
IMPLEMENTING GREEN CONSTITUTION: ASSESSING THE POLICY OF PLASTIC WASTE PAYMENT IN SUROBOYO BUS SERVICE

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Abstract

This study aims to analyze the Suroboyo Bus Service Plastic Waste Payment Policy in the context of the Green Constitution. Our analysis covers various aspects, including the historical background, legal norms, policy effectiveness, and the importance of community participation. The study employs normative-empirical research methods, examining the legal norms underpinning the Suroboyo Bus Service policy and its implementation. The results showed that the Surabaya City Government which stipulates plastic waste payment on Surabaya bus services is considered to be by the principles of the green constitution. The public recognizes the effectiveness of this policy (average 4.3 out of a scale of 5), where 94.4% of respondents consider that awareness of environmental conservation is important for the future of the universe and its contents. On the other hand, this policy is not accompanied by an efficient payment mechanism and sustainable waste management. Analysis of legal norms indicates a harmonization between the Suroboyo Bus Service policy and the Green Constitution principles outlined in the 1945 Indonesian Constitution. However, the study identifies a legal vacuum in waste management, suggesting more explicit guidelines are needed. The article also underscores the importance of collaborative efforts between the government and community organizations in efficient waste management.

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Introduction

Increasing the protection of the right to the environment at the constitutional level provides evidence that every State is obliged to pay more attention to the environment. State actors can act actively to resolve violations of the right to the environment, which has become a complex problem (Makmur et al., 2023). The constitutionalization of environmental protection is essential because through the Constitution, the State can limit the authority of each element in a state, and the Constitution can create norms and force the state and non-state elements to act constitutionally (Suryawan & Aris, 2020). Thus, the protection of the right to the environment through the corridors of the Constitution is outlined in formal form so that an agreed norm is formed, namely protecting and respecting the environment called the Green Constitution (“The Greening of the Democratic State,” 2004).

Some Green Constitutions have been reflected in several countries, such as the French Constitution (2005), which is integrated with the Charter for the Environment, in its preamble recognizes that the balance of natural resources is a prerequisite for human existence so that environmental entities are part of people's lives, ecological maintenance must be achieved just as well as attain fundamental human interests (Wibisana, 2016). This explains that environmental protection must be pursued as human efforts to achieve specific interests. Furthermore, the Ecuadorian Constitution places the environment as a legal subject on an equal footing with human rights (Weston & Bollier, 2013).

Indonesia, as a member of the United Nations Framework Convention on Climate Change (UNFCCC), which is committed to climate change as evidenced by Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution, is proof of the constitutionality of life protection by including environmental norms as the highest legal norm content (Green Constitution) (Chaidir & Fudika, 2019). As a form of support for the optimization of the Green Constitution, Indonesia formulated Law Number 23 of 1997 concerning environmental management, which was repealed by Law Number 32 of 2009 concerning environmental Protection and Management as a further elaboration of the concept of the Green Constitution. The constitutionality of the rights to environmental protection guarantees that Indonesia is working to protect its environment and the community's rights to environmental conservation. The existence of a Green Constitution contained in Indonesian legal products gives great hope for the community to fulfill its rights to a healthy environment, as stated in Article 28H paragraph (1).

Plastic waste is one of the wastes that causes environmental pollution. Plastic waste buried in the soil is tough to degrade, so it takes tens to hundreds of years to be completely decomposed by the soil (Gunadi et al., 2019). Even though it has decomposed in the soil, plastic waste will become a pollutant that impacts environmental pollution. If burned, plastic waste will become dioxins that are harmful to public health and potentially cause cancer, respiratory problems, and other diseases (Priliantini et al., 2020). Because of its non-biodegradable nature, it impacts the accumulation of plastic waste, which has implications for environmental pollution; the characteristics of plastic waste provide the most significant contribution to waste that causes environmental damage (Septiani et al., 2019).

