

Conference Paper

Legal Culture of Local Community in Plastic Waste Management

Fenty Puluhalawa*, Mohammad Rusdiyanto Puluhalawa, Amanda Adelina Harun

Faculty of Law, Universitas Negeri Gorontalo, Gorontalo, Indonesia

ORCID

Fenty Puluhalawa: <https://orcid.org/0000-0001-9554-2694>

Abstract.

The buildup of plastic waste is a problem for the environment, especially since the COVID-19 pandemic has significantly increased the amount of plastic waste. Despite the widespread implementation of waste management, the effectiveness of such an environmental policy varies in every region. One of the causes is the internal factor covering the local community and its perspectives and values. Legal culture is a part of legal systems, reflecting how the local community perceives a specific issue. Different societies have their legal culture, resulting in varied responses of communities to a particular regulation. This notion becomes the rationale for conducting this research. Relying on the empirical-normative method, the present work explores the legal culture of different communities regarding plastic waste management. The normative analysis employed two approaches: conceptual and laws and regulations. For empirical juridical studies, interviews and focus discussions are opted. The results reveal that each community group has different values and mindsets according to the surrounding environment, resulting in distinct legal cultures from one another. Further, differences in the legal culture of the community contribute to the community's response to regulations regarding plastic waste management.

Keywords: legal culture, legal system, plastic waste

Corresponding Author: Fenty Puluhalawa

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1. INTRODUCTION

According to Lawrence Friedman, the legal system consists of three sub-systems: substance (laws and regulations), structure (law enforcers), and legal culture (values, thoughts, and norms).[1] Legal culture in society is, by nature, not individual but collective.[2] Each legal sub-system plays a role in establishing a legal norm, including legal culture. A written rule enacted by apparatus will be implemented to the community; meanwhile, the legal culture will influence the success of passing a law in the community.[3],[4] The legal culture in each society is different. Factors that cause differences in legal culture include the environment, habits, and values applied in a community.

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Different legal culture results in varied responses of society to a particular law or regulation. One example of other legal cultures in society is waste management policies. People living in coastal areas, mountains, and cities have a unique approach to dealing with waste. As a result, the way they react to waste management regulation varies from one another. This condition also results in different effectiveness of the implementation of waste regulation.

Plastic has been regarded as one of the essentials in carrying out daily activities. Along with the high use of plastic in the community, the accumulation of plastic waste is a problem for the environment. The existence of the COVID-19 pandemic has become a booster for the increase in the use of plastic, thus worsening the condition of plastic waste. Since the COVID-19 pandemic began, there has been an increase in the use of single-use-plastic (SUP) in the form of gloves, medical protective clothing, masks, hand sanitizer bottles, take-away plastics, food packages and polyethylene items, and medical test kits.[5] The increase in the use of plastic during the COVID-19 pandemic has an impact on the increase in the amount of plastic waste, which is a problem in the environment. However, this practice bears a consequence regarding the adverse effect of plastic waste on the environment. This condition can be addressed by implementing recycling processes, thus promoting the economic value of plastic waste. From this situation, the enactment of plastic waste management and regulation is of prime importance. In some circles of society, only a few people have adequate comprehension of the impact of plastic on the environment and health.

Indonesia was a civil law system, and this system generally had a characteristic where the law gains binding power, is manifested in regulations in the form of laws and is systematically arranged in a codification.[6] Law in Indonesia is formulated in the form of a law that applies to all parties, including laws related to waste management. Waste management is regulated in Law no. 18 of 2008 which applies nationally, then further regulated by regional regulations. Local regulations apply locally within a province, city or district.

It is also worth noting that different legal culture in each community contributes to the community's response to regulations regarding plastic waste management. This notion becomes the rationale for conducting this research entitled Local Community Culture in Plastic Waste Management.

2. METHODOLOGY/ MATERIALS

The present work aims to investigate the legal culture of the local community in responding to plastic waste management. It focused on people living in coastal areas, mountains, and urban areas. This observational research employed an empirical normative method. In normative analysis, a conceptual approach and a statutory approach are employed. Furthermore, the empirical research relied on an interview as a data collection instrument.

