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Indonesia's Role in Addressing Marine Plastic Waste Pollution in Southeast Asia Under the 1982 UNCLOS Framework

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Abstract
Background: *Marine plastic waste has become a significant environmental issue in Southeast Asia, prompting regional efforts to address its transboundary impact. As a member of ASEAN, Indonesia plays a strategic role in implementing international maritime environmental law, particularly the United Nations Convention on the Law of the Sea (UNCLOS) 1982.* ***Objectives:*** *This study aims to examine how ASEAN implements UNCLOS 1982 in tackling marine plastic pollution and to analyze Indonesia's role in addressing this issue at both regional and national levels.* ***Methodology:*** *The research adopts a normative legal method with a statute approach, focusing on the legal norms within UNCLOS 1982 that pertain to marine environmental protection. Relevant ASEAN declarations and Indonesian national regulations are analyzed to assess their alignment with UNCLOS provisions.* ***Findings:*** *The study finds that ASEAN's implementation of UNCLOS 1982 includes a series of initiatives such as the ASEAN Conference on Reducing Marine Debris (2017), the Bangkok Declaration on Combating Marine Debris in the ASEAN Region (2019), and the ASEAN Framework of Action on Marine Debris. These instruments collectively establish a foundation for regional cooperation. Indonesia has actively participated in these initiatives and has reinforced its commitment through national measures, notably Presidential Regulation No. 83 of 2018 concerning Marine Debris Management, which includes a National Action Plan and the establishment of a National Coordination Team.* ***Novelty:*** *This study contributes to the understanding of Indonesia's dual role in marine environmental governance-both as a regional actor in ASEAN and as a sovereign state implementing international obligations through national policy.*

Keywords*: Plastic Waste; Marine Environmental Pollution; UNCLOS 1982*

Abstrak
Latar Belakang: Penelitian ini berjudul "Peran Indonesia Dalam Menangani Pencemaran Sampah Plastik Di Laut Di Kawasan Asia Tenggara Berdasarkan UNCLOS 1982". Tujuan penelitian ini adalah untuk mengetahui bagaimana implementasi UNCLOS 1982 oleh ASEAN dalam menangani sampah plastik di laut dan untuk mengetahui apa peran Indonesia sebagai anggota ASEAN dalam menangani sampah plastik di laut dalam kawasan regional dan nasional. Metode penelitian yang digunakan dalam penelitian ini ialah metode yuridis normatif (legal research) dengan pendekatan peraturan perundang-undangan (Statute Approach) akan ditelaah isi kaidah hukum dari UNCLOS 1982 yaitu Konvensi Hukum Laut Internasional yang mengatur tentang perlindungan lingkungan laut. Hasil dari penelitian ini ialah diketahui bahwa implementasi UNCLOS 1982 oleh ASEAN dalam menangani sampah plastik di laut diterapkan melalui diadakannya pertemuan-pertemuan yang meninjau isu plastik seperti The ASEAN Conference on Reducing Marine Debris 2017, hingga kemudian ditandatanganinya Bangkok Declaration on

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Combating Marine Debris in the ASEAN Region 2019 oleh sepuluh kepala negara anggota ASEAN serta dibuatnya ASEAN Framework of Action on Marine Debris yang berisi program-program aksi untuk dijalankan negara-negara anggota ASEAN, kemudian juga diketahui bahwa peran Indonesia sebagai anggota ASEAN dalam menangani sampah plastik di laut dalam kawasan regional ialah menunjukkan konsistensinya untuk berpartisipasi dalam setiap isu sampah plastik, serta menerapkannya kedalam hukum nasional melalui Peraturan Presiden Republik Indonesia Nomor 83 Tahun 2018 tentang Penanganan Sampah Laut yang juga melampirkan Rencana Aksi Nasional serta pembentukan Tim Koordinasi Nasional Penanganan Sampah Laut.

Kata Kunci: Sampah Plastik; Pencemaran Lingkungan Laut; UNCLOS 1982

A. Introduction

Plastic is a ubiquitous material found in various forms, types, shapes, and functions, widely regarded as the most affordable and easily accessible alternative. It is almost certain that every household possesses items made wholly or partially of plastic components. The high rate of plastic usage has both short-term and long-term consequences. Due to its extremely slow degradation process, plastic waste has emerged as a critical issue at both national and international levels. Plastic waste poses a significant threat to the environment, contaminating both terrestrial and marine ecosystems. Its affordability and accessibility have led many industries to replace traditional materials with plastic-based alternatives, contributing to the growing accumulation of plastic waste-an issue further exacerbated by high levels of consumerism. These wastes are not merely confined to land; a substantial portion is eventually disposed of-intentionally or unintentionally—into the ocean, making marine plastic pollution an increasingly urgent environmental concern.

The large volume of plastic waste in the ocean degrades into smaller particles, which in turn disrupt marine ecosystems and pose serious threats to marine life. These impacts extend to human health, as contaminated marine organisms are often consumed by humans. Recent data indicate that plastic waste pollution in the world's oceans has reached an extremely alarming level. The OECD reports that more than 353 million tons of plastic waste are produced globally each year, over 22 percent of which ultimately contaminates rivers and marine environments. [1] UNEP estimates that approximately 11 million tons of plastic enter the oceans annually, a figure that could rise to 37 million tons by 2040 in the absence of significant mitigation efforts.[2] In addition, a study by Eriksen et al. finds that more than 170 trillion microplastic particles are currently floating on the surface of the global oceans.[3] Southeast Asia constitutes one of the world's major hotspots of plastic waste pollution. UNEP reports that the region generates at least 17 million tons of plastic waste per year, with around five million tons leaking into river systems and the

[1] OECD, *Global Plastics Outlook 2022* (OECD Publishing 2022), 17-25.

[2] UNEP, *From Pollution to Solution: A Global Assessment of Marine Litter and Plastic Pollution* (UNEP 2023), 12-20.

[3] Marcus Eriksen et al, 'A growing plastic smog, now estimated to be over 170 trillion plastic particles afloat in the world's oceans' Jurnal *PLOS ONE* e028159, volume 18(3), 2023.

marine environment.[4] Four ASEAN countries, Indonesia, the Philippines, Vietnam, and Thailand, are among the world's top ten contributors to marine plastic pollution.[5] Since 2023, the Philippines has become the largest contributor to marine plastic waste globally, surpassing Indonesia.[6] Indonesia itself produces approximately 5.9 million tons of plastic waste annually,[7] of which about 3.4 million tons are potentially discharged into aquatic environments.[8] The Ministry of Marine Affairs and Fisheries has detected microplastics in more than 80 percent of samples of domestically consumed fish.[9] Although Indonesia is no longer recorded as the largest contributor to global marine plastic waste, the rate of plastic leakage into the ocean remains among the highest in Southeast Asia. This situation poses serious consequences for marine ecosystems, the fisheries sector, tourism, and human health. Plastic waste is one of the major contributors to marine environmental pollution.[10] Therefore, the United Nations has developed an international legal instrument that comprehensively regulates all aspects of the law of the sea and maritime affairs, including the marine environment and everything within and above it.