Based on World Population Review data, Indonesia ranks as the fifth largest contributor of plastic waste in the world, with the acquisition of 9.13 million tons of plastic waste (World Population Review, 2023).

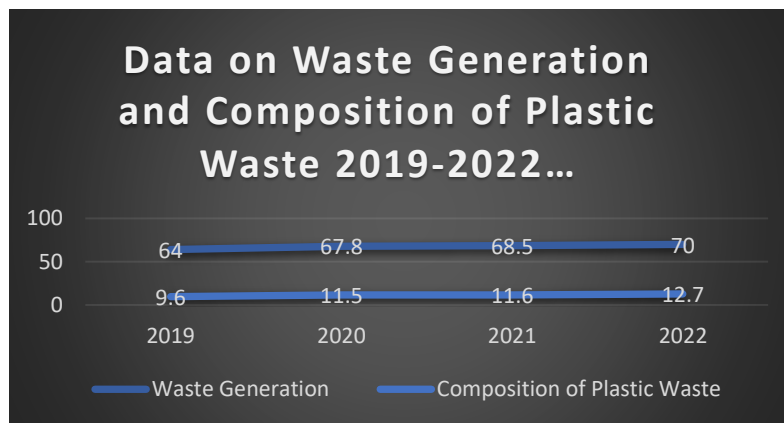
No	Country	Plastic Waste Contribution
1	United States	34.02 million tons
2	India	26.33 million tons
3	Chinese	21.60 Million Tons
4	Brazil	10.68 Million Tons
5	Indonesian	9.13 Million Tons
6	Russian	8.47 million tons
7	German	6.68 million tons
8	English	6.47 million tons
9	Mexico	5.90 Million Tons
10	Japanese	4.88 million tons

World Population Review 2023: Top 10 Countries That Produce Plastic Waste 2016-2022

Efforts to reduce plastic waste are a form of attention to environmental preservation as well as a form of implementation of the Green Constitution concept. Law No. 18 of 2008 on Waste Management is clear evidence that Indonesia has committed to reducing the impact of plastic waste. Therefore, to realize the Indonesian government's ambition to reduce plastic waste pollution by 70 percent by 2025, various policies of supermarket sector companies that switch from plastic bags to cloth bags are one form of application of the Green Constitution concept.

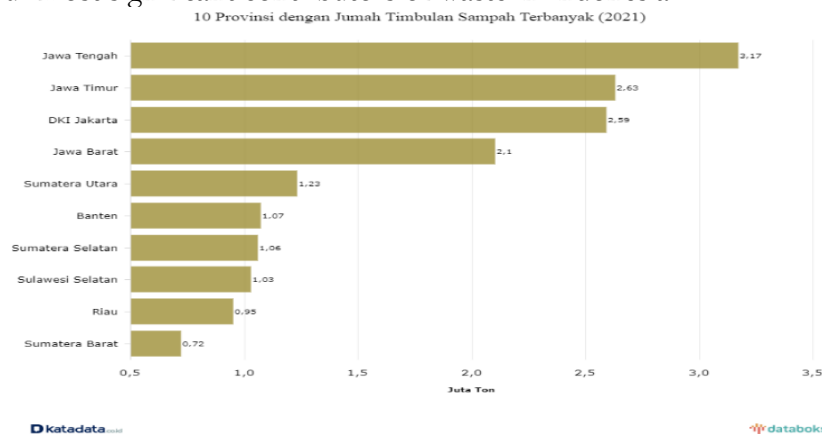
However, until now, the condition of plastic waste is getting worse. In 2017, the Central Statistics Agency recorded that the population in Indonesia reached around 261,890,900 people; the next year, it increased to 265,015,300 people, and in 2020, it increased again by 270,020,000 people. With the increasing population, the volume of waste also increases yearly. According to the Ministry of Environment and Forestry (KLHK), waste production in Indonesia averages 175,000 tons per year, comparable to 64 jura tons per year. So, each person produces 0.7 kg of waste per day.

