

**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**

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Abstract

Countries are burdened with the obligation to prevent, reduce and control pollution of the marine environment caused by various sources. Countries can be held responsible for actions that cause pollution of the marine environment either intentionally or unintentionally because the State has an obligation to prevent activities that can cause pollution or damage to the environment in its territory and outside its jurisdiction. Based on existing data, plastic waste that can be produced in Indonesian waters reaches 1.65 million tons / year. Research data has outlined the distribution of plastic waste in several countries, one of which is Indonesia. In the survey conducted, Indonesia was the second country after China with a high amount of plastic waste not managed well. The Government of Indonesia has issued Presidential Regulation No. 83 of 2018, on handling marine waste, and contains the National Action Plan 2018-2025 involving various Ministries / Institutions and Local Governments. As the host of the Our Ocean Conference 2018 meeting, out of 22 Commitments delivered by Indonesia, 5 of them were commitments related to efforts to tackle plastic waste at sea. Implementation of Presidential Regulation Number 8 of 2018 is important to be carried out to overcome marine waste in Indonesia, besides that the application of this Presidential Regulation will prove Indonesia's commitment in the eyes of the international world in keeping the sea healthy. Not only in making rules, but also in the concrete steps of the rules.

Keywords: waste, marine environment, Presidential Regulation.

Abstrak

Negara-negara dibebani kewajiban untuk mencegah, mengurangi dan mengendalikan pencemaran lingkungan laut yang disebabkan oleh berbagai sumber. Negara-negara dapat dimintai tanggung jawab atas tindakan yang menyebabkan pencemaran lingkungan laut baik sengaja atau tidak sengaja karena Negara memiliki kewajiban mencegah kegiatan-kegiatan yang dapat menimbulkan pencemaran atau kerusakan lingkungan di wilayahnya dan diluar batas yurisdiksinya. Berdasarkan data yang ada, sampah plastik yang dapat diproduksi diperairan Indonesia mencapai 1,65 juta ton/tahun. Data penelitian telah menjabarkan mengenai sebaran limbah plastik yang ada di beberapa negara, salah satu diantaranya adalah Indonesia. Dalam survei yang dilakukan, Indonesia merupakan negara pada posisi kedua setelah China dengan jumlah limbah plastik tidak dikelola dengan baik yang tinggi. Pemerintah Indonesia telah menerbitkan Peraturan Presiden Nomor 83 Tahun 2018, tentang penanganan sampah laut, dan memuat Rencana Aksi Nasional 2018-2025 yang melibatkan berbagai Kementerian/Lembaga dan Pemda. Sebagai tuan rumah pertemuan Our Ocean Conference 2018, dari 22 Komitmen yang disampaikan oleh Indonesia, 5 diantaranya merupakan komitmen terkait upaya penanggulangan sampah plastik di laut. Penerapan Peraturan Presiden Nomor 8 Tahun 2018 penting untuk dilakukan untuk menanggulangi sampah laut di Indonesia, selain itu penerapan akan Peraturan Presiden ini akan membuktikan komitmen Indonesia di mata dunia internasional dalam menjaga laut agar tetap sehat. Tidak hanya dalam membuat aturan, tapi juga langkah nyata aturan tersebut.

Kata kunci : sampah, lingkungan laut, Peraturan Presiden.

Background

The environment is a gift from God Almighty that must be protected and preserved so that it can still be a source of life support for humans and other living things for the continuity and improvement of quality of life.

The development of the international community shows that the environment can no longer be ignored in human life. Sufficient attention and serious handling must be done immediately. Given that environmental damage means a threat to human survival in this world (Ariadno; 2007; 55).

The territory of a country other than air and land is also the ocean. The sea is a part of the environment that has enormous benefits for human life. Because, the sea has many functions and contains various kinds of natural wealth that are useful to meet the needs of human life. In addition, the Sea also has a very important role in human life. In history, the sea has proven to have various functions, including: food sources, trade highways, means of transportation, recreation / tourism, and separating or unifying the nation. Then, along with the advancement of science and technology, the function of the sea has increased again with the discovery of various kinds

of mining materials and valuable excavations on the seabed (Sodik; 2011; 1).

At present, damage to the marine environment is one of the problems that has received great attention from the international community. This is because the sea, which is an important resource center for human life, is already in a very worrying condition. The country of Indonesia is one of the countries that benefited from the enactment and enactment of UNCLOS 1982, because Indonesia has a vast sea area and unique geographical location. Besides the location of the Indonesian archipelago on the equator, this geographical position is in fact an archipelagic state that is in a cross position of the world, namely between two continents namely the Asian and Australian Continents and between two oceans namely the Indian Ocean and The Pacific Ocean. The total area of Indonesia's sea can be broken down into 0.3 million km² of territorial sea, 2.8 million km² of the waters of the archipelago (archipelagic waters), and 2.7 million km² of the Indonesian Exclusive Economic Zone. In this sea area there is an Indonesian marine environment (Suhaidi; 2006; 3).

