

The Role Of Woman To Protect Marine Plastic Waste In Sukabumi In Environmental Law Perspective (Study Case In Coastal Area In Pelabuhan Ratu)

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Abstract : *Nowadays marine pollution become a serious problem in the world especially in Indonesia, including in Sukabumi that known for its beaches such as Pelabuhan Ratu, Ciletub, etc. Marine scientists have found harmful impact of marine pollution to marine environment, ecosystem and humans, there-quarter of all marine debris is plastic, a persistent and potentially hazardous pollutant. Plastic can be chemically harmful to wildlife, either because themselves potentially toxic or other toxic pollutant, the situation become worse when it come to marine pollution caused by micro plastic, micro plastic is very dangerous for the ecosystem and the human in the world Indonesia is the second-biggest-contributor to ocean after China, with some estimates suggesting it is source of about 10% of global plastic pollution, if this problem can not be solved. Women have crucial role to solve marine pollution, women are environmental educators. Women or mothers are the first educational media for their children, through education and awareness about concern for the environment can be instilled from an early age. Women are part of the family who have a role as educators as well as the first actors who understand how to maintain a healthy quality of life in the family environment. Therefore, women's empowerment about women about the environment about the environment needs to be given to women.*

Keywords : *Plastic, Pollution, Sukabumi*

I. INTRODUCTION

Environmental issues often do not receive special attention by the large human population in this global world, and some of them even forget the importance of preserving the environment. The environment greatly affects the effectiveness of daily activities and even affects comfort in living life. Women in this case play a very important role, because women can manage household needs well so as to maintain environmental balance

Public awarness about the the descreasing of the quality of the environment is continue since 1960, but in the other hand people in the world are worry about the condition of the environmental damage that endanger the waelfare and the daily life. waste that spread all over the ocean, mangrove forest in the world become strong evident



that pollution caused by rubbish is a serious problem.¹ Hence, with a population of almost 250 million people, Indonesia would produce 187.336 tonnes of municipal solid waste each day.

Nowadays, marine pollution has become a global environmental issue in the world especially in Indonesia. Some people do not realise that microplastic is so dangerous to the marine environment because most plastics in the ocean break up into very small particles, plastic is one of the kinds of marine debris and it can come in all shapes and sizes, but those that are less than five millimeters in length. It should be obvious that environmental problems do not stop at national boundaries nor are they stopped by ideological barriers. Air and water pollution are environmental problems that have international implications.

In general, the activities on land (land-based sources) that can bring pollution such as: (land-based pollution, deforestation, disposal of industrial waste, sewage disposal, disposal of agricultural waste, solid waste disposal, mangrove and swamp conversion, and reclamation. The activities in the sea that can bring pollution such as: shipping, ocean dumping, mining, oil exploration and exploitation, mariculture, and fishing. Land-based pollution is the biggest contributor of marine pollution, it is responsible for 75 %-80% from all pollutants in the sea.

Marine pollution has been an ever-present problem since the advent of large-scale agriculture activity and industrialization. However, significant laws and regulations at an international level to tackle the problem came only in the mid-twentieth century. During the United Nations Convention on the Law of the Sea in the early 1950s, the various stakeholders came together to deliberate and formulate laws, pertaining to marine pollution.² Plastic is one of the most enduring materials man has created. Nowadays we all know that it can take hundreds of years for plastic to degrade, and research is showing that it is possible that it does not fully degrade but becomes microplastic.