However, the facts prove that plastic waste in Indonesia is increasing yearly. The Ministry of Environment and Forestry (KLHK) noted that there was an increase in the amount of waste generation during the period 2019 to 2022; in 2019 there were 64 million tons of waste with a composition of plastic waste of 9.6 million tons which means 15 percent of the total waste generation. In 2020, there was an increase to 67.8 million tons with a composition of plastic waste of 11.5 million tons, which means 17 percent of the total waste generation; in 2021 there was an increase to 68.5 million tons of waste with a composition of plastic waste of 11.6 million tons which means 17 percent of the total waste generation. In 2022, there was an increase in waste generation to 70 million tons with a composition of plastic waste of 12.7 million tons, which means 18.16 percent of which is plastic waste (Komisi IV, 2022).



Data on Waste Generation and Plastic Waste Composition (Ministry of Environment and Forestry).

Another fact also notes that, based on the total national waste, in 2021, Java Island will be the top four most significant contributors of waste in Indonesia.



Databox: Top 10 National Waste Contributors

Central Java is in first place with the acquisition of 3.17 million tons of waste, followed by East Java with the acquisition of 2.63 million tons of waste, then DKI Jakarta with the acquisition of 2.59 million tons of waste followed by West Java with the acquisition of 2.1 million tons. The environment ministry noted that the total waste generation that is still unmanaged is 7.13 million tons (Vika Azkiya Dihni, 2022), which means that around 33.26 percent of waste in Indonesia in 2021 will be diverted to landfills (TPA) which, if left unchecked, can cause a buildup of waste to potentially leak into the sea until marine pollution by garbage generation occurs.

Based on the National Management Information System, Surabaya in 2019 had 2,224.27 tons of daily landfill and 811,860.24 tons of annual waste; the following year, namely 2020, 2,222.62 tons of daily landfill and 811,255.10 tons of daily landfill. There is indeed a decrease in the volume of waste within one year, but it does not appear significant. Meanwhile, in 2020, plastic waste ranked second after organic waste, with 19.44% (Kementerian Lingkungan Hidup dan Kehutanan, 2022). If there is no massive decrease in waste, many negative impacts will harm the Environment. Plastic waste, in particular, can reduce its aesthetic value if buried in the ground. It can affect the ecosystem because living things can be contaminated by microplastic substances contained in plastic waste.

The Surabaya city government makes various efforts to tackle plastic waste that continues to grow every day, one of which is through the waste contribution program in the

Suroboyo Bus service, which is then outlined in the form of Surabaya Guardian Number 6 of 2020 jo. Surabaya Guardian Number 67 of 2018 concerning the Contribution of Waste in the Use of The Suroboyo Bus Service Services. Furthermore, service rates are further regulated in Surabaya Guardian Number 56 of 2021 concerning The Suroboyo Bus Service Service Rates. The Surabaya City Government implements a service tariff mechanism in the form of exchanging plastic waste with vouchers to be able to use The Suroboyo Bus Service facilities. The existence of a Guardian about Suroboyo buses with plastic waste payment methods provides fresh air for implementing constitutional reforms that lead to a Green Constitution.

Research Method

This study used normative-empirical research methods. The normative-empirical method is often used to determine the implementation of laws that a ruling authority in the community has established. In this case, this method is used to find out in action about policies that have been made and become binding provisions in the community. So, with the selection of this method, we can find out how the implementation of policies/provisions that have been made (Muhaimin, 2020). This study used normative-empirical methods to examine the legal norms in the Suroboyo Bus Service policy and the implementation of the policy in the community. Then, to obtain the analysis results of the corresponding legal norms. The normative approach used is conceptual. This approach will test the rules of plastic waste payment policy on The Suroboyo Bus Service against the concepts of Green Constitution and good governance. This study used quantitative data by collecting questionnaires from The Suroboyo Bus Service users as respondents. Then, purposive sampling is used to get respondents (Priadana & Sunarsi, 2021). Respondents were limited to subjects over 17 who knew the policy and had used the Suroboyo Bus Service transportation mode at least three times. This is because to get data from respondents more easily, they know policies that are universally and psychologically mature. However, it is undeniable that psychologically, the age restriction of respondents has no effect on the assessment and filling out of questionnaires.

