



ACT OF THE REPUBLIC OF INDONESIA
NUMBER 18 YEAR 2008

REGARDING
WASTE MANAGEMENT

WITH THE BLESSING OF GOD THE ALMIGHTY

THE PRESIDENT OF THE REPUBLIK OF INDONESIA

- Considering
- a. that the growing of the population and the changing of the consumption pattern in the society increased the volume, types, and various characteristics of waste;
 - b. that the current waste management has not been based on environmentally sound method and technique which caused negative impact to the community's health and environment;
 - c. that waste has been a national issue which require to be managed comprehensively and integrated from the upstream to downstream, in order to give benefit economically, health for the community, safety for the environment, and changing the behavior of the society;
 - d. that waste management requires legal assurance, clarity of government, responsibility and authority of the government, local governments, as well as public and business participation with the intention that the waste management can be carried out proportionally, effectively and efficiently;
 - e. that based on the considerations stated in point a, point b, point c, and point d, there is a need to stipulate an Act on Waste Management;

Recalling : Article 5 paragraph (1), Article 20, Article 28H paragraph (1), and Article 33 paragraph (3) and paragraph (4) of the Constitution of the Republic of Indonesia 1945;

With agreement between

THE HOUSE OF THE PEOPLE REPRESENTATIVES THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIK OF INDONESIA

DECIDE:

To Stipulate : THE ACT REGARDING WASTE MANAGEMENT

CHAPTER 1
GENERAL PROVISIONS

Chapter 1
Terms and terminology

Article 1

In this Act what is meant by:

1. Waste is the remnant of human daily activities and/or natural processed in the solid form.
2. Specific waste is the waste in which its types, concentration, and/or volume required to be managed specifically.
3. A waste resource is the source where the waste derived from.
4. A waste producer is anyone and/or by the natural process produced waste.
5. Waste management is a systematic, holistic, and sustainable activities included reducing and handling of waste;
6. Temporary collection site is the site before the waste is being transported for recycling, processing, and/or to the integrated waste processing site;
7. Integrated waste processing site is the site where collection, sorting, recycling, handling, final waste processing are taken place;
8. Final processing site is the site where processing and returning of waste to the environmental medium that safe for human and the environment are taken place;
9. Compensation is giving a certain amount of payment to a person who suffered from negative impacts caused by waste handling activities at the final processing site.
10. A person is an individual, a group of people and/or a legal entity.
11. Emergency response system is a series of activities carried out to control that includes prevention and handling of accident caused by the improper waste management.
12. Central government so is called as the government is the President of the Republic of Indonesia who held the authority to govern the state of the Republic of Indonesia as stated in the Constitution of the Republic of Indonesia 1945.
13. Local Government is the governor, the regent or the mayor, and the local officials as the part of the local government executive.
14. The Minister is the minister who responsible in environmental management and in other related sectors.

Chapter 2
Scope

Article 2

- (1) Waste which is regulated under this Act are:
 - a. household waste;
 - b. household-like waste;
 - c. specific waste.
- (2) Household waste, as provided for paragraph (1) point a, derives from household daily activities, excluded feces and specific waste.

- (3) Household-like waste, as provided for paragraph (1) point b, derives from commercial area, industrial areas, special areas, social facilities, public facilities, and/or other facilities.
- (4) Specific waste, as provided for paragraph (1) point c, includes:
 - a. waste contains hazardous and toxic materials
 - b. waste contains hazardous and toxic waste
 - c. waste derives from disaster
 - d. construction and demolition waste
 - e. waste that cannot be processed due to there are no available technology existed.
 - f. waste that not periodically occurred
- (5) Stipulation of regulation regarding the type of specific waste that not regulated in paragraph (4) above is regulated further by ministerial decree of the minister that responsible for the environment.

CHAPTER II PRINCIPLE AND OBJECTIVE

Article 3

The management of waste is conducted based on the principle of responsibility, sustainability, profitability, justice, awareness, togetherness, safety, security, and economic value.

Article 4

The objective of management of waste is to increase public health and environmental quality as well as to utilize waste as energy source.