Indonesia as an archipelagic country must be able to protect the sea and its wealth. So that what has happened so far in the form of illegal fishing, illegal trade, and pollution or destruction of the marine environment can be prevented. Because if that keeps happening, then Indonesia's marine wealth will be drained and Indonesia will become a poor country. Therefore, Indonesia must rise to develop the maritime field including building infrastructure, equipment, and making national regulations in the field of maritime affairs accompanied by law enforcement (Indonesian Maritime Council; 2008; 1).

If Indonesia is able to build and develop its potential and natural wealth, including in the marine sector. Then the Indonesian state will become a developed and large country, which provides prosperity and prosperity for all its people, as mandated by the 1945 Constitution, namely Article 33 paragraph (3) which states: "the earth, water and natural resources contained in it controlled by the state and used for the greatest prosperity of the people".

Maritime Affairs and Fisheries Minister Susi Pudjiastuti said that currently the sea in Indonesia is threatened. Because, there is a lot of garbage in Indonesian waters that has the potential to damage the marine ecosystem. Until now, the garbage threatens the Indonesian sea. The welfare of the Indonesian people, especially in the ocean, is disrupted due to garbage. For the above, Minister Susi invites the Indonesian people not to dispose of garbage in the sea. In addition, he also asked the public to reduce the use of plastic bags. The Indonesian nation is the second largest contributor to waste in the sea. In 2030 if (garbage) is not reduced, there will be more waste than fish (Pratama, Setiawan, 2018).

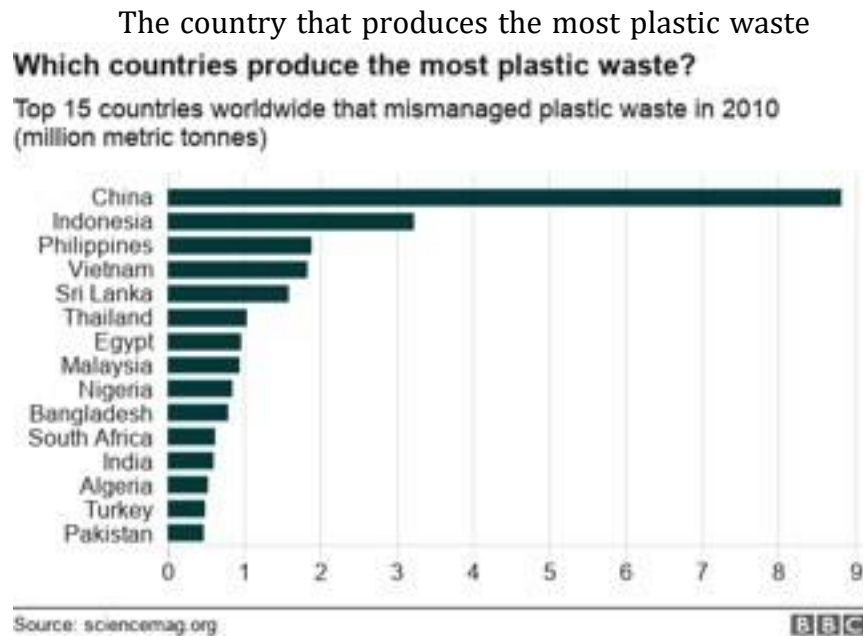
Minister Susi claimed to be very sad and sorry to see a whale in the waters of Wakatobi killed and in his stomach found 5.9 kilograms of plastic waste. According to him, this will not happen if the community does not throw garbage into the sea. The World Economic Forum in 2016 stated that there were more than 150 million tons of plastic in the planet's ocean. Every year, 8 million tons of plastic flows into the sea. Even though plastic can be hundreds of years old in the ocean and decomposes into small particles for much longer. Plastics will accumulate continuously and continue in the sea. Without significant action, there will be more plastic than fish in the ocean, based on its weight, by 2050 (World Economic Forum in 'The New Plastics Economy, Rethinking The Future of Plastics; 2019). Even in 2025, the ratio of plastic to fish in the ocean is estimated to be 1: 3. Plastics will continue to grow to 250 million tons, while the number of fish continues to decline due to more intense arrests.

While the World Economic Forum states there are 150 million tons of plastic in the ocean today, another with Jenna R Jambeck (University of Georgia) and others in his research. Jenna et al wrote that there were 275 million metric tons of plastic waste in 192 coasted countries. Of the 275 million metric tons of garbage, 4.8-12.7 million metric tons are plunged into the ocean. The rubbish continues to kill living things in the ocean. Based on research published by the Secretariat of the Convention on Biological Diversity in 2016, waste in the oceans has endangered more than 800 species. Of the 800 species, 40% are marine mammals and 44% are seabird species. The UN Ocean Conference in New York 2017 calls plastic waste in the oceans killing 1 million seabirds, 100,000 marine mammals, sea turtles and countless fish, each year (Pratama, Setiawan, 2018). In addition to plastic waste, garbage in the ocean also consists of fishery equipment left out, commonly called 'ghost nets' or 'ghost equipment'. The amount is 640 thousand tons or 10 percent of marine waste. Garbage traps trap turtles, birds and marine mammals.