Then, the depiction of the population of this study was used to get representative respondents using the systematic sampling method (Priadana & Sunarsi, 2021). Based on the availability of 25 The Suroboyo Bus Service fleets and a maximum of 67 people per bus. Furthermore, if every day the bus operates, then the assumption obtained if the bus is always filled is that 1,867 people use the Suroboyo Bus Service transportation mode every day (as the population of the object of study). The respondents available and can be taken data are 71 people. So, the representative interval of this study is 1:26 for Suroboyo Bus users. The question instrument was constructively prepared to describe the implementation of plastic waste-based payment policies from public awareness about plastic waste, the impact of user attitudes from the policy, user perceptions of policy effectiveness, policy efficiency, and policy socialization to users. Then, the questionnaire was compiled using the Guttman measurement scale model and the rating measurement scale (Sukendra & Atmaja, 2020). The reason for using both scale methods is to describe respondents' attitudes and perceptions about the policy. Analysis of the results of the data obtained from respondents' answers uses theories that have been described previously and reinforces the normative reasoning that has been compiled.

Results and Discussions

View of Legal Norms: The Concept of Green Constitution in the 1945 Constitution on The Suroboyo Bus Service Plastic Waste Payment Policy

The discourse, as well as the challenges faced by the Indonesian nation, are none other than the development paradigm in the environmental corridor that provides freedom in utilizing and exploiting existing natural resources. The anthropocentric view, the power of abundant natural resources, and the title of a developing country strengthen the destruction of the environment to achieve development ideals aimed at the interests of economic growth, in this case, human interests (Kopnina, 2021). This is due to the development ambitions of developing countries to catch up with developed countries. So development ambitions result in environmental pollution and tend to damage the environment (Suryawan & Aris, 2020; Tambo et al., 2016).

The anthropocentric view places humans in a central position and separate from the environmental corridor (Kopnina et al., 2018). The existence of this separation causes humans to have control over their environment; it causes negligence in environmental preservation, which in the long run will cause environmental pollution. Thus, the existence of an ecocentric view that unites humans as driving actors and the environment as a corridor of human life becomes a criticism of the anthropocentric view (Mukhlis & Lutfi, 2016). Thus, if ecocentric norms are integrated with the Constitution as the supreme of the law, it will create sustainable development norms that internalize human interests and environmental corridors. The ecocentric view is expected to be a human guideline for acting environmentally so that pollution to the environment can be overcome properly (Kopnina, 2019).

According to Jimly Asshiddiqie, there are two stages in environmental policy development. In the first stage, global awareness of the threat of environmental destruction emerges so that awareness integrates environmental norms into official legislation and that integration creates a wave of Green legislation (Asshiddiqie, Jimly, 2009). However, far from expectations, the policies outlined in the form of official laws still need to be improved in terms of effectiveness and implementation. Thus, it has led to international pressure to establish the integration of environmental norms into the Constitution as the highest legal force (Sundawa et al., 2018). This insistence was later named the second development phase by constitutionalizing environmental norms into the 1945 Constitution.

The integration of life protection norms in Indonesia has been reflected in the 1945 Constitution in Article 28H paragraph (1), which provides human rights to obtain a good and healthy living environment, and in Article 33 paragraph (4), which regulates environmentally sound national economic development norms. The existence of constitutionalization has legal consequences in that the rules of legal products must then not violate constitutional rules that have been integrated with the Environment (Alfath et al., 2019). Furthermore, the existence of an alternative payment policy through plastic bottle waste on The Suroboyo Bus Service seems to guarantee the existence of a constitution regarding environmental protection.

