



Juridical analysis in the application of the principle of paying polluters in the case of screen printing waste pollution in Denpasar

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ABSTRACT

The basic foundation of environmental management in the 1945 Constitution article 28 H which is the right of the community to get a healthy environment is emphasized by the existence of the UUPPLH which makes rules on environmental management which of course can harm the surrounding environment. The use of the principle of polluters who pay in the pollution of screen printing waste in Tukad Badung by Mila Boutique refers to article 2 of the UUPPLH, this is the need to handle in answering the problems that occur this violation is evidenced by illegality, environmental pollution and the responsibility of the perpetrator. This research method uses normative methods, legal and case approaches, and primary and secondary legal sources. The technique of collecting legal materials for literature studies and the analysis technique is qualitative description. Pollution of screen printing waste occurs with a change in color throughout the body, this results in environmental pollution that endangers human health and the environmental order. The need to enforce environmental pollution issues for the sake of a sustainable future.

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1. Introduction

Environmental regulation refers to Article 28 H paragraph (1) of the 1945 Constitution which reads "Everyone has the right to live a prosperous life in birth and mind, to live and get a good and healthy living environment and the right to receive health services". The formulation of this article views that the need for a good and healthy environment is one of the Human Rights, therefore human beings have the right to get a good and healthy environment (Suparmoko, 2020). Efforts to solve environmental problems that occur in Indonesia are to ensure legal certainty in law enforcement. Environmental law enforcement is an effort to achieve compliance with applicable legal regulations and provisions in general and individually, through supervision and implementation of administrative, civil and criminal matters. The regulation of government policies in enforcing environmental laws by

promulgating for the first time regulations regulating the environment, namely, Law Number 4 of 1982 concerning the Main Provisions of Environmental Management (UUKPPLH), then replaced by Law Number 23 of 1997 concerning Environmental Management (UUPLH) hereinafter replaced by Law Number 32 of 2009 concerning Environmental Protection and Management, hereinafter referred to as UUPPLH. The health impacts that occur as a result of this pollution are human health, resulting in respiratory damage and itching in the skin

The use of the environment must be carried out by paying attention to environmental protection and management efforts, which in simple terms means that the environment must be maintained as it was originally (Cahyani, 2020). The challenge to maintain this situation comes from development demands that are always related to environmental utilization. This indicates that the environment will change along with the implementation of development. In the process of change, it is necessary to maintain the environment so that it is able to support normal life, in accordance with the carrying capacity and carrying capacity of the environment, not causing losses (Thani, 2017).

The city of Denpasar is the center of government, population center, tourism center, trade center, economic activity and center for other activities so that it can be imagined how busy the city of Denpasar is in dealing with all aspects of people's lives that are increasingly complex and increasing accompanied by a decline in social status and the state of the city that is getting narrower will affect the stability of security and order in the city (Eni et al., 2020). Thus, to achieve this is not an easy thing and it is necessary to create rules accompanied by sanctions against people who violate these rules (Paeno et al., 2020).

Many people open screen printing service businesses with the aim of facilitating the activities of a person or group who wants to carry out activities or associations together. For people who are classified as having many places of gathering and recreation, there must be need screen printing services so that everything looks in harmony with each other with a symbiosis of mutualism or mutually beneficial cooperation. This is used by screen printing owners to establish long-term cooperation with many stores that sell various facilities and sometimes schools need screen printing services (Santoso, 2022).

Nowadays, the screen printing business is increasingly visited by the public to see the process of screen printing and share knowledge carefully, especially in the Bali area. People use this screen printing service a lot because almost every day the associations carry out activities in groups to eliminate boredom due to the density of daily activities plus can reduce fatigue caused by the work done daily (Ahmad Musadad, 2022). The need for this screen printing service is very much needed by both foreign guests and local residents who have increased activities due to the work done. But with the many screen printing businesses that stand in the Bali area, it has its own impact on the surrounding environment and the waste from the laundry water can make waste that is detrimental to the environment, where the disposal of screen printing waste can become a nest of germs and toxic substances from the screen printing used to settle to the surface (Suparmoko, 2020).

The decline in the quality of the environment is not spared from the fault of a human being. Humans often forget their relationship with nature so that the environment can be damaged and the result will be disaster and spread to the surrounding community. According to Article 13 of the Uupplh states that the control of pollution and/or environmental damage is carried out in the context of preserving the functions of the environment (Eni et al., 2020).

