

# LEGAL PROTECTION AGAINST WASTE POLLUTION THAT RESULTS ENVIRONMENTAL DAMAGE IN COASTAL AREAS

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## ABSTRACT

*Plastic waste is a type of material that is close to everyday life. When we eat, drink from the bottle. The type of research that the author uses in this research is legal research with empirical aspects. Considering the need for legal protection against waste pollution which causes environmental damage in coastal areas.*

*The legal basis for Law Number 32 of 2009 concerning Environmental Protection and Management is contained in Article 3. In accordance with Article 1, point 14, it explains Law Number 32 of 2009 concerning the protection of environmental management. Mitigating marine pollution and destruction, protecting sea water quality, determining marine quality status by referring to Sea Water Quality Standards (BMAL) and marine damage criteria. Law (UU) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. article 60 letter g; h. i. and J. Legal Protection against Garbage Pollution which causes Environmental Damage in the Badung Bali Coastal Area related to Law Number 32 of 2009 concerning Environmental Protection and Management is contained in Article 3 of the 2009 UUPPLH. Apart from that, it protects the coastal area ecosystem from waste pollution and maintains its sustainability so that pollution does not occur as a result. rubbish and environmental destruction, both through pollution and protecting environmental damage in the Badung coastal area as a result of violating Article 98 paragraph 1 of Law no. 32 of 2009 concerning Environmental Protection and Management. threatened with imprisonment for a minimum of 3 years and a maximum of 10 years and a fine of at least Rp. 3 billion and a maximum of Rp. 10 billion. Apart from that, Law (UU) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. Article 60 letters g, h, i. and J.*

*Keywords: Legal protection. Pollution and coastal areas*

## 1. INTRODUCTION

Waste is waste leftover from a product or item that is no longer used, but can still be recycled into valuable items. Organic waste is waste that comes from the remains of living creatures that easily decompose naturally without human intervention to decompose. Organic waste can be said to be environmentally friendly waste and can even be reprocessed into something useful if managed properly. However, if waste is not managed properly it will cause disease and unpleasant odors as a result of the rapid decomposition of organic waste. Inorganic waste is waste that is no longer used and is difficult to decompose. Inorganic waste buried in the ground can cause soil pollution because inorganic waste is classified as a substance that is difficult to decompose and the waste will be buried in the ground for a long time, this causes damage to the soil layer. Types of Organic Waste. Based on the type, organic waste can be classified into 2 types, including waste. wet and dry organic.

For the environment, plastic can cause pollution, both in land, water and air. In the soil, plastic can block the absorption of water and sunlight, thereby

reducing soil fertility and can cause flooding that ends up in coastal areas. Meanwhile, plastic waste contributes to 90% of the waste in coastal areas. In contrast to plastic waste on the ground which may not be exposed to sunlight if buried, plastic waste in the ocean can be freely exposed to the sun's ultraviolet rays. As mentioned above, photodegradation then occurs which breaks down the plastic into small pieces. Finally, toxic materials from broken down plastic, for example bisphenol A (BPA), enter the food chain, being eaten by living creatures in the sea, from the smallest to the largest. And humans who may be at the top of the food chain, experience the accumulated effects of these toxic substances. In the air, the plastic components are scattered can be dangerous for health and the environment. For example, polyvinyl chloride (PVC) plastic which contains halogens will produce dioxins when burned. Dioxin is one of the most dangerous components produced by humans. Apart from that, many of these offers are also tempting for the community, including fishermen, especially as business groups receive incentives to clean up plastic waste around the Benoa and Tuban coastal areas in Badung Regency.