The United Nations Convention on the Law of the Sea (UNCLOS) 1982, in Part XII, contains general provisions concerning the protection and preservation of the marine environment, including the prevention, reduction, and control of marine pollution. The Convention outlines the rights and obligations of states regarding their marine environments and mandates that states engage in cooperation at the global, regional, and national levels.[11] Such cooperation should aim to develop rules, standards, practices, and recommended international procedures for the protection and preservation of the marine environment.[12] This matter is regulated under Article 197 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which is located in Part XII on the Protection and Preservation of the Marine Environment, which provides that: *"States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment."*

This provision affirms that States are obliged to cooperate, both globally and regionally, either directly or through competent international organizations, in developing international rules, standards, recommended practices, and procedures for the protection and preservation of the marine environment. It constitutes a fundamental

[4] UNEP, *SEA of Solutions Regional Report* (2023) dan ASEAN Regional Action Plan (2021–2025).
[5] UNEP SEA of Solutions Report 2019; World Bank 2021.
[6] Our World in Data, 'Plastic Pollution' (2023) https://ourworldindata.org/plastic-pollution
[7] KLHK, *Sistem Informasi Pengelolaan Sampah Nasional (SIPSN),* 2023.
[8]. World Bank Indonesia Marine Debris Hotspot Report (2022).
[9] KKP, *Status Laut Indonesia 2023*.
[10] Gledys Deyana Wahyudin and Arie Afriansyah, "Penanggulangan Pencemaran Sampah Plastik Di Laut Berdasarkan Hukum Internasional," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (2020): 529–50, https://doi.org/10.29303/ius.v8i3.773.
[11] Dewa Gede Sudika Mangku, "Perlindungan Dan Pelestarian Lingkungan Laut Menurut Hukum Internasional," *Tanjungpura Law Journal* 4, no. 2 (2020): 170–74.
[12] Mangku, "Perlindungan Dan Pelestarian Lingkungan Laut Menurut Hukum Internasional" p.174.

basis of international law requiring States, including Indonesia and other ASEAN countries, to cooperate in addressing marine pollution, including plastic waste in the marine environment.

The commitment of the Convention's member states is reflected in the establishment of the United Nations Environment Programme (UNEP) as a new body under the United Nations, along with other international organizations with mandates in environmental protection. At the time, existing legal frameworks did not explicitly regulate the protection of the marine environment from plastic waste.[13] Legal instruments specifically addressing marine plastic pollution began to emerge following UNEP's adoption of Resolution 1/6 on Marine Plastic Debris and Microplastics by the United Nations Environment Assembly (UNEA).[14] In its more recent resolution, Resolution 4/6, UNEA emphasizes that states must...

> "*... strengthen coordination and cooperation by establishing, subject to the availability of resources and building on existing initiatives, a multi-stakeholder platform within the United Nations Environment Program to take immediate action towards the long-term elimination, through a life-cycle approach, of discharges of litter and microplastics into the oceans at the national, regional and international levels*..."

In summary, states are required to strengthen coordination and cooperation, subject to the availability of resources, while building upon existing initiatives and establishing a platform within UNEP to take immediate and long-term action. This includes adopting a life-cycle approach to addressing marine litter and microplastics at the national, regional, and international levels. These measures serve as guidance for states in developing collaborative efforts to combat marine plastic pollution. In addition to UNCLOS 1982, the resolutions adopted by the United Nations Environment Assembly (UNEA) also provide a foundational basis for the implementation of marine environmental protection programs by states, international organizations, non-governmental organizations, and other stakeholders. These efforts reflect a collective mandate to enhance regional cooperation and coordination in protecting the marine environment from plastic waste.[15]

The United Nations Environment Assembly (UNEA), through UNEA Resolution 5/14 on End Plastic Pollution, adopted in 2022, constitutes the principal global instrument initiating the process toward the development of a legally binding international instrument to end plastic pollution, including marine plastic litter. Although UNEA resolutions are not legally binding international treaties, Indonesia nevertheless bears normative and political obligations, as it is a member State of UNEA and participated in the adoption of the resolution.[16] Consequently, Indonesia is committed to participating in the International Negotiating Committee (INC) process for the formulation of a Global

[13] Daud Silalahi, "Peranan Dan Kedudukan Hukum Lingkungan Internasional Dewasa Ini," *Indonesian Journal of International Law* 2, no. 2 (2005), https://doi.org/10.17304/ijil.vol2.2.2.

[14] Febryani Sabatira, "Southeast Asia Regional Cooperation on Tackling Marine Plastic Litter," *Lampung Journal of International Law* 2, no. 2 (2020): 69–84, https://doi.org/10.25041/lajil.v2i2.2033.

[15] Sabatira, "Southeast Asia Regional Cooperation on Tackling Marine Plastic Litter."

[16] UNEA, *Resolution 5/14: End Plastic Pollution* (2022).

Plastics Treaty and to aligning its national policies with the mandate set forth in the resolution.

Indonesia's obligation to comply with the UNEA mandate is further reinforced by the provisions of the 1982 UNCLOS, particularly Article 197, which explicitly stipulates that States "shall cooperate on a global basis and, as appropriate, on a regional basis … in formulating and elaborating international rules, standards, and recommended practices and procedures for the protection and preservation of the marine environment."[17] This provision imposes a clear duty on States to engage in international cooperation for the development of legal frameworks aimed at protecting the marine environment. In addition, Articles 192, 194(1)–(5), and Articles 207–212 of UNCLOS further affirm State obligations to prevent, reduce, and control marine pollution, including pollution originating from land-based sources, such as plastic waste. As Indonesia has ratified UNCLOS through Law No. 17 of 1985, the obligation to engage in international cooperation to address marine plastic pollution constitutes a binding obligation under international law.

In implementing the UNEA mandate, Indonesia has adopted several relevant national policy instruments, including: (1). Presidential Regulation No. 83 of 2018 on Marine Debris Management, which has subsequently been aligned with the UNEA mandate, particularly with regard to plastic pollution reduction, (2). Minister of Environment and Forestry Regulation No. 75 of 2019 on the Roadmap for Waste Reduction by Producers, which represents an implementation of the extended producer responsibility (EPR) approach—one of the key pillars mandated under the draft Global Plastics Treaty, (3). The National Action Plan (RAN) for the Reduction of Marine Plastic Waste, coordinated by the Ministry of Environment and Forestry (KLHK), the Ministry of Marine Affairs and Fisheries (KKP), and the Ministry of Home Affairs (Kemendagri). The revision of the RAN in 2023–2024 reflects the UNEA approach, emphasizing:[18] the circular economy, the reduction of single-use plastics, the strengthening of land-based waste management systems, and data-driven monitoring of marine debris.

The United Nations Environment Programme (UNEP) has supported various initiatives related to the protection and preservation of marine and coastal environments in the Southeast Asian seas. The partner organizations in Southeast Asia that implement UNEP programs include the Coordinating Body of Southeast Asian Seas (COBSEA) and the ASEAN Expert Group on Environment (AEGE). Both of these institutions have had their status elevated to that of the ASEAN Senior Officials on Environment.[19] Indonesia's commitment is reflected in its active role in the formulation of the ASEAN Regional Action Plan for Combating Marine Debris 2021–2025, in which Indonesia serves as the lead country for several priority areas, including data harmonization, capacity building among

[17] UNCLOS, *United Nations Convention on the Law of the Sea* (1982) art 197.
[18] KLHK, *Rencana Aksi Nasional Pengurangan Sampah Plastik Laut (Revisi 2023)*.
[19] Dikdik Mohamad Sodik, *Hukum Laut Internasional Dan Pengaturannya Di Indonesia*, 3rd ed. (PT Refika Aditama, 2016), 248.

