) If the charge is filed against corporation, summon to appear and delivery of the summons shall be addressed to address of the corporation or place where executives undertake permanent job.
- 4) If the charge is filed against corporation represented by non-executive upon the prosecution, the judge may order executive to appear directly in the court.

Article 43

The crime as meant in Article 39, Article 40, Article 41 and Article 42 shall be a crime.

CHAPTER XVI TRANSITIONAL PROVISION

Article 44

- (1) Regional governments shall be obliged to prepare a plan to close the final processing place of rubbish, which uses an open disposal system in not later than one year as from the date of enforcement of this law.
- 2) Regional governments shall be obliged to close the final processing place of rubbish, which uses an open disposal system in not later than 5 (five) years as from the date of enforcement of this law.

Article 45

Managers of resettlement areas, commercial areas, industrial estates, special areas, public facilities, social facilities and other facilities not yet having rubbish sorting facility upon the promulgation of this law shall be obliged to build or provide the rubbish sorting facility in not later than one year.

CHAPTER XVII MISCELLANEOUS Article 46

Especially for the Province of Jakarta Capital Special Region, the provisions as meant in Article 9 Sentence

(1) and Sentence (2), Article 27 Sentence (1) and Sentence (2), Article 29 ayat and Sentence (4), as well as Article 32 shall be authority of the provincial government.

CHAPTER XVI II CLOSING PROVISION

Article 47

- 1) The government regulations and ministerial regulations mandated in this law shall be settled in not later than one year as from the date of promulgation of this law.
- 2) The regional regulations mandated in this law shall be settled in not later than 3 (three) years as from the date of promulgation of this law.

Article 48

Following the enforcement of this law, all legislation related to rubbish management already existing shall remain effective as long as it does not contravene this law.

Article 49

The law shall come into force as from the date of promulgation.

For the public cognizance, the law shall be promulgated by placing it in Statute Book of the Republic of Indonesia.

Ratified in Jakarta

On May 7, 2008

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,
sgd

DR. H. SUSTI O BAMBANG YUDHOYONO

Promulgated in Jakarta

On May 7, 2008

THE MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,
sgd

ANDI MATTALATTA

STATUTE BOOK OF THE REPUBLIC OF INDONESIA
YEAR 2008 NUMBER 69

ELUCIDATION
ON
LAW NUMBER 18 YEAR 2008
REGARDING
RUBBISH MANAGEMENT

I. GENERAL

The huge population of Indonesian people with high growth rate causes the volume of rubbish to keep increasing. In addition, the consumption pattern of the people contributes to the increasingly varying rubbish, such as rubbish of dangerous packages and/or difficult to disintegrate by natural process.

Most of the people have so far deemed rubbish as useless things, instead of a resource, which is necessary to utilize. In managing rubbish, the people still rely on end-of-pipe, wherein rubbish is collected, carried and disposed to the final processing place, whereas the rubbish piled in a huge volume in the location of final processing is potential to release methane (CH₄), which may increase emission of green house effect and contribute to global warming. To enable the rubbish to disintegrate naturally, a lot of time and costlier handling are needed.

It's the right time to leave the paradigm of rubbish management relying on end of pipe and replace it by a new paradigm. The new paradigm view rubbish as resource, which has economic value and can be utilized for, among others, energy, compos, fertilizer or raw material of industry. Rubbish management is executed by comprehensive approach, starting from the upstream, before producing a product potential to become rubbish, to downstream, namely the phase when the product has been used so as to become rubbish, which is later returned to the environmental media safely. Rubbish management based on the new paradigm is executed by the reduction and treatment of rubbish. Reduction of rubbish covers activity of restriction, re-use and recycle while rubbish treatment includes the collection, transportation, treatment and final processing.

Article 28H Sentence (1) of the Constitution of 1945 gives a right to everybody to obtain good and healthy

environment. The mandate of the constitution results in a consequence that the government is obliged to provide public service in rubbish management. It brings about a legal consequence that the government constitutes the authorized and responsible party in the field of rubbish management even though operationally, the management may be executed in partnership with business entities. In addition, rubbish organizations and groups of communities operating in the rubbish management also may be involved in the activity of rubbish management.