Joint efforts are needed. Implementing a circular economy can be a solution to dealing with plastic waste found in mangrove forests and this method works more optimally because it is supported by stimulus from caring hands. Even so, joint efforts are needed to prevent plastic waste from being thrown away carelessly and polluting the environment around coastal areas. There is a need for awareness and community participation to help protect the environment by not throwing rubbish carelessly into rivers that ultimately end up in coastal areas. Apart from threatening the ecosystem in coastal areas, the presence of plastic waste can also cause a reduction in the economic income of local communities. Because if there is rubbish around them, the fishing resources they rely on will decrease significantly. "For example, if there is a lot of trash or even overflowing mud crabs and mangrove fish, the mud crabs will not come out,"

organic waste, and toxic hazardous waste (B3). Types of Environmental Pollution Water Pollution Water pollution is a change in the quality of water in a water area such as seas, rivers, lakes and groundwater. Causes of water pollution: (Barlin: 1994). which hinders or encourages environmental guidance and development in Indonesia. This cooperation is also needed to discuss problems and provide influence towards environmental management in a harmonious and integrated manner, in accordance with their capabilities and knowledge for the success of sustainable development. (Wibowo's younger brother: 2014)

Before determining the location, various feasibility studies must be carried out, to avoid things that do not actually provide benefits but instead cause losses and even new problems for the surrounding community. Very detailed arrangements related to implementation requirements must be carried out, but for the record it is more appropriate not to formulate them in law, but only in technical regulations which are more operational (Wayan Budiayasa Suyasa: 2015). Along with the development of modern society in facing globalization and the process of industrialization and modernization, there will be changes in social processes in the order of people's lives. The process of industrialization and modernization and especially forestry industrialization has had a major impact on the continuity of forests as a support for life and living creatures in the world. Forests are a very important natural resource, not only as a wood resource, but more as a component of the living environment (Siswanto Sunarso: 2005). The demand for water use is increasing, water is needed for irrigation, industry, drinking water, recreation, etc. - other. Demand is increasing while water supply is decreasing. Other natural resources such as plants, trees, aquatic sources and mineral sources are very dependent on their management. The problem that arises is that poverty and underdeveloped environmental appreciation emphasize the need to manage natural resources appropriately and effectively, resulting in less attention to environmental factors (Koesnadi Hardjasoemantri: 2005). Mangrove forests are being completely cleared for the ambition to build luxury housing, industrial centers and economic centers, as a result the habitat that should be intended for marine

species is increasingly narrow. Species that live in the air and on land are very dependent on the existence of mangrove forests (Rahmad K Dwi Susilo: 2008)

For the environment, plastic can cause pollution, both in land, water and air. In the soil, plastic can block the absorption of water and sunlight, thereby reducing soil fertility and can cause flooding that ends up in coastal areas. Meanwhile, plastic waste contributes to 90% of the waste in coastal areas. In contrast to plastic waste on the ground which may not be exposed to sunlight if buried, plastic waste in the ocean can be freely exposed to the sun's ultraviolet rays. As mentioned above, photodegradation then occurs which breaks down the plastic into small pieces. Finally, toxic materials from broken down plastic, for example bisphenol A (BPA), enter the food chain, being eaten by living creatures in the sea, from the smallest to the largest. And humans who may be at the top of the food chain, experience the accumulated effects of these toxic substances. In the air, scattered plastic components can be dangerous for health and the environment. For example, polyvinyl chloride (PVC) plastic which contains halogens will produce dioxins when burned. Dioxin is one of the most dangerous components produced by humans. Apart from that, many of these offers are also tempting for the community, including fishermen, especially as business groups receive incentives to clean up plastic waste around the Benoa and Tuban coastal areas in Badung Regency.