ASEAN Member States, and the strengthening of marine debris monitoring systems. Through the Ministry of Environment and Forestry (KLHK) and the Ministry of Marine Affairs and Fisheries (KKP), Indonesia has consistently participated in meetings of the ASEAN Working Group on Coastal and Marine Environment (AEGE) and reported progress on the implementation of national policies related to the control of marine plastic debris.[20]

Through AEGE, Indonesia acts as a bridge between global commitments under UNEA Resolution 5/14 and regional cooperation within ASEAN. This approach ensures that Indonesia's national policies on marine plastic debris reduction are aligned with the international standards currently being developed through the International Negotiating Committee (INC) process toward the adoption of a Global Plastics Treaty. Accordingly, AEGE serves as a crucial instrument for Indonesia, as an archipelagic State, to strengthen regional collaboration and to fulfill its international obligations concerning the protection and preservation of the marine environment.[21]

Furthermore, as a country with vast marine territories, the urgency of plastic waste in Indonesia's waters has grown, especially following UNEP's declaration in the SEA of Solutions 2019 that Indonesia is the second-largest contributor of plastic waste in the world, after China. Plastic waste in Indonesia's seas threatens millions of marine organisms and gives rise to new issues, such as the migration of marine debris, as experienced by Thailand in 2019. This has garnered significant attention, as Indonesia is one of the countries actively engaged in environmental campaigns. In light of these issues, the researcher aims to conduct a normative legal study titled "Indonesia's Role in Addressing Marine Plastic Pollution in Southeast Asia under UNCLOS 1982."

B. Discussion

1. GENERAL REVIEW ON POLLUTION, PLASTIC WASTE, AND UNCLOS 1982

1.1. General Overview of Pollution

The term "pollution" is derived from the word "cemar," which means "dirty." Pollution refers to a condition in which the original state of an environment has been altered to a more degraded state.[22] The term pollution is commonly associated with the environment. Pollution can occur in land/soil, water, and air. Several definitions of pollution have been proposed by environmental experts, including. Darmono: Changes in abiotic factors, whether natural or resulting from human activities, that have exceeded the tolerance threshold of biotic ecosystems. National Academy of Sciences 1969: Pollution can be defined as an undesirable change in the physical, chemical, or biological

[20] ASEAN, *ASEAN Regional Action Plan for Combating Marine Debris 2021–2025* (ASEAN Secretariat 2020).

[21] UNEP, *Reports of INC-1 to INC-4 for the Global Plastics Treaty* (2022–2024).

[22] Widyawati Ainuddin, "Studi Pencemaran Logam Berat Merkuri (Hg) Di Perairan Sungai Tabobo Kecamatan Malifut Kabupaten Halmahera Utara," *Fakultas Ilmu Kelautan Universitas Naku Tidore Maluku Utara*, 2017.

characteristics of the air, water, or land that can harmfully affect health, survival, or activities of humans or other living organisms".[23]

Pollution occurs due to the presence of pollutants or contaminating substances. A pollutant is defined as a substance, particle, or organism that can directly or indirectly degrade environmental quality.[24] In Indonesia, the standard used to determine whether an ecosystem is polluted is the Environmental Quality Standards (EQS), which are used to assess the occurrence of environmental pollution. The EQS include standards for water quality, wastewater quality, seawater quality, ambient air quality, emission quality, disturbance quality, and other standards in line with advancements in science and technology.[25] These environmental quality standards set limits for physical, chemical, dissolved materials, and biological parameters to determine whether an ecosystem is polluted and to what extent the pollution has occurred.

In Indonesia, the regulation of environmental quality standards is expressly governed by Law No. 32 of 2009 on Environmental Protection and Management (the Environmental Protection and Management Law). Articles 20 to 24 of this Law stipulate that the Government is obliged to establish water quality standards, ambient air quality standards, wastewater quality standards, emission standards, and other environmental quality standards as the fundamental benchmarks for assessing environmental quality.[26] More detailed and technical provisions concerning environmental quality standards are regulated under Government Regulation No. 22 of 2021 on the Implementation of Environmental Protection and Management, which replaces several previous government regulations. This Regulation comprehensively governs water quality standards, wastewater quality standards, emission standards, ambient air quality standards, noise standards, vibration standards, as well as criteria for environmental damage.[27] The annexes to Government Regulation No. 22 of 2021 further specify physical, chemical, and biological parameters as standardized indicators for assessing environmental pollution.

With specific regard to marine pollution, Indonesia has adopted a distinct regulatory framework through Minister of Environment Regulation No. 51 of 2004 on Marine Water Quality Standards. This regulation establishes parameters for evaluating the condition of marine waters, encompassing physical parameters (such as turbidity and temperature), chemical parameters (including pH, dissolved oxygen (DO), biological oxygen demand (BOD), chemical oxygen demand (COD), ammonia, nitrates, phosphates, and heavy metals), as well as biological parameters such as the presence of phytoplankton, bacteria,

[23] Subardan Rochmad, "Ruang Lingkup Pencemaran," *Pencemaran Lingkungan* 1 (2016).

[24] Arum Sutrisni Putri, "Pengertian Pencemaran Lingkungan Dan Jenis-Jenisnya," *Kompas.Com*, January 14, 2020, https://www.kompas.com/skola/read/2020/01/14/100000469/pengertian-pencemaran-lingkungan-dan-jenis-jenisnya.

[25] Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup Paragraf 3, Pasal 20, Ayat 1 dan 2.

[26] Undang-Undang No 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, arts 20–24.

[27] Peraturan Pemerintah No 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup.

and other microorganisms. These standards are further categorized according to different classifications of marine waters, including waters designated for marine biota, marine tourism, and port areas.[28] Through the application of these standards, the level of pollution in a given coastal or marine area can be assessed in a scientifically grounded manner.

1.2. General Overview of Plastic Waste

Plastic waste is an inorganic waste (waste produced from non-living materials), making it difficult to degrade naturally. Due to its non-biodegradable nature, plastic waste has the potential to accumulate, leading to plastic pollution. Plastic pollution has various detrimental impacts on both humans and the environment, including:

1. Contamination of soil, groundwater, and subterranean organisms.
2. Toxins from plastic particles entering the soil will kill decomposer animals such as earthworms.
3. Polychlorinated biphenyls (PCBs), which are non-biodegradable, will become toxic along the food chain when ingested by animals or plants.
4. Plastic bags will obstruct water infiltration into the soil.
5. Reduction in soil fertility, as plastic also blocks air circulation within the soil and the movement of subterranean organisms that contribute to soil enrichment.
6. Non-biodegradable plastic bags, which have a long lifespan and are lightweight, can easily be blown by the wind and end up in the ocean.
7. Animals may become entangled in plastic waste.
8. Marine animals, such as dolphins, sea turtles, and seals, mistake plastic bags for food, leading to death from ingestion as they cannot digest it.
9. When an animal dies, the plastic bags inside its body do not decompose and can poison other animals.
10. Improper disposal of plastic waste in rivers can lead to sedimentation, river blockage, and flooding.[29]

However, the complex issue is that plastic waste is often discarded into the ocean, creating new problems not only for Indonesia but also for the international community.[30] Plastic waste breaks down into micro and nano sizes, which are consumed by marine organisms and subsequently ingested by humans. Furthermore, plastic waste in the ocean can migrate to other countries, leading to cross-border marine pollution issues, such as the plastic waste from Indonesia that was found on the shores of Phuket, Thailand, in 2019.

[28] Kementerian Lingkungan Hidup, *Permen LH No 51 Tahun 2004 tentang Baku Mutu Air Laut*.

[29] Dinas Lingkungan Hidup, Pemerintah Kabupaten Buleleng, "Dampak Plastik Terhadap Lingkungan," *Pemerintah Kabupaten Buleleng*, Oktober 2019, https://dlh.bulelengkab.go.id/informasi/detail/artikel/dampak-plastik-terhadap-lingkungan-31 diakses pada Kamis, 04 Maret 2021 pukul 23.00 WIB.

[30] Akbar Kurnia Putra et al., "Agreement on Agriculture WTO: Discourse on Indonesia's Food Security in a Global Context," *Lex Scientia Law Review* 8, no. 1 (2024), https://doi.org/10.15294/lslr.v8i1.14066.

