



Interpretation of Personal Things in the Perspective of Government Regulations on Specific Waste Management

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Abstract

Using normative legal research is legal research that places law as a norm system building. The norm system built is regarding the principles, norms, rules of legislation, court decisions, agreements, and doctrine (teachings). In understanding the 2020 Government Regulation, it shouldn't include things that the state cannot actually enter into. But the state must focus on more rational things, such as cutting trees, how to carry out marriages that are not according to procedures, such as flying lanterns excessively in residential areas. In understanding this 2020 Government Regulation, complex thinking is needed so that private rights don't mix with public rights, which if the state enters, it will create legal conflicts with the community.

Keywords: *Interpretation; Personal; Waste*

Introduction

A denial of rights to the community if there is interference in private affairs by the state. In the legal context, such mixing is in line with Max Weber's concept of the state where nation and state cannot be separated from power. Power as a universal element of political, social and economic life. Max Weber said that man's eternal struggle with man is inevitable as a fundamental fact. Similarly, relations between countries are expressed in firm demands called *weltpolitik*. This thinking is assumed with a liberal view that state action is needed not only to secure the domestic market but to open up foreign markets through military action. (Anter, 2014) This means that power is not only within the country but also outside the country.

Such a definition in Indonesia can be understood by the Government Regulation of the Republic of Indonesia Number 27 of 2020 concerning Specific Waste Management (Government Regulation 2020) which in Article 1 number 2 states that specific waste is waste which due to its nature, concentration and/or volume requires special management. Furthermore, in Article 42 paragraph (2) letter a it is emphasized that waste arising from mass activities is waste generated from activities involving many people in an open or closed place, including music concerts, demonstrations, campaigns, exhibitions, sports competitions, carnival, wedding. Something that is a private matter becomes a public domain.

Research Methods

Using normative legal research is legal research that places law as a norm system building. The norm system built is regarding the principles, norms, rules of legislation, court decisions, agreements, and doctrine (teachings). (Tomy Michael, 2021) However, the author also elaborates with interpretations to understand the meaning of this 2020 Government Regulation properly.

Research Results and Discussion

The State and Its Powers

Often the state acts beyond the boundaries for the safety of its people but doesn't understand the limits of their rights. The opposite is the case when the state knows the problems in society but has a long response in dealing with them. This means that the lack of understanding of legal norms is important. In addition, people vary inter-individually – and often quite consistently – with respect to their readiness to accept or obey (external) norms that relate to broad classes of situations. However, these differences cannot easily be reduced to differences in personality. Rather, they are likely to result from an interaction of multiple factors. (Bilsky et al., 2020) This means that misunderstanding should be an important part of the state which is resolved with the participation of the community in forming laws and regulations. If the state is associated with international law, then it is an entity as a legal subject and individuals are also of the same status so that the results are entirely the same. Power is always related to existing legal subjects.

In the concept of relations, "logical determination" or meaning is related to mathematical relationships. In this field, as in the natural sciences, the relation (point of view or starting point), which yields all elements of the series is the "original assumption". (García Berger, 2018) The question that arises when it is associated with mathematics is the assumption of power always exists. Let's compare it with Ömer Özkan opinion which states that at a time the Insurance Act which entered into effect in 2007 involved ambiguity in terms of the insurance activity of the prior Act on the Protection of the Consumer No 4077, a relationship was established in terms of the application of the Consumer Legislation by referencing such provisions of the Consumer legislation which are applicable in terms of insurance. (Özkan, n.d.)

Interpretation of Article 42 Paragraph (2)

Let's look at the sound of Article 42 paragraph (2) letter a it is emphasized that waste arising from mass activities is waste generated from activities that involve many people in an open or closed place, including music concerts, demonstrations, campaigns, exhibitions, sports competition, carnival, wedding.

The first part is a music concert where this activity is actually part of the culture. Because if you associate it with a wild concert then that understanding is wrong. In such a context, culture from a legal perspective is related to good things. This is also supported by the use of information technology in the form of e-government, e-procurement, e-business and cyber law. (Riyanto, 2020) When associated with the Covid-19 situation, a music concert is an act that should not be done because of the gathering of all parties. Such an understanding when a music concert is abolished, it can run well, which can be understood as a paradigm shift. Paradigm is defined as a model in scientific theory and framework of thought. (Arti Kata Paradigma - Kamus Besar Bahasa Indonesia (KBBI) Online, n.d.) A paradigm shift in music concerts that started from cleanliness to prevent disease transmission.

The second part is demonstration which is actually part of freedom of expression which is not always synonymous with violence. There are several types of demonstrations such as demonstrations expressing hostility, hatred or contempt. Where this demonstration expresses hostility, hatred or contempt for one or several groups or blasphemy against a religion professed in Indonesia. Demonstrations at the

Presidential Palace that require distance restrictions and may not be carried out, such as in places of worship, hospitals, airports or seaports, train stations, land transportation terminals, national vital objects, and military installations. Demonstrations outside the allotted time because it prevents a long time. Demonstrations without written notification to the Police. This is related to the form of accountability when there are legal problems in it. The notification is submitted by the person concerned, the leader, or the person in charge of the group no later than 3x24 hours before the activity starts and has been received by the local Police. Demonstrations involving dangerous objects such as sharp weapons, bottles, hard objects such as stones, wood and even materials that cause explosions. This is important because the safety of parties outside the demonstration also has an important meaning as well as the perpetrators of the demonstration.