Marine waste is a persistent solid object produced by humans directly or indirectly by being dumped or left in the sea. The amount of marine waste is increasing and almost 60-80% of marine waste consists of plastic waste. A high percentage makes plastic waste one of the contaminants that can have a negative impact, not only on the environment, but also can have an impact on the biota in the environment. Plastic is one type of garbage that is very dominant. its use in daily life today can reach a number that is quite high, ranging from 75-80 million tons.

Based on existing data, plastic waste that can be produced in Indonesian waters reaches 1.65 million tons / year. Research data has outlined the distribution of plastic waste in several countries, one of which is Indonesia. In the survey conducted, Indonesia was the second country after China with a high amount of plastic waste not managed well. The data shows that Indonesia can produce plastic waste as much as 0.48 - 1.29

million tons / year which is spread out at sea. The increasing amount of plastic waste produced can be caused by the increasing population and community activities.



Source: sciencemag.org/BBC

The nature of plastic that is lightweight, strong, durable and inexpensive causes the use of plastic to continue to increase and is very widely used in everyday life. From the nature of the plastic makes plastic very dangerous for the environment. The higher plastic waste in the environment will have potential as contamination. In addition plastic has properties that are not easily decomposed on soil or water, so that with such properties plastic can settle and accumulate in a long time. Nearly 10% of the total plastic produced will be discharged into the river and will lead to one point, namely at the sea. This indirectly explains that plastic waste will continue to grow and will eventually end up in Indonesian marine waters. Plastic waste can decompose into smaller parts with UV light activity and abrasion resulting from a wave action. The definition of mikroplastik itself is a form of secondary plastic that has a smaller size (less than 5 micrometers).

As one of the countries with the largest sea area in the world, Indonesia is listed as the second largest supplier of plastic and microplastic waste after China. Indonesia cannot deny this fact, especially various videos (both mass media and independent media) have shown it so clearly. Plastic waste floats in all directions with minimal handling.

Indonesia has been determined to reduce plastic waste in the sea by 75% by 2025. But it takes tremendous hard work so that determination does

not stop at discourse. Strict legal rules are absolutely necessary so that commitments are carried out. This assertion is needed considering that the use of plastic in Indonesia is already very cultured. No less important is the preparation of a national road map through inter-ministerial coordination to reduce plastic-microplastic production and its use. This national roadmap is translated into various rules to drastically reduce the use of disposable plastic products, while offering incentives to support patterns of sustainable production and consumption (Supangat; 2018).

Recycling in the industry also needs to be underlined if you want to reduce the production of plastic materials that have the potential to accumulate in the sea, such as microplastics in personal care products. In this case, the government needs to embrace producers so that they have responsibility for the life cycle of their products. The national roadmap for handling plastic waste also needs to provide space for innovation in various environmentally friendly materials, including technological innovations that can overcome plastic waste. Equally important is to embrace the community to carry out the 6R campaign namely redesign, reduce (reduce plastic as an ingredient raw), remove (remove plastic once-use), reuse (reuse plastic that can still be used), recycle (recycle to avoid plastic waste), recover (strict plastic combustion for energy production).

The framework needs to be supported by scientific studies so that the public can obtain information about the source and flow of plastic and microplastic waste in the sea. The study covers the entry points of plastic wastes into the sea after extracting information from the capture and aquaculture, shipping and offshore sectors. tourism, waste management, and evaluation of disaster events (storms, tsunamis and coastal floods). The coastline also needs to be identified periodically. Likewise open communication with vulnerable communities.

Other things that need to be studied are microplastic sources and pathways such as the number of primary and secondary microplastics and their entry points into the sea, the contribution of synthetic fibers, vehicle tire fragments, microplastic sizes and compositions from different sources (polymers and additives), plastic resin pellets , port, river, atmospheric / air, and microplastic waste streams. Such studies can form the basis of the national road map as evidence of the government's seriousness in carrying out joint commitments to significantly prevent and reduce marine pollution by 2025. Given how serious the danger of plastic waste in the sea, there is no way other than to actively change the culture of plastic and microplastic use.

The key to its success lies in the awareness of the whole community that plastic waste is a new enemy of humanity. This heavy work cannot be done alone. The government needs to always synergize with stakeholders such as producers, non-governmental organizations, communities, and communities that have been vulnerable to being affected by plastic waste.