The formation of ASEAN was driven by the strong desire of its founders to create a peaceful, secure, stable, and prosperous Southeast Asian region.[31] This aspiration emerged in response to the volatile situation in the region during the 1960s, which was marked by ideological struggles between major military powers and conflicts among countries within the region. If left unchecked, these tensions could disrupt regional stability and hinder the implementation of development efforts.[32] The signing of the Bangkok Declaration marked the official establishment of a regional organization named the Association of Southeast Asian Nations (ASEAN). Initially, the organization's purpose was to foster cooperation among member states to accelerate economic growth, promote peace and regional stability, and establish collaboration in various areas of mutual interest.

The ASEAN Community is a community based on the ASEAN Vision to create an integrated, peaceful, and stable society with shared prosperity, built through aspirations and commitment to the ASEAN Charter. In line with the founding goals of ASEAN, which are to enhance cooperation and address issues related to shared interests in economic, social, cultural, technical, scientific, and administrative fields, ASEAN member states have begun to raise awareness about the dangers of marine waste. Marine waste has become a contentious issue that will be confronted and addressed collectively.

ASEAN held the ASEAN Conference on Reducing Marine Debris in Phuket, Thailand, in November 2017. This conference reviewed the issue of marine pollution from a global, regional, and legal perspective; exchanged views on national policies, initiatives, and best practices; and discussed two main approaches to solutions: policy and management solutions, as well as innovative solutions and technologies.[33] The issue of plastic waste was again addressed at the 33rd ASEAN Summit held in Singapore in November 2018. The leaders of the 33rd Summit issued a statement declaring that ASEAN must combat plastic waste in the ocean and take concrete actions to address marine plastic pollution, particularly by strengthening regional and international cooperation. This includes exploring the possibility of developing action plans and initiatives through the East Asia Summit (EAS)[34] and promoting support for the development of national action plans to prevent, reduce, and manage plastic waste in the ocean.

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[31] Retno Kusniati et al., "Domestic Implementation of International Law in Indonesia and Thailand," *Indonesian Journal of International Law* 22, no. 1 (2024), https://doi.org/10.17304/ijil.vol22.1.1895.

[32] Jose Tavares et al, *Loc. Cit.*

[33] "Asean Commits to Reduce Marine Debris in the Region," *ASEAN Main Portal*, November 24, 2017, https://asean.org/asean-commits-to-reduce-marine-debris-in-the-region/ diakses pada hari Jumat, 26 Februari 2021, pukul 01.26 WIB.

[34] East Asia Summit (EAS) adalah suatu forum regionalism terbuka yang baru muncul di kawasan Asia Timur. Terdapat 16 negara peserta EAS, yaitu 10 negara ASEAN, Australia, China, India, Jepang, Republik Korea dan Selandia Baru. EAS merupakan forum leaders-led summit dengan ASEAN sebagai kekuatan penggerak dalam kemitraan dengan Negara-negara anggota lainnya. EAS bersifat terbuka, inklusif, transparan dan outward-looking dengan format retreat berupa diskusi strategis mengenai berbagai tema actual di kawasan. Direktorat Jenderal Kerjasama ASEAN, Departemen Luar Negeri, *Kumpulan Dokumen Terkait KTT Asia Timur (East Asia Summit/EAS)*, n.d., accessed February 27, 2021, https://perpustakaan.kemlu.go.id/index.php?p=show_detail&id=1627&keywords= di akses pada Sabtu, 27 Februari 2021, pukul 00.09 WIB.

The urgency surrounding plastic waste has grown significantly as several ASEAN member states, namely Indonesia, Thailand, Vietnam, and the Philippines, have been identified as some of the largest contributors to plastic waste globally by UNEP. UNEP presented a report at the SEA of Solutions 2019, stating that ASEAN is in need of a comprehensive approach to plastic pollution and that ASEAN must address the issue of marine waste. A concrete implementation of regional cooperation in efforts to protect the marine environment, particularly from plastic waste, was demonstrated at the 34th ASEAN Summit in Bangkok, Thailand, where the ten heads of ASEAN member states signed the Bangkok Declaration on Combating Marine Debris in the ASEAN Region. This declaration contains an agreement to strengthen actions at the national level and through collaborative efforts among ASEAN member states and partners to significantly prevent and reduce marine waste, especially from land-based activities, including environmentally sustainable management practices.

Indonesia, as one of the largest contributors to plastic waste in Southeast Asia, has undertaken a number of strategic measures to reduce the leakage of plastic waste into the marine environment. Through Presidential Regulation No. 83 of 2018, the Government established a national target to reduce marine debris by 70 per cent by 2025, while simultaneously strengthening a range of mitigation and prevention programmes at the national level.[35] In line with this policy, the Government has reported that Indonesia succeeded in reducing plastic waste leakage into the sea by 28.5 per cent in 2021 and by 38 per cent in 2022, as compared to the established baseline data.[36]

Further efforts include the strengthening of the policy and governance framework, notably through the establishment of the National Plastic Action Partnership (NPAP) as a multi-stakeholder platform aimed at reducing plastic waste based on a circular economy approach. The measures adopted extend beyond downstream waste management and place particular emphasis on upstream prevention, including the reduction of single-use plastics, the enhancement of recycling capacity, improved land-based waste management, and the reform of waste collection and processing systems to prevent leakage into aquatic ecosystems.[37] In addition, Indonesia has actively raised the issue of marine plastic pollution in international and regional fora, including within

[35] Pemerintah Indonesia, *Peraturan Presiden No 83 Tahun 2018 tentang Penanganan Sampah Laut*; ANTARA News, 'Indonesia commits to 70-percent reduction in marine debris by 2025' (3 November 2022) https://en.antaranews.com/news/258357/indonesia-commits-to-70-percent-reduction-in-marine-debris-by-2025

[36] ANTARA News, 'Indonesia reduces 28.5 percent plastic waste entering sea in 2021' (24 November 2022) https://en.antaranews.com/news/262085/indonesia-reduces-285-plastic-waste-entering-sea-in-2021; ANTARA News, 'Indonesia reduced 38 percent of marine debris in 2022: ministry' (13 June 2023) https://en.antaranews.com/news/284940/indonesia-reduced-38-percent-of-marine-debris-in-2022-ministry

[37] ERIA, 'Framework—Indonesia' (Regional Knowledge Centre for Marine Plastic Debris) https://legacy.rkcmpd-eria.org/framework-regulations/framework-indonesia/; WRI Indonesia, '3 Cara untuk Mengurangi Sampah Plastik di Indonesia' https://wri-indonesia.org/id/wawasan/3-cara-untuk-mengurangi-sampah-plastik-di-indonesia

ASEAN and the United Nations Environment Assembly (UNEA), thereby demonstrating its global commitment to addressing marine debris and plastic pollution.[38]

1.3. General Overview of *The United Nations Convention On The Law Of The Sea 1982*

The United Nations Convention on the Law of the Sea 1982, or Konvensi Hukum Laut Internasional 1982 in Indonesian, is a legal instrument developed by the United Nations starting in 1973. This convention regulates various aspects related to the sea and maritime law. It not only addresses the concepts of ownership and control over the seas but also provides protection for the marine environment.