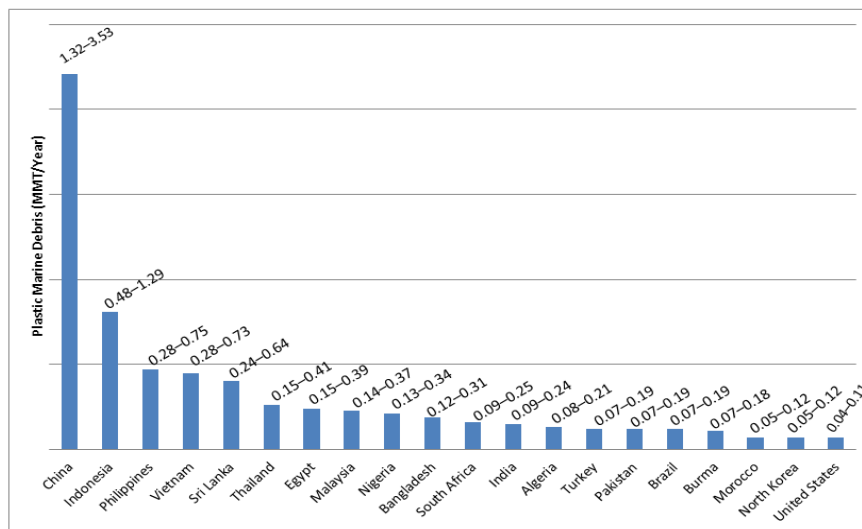
According to research led by Jambek said that every year about 4.8 million metric tons of plastic waste end up in the ocean, it caused Indonesia to be the second biggest polluter after China. Indonesia is the second biggest contributor to ocean plastic after China. Based on the chart above, Indonesia is the second-biggest-contributor to ocean plastic after China, with some estimates suggesting it is a source of about 10% of global plastic pollution, if the global problem continues unchecked, there could be more plastic than fish in the ocean. Unfortunately up to the present we do not have any effective methods to clean up the ocean, the only thing that we can do is reduce the use of plastic in daily life.

On the beaches of Sukabumi such as Loji Beach in Pelabuhan Ratu Garbage is scattered everywhere. The majority of plastic waste is in the form of soft drink bottles, food wrappers, plastic bags and so on. The majority of the waste is plastic that takes decades to decompose in nature. As a result, the coast or sea can be damaged, including the ecosystem in it, and the impact of fish habitat can be endangered.

¹ Daud Silalahi, *Pengaturan Hukum Lingkungan Laut Indonesia dan Implikasinya Secara Regional*, Jakarta, Percetakan negara RI, 2006, page..241.

² <https://www.mapsofindia.com>

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According to the United Nation Environment Programme, plastic microbeads first appeared in personal about fifty years ago, with plastics increasingly replacing natural ingredients. As recently as 2012, this issue was still relatively unknown, with abundance of products containing plastic microbeads on the market and not a lot of awareness on the part of consumers³

Women have an important meaning in maintaining sustainable development, judging from the number of women as human resources who have potential capital in carrying out development. It is appropriate for women to be placed as subjects, not only as mere objects as is happening today. Women are environmental educators. Women or mothers are the first educational media for their children, through education and awareness about concern for the environment can be instilled from an early age. Women are part of the family who have a role as educators as well as the first actors who understand how to maintain a healthy quality of life in the family environment. Therefore, women's empowerment, about the environment, about the environment, need to be given to women.

Based on some research on the environment (environmental sustainability) women can play the role of agents of change that can better respond to environmental changes than man. Women's commitment is an activity concern in saving and preserving the environment, by preventing pollution and destruction resulting from exploration and exploitation activities of natural resources. Where these activities directly impact to the decline in environmental quality. Some changes behaviors can be performed

³ <http://oceanservice.noaa.gov>

II. METHOD

This research conducted by Normative legal research approach. The author analyze some data, regulation, and references. The author also interviewed sources and stake holder that related to this research

III. DISCUSSION

Indonesia as a country of law as mentioned in Article 1 paragraph (3) of the 1945 Constitution means that everyone must be governed by a fair and equitable law. No one should be above the law itself. In principle, equal justice for all, the law does not discriminate against a person or discrimination based on gender.

The 1945 Constitution of the Republic of Indonesia is an existing legal basis and valid today. The Law also requires citizens to utilize resources and used in accordance with the needs, as mandated in the Constitution of the Republic of Indonesia 1945 Article 3 paragraph (3) which states that the earth, water, and wealth contained therein are controlled by The state and can be used as much as possible for the prosperity and welfare of the people of Indonesia

Environmental Protection and Management (PPLH) based on Article 1 Paragraph 2 of Law No. 32 of 2009 is a systematic and integrated effort made to preserve environmental functions and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision and law enforcement.⁴

Juridically, the definition of the environment was first formulated in Law No. 4 of 1982 (abbreviated as UULH-1982) concerning the Basic Provisions of Environmental Management, which were then reformulated in Law No. 23 of 1997 (abbreviated as UUPPLH-1997) on Environmental Management and finally in Law No. 32 of 2009 (abbreviated as UUPPLH-2009) on Environmental Protection and Management.⁵