This is supported by the reasons for the formation of the regulation. Where, in terms of ratio, legis alternative payment policies through plastic bottle waste on The Suroboyo Bus Service. There are indications of aims and objectives that align with the country's highest Constitution by providing environmental insight and maintaining good environmental rights to the community. Of course, this ecocentric view can build collective awareness of the importance of managing plastic waste in the surrounding environment (Sabardi, 2014). This is evidenced in Surabaya Mayor Regulation Number 67 of 2018 concerning the contribution of waste in using The Suroboyo Bus Service services as a legal basis for alternative payment policies through

plastic bottle waste. In its consideration, the regulation aims to reduce the impact of plastic waste in Surabaya by providing facilities for alternative payments through plastic waste.

In addition, the existence of an alternative payment policy through plastic bottle waste on The Suroboyo Bus Service es with the issuance of Surabaya Mayor Regulation Number 67 of 2018 and Surabaya Mayor Regulation Number 56 of 2021 provides an implementative solution to the impact of plastic waste. Of course, plastic waste that is not managed properly will seriously impact the environment. Thus, the regulation gives a status quo to solutive and tactical policies regarding the protection of citizens' environmental rights (Mina, 2016a).

The existence of a constitution that supports environmental protection in line with the plastic waste-based payment policy on The Suroboyo Bus Service proves the harmonization between regulations. This is following the principle of legal preference applicable in Indonesia. On the other hand, the lower hierarchical rules cannot conflict with the higher rules. However, regarding governance practice, it is necessary to explore more deeply the substance and legal structure that applies to this policy (Prastyo et al., 2021).

This follows the theoretical basis developed by Lawrence M. Friedman, which states that indications of good legal governance include legal structure, legal substance, and legal culture (Friedman, 1975). These three elements are interrelated in that if there is a professional legal structure, carrying out the function of law enforcement, there needs to be support from practical and implementative legal substances. So, it is necessary to explore more deeply the substance contained in the regulations and the legal basis of this policy.

If examined more deeply. The legal basis of the policy is based on the issuance of Surabaya Mayor Regulation Number 67 of 2018 concerning the contribution of waste in the use of The Suroboyo Bus Service services and through Surabaya Mayor Regulation Number 56 of 2021 concerning The Suroboyo Bus Service service rates at regional public service agencies, technical implementation units of public transportation management agencies at the Surabaya city transportation agency. The issuance of the regulation provides the form of legal structure and legal substance basis regarding this policy. Because the legal structure and clear substance basis of a policy will support enforcement of it.

This is following the substance of the payment policy through plastic waste on Suroboyo Bus with the concept of the Green Constitution. The policy mechanism for alternative payments through plastic waste described in Surabaya Mayor Regulation Number 67 of 2018 has regulated how the integration of regulations as organic legal products has been integrated with the environment and economy. Thus, this integration shows legal norms that provide insight and, at the same time, protect the environment.

This is evidenced by the explanation of waste depositing in Surabaya Mayor Regulation Number 67 of 2018. In the regulation, depositing plastic bottle waste can be exchanged as points to get The Suroboyo Bus Service services with three medium-sized plastic bottles, five medium-sized plastic bottles, and ten small-sized plastic bottles. Then, the provision of waste exchange facilities through terminals, bus stops, and bus officers. However, waste collection and management are only limited to being sold and used as government assets. Thus, in general, this policy mechanism has adopted and implemented the Green Constitution in the 1945 Constitution. Plastic waste management in this policy still does not meet sustainable environmental protection.

This argument is supported by the results of data searches on The Suroboyo Bus Service users. A total of 39 respondents (54.9%) answered that they did not know and as many as 32 respondents (45.1%) answered that they knew the sustainability of waste exchanged into points. Of course, the absence of a clear legal basis for management will cause problems. In fact, in the assessment of the effectiveness of the policy, users gave a fairly high score of 4.3 out of 5. Thus,

confidence in the effectiveness of the community cannot be achieved properly if the management of the exchanged waste products is not regulated systematically and measurably.