The United Nations Convention on the Law of the Sea 1982, in Chapter XII, includes general provisions regarding the protection and preservation of the marine environment, the prevention, reduction, and control of marine pollution. According to Article 1, Paragraph 4 of the 1982 Convention on the Law of the Sea, marine pollution is defined as:

> "*Pollution of the marine environment means the introduction by man directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legimate uses of the sea, impairment of quality for use of sea water and of armenities* "

Based on the above provisions, marine pollution can be defined as the introduction of substances and energy into the marine environment, including estuaries, due to human activities, resulting in the destruction of marine resources and life, threatening human health, disrupting maritime activities, including fishing and other lawful uses of the sea, as well as degrading the quality of seawater for various needs. Therefore, marine pollution constitutes a form of marine environmental damage, in the sense that it involves destruction, disruption, and changes that cause the marine environment to cease functioning as it should.[39]

Meanwhile, the definition of marine pollution as articulated by UNEP and its related instruments, such as the Regional Seas Programme and various UNEA documents, does not provide a single, legally binding definition. Instead, it employs a general formulation describing marine pollution as the introduction of substances or energy that causes harmful effects on marine ecosystems, human health, and the utilization of the seas.[40] In principle, UNEP's formulation is consistent with the definition contained in UNCLOS; however, it is more operational in nature and neither as comprehensive nor as detailed as the provisions of UNCLOS. Accordingly, while both frameworks share a substantive

[38] Ministry of State Secretariat, 'Indonesia Angkat Isu Penanggulangan Sampah Plastik di Lautan' https://www.setneg.go.id/baca/index/indonesia_angkat_isu_penanggulangan_sampah_plastik_di_lautan

[39] Sodik, *Hukum Laut Internasional Dan Pengaturannya Di Indonesia*, 242.

[40] UNEP, *Marine Pollution Overview* (UNEP 2020) https://www.unep.org.

similarity in emphasizing the introduction of substances or energy and their adverse impacts on the marine environment, the definition under UNCLOS 1982 is more stringent, more elaborated, and legally binding. By contrast, UNEP's definition constitutes soft law, functioning primarily as technical guidance and varying across different programmes or conventions developed under UNEP.[41]

The United Nations Convention on the Law of the Sea 1982 also emphasizes the obligation of states to take part in efforts to protect and preserve their marine environments, while also having the right to exploit natural resources in harmony with their environmental policies and in accordance with their obligations to protect and preserve the marine environment. This is outlined in Articles 192 and 193. The 1982 Convention on the Law of the Sea states that states have rights that must be accompanied by corresponding obligations, specifically in the context of protecting and preserving their marine environments.

2. Implementation of UNCLOS 1982 by ASEAN in Addressing Marine Plastic Pollution

"States have the obligation to protect and preserve the marine environment" is the wording of Article 192 of the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) on General Obligations. Additionally, Article 197 on Cooperation at the Global or Regional Level states that "States shall cooperate on the basis of global and, where appropriate, regional, levels, either directly or through competent international organizations, in the formulation and elaboration of international rules, standards, and recommended practices, as well as procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account the special characteristics of regional seas." Article 197 indicates that cooperation among states, whether global or regional, can be carried out directly or through competent international organizations. In the Southeast Asian context, the relevant organization is the Association of Southeast Asian Nations (ASEAN).

ASEAN member states are obligated to fulfill the duties outlined by UNCLOS 1982, specifically the mandate to preserve and protect the marine environment. In this regard, states are expected to take measured actions not only related to mitigation but also prevention. The actions to prevent, reduce, and control marine environmental pollution are more specifically detailed in Article 194, Paragraphs (1) – (5), which states:

1. States shall take all necessary actions, individually or collectively as needed, in accordance with the Convention, to prevent, reduce, and control marine environmental pollution caused by any source, utilizing the most practical means

[41] UNEA, *Resolution 5/14: End Plastic Pollution* (2022); UNEP, *Regional Seas Programme: Marine Pollution Definitions* (2019).

available to them and consistent with their capabilities, while striving diligently to harmonize their policies in this regard.

2. States shall take all necessary actions to ensure that activities under their jurisdiction or control are carried out in such a manner that these activities do not result in damage caused by pollution to other states and their environments, and that pollution arising from activities and operations under their jurisdiction or control does not spread beyond areas where their sovereign rights are exercised in accordance with this Convention.
3. The measures taken pursuant to this Chapter shall cover all sources of marine environmental pollution. These measures shall include, inter alia, actions designed to reduce, to the extent possible:
    (a) The release of toxic, hazardous, or harmful substances, particularly persistent substances, originating from land-based sources, from or through the air, or due to dumping;
    (b) Pollution from vessels, particularly measures to prevent accidents and those related to emergencies, to ensure the safety of operations at sea, to prevent intentional or accidental dumping, and to regulate the design, construction, equipment, operations, and crew management of vessels;
    (c) Pollution from installations and equipment used in the exploration or exploitation of the seabed and subsoil resources, particularly measures to prevent accidents and those related to emergencies, to ensure the safety of operations at sea, and to regulate the design, construction, equipment, operations, and crew management of such installations or equipment;
    (d) Pollution from other installations and equipment operated in the marine environment, particularly measures to prevent accidents and those related to emergencies, to ensure the safety of operations at sea, and to regulate the design, construction, equipment, operations, and crew management of such installations or equipment.
4. In taking measures to prevent, reduce, or control marine environmental pollution, States must refrain from unreasonable interference in the activities of other States as they exercise their rights and fulfill their obligations in accordance with this Convention.
5. The measures taken under this Chapter must include those necessary to protect and preserve rare or fragile ecosystems, as well as habitats for species that are rare, threatened, or in the process of becoming rare, as well as other forms of marine life.

Efforts to fulfill the obligations of States under the United Nations Convention on the Law of the Sea 1982 would certainly be impossible to achieve without international cooperation. Therefore, the Convention also stipulates the necessity for States to cooperate, both globally and regionally. Such cooperation must aim to formulate

regulations, boundaries, practices, and various internationally recommended procedures to protect and preserve the marine environment.[42]

States within the ASEAN region have likewise demonstrated their respective national commitments to addressing marine pollution caused by plastic waste. Indonesia, for example, has set a target to reduce marine plastic waste leakage by 70 per cent by 2025, as stipulated in Presidential Regulation No. 83 of 2018, and has recorded reductions of 28.5 per cent in 2021 and 38 per cent in 2022.[43] Malaysia has adopted the Roadmap Towards Zero Single-Use Plastics 2018–2030 and the Plastics Sustainability Roadmap 2021–2030, which aim to ensure that all plastic packaging is recyclable by 2030.[44] Thailand has established a target to reduce marine plastic waste leakage by 50 per cent by 2027, with a particular focus on increasing recycling rates for five priority plastic categories.[45]

Singapore actively participates in collective ASEAN efforts through its endorsement of the ASEAN Regional Action Plan for Combating Marine Debris 2021–2025, which encompasses fourteen regional actions aimed at enhancing capacity-building, research, policy development, and private sector engagement in marine plastic waste reduction.[46] Cambodia, although still facing capacity constraints, has set an agenda to strengthen its waste collection systems with the objective of achieving a national target of 100 per cent coverage by 2025, while simultaneously preparing a regulatory framework on single-use plastics.[47] Meanwhile, Myanmar participates in the ASEAN+3 Marine Plastics Debris Cooperative Action Initiative, which seeks to strengthen the capacity of ASEAN countries in marine debris monitoring, data collection, and marine waste management.[48]

This cooperation has resulted in the establishment of various international organizations that operate in different fields and aspects of the environment. Not only concerning the seas but also the land. Therefore, in efforts to fulfill the obligations of States, there exists a strong correlation between International Maritime Law and International Environmental Law. Environmental organizations play a crucial role in their position as

[42] Tri Melati Mokodompit, "Kajian Tentang Kebijakan Pemerintah Terhadap Pencemaran Laut Menurut Peraturan Pemerintah Nomor. 19 Tahun 1999 Tentang Pengendalian Pencemaran Dan/Atau Perusakan Laut," *Lex Administratum* 9, no. 3 (2021): 177.

[43] Pemerintah Indonesia, *Peraturan Presiden No 83 Tahun 2018 tentang Penanganan Sampah Laut*; ANTARA News, 'Indonesia reduces 28.5 percent plastic waste entering sea in 2021' (24 November 2022) https://en.antaranews.com/news/262085/indonesia-reduces-285-plastic-waste-entering-sea-in-2021; ANTARA News, 'Indonesia reduced 38 percent of marine debris in 2022: ministry' (13 June 2023) https://en.antaranews.com/news/284940/indonesia-reduced-38-percent-of-marine-debris-in-2022-ministry.