In line with the theme of the commemoration of Environment Day 5 June 2018, namely the plastic pollution beat and World Ocean Day on 8 June 2018, namely "Preventing Plastic Pollution and Encouraging Solutions for Healthy Oceans", we should not allow the sea to be polluted further. The sea is a home, a living space that we need to protect together. However, plastic waste is born from the hands of humans so that humans must be responsible for dealing with it. There is no other way. Based on the above problems, the writer will examine the matter of how to implement Presidential Regulation No. 83 of 2018 concerning the Management of Marine Waste in the Context of Providing Protection and Conservation of the Marine Environment for Indonesia.

Discussion

History of International Ocean Law

The discussion of the history of international marine law will certainly be related to the functions of the sea that have been felt by humans. The functions of the sea give impetus to the rule and use of the sea by every country or kingdom based on a legal conception. The birth of the concept of international marine law cannot be separated from the history of the growth of international sea law which recognizes the struggle between two conceptions, namely:

- a. Res Communis, which states that the sea belongs to the world community, and therefore cannot be taken or owned by each country;
- b. Res Nulius, who stated that no sea possessed and therefore could be taken and owned by each country.

The growth and development of these two doctrines began with a long history of the domination of the sea by the Roman Empire. The Roman Empire ruled the edge of the Middle Sea and therefore took control of the entire Central Sea. Thus, the Middle Sea is free from the interference of pirates, so that everyone can use the Middle Sea safely and prosperously. The Roman legal thinking of the sea was based on the doctrine of res communis, which saw the use of the sea as free or open to everyone (Kusumaatmadja, 1986: 3).

Around the 14th to 17th century there was a race of western nations to sail the seas in order to look for new continents and with the main goal of finding a country or nation which was the origin of the spice producers. Therefore, territorial claims arose from the explorers' nations towards the ocean. One example such as the Romans who have shown many signs in carrying out their power that the sea can be owned through the rights of coastal residents to catch fish in the sea area that they admit. In the same period of time as the beginning of the exploration of the hemisphere certainly added to the hectic voyages across continents and oceans, the legal status of the oceans began to be questioned. Spain, Portugal, Italy and the United Kingdom argue that the ocean can be owned. In the midst of

countries that are competing to claim sovereignty over the sea, the Netherlands as a small country that also travels the ocean feels no longer free to sail in the North Sea and the Atlantic Sea. Therefore, the Dutch oppose claims from these countries by saying that the oceans must not be owned by anyone and must be open to all nations.

The most important source of marine law to date is international custom. This international habit was born as a result of actions carried out continuously until it was considered a general habit that was accepted as a law on the basis of the similarity of needs at sea. As a source of international law, international customs are very closely related to international agreements. The legal source of the law of the sea was the result of the United Nations Conference on marine law in 1958 in Geneva. This conference managed to agree on four conventions, namely (Parthiana, 2014: 17):

- 1) Convention on Ocean Territories and Additional Zones, entered into force on 10 September 1964;
- 3) Convention on the High Seas (Convention on High Seas, came into force on September 30, 1962;
- 4) Convention on fisheries and Protection of Natural Marine Resources, entered into force on March 20, 1966;
- 5) Convention on the Continental Shelf, came into force on June 10, 1964.

The United Nations Conference held in New York and Geneva also gave birth to an agreement on the United Nations Convention on the Law of the Sea (UNCLOS) in 1982 which can also be said to be a source of international marine law. This Convention regulates the whole and integrated provisions of the ocean as a whole.

Protection of the Marine Environment from Plastic Waste Pollution

Plastic materials continued to develop throughout the 1920s and 1930s. Many of the newly developed plastic materials were later used in World War II, and in the 1950s these materials were present in homes in various types of products. Currently humans have entered the Plastic Age, where in the last 50 years the volume of world plastic production has increased tremendously, while the level of consumption of plastic materials has increased from around one million tons in 1939 to more than 120 million tons in 1994.

There are countless numbers of sea animals killed and injured by marine debris because most of them are entangled in the garbage, or mistakenly mistaken for prey and eat it. The state of the sea animals that are entangled and eat this garbage is known in 1996, this phenomenon has affected marine animals at least 267 species throughout the world. It includes 86% of sea turtles, 44% of all seabird species, 43% of all marine mammal species and a large number of fish and crustacean species (Laist D.W., Impacts of Marine Debris; 1997; 99). The most problematic marine

waste is fishing nets and other fishing gear. Many species are known to suffer from entanglement which includes 32 marine mammal species, 51 sea bird species, and 6 sea turtle species (Laist D.W., Impacts of Marine Debris; 1997; 99).

For some species, the number of victims is also large even though it is not known with certainty because it is difficult to calculate the number. For example, it has been reported that 130,000 small marine mammals, whales and dolphins caught in fishing nets, are increasing every year even though the exact number can be greater (Clark R.B., Marine Pollution; 1992; 121). When plastic is digested by animals, it is possible that the chemicals contained in plastic can be absorbed into the animal's body. This can potentially cause toxic effects on animals. A further threat from eating plastic is the presence of dangerous chemicals that stick to the surface of plastic waste. Research has shown that harmful pollutants such as DDE and PCB have been absorbed and concentrated on the surface of plastic waste.