Joint efforts are needed. Implementing a circular economy can be a solution to dealing with plastic waste found in mangrove forests and this method works more optimally because it is supported by stimulus from caring hands. Even so, joint efforts are needed to prevent plastic waste from being thrown away carelessly and polluting the environment around coastal areas. There is a need for awareness and community participation to help protect the environment by not throwing rubbish carelessly into rivers that ultimately end up in coastal areas. Apart from threatening the ecosystem in coastal areas, the presence of plastic waste can also cause a reduction in the economic income of local communities. Because if there is rubbish around them, the fishing resources they rely on will decrease significantly. For example, crabs and mangrove fish, if there is a lot of rubbish, it even overflows, the mud crabs will not come out," this is where there is a need for legal protection for rubbish pollution which causes environmental damage in coastal areas to protect the existing ecosystem. This gives the understanding that environmental pollution in marine coastal areas requires intervention. humans directly or indirectly, materials or energy into the marine environment, including waters, which results in or may bring about negative consequences such as damage to the richness of life and life in the sea, danger to human health, disruption to activities in the sea, including fishing and other uses of the sea. Another thing is decreasing the useful quality of sea water and reducing comfort in coastal areas.

Based on the background of the problem above, regarding the problem to be discussed, the researcher formulates the problem:

1. What is the legal basis for regulating waste pollution which causes environmental damage in coastal areas?
2. Legal protection against waste pollution which causes environmental damage in coastal areas?

## **2. RESEARCH METODOLOGY**

The type of research that the author uses in this research is legal research with empirical aspects. Considering the need for legal protection against waste pollution which causes environmental damage in coastal areas, so as to get attention to existing problems.

### **3. RELATED RESEARCH/LITERATUR REVIEW**

Waste is waste leftover from a product or item that is no longer used, but can still be recycled into valuable items. Organic waste is waste that comes from the remains of living creatures that easily decompose naturally without human intervention to decompose. Organic waste can be said to be environmentally friendly waste and can even be reprocessed into something useful if managed properly. However, if waste is not managed properly it will cause disease and unpleasant odors as a result of the rapid decomposition of organic waste. Inorganic waste is waste that is no longer used and is difficult to decompose. Inorganic waste buried in the ground can cause soil pollution because inorganic waste is classified as a substance that is difficult to decompose and the waste will be buried in the soil for a long time, this causes damage to the soil layer.

#### Types of Organic Waste

Based on the type, organic waste can be classified into 2, including wet and dry organic waste.

#### 1. Wet Organic Waste

Wet organic waste is organic waste that contains a lot of water. For example, wet organic waste is vegetable waste, banana peels, rotten fruit, onion skins and the like. This is what I said, that organic waste can cause an unpleasant odor because of the high water content which causes this type of waste to rot quickly.

#### 2. Dry Organic Waste

Dry organic waste is organic waste that contains little water. Examples of organic waste include wood, tree branches, wood and dry leaves. Most organic waste is difficult to reprocess so it is more often burned to destroy it. Examples of Organic Waste. Examples of organic waste are rice, fruit peels, rotten fruit and vegetables, tea/coffee dregs, animal carcasses, and animal/human waste.

### **4. RESULTS AND DISCUSSION**

#### **4.1 The legal basis for regulating waste pollution which causes environmental damage in coastal areas?**

The management of coastal areas is carried out in a planned manner by taking into account the characteristics of coastal areas, uniqueness, beach geomorphology and coastal ecosystem conditions and the size of the island. This means that management of coastal areas in one region will vary according to the different characteristics and uniqueness of that coastal area. forms of management in coastal areas:

- a. In coastal areas with sloping beaches and open to the open sea, conversion of mangroves into ponds or settlements will cause quite strong coastal erosion and degradation of water quality, so this needs to be limited.
- b. The rapidly increasing rate of damage to coral reefs due to mining and destructive fishing activities needs to be controlled with regulatory norms and strict sanctions.
- c. The use of small islands needs to be limited and prioritized for conservation, ecotourism, limited aquaculture, research and small-scale fishing industry bases; Because small islands generally have limited fresh water with shallow soil solum, intensive management of small islands needs to be limited lest the islands experience subsidence or sink.
- d. Coastal areas that are above folds/faults will often experience earthquakes and tsunami disasters, so disaster mitigation measures are needed in their management.