In the framework of executing integrated and comprehensive rubbish management, the fulfillment of rights and obligations of communities, as well as tasks and authority of the government and regional governments to provide public service requires a legal umbrella in the form of a law. Legal arrangement of rubbish management in this law is based on the principles of responsibility, sustainability, benefit, justice, togetherness, safety, security and economic value.

Based on the above mentioned ideas, the enactment of this law is needed in the framework of:

- a. Legal certainty for the people to obtain proper and environmentally sound rubbish management service;
- b. Clarity about the prohibition the import of rubbish into the territory of the Unitary State of the Republic of Indonesia;
- c. Order in the implementation of rubbish management;
- d. Clarity of tasks, authority, and responsibility of the government and regional governments in rubbish management; and
- e. Clarity about the definition of rubbish governed in this law and definition of waste ruled in the environmental law.

II. ARTICLE BY ARTICLE

Article 1

Self explanatory

Article 2

Sentence (1)

Self explanatory

Sentence (2)

Sentence (2)

Self explanatory

Sentence (3)

Referred to in rubbish similar to domestic rubbish is rubbish not resulting from household.

Commercial area is among other, trading center, market, shopping center, hotel, office building, restaurant and entertainment place.

Industrial estate constitutes an area where industrial activities are centralized, which is furnished by supporting infrastructure and facility developed and managed by industrial estate management company already securing industrial estate business license.

Special area constitutes specific territory used for national/national-scale interests, development of strategic industries and development of high technology.

Social facility is among others, worship place, orphanage and social center.

Public facility is, among others, terminal, railway station, seaport, airport, bus stop, park and road.

Other facility including from commercial area, industrial estate, special area, social facility, public facility is, among others, detention house, penitentiary, hospital, clinic, public health center, educational area, tourism resort, bonded zone and sport center.

Sentence (4)

Self explanatory

Sentence (5)

Self explanatory

Article 3

The principle of responsibility means that the government and regional governments share responsibility for the management of rubbish to realize a right of people to the proper and healthy environment as mandated in Article 28H Sentence (1) of the Constitution of 1945.

The principle of sustainability means that rubbish management is executed by using environmentally sound method and technique to prevent negative impact on the public health and environment, either the present generation and next generation.

The principle of benefit means that rubbish management needs to use approach treating rubbish as resource which can be utilized for fulfilling the public need.

The principle of justice means that the government and regional governments in the management of rubbish open the equal opportunity for communities and business entities to participate actively in the management of rubbish.

The principle of awareness means that in the management of rubbish, the government and regional governments encourage anybody to have a position, concern and awareness of reducing and treating the produced rubbish.

The principle of togetherness means that rubbish management is executed by involving all stakeholders.

The principle of safety means that rubbish management must guarantee human safety.

The principle of security means that rubbish management must guarantee and protect the people from negative impacts.

The principle of economic value means that rubbish constitutes a economically valuable resource which could be utilized so as to produce added value.

Article 4

Self explanatory

Article 5

Self explanatory

Article 6

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

Self explanatory

Letter e

Results of rubbish processing are, among others, compost, fertilizer, energy potential and other recycling products.

Letter f
Self explanatory

Letter g
Self explanatory

Article 7
Self explanatory

Article 8
Self explanatory

Article 9
Sentence (1)

Letter a
Self explanatory

Letter b
Rubbish management is implemented by means of, among others, providing rubbish collection place, rubbish carriers, temporary collection place, integrated rubbish processing place and/or final rubbish processing place.

Letter c
Self explanatory

Letter d
Self explanatory

Letter e
Self explanatory

Letter f
Self explanatory

Sentence (2)
Self explanatory

Sentence (3)
Self explanatory

Article 10
Self explanatory

Article 11
Self explanatory

Article 12
Self explanatory

Article 13
Resettlement area covers resettlement area in the form of cluster, apartment, condominium, dormitory and the like.

The sorter is placed in a place easily accessible by the people t.

Article 14
In the case of certain products wherein label or mark is impossible to mention because of the size of their package, the label or mark may be put in the master package.

Article 15
Managing package means package is taken back for recycling and/or re-use.

Article 16
Self explanatory

Article 17
Sentence (1)
Self explanatory

Sentence (2)
The scope of licensing ruled by the government is, among others, requirements for securing license, validity period of license and expiration of license .

