Journal of Social Research

P-ISSN: 2827-9832
E-ISSN: 2828-335x
Vol. 5, No. 4, April 2026
http://ijsr.internationaljournallabs.com/index.php/ijsr

Study of Commercial Law (Economic Law) and Environmental Law related to Plastic Waste Import in Indonesia

Nomensen Freddy Siahaan*, Agustina Wati
Universitas Mulawarman, Indonesia
Email: nomensen.freddy1989@gmail.com*

Keywords:
Waste Import, Commercial Law, Environmental Law

ABSTRACT

Effective waste management is essential for reducing Indonesia's dependence on imported waste. However, inadequate domestic waste management systems have made it difficult for the country to meet industrial raw material needs independently. One of the industries significantly affected is the paper industry, which requires both long and short fibers for production. These materials are not solely obtained from domestic sources, such as timber, but are largely supplemented through imported waste paper. Indonesia's paper industry requires approximately 10.7 million tons of raw materials annually, of which around 7.6 million tons are fulfilled through imports in the form of waste paper. These imports arrive in large quantities, often transported in thousands of containers. This study applied a normative legal research method, focusing on the analysis of legal norms and regulations related to waste import policies. The approach relies on secondary data, including legislation, legal doctrines, case law, and scholarly commentaries within the scope of Commercial (Economic) Law and Environmental Law. The findings indicate that the implementation of waste import policies still faces significant challenges. Issues such as the smuggling of hazardous and toxic waste, document falsification, and the mixing of dangerous waste with non-hazardous materials continue to occur. Furthermore, existing regulations are not sufficiently detailed or stringent in defining permissible waste types, contamination levels, and quality standards. Therefore, stricter and more comprehensive legal frameworks are necessary to ensure proper verification, prevent environmental harm, and regulate waste imports effectively, including provisions for acceptance or re-export of non-compliant materials.

INTRODUCTION

If we could manage waste properly, we would definitely be able to free ourselves from importing waste. The poor waste management system causes Indonesia to remain dependent on waste imports (Mohamed et al., 2024; Sapuan et al., 2023). One of the many industries that rely on imported raw materials is the paper mill industry. The need for long fibers and short fibers, the main materials for making paper, not only comes from cutting down trees in Indonesia but also by importing paper waste from abroad (Mikkilä et al., 2021; Nambiar et al., 2018; Sonnenfeld, 2017). Some of the imported waste is used as fuel for tofu and tempeh factories. (Private Document) The Director General of Waste and Hazardous and Toxic Material Management (PSLB3), Ministry of Environment and Forestry (LHK), Rosa Vivien Ratnawati, in various webinars in 2021 mentioned that the paper industry in Indonesia requires 10.7 million tons of raw materials per year. The need for paper raw materials fluctuates, but it never deviates far from 10.7 million tons. Of that amount, 7.6 million tons of that paper raw material are imported from abroad.

The import form is not like raw materials taken from a cut tree. Rather, it comes in the form of paper waste. Millions of tons of imported paper waste arrive in Indonesia in thousands of containers. These imported paper waste containers come from various countries, including the United States, France, Australia, Germany, the United Kingdom, Japan, Belgium, the Netherlands, Spain, and Hong Kong. This imported paper waste enters through major ports, particularly in Jakarta, West Java, and East Java (Agustono & Nurhidayati, n.d.; Ardiansyah et al., 2022). The companies importing this paper waste are, of course, paper manufacturing companies. Their factories are mainly spread across Java Island. The import of this paper waste is regulated by the Minister of Trade Regulation Number 31 of 2016 concerning the Provisions on the Import of Non-Hazardous and Non-Toxic Waste. "Indonesia's waste amounts to 67.8 million tons per year (Ismawati et al., 2024; Kumar et al., 2023; Rahman et al., 2020). Do we really have to import just 7.6 million tons of recycled paper raw materials from abroad for our needs?? If we increase waste management by 10% paper waste management, then we can be independent. We will not import paper waste anymore," said the Director General of PSLB3, Ministry of Environment and Forestry, Rosa Vivien Ratnawati in several webinars. Until 2 or 3 years ago, China was the country that brought the most imported waste from various countries. Either for recycling purposes only or there are other purposes.

As soon as China closed its gates to waste imports, many countries were floundering. Countries that usually 'dispose of' their waste in other countries were confused about how to deal with China's sudden policy. Indonesia has long been the world's 10th largest importer of waste. Various types of waste are imported, especially plastic and paper waste. Plastic packaging waste is often put into containers sent to Indonesia by waste exporters (Johannes et al., 2021; Pramiati et al., 2021). (Private doc) The problem that often occurs is the mixing of other waste within those imported wastes. Repeatedly, containers of imported waste were found to be mixed with hazardous materials and even medical waste. Customs officials, authorities, ministry employees, and members of parliament regard the mixed waste as a violation (Liu et al., 2016; Sridhar & Kumar, 2019). However, who actually committed the violation has never been revealed. Usually, after news about the raid on imported waste, a few days later the area would be empty. As if nothing had happened, and the import of waste is running again as usual (Brooks et al., 2018).

Importers of waste for their industrial raw materials claim to be disadvantaged by the mixed waste they import. This is because they have already spent money to import raw materials from that waste from abroad. Non-recyclable waste also enters the imported waste. (Private Document) That claim may be believable, but the truthfulness of the evidence should also be thoroughly examined. This is because it is suspected that there are parties who actually receive a bonus for being able to bring waste into Indonesia from foreign waste exporters. They can profit twice, because who knows if within the mixed waste there are types of waste that can be sold (Agbefe et al., 2019; Hettiarachchi et al., 2018; Romero-Hernández & Romero, 2018). Many places in Indonesia have already become victims of the large amount of imported waste. According to the waste importers, 50-60 percent of the waste is no longer waste that can be used as raw material. It is rather waste that is truly waste. Thus, importers are forced to dispose of the waste that cannot be processed in hidden locations.