CHAPTER III TASK AND THE AUTHORITY OF THE GOVERNMENT

Chapter 1 Task

Article 5

The task of government and the local government are to ensure that waste management will be implemented in a good manner and based on environmentally sound management, in line with the objective of this Act

Article 6

The task of the government and the local government, as stated in the article 5, are as follow:

- a. developing and increasing the public awareness on waste management;
- b. conducting research, developing technology for reducing and handling of waste;
- c. facilitating, developing, and conducting efforts to reduce, handle, and utilize waste.
- d. carrying out waste management and facilitating in providing the facility and infrastructure for waste management;

- e. encouraging and facilitating the enhancement of the benefit of waste management outcome.
- f. facilitating the application of specific local technology that developed in the local society in reducing and handling of waste; and
- g. conducting coordination amongst government institutions, society, and industry towards an integrated waste management.

Chapter 2
Authority of the Government

Article 7

In carrying out waste management, the government has the authority to:

- a. stipulate national policy and strategy of waste management.
- b. stipulate norms, standards, procedures, and the criteria waste management.
- c. facilitate and conduct cooperation among local government, partnership and network for waste management.
- d. conduct coordination, development, and Monitoring of local government performance in waste management; and
- e. stipulate policy for dispute settlement in waste management among regions.

Chapter 3
Authority of Provincial Government

Article 8

In carrying out waste management, provincial government has the authority to:

- a. stipulate policy and strategy for waste management in line with the government policy
- b. facilitate cooperation between region within one province, partnership and network for waste management
- c. conduct coordination, development, and Monitoring of district and municipality performance in waste management; and
- d. facilitate for dispute settlement in waste management among district/municipality within one province

Chapter 4
Authority of District/Municipality Government

Article 9

- (1) In conducting waste management, district/municipality's government has the authority to:
 - a. stipulate policy and strategy for waste management based on national and provincial policy.
 - b. carry out waste management at district/municipality level in line with the norm, standard, procedure and criteria that stipulated by the government.
 - c. carry out development and Monitoring of other agent performance in waste management; and

- d. determine location of the temporary collection site, integrated waste treatment site, and/or final waste processing site.
 - e. carry out monitoring and evaluation periodically every 6 (six) months within 20 (twenty) years on open dumping system final waste processing site that has been closed.
 - f. issue and carry out waste management emergency response system in line with their authority.
- (2) The designing of the location of the integrated waste treatment site and final waste processing site as stated at paragraph 1 point d shall be part of the district/municipality spatial planning in line with legislation.
- (3) Stipulation of regulation regarding guidance on emergency response system as mentioned at paragraph (1) point f shall be determined further by ministerial regulation.

Chapter 5
Distribution of Authority

Article 10

Distribution of government authority in waste management shall be carried out in line with legislation.

CHAPTER IV
RIGHT AND RESPONSIBILITY

Chapter 1
Right

Article 11

- (1) Every one has right to:
- a. have good and environmentally sound services in waste management from the government, local government, and/or other responsible entity.
 - b. participate in the process of decision making, implementation, and Monitoring in waste management.
 - c. get accurate, correct and prompt information on the implementation of waste management.
 - d. get protection and compensation derived from negative impact caused by the activity of final waste processing site; and
 - e. get Monitoring in order to implement good and environmentally sound waste management.
- (2) Stipulation of regulation regarding the procedure to use the right, as mentioned in paragraph (1), is regulated further by government and local government regulation, according to their authority.

Chapter 2
Obligation

Article 12

- (1) Every body in the management of household waste and household-like waste oblige to reduce and handle waste based on environmentally sound management
- (2) Stipulation of regulation regarding procedure the implementation of household waste and household-like waste management, as mentioned in paragraph (1), is regulated further by local government regulation.

Article 13

The management of settlement area, commercial area, industrial area, specific area, public facility, social facility, and other facilities oblige to provide waste segregation facility.

Article 14

Every producer should labeled or put symbol, on the packaging and/or their products, related to waste reduction and handling.

Article 15

The producer oblige to manage the packaging of their product and/or their product which unable or difficult to be decomposed.

Article 16

Stipulation of regulation regarding the system of waste segregation facility that mentioned in article 13, the system of labeling and symbol as mentioned in article 14, and the producer obligation as stated in article 15, is regulated further by government regulation.

CHAPTER V
LICENSE

Article 17

- (1) Any person who manages business activity of waste management obliges to acquire license from the head of local government accordance to their authority.
- (2) License as mentioned in paragraph (1) is granted in accordance to regulation that determined by the government.
- (3) Stipulation of regulation regarding the procedure to acquire license as mentioned in paragraph (1), is regulated further by local regulation in accordance to their authority.