His research invites the implementation of enforcement of penalties for polluters in carrying out their business more carefully because it causes public health so it needs to be carefully considered in the strategic steps that occur. The case of screen printing waste pollution that occurred in West Denpasar District, precisely in Pemecutan Kelod Village, about the disposal of screen printing waste which resulted in the Tukad Badung river turning red. After an investigation by the Denpasar City Pamong Praja Police Unit, it turned out that the source of the pollution came from one of the screen printing fabric dyeing businesses owned by a

businessman from Pekalongan, Central Java, HNY located on Misol Island Number 1. Based on laboratory tests and seeing the Wastewater Treatment Plant (WWTP) system at the perpetrator's residence, the Denpasar DLHK Task Force said there was a match. The change in Tukad Badung water from clear to deep red was due to the disposal of NHY's former washing dye cloth.

The author's writing is different from other writings as a comparison with other writings to look for novelty as for the 3 journal writings used first, the title of the legal interpretation journal with the journal title Criminal Sanctions Against Acts Of Environmental Pollution By Screen Printing And Dyeing Waste In Denpasar City as for the author I Made Della Dwi Angga Saputra (Saputra et al., 2020) if compared with the author's writing here, there is a difference in the writing study in the journal I Made Dela Dwi Angga is more focused on the criminal sanctions that are sanctioned in acts of environmental pollution through screen printing waste by examining the basic criminal law as a benchmark in providing a view of using the Criminal Code, while the author emphasizes more on the study of environmental law where its application uses the perspective of the Criminal Code in the jurisprudence in giving its reasons the reinforcer and the polluter principle pays in its solution. In the second journal article, Dwijendara University Journal, Environmental Law Enforcement And Supervision Strategies In Bali Province By The Pamong Praja Police Unit by Desak Ayu Putu Suciati, S.E., M.Si based on the author's comparison, there is a difference in the writings described where in the writing of the village ayu uses Pamong Praja as a means of supporting law enforcement supervision involving the nature of conducting investigations into pollution incidents while the author is oriented towards the principle of polluters who pay in its application in making payments for environmental problems that occur (Ayu et al., 2021). The third comparison of Screen Printing Waste Treatment Using Cellulose Acetate Membrane Based on Banana Fronds by Microfiltration with Ria Prabasari's writing as for the difference with the author's writing that in the implementation there is a difference here, Ria is more concerned that screen printing waste can be processed based on applying cellulose in an effort to solve the problem so that it can be handled so as not to harm the surrounding environment Meanwhile, the author provides an analysis of the handling of screen printing waste treatment in solving problems that occur based on the perspective of environmental law, both preventive and repressive (Wati et al., 2023). Looking at the comparison of the three journals, of course, The author's problem formulation in this journal examines the case of screen printing waste pollution from an environmental perspective? and How to analyze screen printing waste pollution based on analysis of the polluter pays principle there is a difference in writing is a new thing, based on the background writing, the author is inspired to discuss the problem and study further with a paper titled: juridical analysis in the application of the principle of paying polluters in the case of screen printing waste pollution in Denpasar.

2. Method

The writing of this journal uses normative legal research, in the writing of this journal emphasizes the writing of normative law where legal research that places the law as a normative system building (Josef Mario Monteiro, 2020). Where in a process to determine a legal rule uses theories and legal principles in answering questions. The approach in this journal uses a legal approach which uses the law that is used as a foothold in providing analysis in this journal using the 1945 Constitution and UUPLH, the case approach here uses the problem approach here to get closer to the problem of screen printing waste disposal carried out illegally by textile entrepreneurs so that there is pollution in Tukad Badung there is a flow of tukad colors Badung should be clear and red so that it causes problems (Muhainin, 2020). Legal sources in writing this journal use two, namely primary legal sources and secondary legal sources. Primary Legal Sources based on the legal rules of the 1945 Constitution, Law Number 32 of 2009 and Secondary Law based on books, journals and articles related to the writing of this journal (Fajarwati, 2024). The collection technique in this journal uses the literature technique, which is the collection of legal materials using literature related to the writing of this

journal. The journal analysis technique uses qualitative descriptive juridical relationships, providing an elaboration of the relationship with this writing, made systematic (Ayu et al., 2021). In cases of pollution, it is felt that from an environmental law perspective there is a need for enforcement in the payment of compensation costs due to environmental damage caused by business actors.

3. Analysis and Results

The existence of environmental pollution, one of which is screen printing waste pollution, is an increasingly serious problem in the Denpasar city area. The urban environment is increasing, one of which is the emergence of many businesses. The waste produced from the screen printing process contains harmful chemicals that can pollute the environment and endanger human health (Mayasari & Rudy, 2021).