The hidden locations for disposing of imported waste could no longer be concealed. As the dumped imported waste increased and piled up, the government then stepped in. However,

stepping in after problems have already occurred and the piles of imported waste exist is certainly too late. For example, locations for dumping imported waste on Java Island. Eventually, the government is often heard turning the situation from a problem into a blessing. The government builds a narrative that the large amount of imported waste dumped in certain locations actually drives the local economy. This narrative is constructed mainly to counter criticism from environmental activists and the media. However, environmental activists and the media are no longer important to be targeted with a narrative of resistance if they can already be brought to a compromise. Meaning, if the waste can be well-managed in a Penta helix manner. Then those Penta helix figures can also make the waste problem in Indonesia even more complicated with the keyword compromise (Pasaribu et al., 2025; Tadung, 2023). And maybe right now the situation is indeed like that. Everything can be compromised, including imported waste. In fact, Indonesia's waste potential is very large but it is not managed well.

Of course, it is not something we all hope for if it turns out that: our waste management is deliberately made messy so that waste imports can still enter smoothly. Remember, it is okay to be suspicious but do not accuse. It is okay to be critical but do not judge. It is okay to import waste but do not deceive. Such are the twists and turns of the paper industry, which is considered environmentally friendly by some circles. That is why it needs to be emphasized again that being environmentally friendly must be marked by proper and correct waste management in accordance with regulations for every product/package residue. Not by mutually claiming who is the most environmentally friendly regarding their waste. The Directorate General of Customs Reveals the 5 Largest Countries of Import Products; China is Number One. The Directorate General of Customs of the Ministry of Finance revealed the five countries of origin of the most imported products entering Indonesia. Which countries are they? The Directorate General of Customs (Ditjen Bea Cukai) of the Ministry of Finance revealed the five countries of origin of the most imported products entering Indonesia. This was conveyed by the Customs Technical Director of the Directorate General of Customs and Excise of the Ministry of Finance, Fadjar Donny Tjahjadi, in a press conference titled 'Protecting Micro, Small, and Medium Enterprises or MSMEs from the Influx of Imported Products'.

Donny said that in import activities through shipments, there are five top source countries for goods. According to him, it is still dominated by China, Hong Kong, Singapore, Japan, and the United States, from 2021, 2022, until May 31, 2023. “Indeed, the highest ranking based on import foreign exchange value is carried out through China,” he said at the Ministry of Finance Office, Central Jakarta, on Thursday, October 12, 2023. In his presentation, it was seen that the statistics of shipments in 2021 showed China ranked first with an import foreign exchange value of US$ 186.9 million (24.9 percent); second, Hong Kong with US$ 123.7 million (16.5 percent); third, Singapore with US$ 77.2 million (13 percent); fourth, Japan with US$ 53.8 million (7.2 percent); and fifth, the United States with US$ 51 million (6.8 percent). Meanwhile, in 2022, China was still in the first position with an import foreign exchange value of US$ 151.2 million (21.4 percent); Hong Kong US$ 120 million (17 percent); Singapore US$ 112.5 million (15.9 percent); Japan US$ 63.1 million (8.9 percent); and the United States US$ 51.4 million (7.3 percent).

Then until May 31, 2023, China remains number one with a foreign exchange import value of US$ 61.9 million (24.3 percent); Hong Kong US$ 38.6 million (15.2 percent); Singapore US$ 36.6 million (14.4 percent); the United States, US$ 21.1 million (8.3 percent); and Japan US$ 18.1 million (7.1 percent). However, to stem the invasion of imported products, said Donny, Finance Minister Sri Mulyani Indrawati signed Minister of Finance Regulation Number 96 of 2023 concerning Customs, Excise, and Tax Provisions on Imports and Exports for Consignments. The regulation is to protect MSMEs. "Because the delivery of consumer goods from trade organizers through the electronic system (PPMSE) indirectly affects MSMEs," said Donny. Minister of Finance Regulation Number 96 of 2023, which is a revision of Minister of Finance Regulation Number 119 of 2019, should come into effect one month after it is promulgated, namely on November 17, 2023. However, Donny said there would be changes to the rule enforcement article to October 17, 2023. "This rule will take effect from October 17, 2023," he said. This is the background for the author to write and further study related to imported waste that enters Indonesia analyzed from the aspects of Commercial Law and Environmental Law.

Then, until May 31, 2023, China remained number one with import foreign exchange value of US$ 61.9 million (24.3 percent); Hong Kong US$ 38.6 million (15.2 percent); Singapore US$ 36.6 million (14.4 percent); United States US$ 21.1 million (8.3 percent); and Japan US$ 18.1 million (7.1 percent). However, to curb the influx of these imported products, said Donny, Finance Minister Sri Mulyani Indrawati signed Minister of Finance Regulation Number 96 of 2023 concerning Customs, Excise, and Tax Provisions on Import and Export for Shipment Goods. The regulation is intended to protect MSMEs. “Because the delivery of consumer goods from trade organizers through electronic systems (PPMSE) indirectly affects MSMEs,” said Donny. Minister of Finance Regulation Number 96 of 2023, which is a revision of Minister of Finance Regulation Number 119 of 2019, was supposed to come into effect one month after promulgation, namely on November 17, 2023. However, Donny said there would be a change in the article on the enforcement of the regulation to October 17, 2023. "This rule will take effect starting October 17, 2023," he said. This is what prompted the Author to write and further examine imported waste entering Indonesia, analyzed from the aspect of Trade Law and Environmental Law.