Sentence (3)
Self explanatory

Article 18
Self explanatory

Article 19
Self explanatory

Article 20
Sentence (1)
Self explanatory

Sentence (2)

Letter a

The government stipulates policy so that producers reduce rubbish by means of using materials easy to disintegrate naturally. The policy is in the form of stipulation of the quantity and percentage of reduction of the use of materials unable or difficult to disintegrate naturally in a specified period.

Letter b

Environmentally sound technology constitutes technology, which may reduce rubbish as from the beginning of the production process.

Letter c

Self explanatory

Letter d

Self explanatory

Letter e

Self explanatory

Sentence (3)

The production materials are in the form of raw materials, auxiliary materials; additional materials or packages of products.

Sentence (4)

Self explanatory

Sentence (5)

Self explanatory

Article 21

Sentence (1)

Letter a

Incentive may be provided, for instance, for producers using production materials able or easy to disintegrate naturally or environmentally sound materials.

Letter b

Disincentive may be imposed on producers using materials difficult to disintegrate naturally, recycle and/re-use as well as environmentally unfriendly materials.

Sentence (2)

Self explanatory

Article 22

Sentence (1)

Letter a

The sorting of rubbish is executed by methods fulfilling the requirements for security, health, environment, convenience and sanitization.

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

Processing in the form of the change in characteristic, composition and quantity of rubbish is applied so that rubbish could be processed further, used or returned to the environmental media in a way for the human amen environment.

Letter e

Self explanatory

Sentence (2)

Self explanatory

Article 23

Self explanatory

Article 24

Self explanatory

Article 25

Sentence (1)

Compensation constitutes a form of accountability of the government for rubbish management in the final processing place bringing about negative impact to the people.

Sentence (2)

Self explanatory

Sentence (3)

Self explanatory

Sentence (4)

Self explanatory

Article 26

Self explanatory

Article 27

Self explanatory

Article 28

Self explanatory

Article 29

Sentence (1)

Self explanatory

Sentence (2)

Matters regulated in the government regulation contain, among others, kind, volume and/or characteristic of rubbish.

Sentence (3)

Self explanatory

Sentence (4)

Self explanatory

Article 30

Self explanatory

Article 31

Self explanatory

Article 32

Sentence (1)

Self explanatory

Sentence (2)

Letter a

Administration coerciveness constitutes a legal action taken by regional government to restore the quality of the environment to the original condition at expense of rubbish managers not abiding by the provisions in legislation.

Letter b

Coercive money constitute money which must be paid in a certain amount by rubbish managers violating provision in legislation as compensation for the implementation of sanction of administrative coerciveness.

Letter c

Self explanatory

Sentence (3)

Self explanatory

Article 33

Sentence (1)

Rubbish dispute constitutes a dispute between two parties or more, which arises from the disturbance or allied disturbance and/or loss on public health and/or the environment as a result of rubbish management.

Sentence (2)

Self explanatory

Sentence (3)

Self explanatory

Article 34

Sentence (1)

Out-of-court settlement of rubbish dispute is executed to achieve an agreement on the form and amount of compensation and/or specific measure to guarantee that the negative impact of rubbish management activity won't come or repeat.

Sentence (2)

Self explanatory

Article 35

Sentence (1)

Self explanatory

Sentence (2)

Self explanatory

Sentence (3)

Specific measure means, among others, order to install or improve rubbish management infrastructure and facility.

Article 36

Class action is executed through the filing of lawsuit by one or more, representing his/herself or group.

Article 37

Sentence (1)

Rubbish organization constitutes a group of people established on the basis of their intention and desire in a society, with the goal and objective covering activity of rubbish management.

Sentence (2)

Real cost or expenditure means the decidedly proven cost has been spent by rubbish organization.

Sentence (3)

Self explanatory

Article 38
Self explanatory

Article 39
Self explanatory

Article 40
Self explanatory

Article 41
Self explanatory

Article 42
Self explanatory

Article 43
Self explanatory

Article 44
Self explanatory

Article 45
Self explanatory

Article 46
Self explanatory

Article 47
Self explanatory

Article 48
Self explanatory

Article 49
Self explanatory

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