Even so, the impact of policies on public insight into the environment should be appreciated. In the results of the data search, as many as 94.4 respondents as The Suroboyo Bus Service users stated that the policy made them aware of the importance of protecting the environment. Of course, this awareness can be a good capital to spread insights about the environment further. So, in the future, it can form collective awareness about the importance of protecting the environment. Then, reviving the spirit of the Green Constitution that existed in the 1945 Constitution in the community.

Direction of The Suroboyo Bus Service Plastic Waste Payment Policy as Implementation of Green Constitution in the Future

As a liaison for the course of government policy and legal behavior of the community, like the working engine of the legal structure and the substance of the law, everything is interrelated, so that if the substance and structure run properly, the level of public trust and awareness will increase which has an impact on the quality of behavior and legal norms of society. The integration between these three aspects gives birth to a level of norms in a tactical and implementative legal system.

The execution of the Surabaya mayor's policy regulation on the implementation of Perwali No. 67 of 2018 concerning the Contribution of Plastic Waste to The Suroboyo Bus Service es has been following the direction of the Green Constitution-based development policy. However, based on respondents' questionnaire data, the level of practicality and efficiency in exchanging plastic waste to get vouchers which will then be used as a condition to enjoy these facilities is still considered less practical and efficient in its application. The fact shows that on a scale of five, the level of practicality and efficiency gets 3.45. This value is still relatively low. However, on the other hand, data showed that as many as 38 respondents (53.3%) answered choosing payment through waste point exchange and as many as 33 respondents (46.5%) answered non-cash payments. With this, in the future, this policy should be more efficient in terms of place and payment mechanism for plastic bottle waste.

On the other hand, the policy of Perwali Number 20 of 2020 concerning Amendments to Surabaya Mayor Regulation Number 67 of 2018 concerning the Contribution of Waste in The Suroboyo Bus Service services substantially still has a legal vacuum at the level of implementation in the form of the unclear direction of plastic waste management. The existence of such vacancies proves the existence of regulatory defects in substantial terms. So, he said, there must be a foundation for the management of waste collection for The Suroboyo Bus Service point exchange following the principles of good governance.

In good government theory, good policy governance rests on three indicators, the first of which is related to the rule of law, democracy, institutions, and the modern Constitution. Where the manifestation of the three indicators gave birth to several principles adopted in constitutional law in Indonesia. According to the United Nations Development Program (UNDP), there are several manifestations, including participation, rule of law, transparency, responsiveness, effectiveness, efficiency, strategic vision, and accountability (Tutik et al., 2011). This is coherent with Law Number 23 of 2014 concerning Local Government Article 13 where every local government affairs (including in determining policy directions and regling functions / forming regulations) must rely on the principles of accountability, efficiency, externalities, and national strategic interests.

Thus, if it is related to waste management in Surabaya Mayor Regulation Number 67 of 2018 concerning the Contribution of Waste in The Suroboyo Bus Service services. The Surabaya

city government should be able to cooperate with surrounding social community organizations engaged in managing waste into economically viable recyclables (Louise Theresia, 2021). So, the waste that has been collected is not just resold into government assets. But turning it into a valuable item can patch up The Suroboyo Bus Service's operational costs. If there are excess funds, they can be allocated to Surabaya city government programs to protect the community's environment.

In addition, the optimization of waste banks in the community can help in exchanging The Suroboyo Bus Service service points. As a result, people will be motivated to collect plastic bottle waste, and the efficiency of point redemption will increase. Because the point exchange placed in the environment closer to the community will facilitate the mechanism of the policy. That way, people will flock to exchange their waste so that they can get points to get The Suroboyo Bus Service services as their mode of transportation.