Conservation and environmental protection is one of the crucial issues that will continue to be a topic of warm conversation for some groups. What is needed in the protection and preservation of the environment does not only require a large quantity but a sustainable or sustainable consistency. This is because the environment is not only used at this time, but will become a place of residence for the wider community forever. Given the importance of this, the role of the absolute Government is enormous. As a protector of society, the government should have a paradigm concept of thinking that cares about the environment. Not only that, the right regulation will be the savior of the correlation between humans and the environment, whose benefits will return to humans themselves.

UNCLOS 1982 did not explain in detail about the technical protection of the sea from waste pollution, but emphasized the recommendation for countries to actively participate in regional cooperation activities. UNCLOS 1982 encouraged States to cooperate in the activities of protecting the marine environment under the UN environmental organization namely UNEP (United Nations General Assembly Resolution A / 65 / 37A on Oceans and Law of the Sea, 2010). Basically UNEP has launched regional cooperation in each region to deal with pollution of the marine environment, it is expected that countries can participate in supporting each other regionally and implemented in their national territory so that global scale marine pollution can be immediately reduced.

In practice, the United States as one of the edge countries of the Pacific Ocean has carried out the obligation stated by UNCLOS 1982, namely making national legislation to prevent, reduce and control marine pollution from land sources. The United States has the Clean Water Act 1972 as a law to set water standards in the country. The Clean Water Act states that the disposal of pollutants in waterways must be removed. The Clean Water Act aims to improve and maintain national water resources both chemically,

physically and biologically by prohibiting the disposal of toxic amounts of pollutants in waterways (Clean Water Act 1972, sec. 101).

Through the Clean Water Act, in fulfilling its objectives, the United States made state policies that required developing management processes and ensuring adequate management of pollutants in a large area by each state. In addition, the United States Congress has a policy to support and provide funds in the development of research and facilities related to the rights and obligations of the State to prevent, reduce and control water pollution by hazardous substances in accordance with the provisions of UNCLOS 1982.

Besides the United States, the other Pacific Ocean edge country is Japan. In practice, Japan has set national quality standards through the Japan Basic Environmental Law and charged the relevant ministries to meet national standards, including the Ministry of Environment (MoE) and the Ministry of Land, Infrastructure, Transport and Tourism (MLIT).

One of the actions to handle marine pollution by plastic waste regionally is through the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP Program). The NOWPAP Program was formed and worked in 2004/2005 as a follow-up to the UNEP Regional Seas Program initiated in 1974. The NOWPAP Program covers the northwest Pacific Ocean with geographic lines 121° BT - 143° BT and 52° LU-33° LU, and 4 participating countries this work plan is Japan, South Korea, China, and Russia (UNEP, Action Plan for Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region, 2004).

There have been many efforts made by the State together with UNEP and environmental organizations to clean up plastic waste that has accumulated in the convergent zone of the Pacific Ocean as a form of protection and preservation of the marine environment. This is in accordance with what is required in article 194 of UNCLOS to take all actions in preventing, reducing and controlling pollution of the marine environment. The periphery countries of the Pacific Ocean have fulfilled their obligations to prevent, reduce and control sea pollution and take emergency actions against sea pollution that are outside their jurisdiction (Azaria, Sucipto, Heru Prijanto; 2012).

Marine Environment Pollution in International Law

The main legal instrument in the context of the protection of the marine environment is "United Nations Convention on Law of the Sea (UNCLOS) 1982. UNCLOS 1982 states the definition of pollution, namely:" The inclusion of material or energy directly by humans into the marine environment which results in bad in such a way as damage to the wealth of the heart and life in the sea, a danger to human health, disruption to marine

activities including legitimate fishing and marine use, a decrease in the quality of the use of seawater and reduced comfort".

UNCLOS 1982 has combined the limits of wider marine pollution and mentions sources of pollution from all aspects, such as from land based activities (land activities), seabed activities, activities in the area (activities on the ocean floor), dumping (disposal of waste), vessels (ships), or from the air (atmosphere). UNCLOS 1982 regulates the protection of the marine environment and the preservation of the marine environment in Chapter XII which consists of Article 192 - Article 237 (Isfarin, 2012: 216).

An action to prevent and control pollution of the marine environment caused by all sources is required in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) (Law Number 17 of 1985 concerning Ratification of the 1982 Sea Law Convention). Both individually and jointly to prevent, reduce and control pollution of the marine environment which is caused by all sources (UNCLOS 1982, Article 194 number 1). Each country must take the necessary measures to ensure that activities under their jurisdiction or supervision are carried out in such a way that these actions do not cause damage caused by pollution carried out by other countries and their environment, and so that pollution arises from actions and activities under their jurisdiction or supervision they do not spread beyond areas that are under the exercise of their sovereign rights (UNCLOS 1982, Article 194 number 2).