[44] OECD, *Regional Plastics Outlook for Southeast and East Asia* (OECD Publishing 2025) https://www.oecd.org.

[45] *Ibid.*

[46] Ministry of Foreign Affairs Singapore, 'ASEAN Member States adopt Regional Action Plan to Tackle Plastic Pollution' (2021) https://www.mfa.gov.sg.

[47] OECD, *Regional Plastics Outlook for Southeast and East Asia* (OECD Publishing 2025) https://www.oecd.org.

[48] United Nations DESA, 'Support for the Reduction of Marine Plastic Litter in ASEAN Countries under the ASEAN+3 Marine Plastics Debris Cooperative Action Initiative' https://sdgs.un.org/partnerships.

the architects of new international environmental laws. With the establishment of the United Nations Environmental Program (UNEP) as a new organization under the UN, and other international organizations authorized in specific environmental fields, policies and programs have been developed in developing countries.[49] The United Nations Environment Programme (UNEP) has supported a number of programs related to the protection and preservation of the marine environment and coastal areas in the Southeast Asian seas region. The partner organizations in Southeast Asia that implement UNEP programs include the Coordinating Body of Southeast Asian Seas (COBSEA) and the ASEAN Expert Group on Environment (AEGE). These two organizations have had their status elevated to become the ASEAN Senior Officials on Environment.[50]

The United Nations Environment Programme (UNEP) plays a role in shaping the legal framework for regional Southeast Asian marine environmental law through policies and environmental programs for ASEAN member states. As an effort to implement the United Nations Convention on the Law of the Sea (UNCLOS), in 1989, ASEAN established institutions tasked with addressing environmental issues in the Southeast Asian seas region, namely The Meeting of ASEAN Senior Officials on the Environment (ASOEN) and specialized expert groups, particularly The ASEAN Working on Coastal and Marine Environment (AWGCME). Some of the efforts carried out by The ASEAN Working on Coastal and Marine Environment (AWGCME) to advance activities and policies related to the prevention and monitoring of marine environmental pollution in the ASEAN region include:

1. Establishing a joint agreement within ASEAN regarding issues related to marine pollution, particularly concerning the implementation of conventions and protocols;
2. Identifying, promoting, and advancing projects related to the management of marine pollution in the Southeast Asian seas region;
3. Harmonizing national legislation concerning the monitoring of marine pollution with international standards on marine pollution.[51]

Marine pollution today is predominantly dominated by the large amounts of plastic waste that are discarded or end up in the sea, primarily due to ineffective waste management and poor waste handling behaviors by coastal communities worldwide.[52] Hundreds of millions of tons of plastic waste contaminate the marine environment, migrating to surrounding countries' waters. This creates a new issue: transboundary marine pollution. In November 2017, ASEAN held the ASEAN Conference on Reducing Marine Debris in Phuket, Thailand. The meeting reviewed global, regional, and legal perspectives

[49] Silalahi, "Peranan Dan Kedudukan Hukum Lingkungan Internasional Dewasa Ini."

[50] Sodik, *Hukum Laut Internasional Dan Pengaturannya Di Indonesia*, 248.

[51] ASEAN Working Group On Coastal and Marine Environment: Scope of Work and Activities", UNDP/GEF Project Entitled "Reducing Enviromental Stress in the Yellow Sea Large Marine Ecosystem", Third Meeting of the Regional Working Group for the Pollution Component, Dandong, China, 4-7 September 2006, hlm. 1. Sebagaimana dikutip dalam Sodik, *Hukum Laut Internasional Dan Pengaturannya Di Indonesia*, 250.

[52] Direktur Jenderal Kerja Sama ASEAN, Duta Besar Jose Tavares, Konferensi *East Asia Summit* (EAS), Bali, 6-7 September 2017.

on marine pollution, exchanged views on national policies, initiatives, and best practices, and discussed two main approaches toward solutions: policy and management solutions, as well as innovative technological solutions.[53]

The issue of plastic waste resurfaced during the 33rd ASEAN Summit held in Singapore in November 2018. The leaders of the 33rd Summit issued a statement declaring that ASEAN must combat plastic waste in the oceans and take concrete actions to address this issue, particularly by strengthening regional and international cooperation. This includes exploring the potential development of action plans and initiatives through the EAS as well as promoting support for the development of national action plans to prevent, reduce, and manage plastic waste in the oceans. UNEP presented a report at the SEA of Solutions 2019 event, which stated that ASEAN needs a comprehensive approach to plastic pollution and that ASEAN must solve the problem of marine waste.[54]

A tangible implementation of regional cooperation in efforts to protect the marine environment, particularly from plastic waste, was seen during the 34th ASEAN Summit in Bangkok, Thailand, where the ten heads of ASEAN member states signed the Bangkok Declaration on Combating Marine Debris in the ASEAN Region. This declaration contains an agreement to strengthen actions at the national level as well as through collaborative efforts among ASEAN member states and partners to prevent and significantly reduce marine debris, particularly from land-based activities, including environmentally conscious management. The meeting also presented the ASEAN Framework of Action on Marine Debris as a progression of actions based on the recommendations from the ASEAN Conference on Reducing Marine Debris held in Phuket, Thailand, in 2017. This framework consists of four priority areas, namely:

1. Policy Support and Planning;
2. Research, Innovation, and Capacity Building;
3. Public Awareness, Education, and Outreach;
4. Private Sector Engagement.

The priority areas contain recommended actions and activities for further collaboration within the ASEAN region and among ASEAN member states and their partners in combating marine debris. Some of the recommended actions include: the development of a regional framework for marine debris resistance in the ASEAN region by applying an integrated land-sea policy approach; establishing a regional baseline on the status and impacts of marine debris in the ASEAN region; strengthening regional, national, and local capacities for national initiative development and implementation; enhancing scientific knowledge, transferring marine technology, and promoting innovative solutions to combat marine debris; encouraging the integration and application of science to improve

[53] "Asean Commits to Reduce Marine Debris in the Region."

[54] International Institute for Sustainable Development, *UNEP Report Finds ASEAN in Need of Comprehensive Approach to Plastic Pollution*, November 14, 2019, https://sdg.iisd.org/news/unep-report-finds-asean-in-need-of-comprehensive-approach-to-plastic-pollution/.

decision-making and policies aimed at preventing and regulating marine debris, among others.

With the signing of the Bangkok Declaration on Combating Marine Debris in the ASEAN Region, ASEAN member states have committed to fighting marine debris, particularly plastic waste, which is the most prevalent form of pollution in the ocean. The effect of this agreement is that member states are beginning to take actions to collaborate with environmental activists, the private sector, and other stakeholders to campaign, promote, and ban single-use plastics.