3. RESULTS AND DISCUSSIONS

3.1. Legal Culture of Local Community in Plastic Waste Management

Humans live together with their surroundings or the environment. This notion highlights an interdependence relationship between humans and the environment. Human survival depends on environmental conditions, such as the availability of water, soil conditions, and plants. Similarly, environmental conditions are determined by everything humans do.[7] Humans live to adapt to the environment, vice versa. In this case, humans contribute to situations in their environment. As a result, humans living in a specific area tend to utilize every resource they find in the environment.[8] Some examples of this case are people living in coastal areas who earn their living as fishers or salt farmers. Mountain communities generally survive by utilizing the resources available in the mountains. People in cities make their living by working in an office. These examples underpin the basic idea that humans adjust to their surroundings to survive.

Community behavior is influenced by environmental conditions in which the community resides. The relationship between community behavior and environmental behavior is regarded as social behavior.[9] Environmental conditions will affect the process of character building and community behavior.[10] Specific circumstances of society result in unique characteristics of each individual in the environment.[5] This concept corresponds to the notion proposed by Danang Manumono that [10]:

”The physical and biological environment affects social interactions, value characteristics, social norms, attitudes towards the distribution of social roles, and perceptions that are institutionalized in society. On top of that, the aforementioned environment shapes social values that develop from the interpretation of the benefits and functions of the environment can spur social change.”

For example, as stated by Suharti, the physical condition of the coastal environment with its hot weather, open spaces, and the ease of earning income encourages the surrounding community to have aggressive and consumptive tendencies.[10] People in different areas of residence tend to have other behaviors, resulting in varied responses in dealing with a specific case.

The relationship between humans and the environment is reciprocal. In other words, the environment affects humans, vice versa. Still, some humans tend to do activities that can harm the environment.[11] To worse, some of the activities have long-term environmental degradation.[12] Humans are required to keep up with the changes in everyday life, yet developments may pose a threat to the environment.[13] Plastic is an example of such a dilemmatic situation; this material results from technological developments that were initially produced to help humans in their daily activities. Plastic has become a necessity for everyone to carry out daily tasks, starting from getting up in the morning and before going to bed at night.[14]. The demand for speed has driven people to look for something practical, such as single-use plastic, including plastic straws and plastic bags.[14] However, this invention has turned out to cause environmental problems. The use of plastic in large quantities ends up with a buildup of plastic waste, polluting the environment.

March 2020 The World Health Organization has declared a global pandemic status by the Covid-19 virus.[15] The Covid-19 pandemic has an impact on changing the dynamics of people's lives.[16] As a follow-up to the determination of the COVID-19 pandemic, several preventive measures were established in the form of physical distancing, social restrictions, quarantine, maintaining cleanliness by frequently washing hands using soap and/or hand sanitizer, and using personal protective equipment in the form of masks.[17] The COVID-19 pandemic is one of the factors driving the increase in the use of single-use-plastic. According to global estimates, 129 billion masks and 65 billion plastic gloves are thrown away every month.[17] The increasing use of single-use-plastic has the potential to become an environmental problem in the future.

People in different areas of residence have different behaviors; thus, they have a unique response to the waste problem that varies from one another. There are differences in the habits of processing household waste, including plastic waste. For instance, coastal communities tend to bury or throw trash, including plastic waste, into the sea, while mountain communities tend to burn their trash. Unlike the two communities previously mentioned, urban communities have landfills to throw their garbages. In urban communities, certain types of plastic waste are collected by garbage collectors and recycled. The difference in the way people manage waste is due to

differences in community behavior, which is also influenced by environmental factors. Coastal communities believe that water has self-healing properties; thus, any garbage thrown into the sea has no impact on the environment. People living in mountain areas tend to burn trash as they consider the method the most effective way to get rid of garbage. Regarding the people in urban areas, facilities, such as waste collector services, are available to distribute waste to the landfills.

3.2. Legal Culture of Local Community in Managing Plastic Waste

Indonesia is a country with a civil law system, namely a legal system with legal sources derived from the codification of written law.[17] Laws are generally compiled into a written law which is systematically arranged.[18] and applies to all parties. The civil law system applies in Indonesia, so the main source of law in Indonesia is legislation. The law is also the main legal reference in terms of aspects of waste management. Waste management is regulated in Law number 18 of 2008 Concerning Waste Management.