METHOD

This study employed normative legal research methods, which focus on analyzing legal norms and regulations relevant to the research topic. Normative legal research is a scientific procedure aimed at discovering the truth through logical reasoning based on the established principles of law. This method relies on the systematic examination of legal materials, including legislation, case law, and legal doctrines, to provide a comprehensive understanding of the issue under study. The data used in this study are primarily secondary in nature, consisting of laws, regulations, legal precedents, and scholarly legal commentaries that are pertinent to the topic of Commercial Law (Economic Law) dan Environmental Law.

Once the relevant legal materials were collected, the data analysis process began with the systematic interpretation of legal texts, focusing on their importing toward Commercial Law (Economic Law) dan Environmental Law. This included evaluating the purpose, scope, and application of laws, as well as identifying any inconsistencies or gaps. A comparative

legal analysis was also employed, where necessary, to contrast Indonesian laws with international conventions and legal practices from other countries, highlighting differences and suggesting improvements. Finally, the findings were synthesized to propose recommendations for enhancing legal protections against circulation of mixed rice. This detailed methodological approach ensures that the research is grounded in thorough legal analysis, enabling readers to understand the steps taken to collect and interpret the data without needing to refer to external sources.

RESULTS AND DISCUSSION

Analysis of Plastic Waste Imports Examined from the Environmental Law Perspective

One form of the government's effort in managing waste is through waste management policies that include waste reduction and handling. Regarding regulations on waste imports, it is still allowed in Indonesia based on the Ministry of Trade Regulation Number 20 of 2021 concerning Import Policies and Regulations. In response to this, in practice, the implementation of waste imports as industrial raw materials still faces problems in the field. Violations through the modus of smuggling hazardous and toxic waste across countries, document falsification, and mixing hazardous and toxic waste into other waste still occur.

Waste Reduction and Management

First of all, it is necessary for us to know together that the issue of hazardous waste in the international context, particularly concerning the global trade of waste, is regulated by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 1989 ("Basel Convention"), which has been ratified in Indonesia through Presidential Decree Number 61 of 1993 on the Ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal ("Presidential Decree 61/1993"). Meanwhile, domestically, Indonesia's efforts in waste reduction and management are regulated in Law Number 18 of 2008 concerning Waste Management ("Waste Management Law"). Waste management is a systematic, comprehensive, and continuous activity that includes waste reduction and handling. Waste managed under the Waste Management Law consists of : household waste, which originates from daily activities in households, excluding feces and specific waste; waste similar to household waste, originating from commercial areas, industrial areas, special areas, social facilities, public facilities, and/or other facilities; and specific waste, which includes waste containing hazardous and toxic materials, waste containing hazardous and toxic material residues, waste generated by disasters, building demolition debris, waste that cannot currently be processed technologically, and/or waste that arises irregularly.

Activities in reducing household waste and waste similar to household waste include: 1) limiting the generation of waste; 2) recycling waste; and/or 3) reusing waste. In addition, the Waste Management Law regulates that businesses, in carrying out the above waste reduction activities, use production materials that produce as little waste as possible, can be reused, can be recycled, and/or are easily decomposed by natural processes. The same applies to the public. On the other hand, the government provides stimuli to anyone who performs waste reduction and disincentives for those who do not carry out waste reduction. Meanwhile, waste handling activities include:

1. Sorting or selection: grouping and separating waste according to type, quantity, and/or nature of the waste;
2. collection: the picking up and transferring of waste from the waste source to a temporary storage place or an integrated waste processing site;
3. transportation or distribution: carrying waste from the source and/or from temporary waste collection points or from integrated waste processing sites to the final processing site;
4. processing: changing the characteristics, composition, and quantity of waste; and/or
5. processing until the end of waste: the return of waste and/or residues from previous processing to the environmental media safely.

Furthermore, the management of specific waste is the responsibility of the government as regulated in Government Regulation Number 27 of 2020 on the Management of Specific Waste. Thus, in response to this matter, the regulations that we have explained above are a form of government effort to reduce and manage waste, including plastic waste.

Policy on the Import of Non-Hazardous and Non-Toxic Waste

Following that analysis, basically the import of waste is not allowed according to Article 29 paragraph (1) of the Waste Management Law which states: 1) Everyone is prohibited: 2) from bringing waste into the territory of the Unitary State of the Republic of Indonesia; 3) from importing waste. In addition, it is also regulated in Article 22 number (24) of Law Number 11 of 2020 concerning Job Creation which amends Article 69 paragraph (1) letters b, c, and d of Law Number 32 of 2009 concerning Environmental Protection and Management, which emphasizes the prohibition of bringing hazardous and toxic materials, waste, and hazardous and toxic material waste into the territory of Indonesia. Nevertheless, it is true based on that analysis that in the past, the import of certain waste was allowed as industrial raw materials, which is regulated in the Regulation of the Minister of Trade Number 84 of 2019 concerning Provisions on the Import of Non-Hazardous and Non-Toxic Waste as Industrial Raw Materials and its amendments, however it has now been revoked and declared invalid by the Regulation of the Minister of Trade Number 20 of 2021 concerning Import Policy and Regulation ("Permendag 20/2021").

Although its validity has been revoked, non-Hazardous and Toxic Waste as industrial raw materials is included as items that can be imported in a non-new condition. Non-Hazardous and Toxic Waste is the residue of a business and/or activity in the form of waste, scrap, or remnants that are not included in the classification or category of Hazardous and Toxic Waste. They consist of the following groups: 1) Paper group; 2) Metal group; 3) Plastic group; 4) Rubber group; 5) Textile and textile products group; and 6) Glass group. Each group has its own detailed import requirements, which we can view together in Annex III of Trade Minister Regulation 20/2021.

To address this issue, several efforts need to be made to prevent environmental pollution, especially plastic waste, namely Preventive and Repressive Efforts.

Preventive Efforts

From the perspective of Administrative Law, as a preventive effort in controlling environmental impacts, it is necessary to maximize the use of supervision and licensing instruments. In cases where environmental pollution and damage have already occurred,

repressive efforts need to be carried out in the form of effective, consistent, and consequent law enforcement against the environmental pollution and damage that has occurred.