Article 18

- (1) Granting license on waste management shall be informed to public.

- (2) Stipulation of regulation regarding the business type of waste management that receiving license and the procedure of the announcement as mentioned in paragraph (1) is regulated further by local government regulation.

CHAPTER VI IMPLEMENTATION OF WASTE MANAGEMENT

Chapter 1 Household Waste and Household-like Waste Management.

Article 19

The management of household waste and household-like waste is consisted of:

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

Paragraph 1 Waste reduction Article 20

- (1) Waste reduction, as mentioned in article 19 point a, includes the activities of:
 - a. limitation of waste generation;
 - b. recycling of waste; and/or
 - c. re-using of waste.
- (2) The government and regional government oblige to carry out activities as mentioned in paragraph (1) as follow:
 - a. determine the waste reduction target gradually within the limitation of time;
 - b. facilitate the application of environmental sound technology;
 - c. facilitate the labeling of environmental sound products;
 - d. facilitate the activities of re-using and recycling; and
 - e. facilitate the market of recycled products.
- (3) In carrying out activities, as mentioned in paragraph (1), business actor utilize materials for production that produced minimum waste, reusable, and recyclable, and/or easy to be decomposed by natural process.
- (4) In the waste reduction, as mentioned in paragraph (1), community utilize reusable, and recyclable, and/or easy to be decomposed by natural process.
- (5) Stipulation of regulation regarding the waste reduction as mentioned at paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be regulated further by government regulation.

Article 21

- (1) The government provides:
 - a. Incentive to every one who conducts waste reduction; and
 - b. Disincentive to every one who does not conduct waste reduction.
- (2) Stipulation of regulation regarding the type, form, and system for granting incentive and disincentive as mentioned in paragraph (1), shall be regulated further by government regulation.

Paragraph 2
Waste Handling

Article 22

- (1) The activity of waste handling as mentioned in Article 19, point b includes:
 - a. segregation of waste in form of waste grouping and segregation based on type, quantity, and/or waste characteristics;
 - b. collection in the form of picking-up and transferring waste from the source to the temporary collection site or to the integrated waste processing site.
 - c. transportation in the form of carrying out waste from the source and/or from temporary collection site or from integrated waste processing site to the final waste processing site;
 - d. processing in the form of transforming the characteristics, composition, and the quantity of waste; and/or
 - e. final waste processing in the form of returning waste and/or the residue of previous processing safely to the environment media.
- (2) Stipulation of regulation regarding the waste handling as mentioned at paragraph (1) shall be regulated further by government regulation and/or local government regulation according to their authority

Chapter 2
Specific Waste Management

Article 23

- (1) Specific waste management shall be the responsibility of the government.
- (2) Stipulation of regulation regarding the specific waste management as mentioned in paragraph (1) shall be regulated further by government regulation.

CHAPTER VII
FINANCE AND COMPENSATION

Chapter 1
Finance

Article 24

- (1) The Government and the local government oblige to finance the implementation of waste management.
- (2) The finance, as mentioned in paragraph (1), shall derive from state revenue and expenditure budget and local revenue and expenditure budget.
- (3) Stipulation of regulation regarding the finance as mentioned in paragraph (1) and paragraph (2), is regulated further by government regulation and/or local government regulation.

Chapter 2
Compensation

Article 25

- (1) The government and the local government independently or jointly shall provide compensation to a person suffers from the negative impact of the waste handling activities at the final waste-processing site.
- (2) Compensation as mentioned in paragraph (1) shall be in form of:
 - a. relocation
 - b. environmental rehabilitation
 - c. health and medication cost; and/or
 - d. other form of compensation.
- (3) Stipulation of regulation regarding the negative impacts and compensation as mentioned in paragraph (1) and paragraph (2), is regulated further by government regulation.
- (4) Stipulation of regulation regarding the provision of compensation as mentioned in paragraph (1), is regulated further by government regulation and/ or local government regulation.

CHAPTER VIII
COOPERATION AND PARTNERSHIP

Chapter 1
Cooperation between Regions

Article 26

- (1) Local government could conduct cooperation among regions in carrying out waste management activities.
- (2) Cooperation as mentioned in paragraph (1), could be in the form of cooperation and/or joint effort of waste management.
- (3) Stipulation of regulation regarding the cooperation guidance and joint effort between regions as mentioned in paragraph (1) is regulated further by a decree of the minister responsible for internal affairs.