3.1. Case Of Screen Printing

Environmental problems are increasingly rampant, this has become a strategic issue in the environment, in this case if it is not given special attention to make it a strategic issue in its solution. Urban areas need to be considered in making business permits that are engaged in relation to the environment so as not to endanger human health. The waste produced in the screen printing process contains various harmful chemicals that can pollute the environment and endanger human health. The process of pollution involves various chemicals such as screen printing waste, the process of occurrence contains chemical elements, this is seen as the chemical substances contained in this case function in providing a warning to the printed material, Solvent this is in the case of the user of the means provided in cleaning the tool that is not suitable and the binder is a material whose function is to attach to the ink and material. The waste produced from this process has a colored, smelly, pungent liquid and contains a mixture of kimua substances if not managed properly, of course it will harm the environment which can be the cause of pollution (Privera et al., 2023).

The case of screen printing waste pollution that occurred on November 28, 2024, West Denpasar District, precisely in Pemecutan Kelod Village, regarding the disposal of screen printing waste which resulted in the Tukad Badung river turning red. After an investigation by the Denpasar City Pamong Praja Police Unit, it turned out that the source of the pollution came from one of the screen printing fabric dyeing businesses owned by a businessman from Pekalongan, Central Java, HNY located on Misol Island Number 1. Based on laboratory tests and seeing the Wastewater Treatment Plant (WWTP) system at the perpetrator's residence, the Denpasar DLHK Task Force said there was a match. The change in Tukad Badung water from clear to deep red was due to the disposal of HNY's former washing dye cloth. This certainly makes the public uneasy so that there is action taken by the Satpol PP in solving the problems felt by the river community which is so clear that it has become a red river. The first step taken by Satpol PP regarding the HNY case is to seal the November 28, 2019 so as not to carry out a work activity that causes anxiety in the community aka water pollution carried out by HNY

3.2. Legal Analysis of the Principle of Paying Polluters in Screen Printing Waste Pollution in Denpasar

Cases of environmental pollution related to screen printing waste in Denpasar are a concern, having a significant impact on the environment and public health (Maulidyna, 2022). In the application of environmental law, there is a principle of pollution that pays to be a source of pollution in overcoming problems in this journal, this inu states that this foundation causes environmental damage, responsible for bearing the consequences of damage caused by pollution committed by business actors in damaging the environment. In the above case, the pollution of screen printing waste carried out by HNY against Tukad Badung is one of the environmental problems that needs to be analyzed, this can be aimed at using the perspective of environmental law in studying it (Paeno et al., 2020).

The legal basis in the case above we first look at:

1. 1945 Constitution, the provisions of the 1945 Constitution regulate the environment in article 28 H paragraph 1. As a result, it is necessary to get a good and healthy living environment so that in running a business, pay attention to the environment which will later destroy the existence of the environment. The existence of rights obtained in a good and healthy environment and obtaining health services makes the 1945 Constitution a green constitution. All government policies must be pro-environment, in this case making the environment so that it is not destroyed (Arsilendra, 2020).
2. Law Number 32 of 2009 concerning Environmental Protection and Management, based on articles 65 - 66 of the UUPPLH is a reference for the right to the environment which makes this a regulation for the implementation of the right to a healthy environment where the community has the right to obtain its existence. This UUPPLH expressly regulates the responsibilities of business actors in waste management, this emphasizes on enforcement of the environment that is perceived to exist, including the obligation to bear the cost of restoring the polluted environment that occurs (Yustiani et al., 2019)
3. Government Regulation Number 18 of 1999, B3 waste is the residue of a business and/or activity that contains hazardous and/or toxic materials due to its nature and concentration. The identification of B3 waste is classified into 2 categories, namely: a) Based on the source, based on the source of B3 waste, it can be classified as: Primary Sludge, which is waste that comes from the sedimentation tank at the initial separation and contains a lot of biomass of organic compounds, chemical sludge, namely dialysis and flocculation waste, excess Active sludge is waste that comes from the process of treating sludge with, digested sludge is waste from biological processing where the solids / sludge produced are quite stable and contain a lot of solids. b) By Characteristics, B3 waste is differentiated based on: Explosive, flammable, reductive, toxic, causes infection, corrosive.

Based on the above explanation, environmental pollution due to screen printing waste is included in toxic ones, this is seen by the color change that occurs in the clear Bandung River to be red and smelly so that the need for protection law enforcement is given in the crackdown on pollution carried out by pollution. Environmental law enforcement can be civil by paying compensation costs due to pollution that occurs, environmental law enforcement is criminal in that there is a prison law on perpetrators who cause environmental damage and environmental law enforcement is administrative, meaning there is a revocation of permits for the environment because it causes violations that occur (Kuswardini & Suprpto, 2019).