Based on the description above, supervision is a preventive effort in the context of controlling environmental impacts, while law enforcement is a repressive effort against environmental pollution and damage that has already occurred. Therefore, it is necessary to develop a clear, firm, and comprehensive legal system for environmental protection and management to ensure legal certainty as a foundation for the protection and management of natural resources as well as other development activities.

Law enforcement is carried out by utilizing various legal provisions, whether administrative law, civil law, or criminal law. Civil law provisions include the resolution of environmental disputes both outside and inside the court. The resolution of environmental disputes in court includes class action lawsuits, the right of environmental organizations to sue, or the government's right to sue. Through these means, it is expected not only to create a deterrent effect but also to raise awareness among all stakeholders about the importance of environmental protection and management for the lives of present and future generations.

Conceptually, supervision consists of functional supervision, internal supervision, external supervision, and public supervision, characterized by an orderly control and supervision system, internal control/supervisory instruments, national supervision, and public supervision, coordination, integration and synchronization of supervisory apparatus, the establishment of a supervisory information system that supports the implementation of follow-up actions, as well as an adequate number and quality of professional auditors, the intensity of follow-up supervision, and fair and consistent law enforcement.

Direct supervision (Waskat) is a form of control by immediate superiors/leaders within an organizational/work unit to improve organizational performance so that organizational goals can be achieved effectively and efficiently. Functional supervision or Wasnal is supervision carried out by supervisory officials functionally, both internally and externally within the government, over the implementation of general government duties and public services to ensure they comply with plans and regulations. Public supervision or Wasmas is supervision carried out by the community over government administration, communicated verbally or in writing to the relevant government officials, in the form of contributions of ideas, suggestions, thoughts, or constructive complaints, either directly or through the mass media.

Repressive supervision is supervision conducted on policies that have been established by the Region, whether in the form of Regional Regulations, Decisions of the Regional Head, Decisions of the Regional People's Representative Council, or Decisions of the Leaders of the Regional People's Representative Council in the context of regional government administration.

Legislative oversight is the supervision carried out by the Regional People's Representative Council over the Regional Government in accordance with its duties, authorities, and rights. Unlike the oversight concept above, environmental oversight here is included in supervisory concepts within Administrative Law because the oversight here falls under government authority that is continuous as a result of issued permits.

So, oversight basically does not stand alone. However, different from general oversight, Article 71 of Law No. 32 of 2009 explains that environmental oversight is a standalone oversight, namely:

1. The minister, governor, or regent/mayor, according to their authority, is obliged to supervise the compliance of business and/or activity operators with the provisions established in the laws and regulations in the field of environmental protection and management.
2. The minister, governor, or regent/mayor may delegate their authority to conduct supervision to officials/technical agencies responsible in the field of environmental protection and management.
3. In carrying out supervision, the minister, governor, or regent/mayor appoints officials. Supervision here does not stand alone because supervision arising from licensing, as mentioned in Article 72 of Law No. 32 of 2009, stipulates that the minister, governor, or regent/mayor in accordance with their authority must supervise the compliance of business and/or activity owners with environmental permits. Meanwhile, Article 73 provides an exception to Article 72 regarding supervisory officials, stating that the minister may conduct supervision over the compliance of business and/or activity owners whose environmental permits are issued by local governments if the government considers that a serious violation has occurred in the field of environmental protection and management.

Because this environmental supervision has a distinctive character, the supervisory officer is granted broader authority, not merely to oversee by recording, but as stated in Article 74 paragraph (1) of Law Number 32 of 2009, the supervisory officer is authorized to:

a. conduct monitoring;
b. request information;
c. make copies of documents and/or make necessary notes;
d. enter certain places;
e. take photographs;
f. make audiovisual recordings;
g. take samples;
h. inspect equipment;
i. examine installations and/or transportation equipment; and/or
j. stop certain violations.

Because the results of supervision can have criminal potential, according to paragraph (2), in carrying out their duties, environmental supervision officials can coordinate with civil servant investigators. To facilitate the implementation of the supervisor's duties, paragraph (3) states that the person in charge of a business and/or activity is prohibited from obstructing the execution of the environmental supervision official's duties.

1. Repressive Efforts

In the framework of environmental law enforcement, administrative sanctions have been established as stipulated in the Environmental Protection and Management Law (UUPLH). The regulation of these administrative sanctions can be found in Articles 25 to 27 of the UUPLH. Article 25 of the UUPLH states:

a. The Governor/Head of the Level I Region is authorized to enforce government coercion against the persons responsible for businesses and/or activities to prevent and terminate

violations, as well as to mitigate the consequences caused by a violation, carry out rescue, mitigation, and/or recovery actions at the expense of the person responsible for the business and/or activity, unless otherwise stipulated by law.

b. The authority referred to in paragraph (1) may be delegated to the Regent/Mayor/Second-Level Regional Head through a First-Level Regional Regulation.
c. Interested third parties have the right to submit an application to the authorized official to carry out governmental coercion, as referred to in paragraphs (1) and (2).
d. Governmental coercion as referred to in paragraphs (1) and (2) must be preceded by an order letter from the authorized official.
e. Rescue, mitigation, and/or recovery actions as referred to in paragraph (1) may be replaced by the payment of a certain amount of money.

Thus, Article 25 of the Environmental Protection and Management Law provide a legal basis for the Governor/Regent/Mayor within their respective scopes of authority to impose administrative sanctions in the form of governmental coercion (bestuursdwang) on the person responsible for a business and/or business activity.