Chapter 2
Partnership

Article 27

- (1) District/municipality government independently or jointly could carry out partnership with waste management business entity in dealing with waste management.
- (2) Partnership as mentioned in paragraph (1), could be stipulated in the form of agreement between district/municipality government(s) and their related business entity(s).
- (3) The procedure for partnership implementation as mentioned at paragraph (2) is carried out according to legislation.

CHAPTER IX
ROLE OF COMMUNITY

Article 28

- (1) Public is able to participate in waste management conducted by the government and/or local government(s).
- (2) Public participation as mentioned at paragraph (1) could be carried out through:
 - a. Proposal, consideration, and suggestion to the government and/or local government;
 - b. Waste management policy; and/or
 - c. Suggestion and opinion in waste dispute settlement.
- (3) Stipulation of regulation regarding the form and the system of the role of as mentioned in paragraph (1) and paragraph (2), is regulated further by government regulation and local government regulation.

CHAPTER X
PROHIBITION

Article 29

- (1) Every body is prohibited to:
 - a. carry in waste into jurisdiction of the Republic of Indonesia;
 - b. import waste;
 - c. mix waste with hazardous and toxic waste;
 - d. manage waste caused pollution and/or environmental damage;
 - e. dispose waste in improper and not in provided area;
 - f. waste handling by open dumping system at final processing site; and/or
 - g. burn waste not according to waste management technical requirement.
- (2) Stipulation of regulation regarding the prohibition as mentioned in paragraph (1) point a, point c and point d, is regulated further by government regulation.
- (3) Stipulation of regulation regarding the prohibition as mentioned in paragraph (1) point e, point f, and point g, is regulated further by district/municipality government regulation.
- (4) District/municipality government regulation as mentioned in paragraph (3), could impose criminal sanction and penalty for the violation of regulation as mentioned in paragraph (1) point e, point f, and point g.

CHAPTER XI
MONITORING

Article 30

- (1) Monitoring of the waste management policy for the local government shall be carried out by the central government.
- (2) The governor shall carry out monitoring for the implementation of waste management at district/municipality level.

Article 31

- (1) Monitoring for the implementation of waste management carried out by waste operator is carried out by local government independently or jointly.
- (2) Monitoring carried out by local government as mentioned at paragraph (1) shall be based on the monitoring norm, standard, procedure, and criteria regulated further by the government.
- (3) Stipulation of regulation regarding the Monitoring as mentioned in paragraph (1), is regulated further by local government regulation.

CHAPTER XII ADMINISTRATIVE SANCTION

Article 32

- (1) Head of District/Mayor could impose upon administrative sanction to waste operator violating regulation requirement that stipulated at the issued license.
- (2) Administrative sanction as mentioned in paragraph (1) could be:
 - a. Government imposition;
 - b. Imposition fee/fine and/ or
 - c. Permit withdrawal
- (3) Stipulation of regulation regarding the concerning administrative sanction as mentioned in paragraph (1) and in paragraph (2), is regulated further by district/municipality government regulation.

CHAPTER XIII DISPUTE SETTLEMENT

Chapter 1 General

Article 33

- (1) A dispute caused by waste management comprises of:
 - a. a dispute between local government and waste operator; and
 - b. a dispute between waste manager and community.
- (2) Dispute settlement as mentioned at paragraph (1) could be reached by an agreement out of the court or through court.
- (3) Dispute settlement as mentioned at paragraph (1) and paragraph (2) shall be carried out according to legislation.

Chapter 2 Dispute Settlement Out of the Court

Article 34

- (1) Dispute settlement out of the court shall be carried out through mediation, negotiation, arbitration, or other options among parties.

- (2) In the condition where dispute settlement out of court as mentioned in paragraph (1), could not come into an agreement, parties could submit the case to the court.

Chapter 3
Dispute Settlement in Court

Article 35

- (1) Dispute settlement in court could be applied for infringement.
- (2) Suing the infringement as mentioned in paragraph (1), it is necessary for the plaintiff to prove the legal violation's elements, liability, and the causality between an action and the liability.
- (3) The claim within the filing of an action against the law as mentioned in paragraph (2) could be in the form of compensation and/or certain action.

Chapter 4
Class Action

Article 36

The community who is suffered caused by a legal violation in the waste management has the right to bring a class action to court.