In 2021, ASEAN released the ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States (2021-2025), developed under the Ministry of Environment and Natural Resources of Thailand, in its role within The ASEAN Working Group on Coastal and Marine Environment (AWGCME). This action plan serves as an extension of the Bangkok Declaration on Combating Marine Debris in the ASEAN Region. The regional action plan emphasizes that member states should prioritize broad actions to address plastic waste and marine debris on a large regional scale. The implementation and policy processes regarding plastic can be integrated across ASEAN member countries, creating value for public markets, sharing knowledge and resources, as well as harmonizing approaches and technologies.[55]

The ASEAN Regional Action Plan consists of four components: policy support and planning; research, innovation, and capacity building; public awareness, education and outreach; and private sector engagement. Each component has its own focus, such as the development of standard guidelines related to the accountability of plastic waste trade, plastic waste, and recycled plastics, strengthening ASEAN's knowledge and cooperation on marine plastic debris, coordinating regional training programs related to plastic and waste management, and others. The ASEAN Regional Action Plan also includes an implementation plan, which will be coordinated by The ASEAN Working Group on Coastal and Marine Environment (AWGCME), responsible for identifying and liaising with relevant sectoral bodies, stakeholders, and partners involved in the implementation of this regional action plan.[56]

3. Indonesia's Role as an ASEAN Member in Addressing Marine Plastic Pollution at the Regional and National Levels

Indonesia is the second-largest contributor of plastic waste in the ocean globally after China, with an estimated 1.27 million tons of plastic waste entering the marine environment annually, according to 2018 data from the World Bank. The total volume of plastic waste generated in Indonesia has reached approximately 9 million tons. In 2020, data from the Indonesian Plastic Industry Association (INAPLAS) and Statistics Indonesia (BPS) indicated that the country produced 64 million tons of waste annually, of which 3.2

[55] *ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States* (ASEAN Secretariat, 2021), 24.
[56] *ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States*, 25–28.

million tons consisted of plastic waste.[57] This figure clearly represents a substantial volume. Not all of this plastic waste originates domestically; transboundary factors, such as ocean currents, also contribute significantly to the accumulation of plastic debris. As a member of ASEAN, Indonesia plays a key role in the regional effort to address marine debris, particularly plastic waste. Indonesia actively participates in ASEAN meetings and engages in programs initiated by ASEAN's affiliated bodies. Its involvement as an ASEAN member extends beyond marine pollution, encompassing broader environmental sectors through various regional environmental bodies.

Indonesia has been one of the most active countries in campaigning against the threat of plastic waste at the global level since 2017.[58] The country is also a member of intergovernmental organizations such as the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), which focuses on the sustainable management of the marine environment in the East Asian region, as well as the Coordinating Body on the Seas of East Asia (COBSEA). Indonesia hosted the Fourth Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (IGR-4), which resulted in the 2018 Bali Declaration. This declaration emphasized the need to mainstream the protection of marine and coastal ecosystems, particularly from environmental threats posed by increasing levels of chemicals, wastewater, marine litter, and microplastics. In 2019, as a follow-up to the Bali Declaration, Indonesia established and now manages the Regional Capacity Center for Clean Seas (RC3S).

In the 2021 ASEAN Regional Action Plan, Indonesia also outlined its existing and ongoing action plans related to plastic waste management.[59] One such initiative is the issuance of Presidential Regulation of the Republic of Indonesia No. 83 of 2018 concerning Marine Debris Management. This regulation was formulated based on several key considerations, including:

a. That marine debris causes pollution and degradation of the environment and aquatic ecosystems, and poses risks to human health;
b. That as a result of plastic waste pollution in the ocean, microplastic and nanoplastic particles have been detected in marine organisms and resources in Indonesian waters;
c. That plastic waste is one of the most persistent components in the marine environment, difficult to degrade naturally, and thus poses a threat to aquatic ecosystems and human health;
d. That in order to follow up on the Indonesian Government's commitment to reduce plastic waste in the ocean by 70 percent by the year 2025, it is

[57] Anggita Dwi Ardhani et al., "Dua Sisi Mata Uang: Kebijakan Publik Dan Penanganan Sampah Plastik Di Indonesia," *Kementerian Sosial Politik Dan Kajian Strategis BEM USD*, 2020, 2.

[58] Elly Kristiani Purwendah and Aniek Periani, "Implementation of Presidential Regulation Number 83 of 2018 Concerning Handling of Sea Was in Order to Provide Protection and Preservation of The Sea Environment for Indonesia," *Ganesha Law Review* 1, no. 2 (2019): 34, https://doi.org/10.23887/glr.v1i2.52.

[59] *ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States*, 39.

necessary to establish comprehensive and integrated acceleration measures;

e. That the management of marine debris requires strengthened planning, budgeting, and integrated coordination;
f. That based on the above considerations as stated in points (a) through (e), it is necessary to establish a Presidential Regulation concerning Marine Debris Management.[60]

This regulation is the first legal instrument in Indonesia that specifically addresses the issue of marine debris management. It includes a National Action Plan (Rencana Aksi Nasional/RAN), which serves as a guideline for formulating policies related to marine debris mitigation and is utilized by various ministries, non-ministerial government agencies, and regional governments in developing policies aimed at accelerating marine debris management. Furthermore, the Government of Indonesia established the National Coordination Team for Marine Debris Management (Tim Koordinasi Nasional), tasked with: coordinating the activities of ministries, non-ministerial government agencies, regional governments, civil society, and/or business actors in managing marine debris; formulating policy solutions to overcome obstacles and issues arising in the implementation of marine debris management activities; and coordinating monitoring and evaluation efforts concerning the implementation of the Action Plan.

The National Action Plan (Rencana Aksi Nasional, RAN) initiated by Indonesia outlines several strategic approaches to address marine debris. These strategies include:

a. a national movement to raise awareness among stakeholders;
b. the management of waste originating from land-based sources;
c. the mitigation of debris in coastal and marine areas;
d. mechanisms for funding, institutional strengthening, supervision, and law enforcement; and
e. research and development.

The implementation of these strategies is carried out through a variety of programs, each comprising a range of activities. These are detailed in the annex of Presidential Regulation No. 83 of 2018 concerning Marine Debris Management, which outlines the programs and activities to be undertaken by the designated authorities. Examples of such programs include:

1. Raising Public Awareness

   This program is implemented through activities such as the organization of a national movement to disseminate information on the negative impacts of marine debris—particularly plastic—on health and ecosystems, as well as awareness campaigns promoting integrated waste management.

[60] Peraturan Presiden Republik Indonesia Nomor 83 Tahun 2018 Tentang Penanganan Sampah Laut.

2. Waste Control in River Flows

   This program involves activities such as the provision of infrastructure for waste collection in rivers, waste management (including plastic waste) at the city and district levels, and the control of waste in river estuaries.

3. Plastic Waste Management from Marine and Fisheries Activities

   This program is realized through activities such as the development of standard operating procedures (SOPs) for environmentally friendly capture fisheries and aquaculture practices.

Numerous additional programs and activities have been developed by the Indonesian government as part of its efforts to address marine debris. The implementation of this regulation is also carried out by local governments. Public campaigns promoting the discontinuation of single-use plastic products are continuously conducted to reduce the accumulation of plastic waste. Several regions in Indonesia have even introduced specific bans on the use of single-use plastics, such as plastic bags, straws, plastic spoons, and similar items. The President of the Republic of Indonesia, Joko Widodo, has stated that the Indonesian government will tighten the licensing and monitoring mechanisms to control the import of waste and refuse from developed countries.[61]

According to President Joko Widodo, the government can adopt three key measures to address the issue of waste management:

1. First, the government should maximize the potential of domestic waste as a raw material for local industries. Waste issues can be addressed by transforming waste into valuable resources, such as recycling plastic packaging into crafts like bags, ornaments, plant pots, and other useful items. There are numerous creative and innovative ways to upcycle plastic into functional and artistic products.
2. Second, the government should accelerate the finalization of regulations necessary to improve the governance of waste and scrap imports. One way to expedite plastic waste regulation is by utilizing waste for the development of Waste-to-Energy (WTE) power plants. WTE is considered a strategic solution to the plastic waste problem while simultaneously supporting national electrification programs. Several local governments have committed to developing WTE facilities, including the cities of Semarang, Denpasar, Tangerang, South Tangerang, and other major urban centers.
3. Third, strict enforcement of regulations and intensified supervision of imported waste and refuse entering Indonesia are essential. Effective management of imported waste requires coordination among relevant ministries. President Jokowi has emphasized the need for decisive actions against any violations detected in the field. Offenders may be subjected to penalties and fines as stipulated by Indonesian law. For instance, under Law No. 18 of 2008, Article 39 paragraphs 1 and 2 outline sanctions for violations of the ban on importing waste into Indonesia. If the waste includes household or similar waste, offenders may face imprisonment of 3 to 9 years and fines ranging from IDR 100 million to IDR 3