With the existence of this governmental coercion, it is expected that the person responsible for the business and/or business activity can take actions to:

1) prevent and stop violations from occurring and address the consequences caused by a violation of the protection requirements reflected in laws and regulations and environmental permits;
2) taking rescue, mitigation, and/or recovery actions due to impacts caused by a violation of protection requirements as reflected in laws and regulations and environmental permits at the expense of the business and/or activity responsible. Alternatively, the business and/or activity responsible may make a payment of a certain amount of money.

The imposition of administrative sanctions in the form of government coercion can be made at the request of a third party with an interest to the authorized official or on the initiative of the authorized official. The delegation of authority to impose government coercion from the Governor to the Regent/Mayor must be carried out through a Provincial Regulation or first discussed with the Provincial Regional People's Representative Council, as this authority is not automatically based on the Environmental Protection Law. This means that the delegation of authority to impose government coercion from the Governor to the Regent/Mayor must be established by a Provincial Regulation, and the delegation of authority to impose government coercion from the Governor to the Regent/Mayor is also not mandatory, depending on the Governor after discussion with the Provincial Regional People's Representative Council.

The replacement of payment of a certain amount of money as regulated in Article 25 paragraph (5) of the Environmental Protection and Management Law, if the person responsible for the business and/or the relevant business activity does not have hardware in the form of equipment, or software in the form of technical ability to carry out those actions, so that he submits a certain amount of money sufficient for those actions to be carried out by a government agency or another party with the capability to do so.

It should also be noted that the coercion by the government is carried out preceded by an order from an authorized official. Then, Article 26 of the Environmental Protection and Management Law (UUPLH) stipulate that the procedures for determining the cost burden as referred to in Article 5 paragraphs (1) and (5) as well as its collection are established by

statutory regulation or its implementation uses legal measures according to the prevailing statutory regulations in the event that the mentioned statutory regulations have not been established.

In addition to imposing administrative sanctions in the form of government coercion, the authorized official can also impose administrative sanctions in the form of revocation of business and/or activity permits. The revocation of business and/or activity permits will be carried out if violations of protection requirements reflected in the statutory regulations and environmental permits cause victims, public unrest, or harm the interests of third parties.

In this regard, Article 27 of the Environmental Protection and Management Law states:

a) Certain violations may be subject to sanctions in the form of revocation of business and/or activity permits.
b) The Regional Head may submit a proposal to revoke business and/or activity permits to the authorized official.
c) Interested parties may submit an application to the authorized official to revoke business and/or activity permits because they harm their interests.

The weight of environmental regulation violations can vary, ranging from violations of administrative requirements to violations that cause victims; therefore, the administrative sanctions imposed are also tiered according to the level of the violation.

Revocation of business and/or activity permits is the heaviest and final administrative sanction. Violations by businesses and/or activities that are considered significant enough to warrant the cessation of their operations, for example, when residents' health has been affected due to pollution and/or environmental damage.

The imposition of an administrative sanction in the form of revocation of business and/or activity permits, in addition to being carried out on the initiative of the competent official, can also be proposed by the Governor/Regent/Mayor or at the request of an interested party to revoke the business and/or activity permit because the business and/or its activities harm the public or individual interests.

Compared to Law No. 23 of 1997 mentioned above, Law No. 32 of 2009 is much more advanced. This can be observed in several articles that regulate administrative sanctions not limited to government coercion, the payment of a certain amount of money, and permit revocation only, but also regulate other administrative sanctions as regulated in Article 76 paragraph (2):

Administrative sanctions may consist of:

1. written warning;
2. government coercion;
3. suspension of environmental permits; or
4. revocation of environmental permits.

What's even more interesting is that the Central Government can intervene with the Regional Government that does not impose the sanctions mentioned in Article 77: "The Minister may impose administrative sanctions on business and/or activity responsible parties if the Government considers that the regional government deliberately does not apply administrative sanctions for serious violations in the field of environmental protection and management."

In this case, the sanction of revocation of environmental permits according to Article 79 is imposed if the business and/or activity manager does not comply with government coercion. Based on Article 80 paragraph (1), government coercion includes:

a. temporary suspension of production activities;
b. relocation of production facilities;
c. closure of wastewater or emission discharge channels;
d. demolition;
e. seizure of goods or equipment that has the potential to cause violations;
f. temporary suspension of all activities; or
g. other actions aimed at stopping violations and restoring environmental functions.

As mentioned above, in order to impose coercive sanctions, the government must first issue a warning; however, for certain matters, this is not required as stated in Article 80 paragraph (2), namely that the imposition of government coercion can be applied without a prior warning if the violation committed results in:

1) a very serious threat to humans and the environment;
2) a greater and broader impact if pollution and/or destruction are not immediately stopped; and/or
3) greater damage to the environment if pollution and/or destruction are not immediately stopped.

If government coercion is not carried out, other sanctions may be added, namely being subjected to a fine for each delay in the implementation of government coercive sanctions.

For environmental restoration, it is regulated in Article 82 as follows: (1) The Minister, governor, or regent/mayor has the authority to compel the person responsible for a business and/or activity to carry out environmental restoration due to pollution and/or environmental damage caused by them. (2) The Minister, governor, or regent/mayor has the authority or may appoint a third party to carry out environmental restoration due to pollution and/or environmental damage caused by them at the expense of the person responsible for the business and/or activity.

Challenges from the Issue of Plastic Waste Imports

In responding to the analysis related to the implementation of this waste import policy, there are challenges that need to be addressed, namely the results of plastic waste imports that were carried out before the policy described above by the Author was made. Not only that, the verification and handling of non-Hazardous and Toxic Materials waste that has been imported need to be regulated more thoroughly and rigidly, so that no violations occur that cause environmental damage as a result of these waste imports. In practice, the implementation of waste imports as industrial raw materials still encounters problems in the field. Violations with the modus operandi of smuggling Hazardous and Toxic Materials waste across countries, document forgery, and mixing Hazardous and Toxic Materials waste with other waste still occur.