- e. In coastal cities, the need for land encourages the development of beach reclamation activities or the construction of coastal buildings. Reclamation or construction of coastal buildings that do not pay attention to the characteristics of the coastal area can cause damage to adjacent coastal areas. So mechanisms need to be set up so as not to cause casualties to other parties.
- f. In coastal areas whose ecosystems have been damaged, they need to be rehabilitated until they recover again to support the life of marine biota and humans.
- g. Relatively rich coastal resources are often centers of economic growth and dense populations. However, most of the population is relatively poor, and this poverty places pressure on coastal resources which are the source of their livelihoods. If this is ignored, it will have implications for increasing damage to coastal ecosystems. Apart from that, there is still a tendency that industrialization and economic development in coastal areas often marginalize local coastal residents, as has happened in Aceh, Riau, Pantura Java. Therefore, community empowerment norms are needed.
- h. In managing coastal areas, their vulnerable nature needs to be protected but can also be utilized to meet life's needs. Therefore, policies are needed in managing coastal areas that can balance the level of utilization of coastal resources for economic purposes without sacrificing the needs of future generations through the development of conservation areas.

Material offenses in the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management are contained in Article 98 and Article 99, namely every person who intentionally or negligently commits:

- i. Actions that result in exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage standard criteria
- ii. Actions that result in exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage standard criteria and result in injury to people and/or danger to human health
- iii. Actions that result in exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage standard criteria and result in serious injury or death to people.

Formal offense of criminal offense against the environment Article 100 paragraph (1) UUPPLH: Every person who violates waste water quality standards, emission quality standards, or nuisance quality standards shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of IDR 3.000,000,000.00 (three billion rupiah). The criminal offense as intended in Article 100 paragraph (1) can only be imposed if the administrative sanctions that have been imposed are not complied with. Legal certainty is needed to guarantee legal certainty that regulates the management of coastal resources, especially mangrove forests, clearly and can be understood and obeyed by all stakeholders;

From the results of research on legal protection against waste pollution which causes environmental damage in coastal areas. In Law Number 32 of 2009 concerning Environmental Protection and Management, it is contained in Article 3 of the 2009 UUPPLH. Apart from that, it is related to the Ecosystem from Environmental Pollution in the Mangrove Forest area so that the principle of certainty, the Principle of Openness, the Principle of Decentralization and the role of the Regional Government in regulating and maintaining it can be taken into account. there is no environmental pollution and destruction, either through pollution or protection. Environmental damage in the coastal area in the Badung area results from violating Article 98 paragraph 1 of Law no. 32 of 2009 concerning Environmental Protection and Management. threatened with imprisonment for a

minimum of 3 years and a maximum of 10 years and a fine of at least Rp. 3 billion and a maximum of Rp. 10 billion.

Legal basis for legal protection of waste pollution which causes environmental damage in coastal areas. In Law Number 32 of 2009 concerning Environmental Protection and Management, it is stated in Article 3 that environmental protection and management aims to:

- a. protect the territory of the Unitary State of the Republic of Indonesia from environmental pollution and/or damage;
- b. guarantee human safety, health and life;
- c. ensure the continuity of life of living creatures and the preservation of ecosystems;
- d. maintain the sustainability of environmental functions;
- e. achieve environmental harmony, harmony and balance;
- f. guarantee the fulfillment of justice for present and future generations;
- g. guarantee the fulfillment and protection of environmental rights as part of human rights;
- h. controlling the wise use of natural resources;
- i. realizing sustainable development; The important role of Regional Government is to regulate and maintain so that environmental pollution and destruction does not occur due to waste pollution.

In accordance with Article 1 point 14 explaining Law Number 32 of 2009 concerning the protection of environmental management. Mitigating marine pollution and destruction, protecting sea water quality, determining marine quality status by referring to Sea Water Quality Standards (BMAL) and marine damage criteria. Prevention and damage to the sea is carried out through the following steps, among others:

- 1) Prohibit actions that can cause damage to the sea.
- 2) Require business activities to prevent pollution and marine damage through the following steps to maintain water quality ecosystems and coral reef ecosystems
- 3) Requiring business activities to bear the costs of maritime management and payment of compensation for losses in the event of marine damage.