The third part is a campaign that can actually be directed to a trusted debate. This means that this campaign can actually be part of a music concert because sometimes the campaign is not just a presentation. Referring to the online Big Indonesian Dictionary, it is known that a campaign is a simultaneous movement (action) (to fight, to take action). Also called activities carried out by political organizations or candidates competing for positions in parliament and so on to gain support from the masses of voters in a vote. (*Hasil Pencarian - KBBI Daring*, n.d.-a) From this definition, it is known that the campaign does not have a direct relationship with the environment, but how the campaign is implemented that makes the environment important. As stated by Abhan (Chairman of the General Elections Supervisory Agency of the Republic of Indonesia) that the implementation of regional head elections, especially campaign activities, must be environmentally friendly. He said that currently there are campaign activities that do not pay attention to environmental sustainability, even environmental destruction often occurs. Often, he said, campaign activities actually damage plants, and trees to install campaign props that damage the environment. (*Bawaslu: Kampanye Pilkada Harus Ramah Lingkungan / Republika Online*, n.d.) However, this meaning is contrary to campaign activities that aim to make people aware of the importance of the environment. As a logical contradiction, even from an international perspective, the campaign also uses an interesting way to attract people's attention. For example, the laser shooting occurred on June 28, 2021 at around 19.05 WIB. The action was carried out by Greenpeace activists. Greenpeace stated that the action was a form of concern that the Corruption Eradication Commission had been damaged from within. On the other hand, this activity has become a legal issue by the spokesman for the Corruption Eradication Commission – Ali Fikri, who claims to have warned activists not to fire lasers, because they don't have permission from the authorities. (*Aktivis Greenpeace Dilaporkan Soal Sinar Laser "Berani Jujur Pecat,"* n.d.)

The fourth part is that the exhibition is a performance (artworks, manufactured goods). (*Hasil Pencarian - KBBI Daring*, n.d.-b) The exhibition is ultimately a presentation of human self-expression. In fact, exhibitions are something that cannot be regulated by legal norms because exhibitions tend to present humans themselves. This is contrary to the human entity because the exhibition is more directed at art. Legal norms cannot reach matters related to legal uncertainty, although legal certainty cannot be a part that can be contested.

The fifth part is sports competitions referring to the Law of the Republic of Indonesia Number 3 of 2005 concerning the National Sports System that there are 3 definitions related to sports, namely

1. Sports are all aspects related to sports that require regulation, education, training, coaching, development, and supervision.
2. National sports are sports based on Pancasila and the 1945 Constitution of the Republic of Indonesia which are rooted in sports values, Indonesian national culture and are responsive to the demands of sports development.
3. The national sports system is all aspects of sports that are interrelated and planned, systematic, integrated and sustainable as a unit which includes regulation, education, training, management, coaching, development, and supervision to achieve national sports goals.

This definition has nothing to do with waste but the organizers can generate waste or the spectators who participate. What is issued by the athlete is garbage that can be interpreted for example sweat, towels or items that are not used a second time. In this case the second time for example bullets in shooting sports. When sport is associated with a wrong understanding then the interpretation is different.

The sixth part is the carnival which clearly does produce disposable items. Carnival in its widest, most general sense embraced ritual spectacles such as fairs, popular feasts and wakes, processions and competitions, comic shows, mummery and dancing, open-air amusement with costumes and masks, giants, dwarfs, monsters, trained animals and so forth. In fact, all the 'low' and 'dirty' sorts of folk humor. Carnival is presented by Bakhtin as a world of topsy-turvy, of heteroglot exuberance, of ceaseless overrunning and excess where all is mixed, hybrid, ritually degraded and defiled.(Parker, 2021) This means that the carnival is not only owned by humans but can also be circus performances that use animals. There is exploitation of animals that make money. In this case the author strongly agrees that the carnival can have a bad effect on the environment. For Bakhtin, "carnival" was a festivity that inverted social ranks, unmasked the mystifications of establishment hegemony, and revealed a different truth about power relations. People participated without distinction between performers and spectators, creating a community of celebration. Contemporary carnivalesque political protests likewise inject a celebratory element into criticism of established authority and institutions. However, in these activities performances are explicitly intended to express a political position and there is a relatively clear line between participants and spectators.(Hammond, 2020)

The seventh part, the real marriage, is the most unique part. In this case, the author tends to interpret marriage in the context of the relationship between two individuals and is not the party carrying out the marriage. A marriage that is identical with a personal relationship is a unity that cannot be interfered with by anything, including the law. When there is a wrong understanding, what kind of marriage destroys the environment? The environment must be interpreted as what is seen is not that when a marriage fails, the family environment will influence each other. Actually, marriage is also divided into many laws such as: divided into 5 periods: customary law (the first period), the rule of canon law (second period), systematic legislation on marriage (the third period), harmonization of secular marriage legislation with the provisions of canon law (the fourth period), contemporary law (fifth period). Separately, in the settlement of relations between the sexes, a pre-legal period is allocated. Of course, each period is characterized by a variety of rules of marriage law, which is explained by the evolution of social relations and the development of the legal institution of marriage.(Trofimets, 2019)

The author refuses when marriage which is the initial part of the family is damaging to the environment. Rejection because the basis of marriage is a universal goodness and of course is one that cannot be changed by any method. Marriage will naturally produce a family that provides an understanding that an act may or may not be done. Marriage tends to support the environment better so it is not relevant to be a legal issue.

Conclusion

In understanding the 2020 Government Regulation, it shouldn't include things that the state cannot actually enter into. But the state must focus on more rational things, such as cutting trees, how to carry out marriages that are not according to procedures, such as flying lanterns excessively in residential areas. In understanding this 2020 Government Regulation, complex thinking is needed so that private rights don't mix with public rights, which if the state enters, it will create legal conflicts with the community.

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