On the other hand, the waste import policy is still not comprehensive and strict in regulating what types of waste are allowed and which are not. Ideally, the waste import policy should regulate in detail regarding the type, level of waste, and its purity in order to be imported as material:

1. harmonizing policies related to the import of non-Hazardous and Toxic Waste;
2. standardizing the criteria for waste that can and cannot be imported in a more comprehensive manner;
3. improving knowledge and understanding regarding the potential hazards and import bans of hazardous and toxic waste up to the local government level;
4. enhancing facilities and personnel for border security against smuggling activities to ensure the sustainability of the environment and also the interests of the industry.

Then, regarding the re-export of waste, quoted from the news 'Seven Steps to Overcome the Impact of Waste Imports,' there are 5 things that the government needs to do in re-exporting plastic waste. First, notify the government of the receiving country about the shipment of re-exported containers, including an overview of the contaminated waste inside. Second, work with the country of origin to request that they take back the waste for environmentally sound processing, or to ensure such management in the destination country. Third, obtain approval from the importing country before the re-export is carried out. Fourth, ensure in the importing country that the receiving facilities are known and recognized as environmentally sound recycling or disposal facilities. Fifth, criminally prosecute parties involved in this waste trade if their actions and final management do not comply with the Basel Convention.

Analysis of Plastic Waste Imports Examined from the Perspective of Trade Law

The Law on Environmental Protection and Management expressly prohibits anyone from "bringing waste originating from outside the territory of the Republic of Indonesia into the environmental media of the Republic of Indonesia." For this provision, it is explained that this prohibition is "except for those regulated in statutory regulations." There is no delegation for further regulation of this provision. Thus, as far as it concerns the prohibition of "bringing in waste," it can be assumed that further regulation refers to regulations in the field of trade, which will be explained in Section 2.3. Violations of this prohibition constitute a crime, punishable by imprisonment of 4 (four) to 12 (twelve) years; and a fine of IDR 4 billion to IDR 12 billion.

In addition, there is also a strict prohibition in the Environmental Protection and Management Law for anyone to 'dispose of Hazardous and Toxic Waste into the territory of the Republic of Indonesia,' which in its explanatory section is explained as 'including imports.' As long as it is related to Hazardous and Toxic Waste, there is a delegation of regulation in the Government Regulation for provisions concerning the management of Hazardous and Toxic Waste. The PP referred to is PP No. 101 of 2014, which contains an annex detailing what is meant by "Hazardous and Toxic Waste." However, this Government Regulation does not contain a more detailed explanation regarding the prohibition of importing Hazardous and Toxic Waste. The details in Annex I were actually made in connection with the legal obligations for "anyone who generates Hazardous and Toxic Waste" to "manage the Hazardous and Toxic Waste they produce." In relation to the transboundary movement of Hazardous and Toxic Waste, this Government Regulation only contains an explanation regarding Hazardous and Toxic Waste entering Indonesian territory for transit purposes.

Thus, the details in Annex I of Government Regulation No. 101 of 2014 are the sole source for determining what is meant by "hazardous and toxic waste" in the prohibition of

"importing hazardous and toxic waste into the territory of the Republic of Indonesia" in the Environmental Protection and Management Law; as well as in the provisions regarding cross-border movement of hazardous and toxic waste. With this interpretation, any hazardous and toxic waste, as long as it is regulated in Annex I, is prohibited from being imported into the territory of the Republic of Indonesia. Consequently, logically, Annex I of Government Regulation No. 101 of 2014 should be in harmony with Annex I and Annex VIII of the Basel Convention. This means that the addition of a new category (A3210) for contaminated plastics in Annex VIII of the Basel Convention should be accommodated in Annex I of Government Regulation No. 101 of 2014. Further elaboration of the phrase "containing or contaminated" for plastic waste has not yet been included in Government Regulation No. 101 of 2014, either in terms of concentration or volume percentage.

In this case, the presence of Hazardous and Toxic Waste (B3) listed in Annex I of Government Regulation No. 101 of 2014, no matter how small the volume and concentration, immediately classifies plastic waste as "containing or contaminated." Furthermore, the implementation mechanism of this prohibition is regulated in trade regulations, which will be explained in Section 2.3, particularly in relation to the trade of non-Hazardous and Toxic Waste. The act of "bringing Hazardous and Toxic Waste into the territory of the Republic of Indonesia" is punishable by imprisonment for 5 (five) to 15 (fifteen) years; and a fine of IDR 5 billion to IDR 15 billion. This provision applies to "anyone," and constitutes a formal offense.

The Trade Law assumes that all goods can be exported or imported, except those that are prohibited, restricted, or otherwise determined by law. Explicitly, this law grants the Government the authority to prohibit imports or exports in the national interest, among other reasons with the rationale of 'protection of the health and safety of humans, animals, fish, plants, and the environment.' Furthermore, this law also prohibits goods that are designated as goods that are forbidden to be imported, and prohibit goods that do not comply with the provisions of restrictions on goods for import. Specifically for imports, the general rule that applies is the obligation for importers to import goods in new condition, unless otherwise stipulated by the Minister of Trade. through the Import Approval (PI). Each import can only be carried out by importers who have an identifier as an importer based on the determination of the Minister of Trade (Importer Identification Number, or API), unless otherwise specified. To obtain an API, business actors must first have a permit in the field of trade, in the form of an industrial business license (IUI) or other similar business licenses. There is a prohibition for importers to import goods that are prohibited from being imported, as well as importing goods that do not comply with the provisions on restrictions for imported goods. The consequences of these two things are different. Violations of importing prohibited goods are subject to criminal provisions of a maximum prison sentence of 5 (five) years and/or a maximum fine of Rp 5 billion. Meanwhile, violations of the provisions on the restriction of goods are threatened with administrative sanctions and/or other sanctions stipulated in the legislation, including the obligation to re-export. In this case, the provisions regarding the import of plastic raw materials have been regulated in 36/M DAG/PER/7/2013 concerning Provisions on the Import of Plastic Raw Materials along with its amendments.