Chapter 5
Right of Waste-related Organizations to Bring Legal Actions

Article 37

- (1) Waste-related organization has the right to bring a legal action in the interest of safety waste management intended for community's health and environment.
- (2) The right to bring legal action as mentioned at paragraph (1) above is limited to a demand for a right to carry out a particular measure, except for the cost and the real expenditures.
- (3) Waste-related organization which has the right to bring a legal action as mentioned at paragraph (1) has to fulfill the following requirement:
 - a. a legal entity
 - b. to own article of association in the waste management
 - c. Should have done real action at least 1 (one) year that is in line with its articles of association.

CHAPTER XIV
INVESTIGATION

Article 38

- (1) As well as the Republic of Indonesia Police investigators, certain civil service officials associated with the government institutions whose scope of functions and responsibility are in the waste management are given special authority as investigators for in Laws appropriate with applicable Criminal Procedures law.

- (2) The civil investigator officer as mentioned at paragraph (1) above has the authority to:
 - a. carry out examination of the correctness of report or information related to criminal violation of waste management.
 - b. investigate a person accused of conducting criminal violation in waste management
 - c. request an explanation and evidence from individuals in relation to a criminal violation in the waste management.
 - d. carry out examination of account-keeping, notes and other documents which are relevant to criminal violation in the waste management
 - e. investigate certain places which are suspected of having evidence, accounts, notes, and other document along with carry out confiscation of the materials resulting from infringements which can be used as evidence in criminal cases in the waste management; and
 - f. request expert assistance in carrying out the task of investigation of criminal actions in the waste management activity.
- (3) Civil Investigator Officer as mentioned at paragraph (1) above inform the Republic of Indonesia National Police Investigator of the commencement and the results of their investigation.
- (4) Civil Investigator Officer as mentioned at paragraph (1) above, convey the findings of investigation to the Public Prosecutor through the Republic of Indonesia National Police Investigators.

CHAPTER XV CRIMINAL PROVISION

Article 39

- (1) Any person who in contravention of law of bringing in and/or importing household waste and/or household-like waste to the area of the Republic of Indonesia shall be sentenced to imprisonment for a minimum 3 (three) years and a maximum 9 (nine) years and a minimum fine Rp. 100.000.000,- (one hundred million Rupiah) and a maximum fine Rp. 300.000.000,- (three hundred millions Rupiah)
- (2) Any person who in contravention of law of bringing in and/or importing specific waste to the area of the State of the Republic of Indonesia shall be sentenced to imprisonment for a minimum 4 (four) years and a maximum 12 (twelve) years and a minimum fine Rp.200.000.000,- (two hundred million Rupiah) and a maximum fine Rp. 5.000.000.000,- (five billion Rupiah)

Article 40

- (1) Waste operator/manager who in contravention of law and deliberately carrying out activities of waste management without taking into consideration the norms, standards, procedures, and criteria that could cause community health disorder, security disturbances, environmental pollution, and/or environmental destruction shall be sentenced to imprisonment for a minimum 4 (four) years and for a maximum 10 (ten) years and a minimum fine Rp. 100.000.000,- (one hundred millions Rupiah) and a maximum fine Rp. 5.000.000.000,- (five billions Rupiah)
- (2) If the criminal violation as mentioned at paragraph (1) caused death or serious injured, waste manager shall be sentenced to imprisonment for a minimum 5 (five) years and for a maximum 15 (fifteen) years and a minimum fine Rp. 100.000.000,- (one hundred millions Rupiah) and a maximum fine Rp. 5.000.000.000,- (five billions Rupiah)

Article 41

- (1) Waste operator/manager who are negligent of carrying out activities of waste management without taking into consideration the norms, standard, procedure, and criteria causing community health disorder, security disturbances, environmental pollution, and/or environmental destruction shall be sentenced to imprisonment for a minimum 3 (three) years and a maximum fine Rp. 100.000.000,- (one hundred millions Rupiah)
- (2) If the criminal violation as mentioned at paragraph (1) causing death or serious injured, waste manager shall be sentenced to imprisonment for a maximum 5 (five) years and a maximum fine Rp. 500.000.000,- (five hundred million Rupiah)

Article 42

- (1) Criminal action is regarded as corporation criminal action if the criminal action is carried out in accordance with the achievement of the corporation objective and it is carried out by the officer who has the authority to decide policy on behalf of the corporation or to represent the corporation to carry out legal action or having the authority to manage and/or to supervise the corporation.
- (2) If the criminal action as mentioned at paragraph (1) is carried out by or on behalf of corporation and persons based on work relation and other relation acting in the environment of corporation, criminal charge and criminal sanction shall be sued to those acting as the leader or those giving order, without considering whether the person based on work relation and other relation carrying out criminal violation independently or jointly.
- (3) If the charges are made against the corporation, the summons to face court and submissions of the warrants is directed to the address of the corporation or at the fixed placed of work of the management.
- (4) If the charges are made against corporation, which at the time of bringing of the legal action is represented by someone who is not a manager, the judge can make an order so that the management faces the court in person.