4. Denpasar City Regional Regulation Number 11 of 2015 concerning Denpasar Environmental Protection and Management. Based on this, it states the sealing of the boutique mila business activities with evidence of a letter from the Denpasar City Praja Unit. Number: 188.45/ 2489/ Satpol PP 2019.

Based on the case of screen printing waste pollution by Mila Butik, it is a problem in environmental law so it needs to be handled seriously so that there is no neglect of cases in the community that occur due to environmental pollution (Adristi et al., 2023). First, for human health, there are various triggers that can arise from environmental pollution if not handled properly. The water flow of Tukad Badung is used in the lives of the surrounding community. The consequences arise indigestion, intoxication, skin diseases, nervous disorders and shortness of breath and both these impacts on the environment have a negative impact on humans. The negative impact that there is damage to the environment so that it lowers the essence of the environment so that it is not worthy of the eye. Liquid limates enter drainage or rivers, resulting in water pollution so that abiotic and biotic disorders will occur (Setyoningsih, 2021).

The need to blind the case of pollution of the Mila Boutique is carried out by firstly the existence of an unlawful element aimed at the existence of the red tukad badung flow on 28/11/2019 because there is no disposal of screen printing waste at the place of business, secondly the loss made from the perpetrators is aimed at the damage to the use of water that occurs in the

badung tukad the emergence of water pollution and the absence of responsibility perpetrators in solving problems that occur in the form of compensation costs (Supriyadi, 2020).

The application of the principle of polluters who pay in the case of this position refers to article 2 letter j of the UUPPLH, everyone is prohibited from committing acts that result in pollution / destruction of the environment in relation to this has the meaning that the subject of law here in the above case of a corporate legal entity that commits a violation damages the environment through carrying out environmental pollution. The principle related to pollution in the processing of protection in the UUPPLH establishes the principle of polluters who pay the meaning of the person responsible for the business carried out/activities. Causing pollution/environmental damage, must bear the cost of environmental restoration (Kristiana & Mul, 2021). In the perspective of the Pollution Law, the person responsible for the renovation activities that have been carried out in the case of Mila Boutique has a loss of Rp 2,000,000 due to environmental damage that has been carried out, recovery efforts must be made and sealing the screen printing business carried out because the perpetrator does not have a business license.

The third part of the Environmental Management Law describes the countermeasures when pollution occurs. Article 53 of the UUPPLH explains the forms of responsibility that need to be carried out by polluters when their activities pollute the surrounding environment. Based on the OECD, the rules regarding the principle of paying polluters are as follows (Purnama Wati, 2018): a) Polluters should be burdened with the obligation to pay due to the pollution caused; b) Polluters pay, in terms of imposing the cost of activities necessary to prevent pollution in the form of incentive levies equal to the cost of waste cleanup, or simply establishing criteria that require criteria that require taking preventive measures.

The OECD stated that in addition to the above efforts, pollution control also includes other costs in the form of alternative implementation of anti-pollution policies, measurement and monitoring costs, research and technology development costs.

In the field of environmental policy, economic instruments are presented. OECD policy in the implementation of its management: a) Direct control, b) Taxes, c) Payments, d) Subsidies, e) Varios incentive.

4. Conclusion

Compensation is provided using an environmental impact analysis in accordance with the direction of academics in the environmental field. The disposal of screen printing waste carried out by Mila Boutique is a form of environmental pollution, this is seen from the change in the color of the water along the Tukad Badung river to red. So it is necessary to carry out appropriate handling in management and prevention efforts in reducing the negative impact of screen printing waste on the environment and human health. Environmental pollution is studied based on the 1945 Constitution in article 28. The Pollutant Principle Law that pays in article 3 letter j and the Denpasar City PERDA on Environmental Management states that there is a Sealing of production sites carried out by Satpol PP so that pollution does not occur. This research has contributed to the environmental law of religious environmental law enforcement of waste pollution cases carried out by civil payment of Rp 2,000,000 in compensation and the administration of the Mila Boutique business. Implications of this research readers can open their minds to see the impact arising from environmental pollution. The writing of this journal for the future with cases of environmental pollution related to waste can better anticipate by reducing waste management so that pollution no longer occurs, regulating strict and binding rules so that violations do not occur and the participation of the government in educating the dangers of environmental pollution in the community. It is necessary to emphasize environmental regulations regarding the rights and obligations of business actors and the community in business establishment activities considering the surrounding conditions

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