This Trade Regulation limits the types of plastic raw materials controlled for import along with their tariff positions / HS codes, namely: a. petroleum gas and other hydrocarbon

gases in the form of liquefied ethylene, with a purity level of less than 95%; b. unsaturated acyclic hydrocarbons in the form of ethylene, with a purity of not less than 95%; c. polypropylene copolymers in the form of granules; d. polypropylene copolymers other than in liquid or paste form. However, in Indonesia, the import of plastic raw materials does not have to be in new condition. Currently, Indonesia also has a Minister of Trade Regulation that allows the import of non-Hazardous and Toxic Waste, namely Minister of Trade Regulation No. 31/M-DAG/PER/5/2016 concerning the Provisions for the Import of Non-Hazardous and Toxic Waste (Minister of Trade Regulation on the Import of Non-Hazardous and Toxic Waste). This trade regulation allows the import of non-Hazardous and Toxic Waste in the form of 'residues, trims, and scraps,' as long as it is used for raw materials and/or auxiliary industrial materials. Use as raw material and/or auxiliary material for the industry. Import of non-Hazardous and Toxic Waste can only be carried out by companies that have a Producer Importer Identification Number (API-P) with qualifications: (a) having facilities for managing production process residues that produce environmentally friendly waste; and (b) advanced processing facilities, in the case of non-Hazardous and Toxic Materials waste referred to as residues, trims, and plastic scraps.

However, there is no further definition regarding 'environmentally friendly' or 'advanced treatment facilities' that can be assessed as feasible. In addition, there is a prohibition for importers of non-Hazardous and Toxic Waste from transferring and/or trading the imported non-Hazardous and Toxic Waste to other parties; and an obligation to process it themselves in order to produce goods with a new tariff position/HS code and to have added value. Violations of these provisions constitute non-compliance and are punishable by the revocation of non-Hazardous and Toxic Waste Business Licenses. Definition of "residuals, reja, and scrap." What is meant by "residuals, reja, and scrap" is defined in the general provisions, as well as the types of residuals, reja, and scrap that can be imported are detailed in the Annex of this regulation. Waste, regrind, and scrap from plastics are included in Group B of non-Hazardous and Non-Toxic Waste that may be imported. Types of plastic waste, regrind, and scrap (HS code 39.15) consist of: a. waste, regrind, and scrap from polyethylene polymers; b. waste, regrind, and scrap from styrene polymers; c. waste, regrind, and scrap from vinyl chloride polymers; and d. waste, regrind, and scrap "from other types of plastics." The detailing for the types of plastic waste, grating, and scrap above still leaves room for multiple interpretations. The detailing in points a-c only specifies 'from non-rigid cellular products' and 'others.'

Meanwhile, for the remainder, plastic scraps and trimmings "from other types of plastics" are not detailed. It is important to underline that the remaining plastic residues, waste, and scraps can only be imported if they do not come from landfill activities or are not waste; are not contaminated with Hazardous and Toxic Materials and/or waste of Hazardous and Toxic Materials; and/or are not mixed with other waste. However, in this Trade Minister Regulation, there is no further elaboration on what is meant by 'not in the form of waste,' 'not contaminated with Hazardous and Toxic Materials and/or hazardous and toxic waste,' and/or 'not mixed with other waste.' Import approval procedures. Meanwhile, when viewed from the import approval procedure to the entry of goods into Indonesia, there are several lines to ensure that the import of goods complies with the restrictions in the Trade Minister Regulation. The first line is the imposition of requirements that business actors must submit

to obtain Non-Hazardous and Non-Toxic Waste Import Approval from the Director General of Foreign Trade of the Ministry of Trade. This Import Approval is valid for 1 (one) year, and can be extended for a maximum of 30 (thirty) days. In this case, Trade Minister Regulation No. 31 of 2016 requires:

a. Submission of evidence that the business is a producer that is capable of processing imported non-Hazardous and Non-Toxic waste independently. Unfortunately, this capability is only demonstrated by ownership of advanced processing facilities equipped with photos, a statement letter from the exporter and the importer applicant of non-Hazardous and Toxic Waste declaring that the waste is indeed non-Hazardous and Toxic (including willingness for re-export/reimport if proven otherwise), as well as production capacity and production plans for 1 (one) year.

b. Submission of recommendations from the Director General of Waste, Hazardous and Toxic Materials Management of the Ministry of Environment and Forestry (KLHK) and recommendations from the Director General of the Chemical, Textile, and Various Industries of the Ministry of Industry. Possibly, these requirements are related to the screening of whether the goods to be imported are non-Hazardous and Toxic Waste that are permitted. However, there is broad discretion in the implementation of these provisions, especially in relation to the definitions of 'residual, slag and scrap' as well as the prohibitions 'not in the form of garbage,' 'not contaminated with Hazardous and Toxic Substances and/or Hazardous and Toxic Waste,' and/or 'not mixed with other waste.'