National regulation then further regulated by regional/local regulations. As a follow-up to the Waste Management Law (henceforth, UUPS), since 2013, the government of Gorontalo municipality has implemented a waste management policy by stipulating Gorontalo Provincial Regulation Number 3 of 2013 concerning Waste Management and the Governor Regulation of Gorontalo Province Number 20 of 2019 concerning Policies and Strategies in Household Waste and Other Similar Waste Management. Regional regulations are adapted to the needs, situations and conditions of the region.[19][15] These policies were followed up by the district and city governments by stipulating district or city regulations, including regents and mayor's regulations. As a result, all cities and regencies in Gorontalo have enacted their waste management regulation. The stipulation of UUPS, provincial and district/city regulations, and their derivative regulations have been going on for several years. For this reason, the community, as one of the objects regulated by law, is supposed to understand the enactment of these provisions. Based on the legal system theory of Lawrence Friedman, legislation related to waste is part of the legal subsystem, substance.

The government enacted law Number 18 of 2008 Concerning Waste Management or UUPS as a basis for response to the waste issues. A rise in total population and consumption patterns can increase the volume, variety, and characteristics of waste. Waste management procedures that have not been oriented to the environment raise a concern that waste management is yet to ensure society's clean and healthy environment. However, waste management problems can be addressed if the recycling

process is carried out correctly. Conceptualizing quality recycling processes has been a challenge for policymakers to improve welfare and tackle environmental and health problems in society. The stipulation of waste management law is expected to change people's behavior, resulting in legal obedience in the community.

There are two objectives of waste management: improving health and environmental quality and turning waste into resources with high economic values that contribute to people's welfare (Article 4 UUPS). To achieve this goal, the provincial and district governments have formulated and implemented various strategies, both in the form of regulations and programs, to actualize the waste management law. One example is the waste bank program, where entrepreneurs can utilize some waste to be recycled, resulting in the economic value of the trash.

The UUPS and related regulations constitute the substance of the law. However, it requires support from all sub-sections of the legal system for the law to be effective. Lawrence Friedman mentions three legal subsystems: substance (laws and regulations), structure (enforcement officials), and legal culture. These three subsystems is significant to the success of law enforcement in society[17]. Legal culture is the attitude of humans or society towards the law. From a comprehensive view, legal culture is described as a force in society, rooted in traditions and adopted values, which determine whether or not a specific law will be accepted and how it will be implemented.[20]

In the cultural aspect, one social group differs from another social group.[21] Legal culture is the values and attitudes that connect the legal system that results in the comprehensive implementation of law in society's culture.[20] Legal culture is part of the legal system, thus affecting the effectiveness of law enforcement. This concept also applies to regulations regarding waste. Research on three community groups, namely coastal communities, mountain communities, and urban communities, revealed that those groups had different waste management procedures. It is based on different legal cultures, environments, customs, and values.

Different legal cultures in several community groups are influential to each community group's responses in terms of waste management regulations. Different community responses have implications for the effectiveness of regulations. It is worth noting that the difference in the legal culture of each community group is due to the belief in the values, habits, attitudes, and environmental aspects. In this context, differences in each community group are common because humans live to adapt to their environment. Effective implementation of the law requires regulations that are in accordance with the legal culture of the community.

Regulations that are made based on the legal conditions and culture of one community group end up with the complexity of enforcing the rules effectively in other community groups. The difference in the legal culture of the community is one of the considerations in formulating regulations. In formulating a regulation and law, it is necessary to pay attention to the variety of community groups and the legal culture in each region. For this reason, the rules should be adjusted to each community group. It is also essential to ensure that the rules are not contradictory to the legal culture of the target community. The legal culture of different societies can be a determining factor of acceptable laws and regulations. Such an aspect is also the key to receiving positive responses, signifying that the law can be implemented in society.

4. CONCLUSION AND RECOMMENDATION

Plastic waste has become an environmental problem. The COVID-19 pandemic has exacerbated the use of plastic, so it has the potential to become an environmental problem in the future. Each community group adapts to the environment, culminating in a tendency for community groups to live with different legal cultures. For example, people living in coastal areas, mountains, and cities have unique approaches to dealing with waste. Coastal communities tend to bury trash or throw garbage into the sea. People living in mountain areas tend to burn garbage, while the urban community sends their waste to the landfills. One of the contributing factors of such a condition is the different legal culture.

Differences in legal culture impact whether or not the implementation of regulations related to waste is effective. Moreover, one needs to consider differences in the legal culture in formulating laws and regulations. It is intended that the formulated laws and regulations are not contradictory and can be accepted by every community group.

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