The following is a classification of all forms of marine environmental pollution and planned efforts to prevent them (UNCLOS 1982, Article 194): Release of toxic, dangerous or disturbing materials continuously, originating from land or by air and due to dumping; Pollution from water vehicles, especially actions to prevent accidents and those relating to emergencies, to ensure the safety of operations at sea, to prevent accidental or unauthorized disposal and the design and construction, equipment and operation and management of water vehicle crews; Pollution from installations and equipment used in the exploration or exploitation of the seabed and the land beneath it, in particular measures to prevent accidents related to emergencies to ensure the safety of operations at sea, and regulate the design of construction, equipment, operations and order of the intended installation or equipment. Pollution from other installations and equipment operated in the marine environment, especially actions to prevent accidents and those related to emergencies, to ensure the safety of operations at sea, and regulate the design, construction, equipment and crew management of such installations or equipment.

Every country must have a stake in preventing the pollution of the marine environment, namely (UNCLOS 1982, Article 204-206): Observing, regulating, assessing and analyzing based on standardized scientific methods regarding the risks or consequences of pollution of the marine

environment. Overseeing every marine activity that contains the possibility of polluting the marine environment, Announces in reports about the results obtained from observing, regulating, assessing and analyzing based on scientific methods that are standardized about the risks or consequences of pollution of the marine environment. can cause significant pollution or prominent and detrimental changes to the marine environment

Classification of marine pollution according to UNCLOS 1982, as contained in Section 5 concerning International Regulations and National Legislation to Prevent and Reduce and Control Ocean Environmental Pollution (International Rules and National Legislation to Prevent, Reduce, and Control Pollution of the Marine Environment) namely (Syofyan, 2010: 148-149):

- 1) Marine pollution originating from land sources (UNCLOS 1982, Article 207);
- 2) Marine pollution originating from seabed activities subject to national jurisdiction (UNCLOS 1982, Article 208);
- 3) Marine pollution originating from activities in the region (UNCLOS 1982, Article 209);
- 4) Ocean pollution due to dumping (UNCLOS 1982, Article 210);
- 5) Ocean pollution from water vehicles (UNCLOS 1982, Article 211);
- 6) Marine pollution originating from or by air (UNCLOS 1982, Article 212)

All efforts have been made by sovereign countries to protect the sustainability of their marine areas. Firm actions have been carried out in accordance with existing provisions, but do not rule out the possibility of accidents or negligence that pollutes the environment. In 1948, the UN Conference formed a body focused on maritime affairs called the International Maritime Organization (IMO). In its development, IMO has produced several conventions that specifically regulate pollution and compensation for marine pollution by smoky oil from ships such as; Maritime Pollution 1978 (MARPOL), International Convention on Civil Liability for Oil Damage 1969 (CLC 1969), and International Convention on the Establishment of the 1971 International Fund for Compensation for Oil Pollution (1971 Fund Convention).

Implementation of Presidential Regulation No. 83 of 2018 concerning the Management of Marine Waste in the Context of Providing Protection and Conservation of the Marine Environment for Indonesia.

The world's attention is now focused on the presence of plastic waste collected at several points in the ocean known as convergence zones or oceanic swirls. Convergent zones are large areas where cold currents and hot ocean currents meet, which give rise to areas with calm ocean currents that allow this collection of marine waste to be trapped in one area. This collection of garbage consists of small pieces of plastic waste that float on

the surface, and some other small pieces that sink. The largest collection of marine waste is in the Pacific Ocean which is directly squeezed by Japan and the United States, and is known as The Great Pacific Garbage Patch.

The existence of this marine waste has been predicted from the results of the National Oceanic and Atmospheric Administration (NOAA) in 1985 to 1988 which stated that there is a high concentration of neustonic plastic in the Alaskan convergence zone, so the same conditions also occur in the North Pacific Ocean convergence zone (Day, Robert H.; Shaw, David G.; Ignell, Steven E.; 1988). Globally, the percentage of waste that pollutes the sea is plastic waste which accounts for 60-80% of the total waste in the sea, while in some places the presentation reaches 90-95% of the total garbage in the sea. There is no strong scientific data on the origin of the waste, but an estimated 80% comes from land and 20% comes from ships. Waste originating from land activities such as landfills near the beach or garbage carried by waterways and rivers in urban areas, besides dumping and dumping of marine vehicles also contributes to the amount of garbage in the ocean.

Plastic waste can damage ecosystems and marine biota that eat plastic waste that has been decomposed, and store substances that have been absorbed by plastic pieces in the body of the marine biota. These dangerous chemical substances are Polychlorinated Biphenyl (PCB), and Dichlorodiphenyldichlorethylene (DDE), Polycyclic Aromatic Hydrocarbons (PAH), and Dichlorodiphenyltrichloroethane (DDT). These substances fall into the black list category contained in Annex A and the gray list contained in Annex B of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention on Persistent Organic Pollutants) which came into force on August 26, 2010 (Azaria, Sucipto, Heru Prijanto; 2012).