CONCLUSION

The study concludes that the governance of plastic waste imports in Indonesia, when viewed from the perspectives of commercial law and environmental law, remains inconsistent and insufficiently robust. Although regulatory frameworks such as the Waste Management Law, Environmental Protection and Management Law, and trade regulations formally prohibit or restrict the import of hazardous and toxic waste, practical implementation reveals persistent violations, including smuggling, document falsification, and contamination of imported materials. The coexistence of permissive trade regulations and restrictive environmental provisions creates legal ambiguity, weakening enforcement effectiveness. Furthermore, the lack of detailed standards regarding permissible waste types, contamination thresholds, and verification mechanisms exacerbates environmental risks and undermines legal certainty. As a result, the current system fails to fully protect environmental sustainability while simultaneously exposing gaps in regulatory harmonization and institutional oversight. For future research, it is recommended to adopt a more interdisciplinary and empirical approach to complement the normative legal analysis presented in this study. Subsequent studies should examine the effectiveness of enforcement mechanisms through field-based data, including case studies of waste import violations and their legal resolutions. Comparative research involving countries that have successfully restricted or managed waste imports, particularly in the context of the Basel Convention, would also provide valuable insights for policy reform. Additionally, future research should explore the role of technological innovation in waste verification systems, as well as the integration of circular economy principles to reduce dependence on imported waste. Strengthening collaboration between legal scholars,

policymakers, environmental scientists, and industry stakeholders will be essential to formulate comprehensive, enforceable, and sustainable waste import policies in Indonesia.

REFERENCE

Agbefe, L. E., Lawson, E. T., & Yirenya-Tawiah, D. (2019). Awareness on waste segregation at source and willingness to pay for collection service in selected markets in Ga West Municipality, Accra, Ghana. *Journal of Material Cycles and Waste Management*, *21*(4), 905–914.

Agustono, R. K., & Nurhidayati, I. (n.d.). *Water Supply, Waste Management, Waste and Recycling Sector in Indonesia: A Study of Location Quetion, Classic and Spatial Shift Share and Export-Import*.

Ardiansyah, Damar, A., Hariyadi, S., & Machfud. (2022). Current Source and Distribution Pattern of Plastic Waste Leakage in the Estuary of Jakarta Bay. *IOP Conference Series: Earth and Environmental Science*, *950*(1), 12057.

Brooks, A. L., Wang, S., & Jambeck, J. R. (2018). The Chinese import ban and its impact on global plastic waste trade. *Science Advances*, *4*(6), eaat0131.

Hettiarachchi, H., Meegoda, J. N., & Ryu, S. (2018). Organic waste buyback as a viable method to enhance sustainable municipal solid waste management in developing countries. *International Journal of Environmental Research and Public Health*, *15*(11), 2483.

Ismawati, Y., Septiono, M. A., Proboretno, N., & Zaki, K. (2024). Plastic Waste Trade in Indonesia and Country's Response to Waste Trade Challenges. In *Plastic Waste Trade: A New Colonialist Means of Pollution Transfer* (pp. 155–189). Springer.

Johannes, H. P., Kojima, M., Iwasaki, F., & Edita, E. P. (2021). Applying the extended producer responsibility towards plastic waste in Asian developing countries for reducing marine plastic debris. *Waste Management & Research*, *39*(5), 690–702.

Kumar, A., Thakur, A. K., Gaurav, G. K., Klemeš, J. J., Sandhwar, V. K., Pant, K. K., & Kumar, R. (2023). A critical review on sustainable hazardous waste management strategies: a step towards a circular economy. *Environmental Science and Pollution Research*, *30*(48), 105030–105055.

Liu, N., Somboon, V., Wun'gaeo, S., Middleton, C., Tingsabadh, C., & Limjirakan, S. (2016). Improvements to enforcement of multilateral environmental agreements to control international shipments of chemicals and wastes. *Waste Management & Research*, *34*(6), 502–510.

Mikkilä, M., Utanun, P., Luhas, J., Horttanainen, M., & Linnanen, L. (2021). Sustainable circular bioeconomy—feasibility of recycled nutrients for biomass production within a pulp and paper integration in Indonesia, southeast asia. *Sustainability*, *13*(18), 10169.

Mohamed, A. Z., Adnan, S., Kusno, M. A., Jasmani, L., Sobri, Z., Atiqah, A., & Zainudin, E. S. (2024). Tropical Natural Fibres for Packaging Paper and Its Regulation. In *Emerging Sustainable and Renewable Composites* (pp. 70–92). CRC Press.

Nambiar, E. K. S., Harwood, C. E., & Mendham, D. S. (2018). Paths to sustainable wood supply to the pulp and paper industry in Indonesia after diseases have forced a change of species from acacia to eucalypts. *Australian Forestry*, *81*(3), 148–161.

Pasaribu, A. J., Suradika, A., Mawar, M., & Andriansyah, A. (2025). Collaborative waste management through pentahelix stakeholder participation: A qualitative study from South Tangerang City, Indonesia. *Social Sciences Insights Journal*, *3*(3), 96–111.

Pramiati, S. K., Budhi Soesilo, T. E., & Agustina, H. (2021). Post-Consumer plastic packaging waste management in Indonesia: a producer responsibility approach. *E3S Web of Conferences*, *325*, 3005.

Rahman, A., Myrna, R., & Karlina, N. (2020). Policy Implementation of Solid Waste Management by The Environmental Office of Bekasi Regency. *Jurnal Administrasi*

Publik (Public Administration Journal), *10*(1), 102–110.
Romero-Hernández, O., & Romero, S. (2018). Maximizing the value of waste: From waste management to the circular economy. *Thunderbird International Business Review*, *60*(5), 757–764.
Sapuan, S. M., Ainun, Z. M. A., Zakiah, S., Nazrin, A., & Ilyas, R. A. (2023). Introduction to nonwood plant fibers for pulp and papermaking production. In *Pulping and Papermaking of Nonwood Plant Fibers* (pp. 1–15). Elsevier.
Sonnenfeld, D. A. (2017). Logging versus recycling: problems in the industrial ecology of pulp manufacturing in South-East Asia. In *Growing Pains* (pp. 243–253). Routledge.
Sridhar, L., & Kumar, P. (2019). The new face of waste colonialism: A review of legal regulations governing the import of waste into India. *Socio-Legal Rev.*, *15*, 101.
Tadung, E. (2023). Opportunities and Challenges of Pentahelix Collaboration for Poverty Alleviation in Indonesia: A Systematic Literature Review. *KnE Social Sciences*, 289–303.