Of course, both forms of collaborative government and community cooperation will form efficient policies and fulfill elements of externalities. Because, the efficiency of paying points through the exchange of plastic waste and the participation of the wider community creates good policies and follows the principles of good governance in a policy made (Desrinelti et al., 2021). Moreover, people consider this policy important to them. This is evidenced by the field facts obtained from the questionnaire to The Suroboyo Bus Service users with an average policy urgency value of 4.6. Respondents assessed that the existence of a plastic waste-based payment policy on The Suroboyo Bus Service is very important to realize.

Clarity of management and community participation is important in realizing good policies. So in the future community participation is needed in terms of management by using elements of the environmental community and community organizations engaged in environmental corridors (Mina, 2016a). Of course, this will increase public legal awareness of protecting the environment with direct involvement and supervision by the government.

This correlates with Von Saginy's theory of legal consciousness in his work the historical jurisprudence. Initiating that in the construction of a policy needs to be related to socio-cultural aspects and norms that live in society. So that attachment can result in the use of laws that lead to community service (Aulia, 2020). In this case, the participatory plastic waste management policy on The Suroboyo Bus Service increases legal awareness of the environment (Susila Wibawa, 2019). Because society as a social aspect itself is involved in the policy. So in the future, the orientation of the policy direction must be community involvement, especially in the policy of paying for plastic bottle waste on The Suroboyo Bus Service.

To form a strong and militant legal and constitutional awareness in society regarding the Green Constitution. As an implementation policy at the regional level, plastic bottle waste-based payment policies must be able to get a positive image from the social community (Mina, 2016b). In the results of the assessment of the effectiveness of respondents in terms of economy by The Suroboyo Bus Service users, the value showed an average of 4.3 and the assessment of the impact of reducing waste due to the policy showed an average value of 4.3. Both data show public interest and trust as The Suroboyo Bus Service users.

Thus, as an outline to raise legal awareness, especially constitutional Green awareness (Budimansyah et al., 2021). The data described earlier is a good capital for the Surabaya city government to increase public participation in the plastic bottle waste-based payment policy on The Suroboyo Bus Service es. However, at the level of implementation of the policy, public participation in the policy is not only as consumers and contributors of plastic waste but as managers supervised and led by the government (Febrian, 2016). With policies that lead to community participation. It will certainly form a good policy ecosystem. This is because applying legal culture in society is one of the requirements for good legal enforceability. The Suroboyo

Bus Service plastic waste-based payment policy should be collaborative and participatory (Irawan, 2017). That way, people will have legal awareness of their constitutional rights regarding a decent environment by reducing and utilizing plastic waste (Puluhulawa et al., 2022).

Conclusion

The substance and legal structure in Surabaya Mayor Regulation Number 67 of 2018 and Surabaya Mayor Regulation Number 26 of 2020 concerning the Contribution of Plastic Waste to The Suroboyo Bus Service follow the spirit of the Green Constitution reflected in the 1945 Constitution in Article 28H paragraph (1) and Article 33 paragraph (4). However, there is still a legal vacuum regarding plastic waste management. This has implications for the payment policy based on plastic bottle waste on The Suroboyo Bus Service. Thus, there needs to be improvements and additions to management rules in legal norms. However, in terms of data we obtained from respondents, The Suroboyo Bus Service users showed positive results on the trust of waste management, which was used as an alternative payment. In the future, it will be a regulation that regulates policies in a binding and implementative manner in the community. The policy of contributing plastic waste to The Suroboyo Bus Service should prioritize community participation in management and point exchange mechanisms to get The Suroboyo Bus Service services. Such community participation can improve the efficiency and effectiveness of this policy. In addition, it supports policies that lead to good governance following Law Number 23 of 2014 concerning Regional Government in Article 13. That way, participation can increase legal awareness in the community of environmental protection and preservation. Of course, this will support the course of the structure, substance, and legal culture of the community with a Green Constitution insight because the legal culture of the community is the driving engine of a government policy to be more alive and revive the environmental Constitution as one of the mandates of the Indonesian Constitution.

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