Article 43

Criminal action as mentioned at article 39, article 40, article 41 and article 42 shall be considered a crime.

CHAPTER XVI TRANSITIONAL PROVISIONS

Article 44

- (1) Local government should have prepared planning to close waste-final processing site that using open dumping system for a maximum 1 (one) year after the enactment of this Act
- (2) Local government shall close the final waste processing site with open dumping system for a maximum 5 (five) years after the enactment of this Act

Article 45

The management of settlement area, commercial area, industrial area, special area, general facility, public facility, social facility, and other facility not having waste segregation facility at the time of enactment of this act, shall have the responsibility to construct and to provide waste segregation facility at the latest 1 (one) year.

CHAPTER XVII OTHER PROVISIONS

Article 46

Especially for the province of Jakarta, regulation as mentioned at article 9 paragraphs (1) and paragraph (2), article 27 paragraph (1) and paragraph (2), article 29 paragraph (3) and paragraph (4) and article 32 in accordance with the authority of the provincial government

Chapter XVIII CONCLUDING PROVISIONS

Article 47

- (1) Government regulation and ministerial decree expected by this act shall be available at the latest 1 (one) year after this act is promulgated.
- (2) Local government regulation expected by this act shall be available at the latest 3 (three) year after this act is promulgated

Article 48

From the date of the promulgation of this Act, all existing legislation related to waste management are remain valid as far as it does not incompatible with the provision of this act.

Article 49

This Act comes into force on the date of its promulgation.

In order that every person knows of it, the promulgation of this Act is ordered with its placement in the State Gazette of the Republic of Indonesia.

Stipulated in J a k a r t a
on 7 May 2008

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signature

Dr. H. Susilo Bambang Yudhoyono

Promulgated in J a k a r t a
on 7th May 2008

MINISTER FOR LEGAL AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

Signature

Andi Mattalatta

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2008 NUMBER 69



THE PEOPLE'S HOUSE OF REPRESENTATIVES
The Republic of Indonesia

ELUCIDATION
ON

The Act of the Republic of Indonesia
Number 18 Year 2008

Regarding
Waste Management

I. GENERAL

The considerable numbers and the high growth of Indonesian's population have increased the volume of waste. Furthermore, the consumption pattern in the community have given significant contribution in the production of various types of waste, such as, waste with hazardous packaging and/or and not easily decomposed by natural processed.

So far, most of the people still consider waste as unusable remnants, not as beneficial resources. In waste management, community still depends on end-of pipe approach i.e: waste is collected, transported, and disposed to the waste final processing. While, waste collection with huge quantity could produced methane (CH₄) that could increase greenhouse gas emission and it contribute to global warming. Natural processing could decay the collection of waste and it needs a longer period of time with a great amount of financial resources to process.

The end of pipe approach waste management should be changed by a new paradigm of waste management. The new paradigm considers waste to have economic value and it could be utilized as energy, compost, fertilizer and industrial raw material. Waste management is carried out comprehensively from the upstream before it become a product potentially will become waste. Up to the downstream or the stage where products were used to produce waste, and it could return back to the environmental media safely.

The new paradigm of waste management is implemented with waste reduction and waste handling. Waste reduction includes limitation activities, reusability, recycling, while waste handling includes segregation, collection, transportation, processing, and final processing,

Article 28 H paragraph (1) of the Constitution of the Republic of Indonesia granted right for every person to acquire good and healthy environment. The constitution gave consequences to the government to provide public service in waste management. It also bring about legal consequences that the government is the entity which has the authority and responsibility on waste management, even though in the implementation, the

government could do partnership with business entity. In addition, waste organization could also take part in the activities of waste management.

In the implementation of integrated and comprehensive waste management, fulfilling the right and the responsibility of community, as well as the task and the authority of the government and local government to provide public service, it is necessary to have legal basis in the form of act. The legislation of waste management in this act is based on the responsibility, sustainability, benefit, justice, awareness, togetherness, and safety, security, and economic value.