The 1982 Sea Law Convention states that every country has the right to sail under its flag on the high seas, but the country must also effectively implement jurisdiction and supervision in the administrative, technical and social fields of vessels flying its flag. More generally, each country is obliged to protect and preserve the marine environment from the dangers of pollution, but countries are not entirely free to set their national provisions relating to environmental protection issues from the threat of pollution.

Beginning in December 2017, the United Nations Environment Agency (UN) in Nairobi, Kenya, declared a resolution on plastic and microplastic waste at sea. In essence, countries agree to significantly prevent and reduce marine pollution by 2025. The state prioritizes policies that avoid plastic and microplastic waste entering the marine environment. As a follow-up, an international working group was formed to review the options for handling marine-legally solid waste. The move was widely welcomed because the crisis of plastic waste in the sea became a new enemy whose

impact was increasingly evident. The main objective of this international working group is to find ways to eliminate marine waste in the long run.

The group found that eight million tons of plastic waste goes into the sea every year. The very high durability of plastic makes it not easily broken down so that it is difficult to just remove it. A round of ocean currents transports plastic waste deposits to the surface. Apart from being unsightly, various marine species are poisoned. The latest data shows that since the 1950s nine million tons of plastic have been produced worldwide, and at least today it still leaves trash of seven million tons. Other recent research also shows the number of microplastic scattered in the environment now reaches around 51 trillion grains, equivalent to 236 thousand metric tons.

The amount of plastic production is very large, and is expected to continue to increase in the future. In 2014, world packaging plastic production was valued at \$ 270 billion and is predicted to increase to \$ 375 in 2030. Marine species are not the only living things affected. Plastic waste is also a direct threat to human survival, especially for the 400 million population whose food depends on marine animals (fish, shellfish, oysters, etc.). So far, the fisheries sector has been threatened by over-exploitation and climate change. Plastic dumps make things worse. There was pointing between countries about who did it.

Minister of Environment and Forestry Siti Nurbaya Bakar opened the 4th Intergovernmental Review (IGR) meeting of the Global Program of Action (GPA) in Nusa Dua, Bali, at the event was an international meeting of countries in the world to protect the marine environment from activities. land-based activities. Ms. Siti emphasized Indonesia's commitment in implementing global agreements. Moreover, marine and coastal ecosystems face serious threats from sea and land based activities. Masking 80 percent of marine pollution comes from land-based human activities.

Seeing this reality, Indonesia has developed and implemented a number of national policies, strategies and work programs that deal with coastal and marine issues, in addition, there are national policies on the 2030 agenda for sustainable development.

At the five-year conference of the United Nations Environment Agency (UNEP), a number of environment ministers and representatives of UN Environment member countries, NGOs, experts, and a number of members of the organization were accredited by the UN Environment Assembly. IGR-4 raised the theme of the Pollution in Ocean and Land Connection, Mrs. Siti said, President Jokowi had issued Presidential Regulation No. 83 of 2018 concerning Marine Waste Management. This regulation discusses a strategic action plan to combat marine waste from 2018 to 2025 with the target of being able to reduce solid waste by 70 percent.

Previously President Joko Widodo also issued a Presidential Decree in 2017 concerning National Policy and Strategy on Waste Management (JAKSTRANAS). These various regulations show that the Indonesian

Nation has gone through various approaches to the protection of the marine environment. In all activities, the government also involves various stakeholders. Indonesia has urged commitment from 156 companies to reduce plastic waste and conduct beach cleaning in 19 locations, as well as rehabilitate coral reefs in 23 locations.

Indonesia has also launched a National Action Plan to reduce plastic waste through various activities that must be carried out by all stakeholders. So far, the government has completed an evaluation of 18 coastal cities. The results show that the total plastic waste found in our waters is far less than predicted. The IGR-4 agreement will then be outlined in the Bali Declaration of Protection of the Marine Environment From Land-Based Activities. Siti is optimistic, the IGR forum in Bali will produce a useful commitment to solve the problem of sea pollution from land-based activities.

In this activity must be carried out by all member countries and implemented within the framework of cooperation between countries. "The way is by increasing capacity in the fields of human resources, knowledge and technology transfer. IGR-4 is an arena for the UN World Environment Agency or UNEP which began with the first meeting in Montreal, Canada in 2001. IGR-2 Meeting in Beijing, China in 2006, and the IGR-3 meeting in Manila, the Philippines in 2012 with the results of the Manila Declaration (Pryanka, Dwi; 2018).