Apart from that, Law (UU) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. article 60 letter g. submitting reports and complaints to the authorities regarding losses that befell him relating to the implementation of Management of Coastal Areas and Small Islands;

- a. express objections to the management plan that has been announced within a certain period;
- b. report to law enforcement due to suspected contamination, contamination and/or destruction of Coastal Areas and Small Islands which is detrimental to their livelihoods;
- c. file a lawsuit with the court regarding various problems in Coastal Areas and Small Islands which are detrimental to their lives;

#### **4.2 Legal Protection against Waste Pollution which causes Environmental Damage in Coastal Areas.**

In terms of legal protection against waste pollution which causes environmental damage in coastal areas, community participation in obtaining environmental information is required, everyone has the right to play a role and is obliged to take part in environmental management in accordance with Article 67 of Law Number 32 of 2009 concerning Environmental Management. Life which states that every person is obliged to preserve the function of the environment and control environmental pollution and/or damage (Supriadi; 2010). The environment is one of the natural resources that has a very strategic role in the existence of God's creatures, including humans. Therefore, humans as environmental subjects also have an important role in environmental sustainability. The environmental

management law has given humans a role to play in environmental management. This is in accordance with the provisions of Article 5 paragraph 1 of Law Number 23 of 1997 concerning Environmental Management. The legal politics of environmental processing is more concretely reflected in the objectives to be achieved from the issuance of the 2009 UUPPLH. The objectives of environmental protection and processing according to article 3 of the 2009 UUPPLH are: (Muhammad Akib. 2013).

The environment is a place for humans to live, do activities and has an important role in achieving and increasing prosperity. The environment in Indonesia is often also called the living environment. In Law no. 32 of 2009 concerning environmental management, the definition of the environment is the unity of space with all objects, forces, conditions and living creatures, including humans, and their behavior. Which affects the continuity of life and welfare of humans and other living creatures and can affect their lives. The relationship of interdependence between all It is very important to know the elements in this system, especially by humans as the main managers in this system so that the continuity of this relationship can continue to be maintained for the sustainability of the living system on the face of the earth. (Bimber.B: 2003) Caring for the environment is a category of environmental pollution which includes living things, substances, energy and/or other components into the environment by human activities so that they exceed the environmental quality standards that have been determined (Law of the Republic of Indonesia Number 32 2009) concerning Environmental Protection and Management, Chapter I Article I Paragraph 14). The environment as a spatial unity with all objects, forces, conditions of living creatures including humans and their behavior greatly influences nature itself. Nature can be seen as a network of life systems that are interconnected or interconnected with each other. In article 28H of the 1945 Constitution of the Republic of Indonesia, it is stipulated that a good and healthy living environment is a human right of every Indonesian citizen. In fact, the decreasing quality of the environment has threatened the survival of humans and other living creatures, so it is necessary to protect and manage the environment seriously and consistently by all stakeholders. Moreover, dealing with global warming which is increasing, resulting in climate change, thus worsening the decline in environmental quality, therefore it is necessary to protect and manage the environment. The environmental problem in essence is finding ways that must be implemented to guarantee and make the earth and the natural surroundings a habitable space for a peaceful, peaceful and prosperous life. Actions that pollute the environment are the same as killing life itself (Ninie Suparni: 1994). The ecosystem of an environment can be disrupted due to environmental pollution and destruction. The terms pollution and environmental destruction are often confused even though both have their own realities as follows:

- 1) Pollution is a situation in which a substance or energy is introduced into an environment by human activities or by natural processes themselves in such a concentration that it causes changes in the circumstances in question which result in the environment not functioning as before in terms of health and well-being, , and biosafety .
- 2) Environmental destruction is the actions of people who cause direct and indirect changes to the physical, chemical and biological characteristics of the environment so that they exceed the standard criteria for environmental damage.