Based on the thought as mentioned above, the issuance of this act is needed for:

- a. legal assurance for people to acquire the service of good and environment oriented waste management.
- b. straightforwardness on the prohibition to bring in and to import waste to the area of the State of the Republic of Indonesia;
- c. orderly in the implementation of waste management
- d. clarification of the task, authority, and responsibility of the government and the regional government in the waste management, and
- e. clarification of meaning between waste legislated in this act and waste as legislated in the act on environmental management.

II. Article by Article

Article 1

Sufficiently Clear

Article 2

Paragraph (1)

Sufficiently Clear

Paragraph (2)

Sufficiently Clear

Paragraph (3)

Household-like waste is the type of waste, which is not come from household

Commercial area is the area, such as trade center, market, shopping, hotel, offices, restaurant, and entertainment center

Industrial area is the area of industrial activity center equipped with supporting infrastructure, developed and managed by an industrial estate corporation owning its business permit.

Special area is the area with special characteristic used for national interest/ national scale, such as: cultural heritage area, national park, strategic industry development, and high technology development.

Social facilities are such as prayer house, orphanage and social shelters.

Public facilities are such as public transportation terminal, train station, port, airport, public transportation stop area, park, street and sidewalk.

Other facility which is not include in commercial area, industrial area, special area, social facility, public facility, such as jail, hospital, clinic, health care center, education area, tourism area, bonded zone, sport center area.

Paragraph (4)

Sufficiently Clear

Paragraph (5)

Sufficiently Clear

Article 3

The principle of “responsibility” is that the government and the local government have the responsibility for waste management to implement community right for good and healthy environment as requested by the article 28H paragraph (1) the Constitution of the Republic of Indonesia Year 1945

The principle of “sustainable” is that waste management is carried out with the environmental friendly methods and technique. So that It does not cause negative impact to the community’s health and environment, both for present and future generation.

The principle of “beneficial” is that waste management need to apply the approach that consider waste as usable resource to fulfill the need of the community

The principle of “justice” is that in waste management, the government and local government provide equal opportunity to the community and to the business entity to play the active role in the waste management

The principle of “awareness” is that in waste management, the government and the local government supports every person to have attitude, attention, and awareness to reduce and to handle waste that is produced.

The principle of “togetherness” is that waste management is carried out involving all stakeholders.

The principle of “safety” means that waste management must insure the human safety.

The principle of “security” means that waste management should insure and protect community from various negative impacts.

The principle of “economic value” means that waste is the resource that has economic value and it can be utilized to give some added value.

Article 4

Sufficiently Clear

Article 5

Sufficiently Clear

Article 6

Point a

Sufficiently Clear

Point b

Sufficiently Clear

Point c

Sufficiently Clear

Point d

Sufficiently Clear

Point e

Waste processing products are such as compost, fertilizer, bio-gas, energy potential, others recycling products

Point f

Sufficiently Clear

Point g

Sufficiently Clear

Article 7

Sufficiently Clear

Article 8

Sufficiently Clear

Article 9

Paragraph (1)

Sufficiently Clear

Point a

Sufficiently Clear

Point b

Waste processing activities are such as waste container provision, waste transportation equipment, temporary collection site, integrated waste treatment site, and/or final waste processing site.

Point c

Sufficiently Clear

Point d

Sufficiently Clear

Point e

Sufficiently Clear

Point f

Sufficiently Clear

Paragraph(2)

Sufficiently Clear

Paragraph (3)

Sufficiently Clear

Article 10

Sufficiently Clear

Article 11

Sufficiently Clear

Article 12

Paragraph (1)

Sufficiently Clear

Paragraph (2)

Sufficiently Clear

Article 13

Housing area include housing area in the form of cluster, apartment, condominium, dormitory, and same kind of types.

Article 14

For certain product as the size of the packaging does not let labeling and marking, the insertion of label and mark can be inserted in the main unit packaging.

Article 15

Packaging management means drawing back packaging for the purpose of recycled or reused.