Environmental law is also often considered a juridical instrument for any management and protection of Environment. Therefore, in every implementation of environmental law, we will always pay attention to every principle. General Principles of Good Governance These principles will provide a purpose so that in every implementation

These efforts are carried out through the prevention, mitigation and restoration of the living environment. Undang-undang Dasar Negara Republik Indonesia pasal 28H ayat 1 states that "Everyone has the right to live a prosperous life born and mentally, to live and to have a good and healthy living environment and the right to obtain health services". The authority to investigate criminal acts is not only carried out by Police investigators, but also carried out by Civil Servant Investigators (PPNS). Criminal acts in the environmental field, the existence of civil servant investigators has an important role in proving a criminal act. So

⁴ N.H.T Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan*, Penerbit Erlangga, Jakarta, 2004, page 4

⁵Law No. 32 of 2009 (abbreviated as UUPPLH-2009) on Environmental Protection and Management.

that Undang-undang No. 32 Tahun 2009 on Environmental Protection and Management regulates the

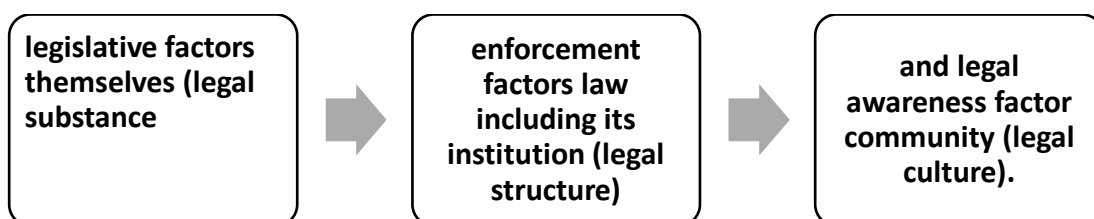
authority of investigations carried out by Civil Servants within the scope of the Ministry of Environment. Hazardous Waste included in hazardous and toxic materials must be carried out in accordance with medical waste management standards or until medically hazardous then may be subject to criminal charges in accordance with the provisions in Law Number 32 concerning Environmental Protection and Management

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Guided by Article 6 of Law No. 8 of 1981 concerning the Criminal Procedure Code and Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, it states that the Police have an active role as investigators in the process of solving environmental crimes. Despite the principle of subsidiarity, criminal settlement is placed in a position if the sanctions of other areas do not work and the perpetrator's guilt is relatively large and or the consequences of his actions cause public unrest. The police as law enforcement officers who are given the authority to conduct investigations and investigations based on laws and regulations must be able to understand the various problems contained in the PPLH Law. And, before conducting investigations and investigations into cases related to the destruction or pollution of the environment. The provisions in Article 94 paragraph (1) should give clear limits on the authority to investigate life context disputes, so as not to cause disputes of authority between the National Police and PPNS. This can also be in the explanation of the provision, where in its explanation it is said to be quite clear. But it is precisely the provisions in Article 94 paragraph (1) that give rise to multiple interpretations (unclear).

There are several factors that affect the effectiveness of law enforcement, namely: the legislative factors themselves (legal substance), enforcement factors law including its institution (legal structure) and legal awareness factor community (legal culture).

factors that affect the effectiveness of law enforcement



⁶ Rosadi, *Sejarah Hari Lingkungan Hidup Sedunia*, Dikutif dari <https://sejarahlengkap.com/dunia/sejarah-hari-lingkungan-hidup-sedunia>, accessed 05 April 2021 pukul 19.34

in terms of legal substance as known that environmental law has a special part because it occupies positions intersect across several fields of law such as criminal law, private law, tax law, constitutional law and even international law

The criminal acts regulated in the UULH are contained in the provisions of Articles 41 to 44. Categorically, environmental crimes regulated in this Law consists of acts of environmental pollution; acts of destruction Environment; and other acts that violate the provisions of the law.

Article 41 of the Law states:

- 1) Whoever unlawfully deliberately commits acts that result in pollution and/or destruction environment, threatened with imprisonment for a maximum of 10(ten) years and a maximum fine of Rp.500,000,000.00 (five hundreds of millions of rupiah).
- 2) If the criminal act as intended in paragraph (1) resulting in the death or serious injury of the perpetrator of the crime threatened with imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp.750,000,000.00 (seven hundred and fifty million rupiah).

