

THE IMPLICATIONS OF ENVIRONMENTAL MANAGEMENT SYSTEMS ON THE IMPLEMENTATION OF ECONOMIC VALUE PRINCIPLES IN WASTE MANAGEMENT BY STAKEHOLDERS

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Abstract: The environmental management system concerning waste-specifically in the implementation of the economic value principle by stakeholders-is a fundamental duty and a mandatory form of environmental responsibility. As the volume of waste accumulation increases, the threat of environmental degradation grows significantly. The government has exercised its authority based on Law No. 32/2009 on Environmental Protection and Management (PPLH) as the legal foundation for environmental management systems, which includes waste regulation. Synergetic public support for the government is crucial to achieving environmental conservation through economic value principles, primarily to maintain environmental carrying capacity reinforced by legal regulations. The solutions offered are based on human resource values within environmental law, adhering to the principle of intergenerational justice.

Keywords: *Environment, Legal Awareness, Climate Change*

I. INTRODUCTION

Waste is an inseparable part of human life. Every individual produces waste, ranging from organic and inorganic types to hazardous and toxic substances (B3). Indonesia's high population density and growth rate have directly led to an increase in waste volume. A primary issue is the prevailing public perspective that waste management should follow an "end-of-pipe" approach, where waste is simply collected, transported, and disposed of at final processing sites (TPAS). However, large accumulations of waste at TPAS potentially impact the global climate, as this approach releases methane gas (CH₄), increasing greenhouse gas emissions and contributing to global warming.

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that everyone has the right to a good and healthy environment. This constitutional mandate implies that stakeholders are obligated to fulfill this right, including through the implementation of effective waste management regulations. Proper waste management can be achieved by the government through the application of principles found in Law No. 32/2009, specifically the economic principle. Stakeholders should view waste as a resource with economic value that can be utilized for energy, compost, fertilizer, or industrial raw materials

to reduce environmental risks. Waste management must be conducted through a comprehensive approach from upstream (production) to downstream.

II. RESEARCH METHODOLOGY

This research is structured as a normative legal study, which focuses on examining the application of legal principles and norms. The approach employed is legal positivism, viewing law as a body of statutory regulations. Consequently, this study is conducted by analyzing relevant legislation and implementing regulations concerning how stakeholders can manage waste to achieve both economic principles and environmental sustainability.

III. RESEARCH FINDINGS

Theoretical Framework and Economic Approach To guarantee a sustainable balance in social relations, legal rules must be established based on the collective will and awareness of society. According to Posner, an economic approach to law should serve as the foundation and reference for legal development and analysis in general. In this context, environmental injuries can be viewed as external costs (externalities) arising from economic activities, borne by parties not directly involved in the transaction.

Law Number 32 of 2009 regarding Environmental Protection and Management (UUPPLH-09) introduces a paradigm shift from previous regulations by incorporating the ecoregion concept. UUPPLH-09 posits that a fatal error leading to environmental degradation is the management of natural resources through a purely administrative or decentralized approach, which often allows upstream environmental damage to impact downstream areas.

The economic approach to environmental law relies on two fundamental economic assumptions. First, all goods-including biotic and abiotic natural resources-are commodities that can be measured quantitatively. Second, the value or price of all commodities can be measured against or compared to monetary value.

Analysis of Environmental Management Systems and the Principle of Economic Value Current environmental management in Indonesia has yet to fully reflect a holistic and integrated continuity between achieving prosperity and sustainable environmental management. The global solution, known as the Sustainable Development Goals (SDGs), emerged as a conceptual framework to address environmental issues by unifying the interests of development and ecology.

Waste management is carried out systematically, starting from the distribution process from the community to temporary (TPS) or final disposal sites (TPA) under their respective responsibilities. Based on the Regulation of the Minister of Public Works No. 03/PRT/M/2013, benefits can be measured in monetary terms (tangible benefits), categorized into direct and indirect benefits. Direct benefits include revenue from recycled materials, composting, biogas for energy, and the reclamation of former landfill sites.

Furthermore, West Java Provincial Regulation No. 12 of 2010, Article 7, mandates local governments to foster public awareness, develop technology, and encourage the utilization of processed waste products. Recently, the government has begun implementing these points through socialization programs regarding the added value of waste sorting and workshops on household-scale biodigesters and composters, particularly in the Argasunya area.

Legal Problem Statement However, a significant legal issue persists: there are currently no clear indicators to determine whether the principle of the economic value of waste has been successfully implemented. This research finds that this principle lacks definitive indicators and a comprehensive legal umbrella within the hierarchy of legislation. Furthermore, there are no strict sanctions for the failure to fulfill the mandates set out in these regional regulations.

IV. CONCLUSION

The essence of governance is rooted in sovereignty, which implies the power to exercise authority through a government. The fundamental principle serving as the genesis of legal development in Indonesia is found in the Fourth Paragraph of the 1945 Constitution. This signifies Indonesia's recognition that the state must prioritize sustainability to protect all natural resources for the ultimate welfare of the people.

In conclusion, following research conducted at the waste management site in Argasunya, Cirebon, it was found that the implications of the environmental management system on the implementation of the economic value principle in waste management have not yet been optimized. The continuous increase in waste volume remains a primary obstacle. Consequently, there is an urgent need for human resource capacity building and specific implementing regulations to ensure that this economic principle is effectively applied. Furthermore, all government policies must be grounded in constitutional substance, reflecting Indonesia's commitment to the concept of a "Green Constitution" or environmentally sustainable development.

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