In a span of 1 week, two types of dead marine biota have been found with a stomach filled with marine waste. On November 19, 2018 a dead sperm whale was found stranded in the waters of Kapota Island, Wakatobi National Park for swallowing 5.9 kg of plastic waste. 8 days later on Pari Island, the Thousand Islands also found two to three dead sea turtles which were allegedly caused by eating garbage. Around the location of turtle death, there is a lot of garbage, water hyacinth, and oil spills, but the most dominating is plastic waste.

The government's lack of seriousness in handling marine waste has become a problem with the large amount of marine waste. The lack of concrete steps in handling marine waste and the slow issuance of regulations on handling marine waste has become an illustration of the government's seriousness. Regarding the issuance of regulations on handling marine waste, the government has committed since 2016 to reduce marine waste, but the implementation rules have only emerged at the end of 2018, namely Presidential Regulation No. 83 of 2018 concerning Marine Waste Management.

Implementation of Presidential Regulation No. 83 of 2018 which contains a national action plan for handling marine waste in 2018-2025 is important to be implemented. This regulation becomes the first and only legal forum that regulates the handling of plastic waste in the sea in an integrated and comprehensive manner. Until now there have not been any

clear actions taken in implementing this rule. To handle marine waste, ICEL urges the government to take the first step by reducing the amount of marine waste by cleaning and collecting marine waste. Then in the long run, prevent waste from activities on land so that they do not get to the sea and carry out supervision and sanction the perpetrators who carry out garbage disposal from activities at sea.

In addition to implementing the action plan and initial steps, the Government must also harmonize the implementation of Presidential Regulation No. 83 of 2018 with Presidential Regulation No. 97 of 2017 concerning National Policies and Strategies for Household Waste Management and Trash like Household Waste Presidential Regulation No. 83 of 2018 was prepared to follow up on the Government's commitment to reduce plastic waste in the sea by 70% in 2025 and Presidential Regulation No. 97 of 2017 is prepared with a target of up to 30% waste reduction and waste management up to 70% by 2025.

In their respective rules, the two Perpres become references by regional governments, ministries and non-ministerial government institutions in compiling their respective strategic plan documents. How these two Perpres can support each other in achieving the target of reducing waste is the government's homework, "said Ohiongyi Marino, ICEL's Head of Coastal and Maritime Division. ICEL gave criticism for the Presidential Regulation No. 83 of 2018 which does not contain input from the public regarding the need for a disincentive policy for producers, brand holders and modern retailers, shopping centers, services and food. This disincentive policy is needed to provide a stronger impetus for producers, brand holders and businesses to reduce the use of plastic waste.

ICEL assesses that the action plan in this Perpres also only provides performance standards for each program which only sees a 'wrapper' without looking at it. For example, increasing public awareness of the dangers of plastic waste is measured only based on the amount of socialization that will be carried out, there is no specific assessment of what can be said that there has been an increase in awareness or targets of good waste management as measured by the number of waste management facilities, not the performance of each - each of these facilities later. But despite the weakness of this Perpres, urgent steps are urgently needed. If it is not immediately implemented, it is feared that this action plan will only become a rule. So the death of whales in Wakatobi and turtles on Pari Island is just the beginning of similar cases that will appear in the future.

This Perpres was signed one month before Our Ocean Conference was held in Bali. Application of Presidential Regulation No. 8 In 2018 it is important to do this to overcome marine waste in Indonesia, besides that the application of this Perpres will prove Indonesia's commitment in the eyes of the international world in keeping the sea healthy. Not only in making rules, but also in the concrete steps of the rules.

Conclusion

Countries are burdened with the obligation to prevent, reduce and control pollution of the marine environment caused by various sources. Countries can be held responsible for actions that cause pollution of the marine environment either intentionally or unintentionally because the State has an obligation to prevent activities that can cause pollution or damage to the environment in its territory and outside its jurisdiction. To overcome the problems related to marine plastic debris waste, Indonesia has made various efforts at the national, regional and global levels. Since 2015, Indonesia has been campaigning for the threat of marine plastic debris at the global level, which is reflected in Indonesia's position as co-sponsor of the resolution resolution of Marine Plastic Debris and Microplastic proposed by Norway at the UNEA United Nations Environment Assembly meeting. At the 2017 World Ocean Summit in Bali, the Government of Indonesia is committed to reducing 70% of plastic waste at sea in 2025. As a follow up, the Government of Indonesia has issued Presidential Regulation No. 83 of 2018, on handling marine waste, and contains the 2018 National Action Plan 2025 involving various Ministries / Institutions and Regional Governments. As the host of the Our Ocean Conference 2018 meeting, out of 22 Commitments delivered by Indonesia, 5 of them were commitments related to efforts to tackle plastic waste at sea. Application of Presidential Regulation No. 8 In 2018 it is important to do this to overcome marine waste in Indonesia, besides that the application of this Perpres will prove Indonesia's commitment in the eyes of the international world in keeping the sea healthy. Not only in making rules, but also in the concrete steps of the rules.

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