Article 16

Sufficiently Clear

Article 17

Paragraph (1)

Sufficiently Clear

Paragraph (2)

The scope of permit regulated by the government is such as the requirement to acquire permit, period of permit, and the termination of permit

Paragraph (3)

Sufficiently Clear

Article 18

Sufficiently Clear

Article 19

Sufficiently Clear

Article 20

Paragraph (1)

Sufficiently Clear

Paragraph (2)

Point a

The government determines the policy in order that the producer reduces waste with the means of using material that could be or easily decayed by natural processed. The policy is in the form of decision on reducing quantity

and percentage of material that could not be or difficult to decay in natural processing.

Point b

Environmental sound technology is a technology with the intention of reducing waste generation; at the initial production process.

Point c

Sufficiently Clear

Point d

Sufficiently Clear

Point e

Sufficiently Clear

Paragraph (3)

Production material mentioned in this regulation is in the form of raw material, supporting material, additional material, or product packaging.

Paragraph (4)

Sufficiently Clear

Paragraph (5)

Sufficiently Clear

Article 21

Paragraph (1)

Point a

Incentive could be granted, for instance, to the producer using production material that could be or easily decayed by natural process and environment friendly.

Point b

Disincentive is given, for instance, to the producer using production material that is not easily processed by natural process, un-reuse, and/or un-recycle and not environmental friendly

Paragraph (2)

Sufficiently Clear

Article 22

Paragraph (1)

Point a

Waste segregation is carried out with the methods of fulfilling the requirements of security, health, environment, pleasantness, and cleanliness.

Point b

Sufficiently Clear

Point c

Sufficiently Clear

Point d

Processing in the form of changing characteristics, composition, and quantity of waste is meant that waste could be further process, utilized, and returned to the environment media safely for human and environment

Point e

Sufficiently Clear

Paragraph (2)

Sufficiently Clear

Article 23
Sufficiently Clear

Article 24
Sufficiently Clear

Article 25
Paragraph (1)
Compensation is the form of government responsibility on waste management at waste final processing site, which give negative impacts to a person.
Paragraph (2)
Sufficiently Clear
Paragraph (3)
Sufficiently Clear
Paragraph (4)
Sufficiently Clear

Article 26
Sufficiently Clear

Article 27
Sufficiently Clear

Article 28
Sufficiently Clear

Article 29
Paragraph (1)
Sufficiently Clear
Paragraph (2)
The provisions that are regulated by government regulation including the type, volume, and/or waste characteristics
Paragraph (3)
Sufficiently Clear
Paragraph (4)
Sufficiently Clear

Article 30
Sufficiently Clear

Article 31
Sufficiently Clear

Article 32
Paragraph (1)
Sufficiently Clear

Paragraph (2)

Point a

Government imposition is a legal action carried out by the local government to rehabilitate environmental quality into previous condition with the financial burden covered by waste manager that do not follow the provision of the legislation.

Point b

The imposition fee/fine is fee that has to be paid at certain amount by waste manager who violate legislation

Point c

Sufficiently Clear

Paragraph (3)

Sufficiently Clear

Article (33)

Paragraph (1)

Waste dispute is dispute between two parties or more caused by or assumed to be caused by disturbances and/or liability to the community health and/or environment as the effect of waste management activity.

Paragraph (2)

Sufficiently Clear

Paragraph (3)

Sufficiently Clear

Article 34

Paragraph (1)

Waste dispute settlement of the court is carried out to reach an agreement in the form and the amount of compensation; and/or a certain action to insure that the negative impact of waste management activity will not happen or repeated again.

Paragraph (2)

Sufficiently Clear

Article 35

Paragraph (1)

Sufficiently Clear

Paragraph (2)

Sufficiently Clear

Paragraph (3)

The meaning of certain action in this paragraph is an order to construct or to improve the infrastructure and facilities of waste management.

Article 36

The right to bring a class action in this subsection is the right of person or more representing individual or a group.

Article 37

Paragraph (1)

Waste organization is a group of person in community, established an organization by their individual will and interest, with the organization's aim and activity is in the sector of waste management

Paragraph (2)

What is meant by the cost or real expenditure is the real cost which proven to be spent by waste organization

Paragraph (3)

Sufficiently Clear

Article 38

Sufficiently Clear

Article 39

Sufficiently Clear

Article 40

Sufficiently Clear

Article 41

Sufficiently Clear

Article 42

Sufficiently Clear

Article 43

Sufficiently Clear

Article 44

Sufficiently Clear

Article 45

Sufficiently Clear

Article 46

Sufficiently Clear

Article 47

Sufficiently Clear

Article 48

Sufficiently Clear

Article 49

Sufficiently Clear