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Indonesia

Press Release

To be distributed immediately

Supreme Court: Local Governments Can Ban Single-Use Plastics

Jakarta, 17th of July 2019. On Thursday, 23rd of May 2019, the Supreme Court through the Court Decision Number 29 P/HUM/2019 decided to reject the judicial review from the Indonesian Plastic Recycling Association (ADUPI), CV Cahya Jaya, and PT Hartono Sinar Cemerlang Plasindo. The Supreme Court ruled that Bali Governor Regulation No. 97 of 2018 concerning Single-Use Plastics Ban is in accordance with higher regulations.

“The effort to avoid single-use plastics is a concrete step in reducing plastic waste according to Waste Management Act Number 18 of 2008, which is done by prohibiting, and/or limiting its production, distribution, sales, and/or use,” said Tiza Mafira, Executive Director of Gerakan Indonesia Diet Kantong Plastik.

This is in accordance with the principle of decentralisation in accordance with Local Government Act Number 23 of 2014 where the local government has the authority to make regional policies to regulate its own government affairs.

“Based on Government Regulation No. 81 of 2012 concerning Household Waste Management, provincial policies and strategies in waste management are stipulated by a Governor Regulation. This is an opportunity for other governors who have strong commitments like Bali to issue the same regulation. Hopefully the national government will also be exploring a similar opportunity,” explained Henri Subagiyo, Executive Director of the Indonesian Center for Environmental Law (ICEL).

“This decision provides significant legal support for efforts to reduce plastic waste in Indonesia,” said Andri Gunawan Wibisana, Environmental Law Lecturer at the Faculty of Law, University of Indonesia.

Based on various kinds of considerations, it is evident that the plastic bags, plastic straws, and Styrofoam ban is not contradictory with the Waste Management Act, Legal Drafting Act, Human Rights Act, and the Governmental Administration Act.

“We appreciate the judges for applying human rights law appropriately, including inserting our opinions into the ruling. Hopefully it will be a positive precedent for the realisation of a healthy environment,” said Executive Director of Amnesty International Indonesia, Usman Hamid.

In a press release distributed by the Bali Provincial Government, it was stated that with this Supreme Court Decision, all parties must comply with and implement the contents of the Governor of Bali Province Regulation No. 97 of 2018 to maintain the sanctity and harmony of Bali's nature and its contents in accordance with the Vision of "Building Sat Kerthi Loka Bali" through the Development Pattern of Planned Universe towards the New Era of Bali.



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The Bali Provincial Government and Krama Bali also gave their highest appreciation and gratitude to all parties who have shown a commitment to the preservation of the natural environment. In the press release, the Bali Provincial Government also stated that other local governments throughout Indonesia need not hesitate nor fear to make policy regulations to realise a clean, green and beautiful Indonesian nature.

This court decision is certainly a good precedent for other local governments that are dealing with the plastic pollution problem and plan to issue single-use plastics ban.

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