[61] Ardhani et al., "Dua Sisi Mata Uang: Kebijakan Publik Dan Penanganan Sampah Plastik Di Indonesia," 11.

billion. In cases involving specific waste, the punishment is more severe, with imprisonment of 4 to 12 years and fines between IDR 200 million and IDR 5 billion.[62]

Through the Ministry of Environment and Forestry (Kementerian LHK), Indonesia has also issued Ministerial Regulation No. P.75 of 2019 on the Roadmap for Waste Reduction by Producers. This regulation aims to encourage the role of producers in reducing waste by implementing recycling practices or using materials that are environmentally friendly or biodegradable. This regulation is considered effective in preventing the accumulation of waste on land, which will, in turn, impact the volume of waste in the oceans. Additionally, the National Development Planning Agency (Kementerian PPN/Bappenas), in collaboration with the UNDP and the Government of Denmark, has implemented a circular economy model. This model focuses on providing opportunities for economic actors to reduce material consumption, waste production, and emissions, while simultaneously maintaining economic growth.[63]

Based on reports from the National Action Plan for the Reduction of Marine Plastic Debris and monitoring by the Ministry of Environment and Forestry, several indicators of progress have been achieved by Indonesia. First, Indonesia successfully reduced the leakage of plastic waste into the marine environment by 28.5% in 2021, increasing to 38% in 2022 compared to the 2018 baseline. This demonstrates that national policies, including Ministerial Regulation of the Ministry of Environment and Forestry No. P.75/2019 and the implementation of circular economy programs, have produced tangible impacts.[64] Second, Indonesia has received international recognition through various forums, including appreciation from ASEAN Member States and cooperation partners within the framework of the ASEAN Regional Action Plan for Combating Marine Debris 2021–2025, which has identified Indonesia as one of the countries demonstrating the most significant progress in controlling marine debris.[65] Third, Indonesia's circular economy model, developed in collaboration with UNDP and Denmark, has been recognized as a regional best practice by the Regional Knowledge Centre for Marine Plastic Debris (ERIA) due to its success in fostering cross-sectoral collaboration and integrating circular economy approaches into national development planning.[66] Additional recognition has been extended by UNEP and partner countries in the negotiations toward the Global Plastics Treaty, where Indonesia is regarded as a progressive developing country with a strong commitment to plastic waste reduction,

[62] Ardhani et al., "Dua Sisi Mata Uang: Kebijakan Publik Dan Penanganan Sampah Plastik Di Indonesia," 11–12.

[63] BAPPENAS, *Bappenas Terapkan Ekonomi Sirkular Untuk Tingkatkan PDB Sekaligus Lestarikan Lingkungan Indonesia*, January 26, 2021, https://bappenas.go.id/berita/bappenas-terapkan-ekonomi-sirkular-untuk-tingkatkan-pdb-sekaligus-lestarikan-lingkungan-indonesia.

[64] ANTARA News, 'Indonesia reduces 28.5 percent plastic waste entering sea in 2021' (24 November 2022) https://en.antaranews.com/news/262085; ANTARA News, 'Indonesia reduced 38 percent of marine debris in 2022: ministry' (13 June 2023) https://en.antaranews.com/news/284940.

[65] ASEAN Secretariat, *ASEAN Regional Action Plan for Combating Marine Debris 2021–2025* (ASEAN 2020).

[66] ERIA, *Regional Knowledge Centre for Marine Plastic Debris – Indonesia Country Profile* (2023) https://rkcmpd-eria.org.

particularly through extended producer responsibility (EPR) policies, marine debris reduction targets, and the development of a national waste monitoring system. In light of these achievements, Indonesia is positioned as one of the leading countries in Southeast Asia in advancing the agenda to address marine pollution caused by plastic waste.[67]

C. Conclusion

The implementation of the 1982 UNCLOS and the provisions adopted under the UNEA constitutes the principal legal foundation and the overarching direction of global policy for Southeast Asian States in addressing marine plastic pollution. The 1982 UNCLOS, through the obligation of States to protect and preserve the marine environment and through the definition of pollution contained in Article 1(4), establishes a binding hard law framework that requires all coastal States, including ASEAN Member States, to prevent, reduce, and control marine pollution, including pollution arising from plastic waste. Meanwhile, the UNEA, through resolutions such as UNEA Resolution 3/7 and UNEA Resolution 5/14 on End Plastic Pollution, provides soft law guidance that reinforces global commitments to plastic reduction, policy harmonization, and the development of a Global Plastics Treaty that will impose legally binding obligations at the international level. In the Southeast Asian context, these two instruments are operationalized through the ASEAN Regional Action Plan for Combating Marine Debris 2021–2025, which demonstrates that ASEAN has internalized the principles of UNCLOS and UNEA within its regional cooperation framework.

Indonesia has taken a significant role in the fight against marine plastic waste both regionally and nationally. At the regional level, Indonesia participates in intergovernmental organizations such as the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) and The Coordinating Body on the Seas of East Asia (COBSEA). Indonesia also pioneered the creation of the Bali Declaration in 2018, focusing on enhancing the mainstreaming of marine and coastal ecosystem protection, particularly from environmental threats caused by the increase in chemicals, wastewater, marine debris, and microplastics. In 2019, as a follow-up to the Bali Declaration, Indonesia established and manages the Regional Capacity Center for Clean Seas (RC3S). Indonesia also plays an active role in the formulation and implementation of the ASEAN Regional Action Plan, participates in the AEGE/AWGESC mechanisms, and has emerged as one of the countries making the most substantial contributions to data harmonization, the development of regional standards, capacity building, and regional advocacy on the reduction of marine plastic debris. Indonesia has likewise received recognition from ASEAN and international partners as one of the countries demonstrating the most significant progress in addressing marine plastic pollution. At the national level, Indonesia has adopted a range of concrete policy measures, including Presidential Regulation No. 83 of 2018 on Marine Debris Management, Ministry of

[67] UNEP, *Progress Updates on INC Negotiations for the Global Plastics Treaty* (2023–2024) https://www.unep.org.

Environment and Forestry Regulation No. P.75 of 2019 on the Roadmap for Waste Reduction by Producers (Extended Producer Responsibility), the development of a national waste monitoring system, and the implementation of a circular economy model in collaboration with the Ministry of National Development Planning (Bappenas), UNDP, and the Government of the Kingdom of Denmark. The implementation of these policies has demonstrably reduced marine plastic waste leakage by 28.5 percent in 2021 and 38 percent in 2022, while simultaneously strengthening Indonesia's position as a regional leader in marine pollution control. Through these contributions, Indonesia not only fulfills its international legal obligations but also actively contributes to shaping regional norms, policies, and cooperative frameworks in the collective effort to reduce marine plastic debris.

Based on the conclusion above, the author suggests that ASEAN must continue to demonstrate its consistency in addressing plastic waste in Southeast Asia and conduct annual reviews to assess the overall progress of ASEAN programs. ASEAN should maintain its focus on the existing frameworks while continuously improving and enhancing efforts to address marine waste issues, particularly plastic waste, in a timely manner. Additionally, special attention should be given to transboundary pollution occurring between ASEAN member states. Furthermore, while Indonesia has played a significant and commendable role at the regional level, at the national level, it would be beneficial for waste management efforts to not only focus on producers or economic actors. The high consumption rate among the public, coupled with the low level of awareness regarding waste control and management, especially concerning plastic waste, is also a major challenge that needs to be addressed by the government. Socialization of the prohibition against littering (especially in rivers and seas) should not only include recommendations but also sanctions, with the aim of fostering public discipline and reducing waste accumulation.

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