Article 42 of the Law states

- 1) Whoever because of his negligence commits an act that resulting in pollution and/or environmental destruction life, threatened with imprisonment for a maximum of 3 (three) years and a maximum fine of Rp.100,000,000.00 (one hundred million rupia
- 2) If the criminal act as referred to in paragraph (1) results in Dead or seriously injured, perpetrators of criminal acts are threatened with criminal maximum of 5 (five) years or a maximum fineRp.150,000,000.00 (one hundred and fifty million rupiah).

Article 43 of the Law states

- 1) Whoever violates the laws and regulations applicable, deliberately releasing or disposing of substances, energy and/or other harmful or toxic components enter on or into their the soil into the air or into surface water, Import, export, trade, transport, store The material carries out a dangerous installation even though knows or has reason to suspect that the act ofc an cause pollution and/or environmental destruction life or endanger the general health or life of others Threatened with imprisonment for a maximum of 6 (six) years
- 2) Threatened with the same crime as is referred to in paragraph (1) whoever deliberately gives false information or omitting or concealing or damaging information necessary in relation to the act as referred to in paragraph (1) even though they know or are very reasoned to suspect that the act may cause pollution and/or destruction of the environment or harm public health or the life of another person

- 3) If it is a criminal act as intended in paragraph (1) and paragraph (2) resulting in death or serious injury, the perpetrator of the crime is threatened with a maximum prison sentence of 9 (nine) years and a maximum fine of Rp.450,000,000.00 (four hundred and fifty million Rupiah)

Article 44 of the Law states

- 1) Anyone who deliberately violates the provisions of the law applicable invitation, because of his forgetting to commit the act as referred to in Article 43, threatened with imprisonment maximum 3 (three) years or a maximum fine of Rp.100,000,000.00 (one hundred million rupiah).
- 2) If the criminal act as referred to in paragraph (1) results in Dead or seriously injured, perpetrators of criminal acts are threatened with the most for a period of 5 (five) years or a maximum fine of Rp.150,000,000.00 (one hundred five million rupiah).

Based on the provisions quoted above, it can be described as Elements of Actions Categorized as Environmental Pollution namely: the entry or inclusion of living beings, substances, energy, and/or other components into the environment, carried out by human activities, causing a decline in "environmental quality" to a certain extent which causes the environment to no longer function in accordance with the Purpose. Meanwhile, the elements of environmental destruction Life is the existence of actions, which cause immediate or indirect change to the physical and/or biological properties of the environment, which results in the life no longer functions in supporting sustainable development.

Law cannot be seen as the only tool in control social, because in addition to the law there are other means of social control that arise in community associations such as family, friendship, neighborliness, villages, tribes, jobs, organizations, and groups in various forms.⁸

A person's role is very influential, especially in developing community. Community development is two different words namely development and society, both have meanings. Development or development is a joint effort to improving the quality of life of a person in the economic sector, education, health, social and social. The role of women in environmental law enforcement efforts is certainly very important.

In environmental law, women have a position as a decision maker in determining activities that can harm the environment. Women were the first to teach about the importance of protecting the environment and caring for the environment.

Then, women can form an attitude of obedience to the law and discipline in interacting with the environment. They teach starting with their families and then can teach the wider community about the importance of obeying the law and not making things that pollute and pollute the environmen

⁸ Donald Black, *The Behavior of Law*, London: Academic Press, 1976, hlm.

IV. CONCLUSION

The law in certain circumstances must be equalized, but at the same time others need to discriminate. The provisions of general law are *ius commune* means an abstract method intended for anyone without except. However, factually it must be discriminated. Fair law must not considering all matters must be decided equally. Because it is contrary to the concept of justice as stated above.

Each case, however similar, still has its own peculiarities. Therefore, it must be weighed based on its peculiarities. Generalize All cases by expecting the same verdict are a form of non-compliance justice. Good law must discriminate, each case is weighed based on qualitative and quantitative levels at the same time. Deep micro approach a case can lead to discrimination and injustice. And That's what you want to reject.

One of the state's obligations is the empowerment of women, with activities that promotes women's participation as agents of reform in the field of political, economic and social; Women's and Men's Partnership in the Sense of the occurrence of changes in attitudes, behaviors and the filling of male and female roles special areas of work that can eliminate gender inequality in various Levels

In relation to the enforcement of environmental criminal law, women have a very important role, namely as educators who form attitudes of discipline and obedience to the law and can also participate directly in law enforcement efforts and also maintain the preservation of the law.

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