From the results of research on Legal Protection against Waste Pollution which causes Environmental Damage in the Badung Bali Coastal Area related to Law Number 32 of 2009 concerning Environmental Protection and Management contained in Article 3 of the 2009 UUPPLH apart from that it protects the Coastal Area Ecosystem from waste pollution and maintains its sustainability so that it does not pollution occurs due to waste and environmental destruction, both through pollution and protection. Environmental damage in the Badung coastal area results from violating Article 98 paragraph 1 of Law no. 32 of 2009 concerning Environmental Protection and Management. threatened with

imprisonment for a minimum of 3 years and a maximum of 10 years and a fine of at least Rp. 3 billion and a maximum of Rp. 10 billion. Apart from that, Law (UU) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. article 60 letter g. submitting reports and complaints to the authorities regarding losses that befell him relating to the implementation of Management of Coastal Areas and Small Islands;

- a. express objections to the management plan that has been announced within a certain period;
- b. report to law enforcement due to suspected contamination, contamination and/or destruction of Coastal Areas and Small Islands which is detrimental to their livelihoods;
- c. file a lawsuit with the court regarding various problems in Coastal Areas and Small Islands which are detrimental to their lives;

## 5. CONCLUSION

- 1) The legal basis governing waste pollution which causes environmental damage in coastal areas in Law Number 32 of 2009 concerning Environmental Protection and Management is contained in Article 3. Environmental protection and management aims to: a. protect the territory of the Unitary State of the Republic of Indonesia from environmental pollution and/or damage; guarantee human safety, health and life; c. ensure the continuity of life of living creatures and the preservation of ecosystems; d. maintain the sustainability of environmental functions; e. achieve environmental harmony, harmony and balance; f. guarantee the fulfillment of justice for present and future generations; g. guarantee the fulfillment and protection of environmental rights as part of human rights; h. controlling the wise use of natural resources; i. realizing sustainable development; The important role of Regional Government is to regulate and maintain so that environmental pollution and destruction does not occur due to waste pollution. In accordance with Article 1 point 14 explaining Law Number 32 of 2009 concerning the protection of environmental management. Mitigating marine pollution and destruction, protecting sea water quality, determining marine quality status by referring to Sea Water Quality Standards (BMAL) and marine damage criteria. Prevention and damage to the sea is carried out through the following steps, among others: 1) Prohibiting actions that can cause damage to the sea. 2) Require business activities to prevent pollution and marine damage through the following steps to maintain water quality ecosystems and coral reef ecosystems 3) Require business activities to bear the costs of marine mitigation and payment of compensation for losses in the event of marine damage. Law (UU ) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. article 60 letter g. submit reports and complaints to the competent authorities regarding losses that befell him related to the implementation of Coastal Area Management and Small Islands; h. express objections to the management plan that has been announced within a certain period; i. report to law enforcement due to suspected contamination, pollution and/or destruction of Coastal Areas and Small Islands which is detrimental to their livelihoods; j. file a lawsuit with the court regarding various problems in Coastal Areas and Small Islands which are detrimental to their lives;
- 2) From the results of research on Legal Protection against Waste Pollution which causes Environmental Damage in the Badung Bali Coastal Area related to Law Number 32 of 2009 concerning Environmental Protection and Management contained in Article 3 of the 2009 UUPPLH, apart from that it protects the Coastal Area Ecosystem from waste pollution and maintains its sustainability so that there will be no pollution due to waste

and environmental damage, either through pollution or protecting environmental damage in the Badung coastal area as a result of violating Article 98 paragraph 1 of Law no. 32 of 2009 concerning Environmental Protection and Management. threatened with imprisonment for a minimum of 3 years and a maximum of 10 years and a fine of at least Rp. 3 billion and a maximum of Rp. 10 billion. Apart from that, Law (UU) Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. Article 60 letters g, h, i. and J.

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