



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

INDONESIA

We do not have a specific reported case in Indonesia, but the general legal requirements on waste producers are very detailed. [Government Regulation Of The Republic Of Indonesia Number 101/2014 On Hazardous And Toxic Waste Management](#) provides that transfer for hazardous waste (B3) to another person does not end the responsibility of the waste producer to assure that it is properly managed and disposed of. [English link: Indonesian/Bahasa link](#). See [Marakim & Taira, International Comparable Legal Guide: Indonesia Environmental Law, 2018](#).

The general penalty provisions in the law are broad and cover both deliberate mismanagement of waste and negligent actions. See also Indonesian National Law on Waste Management of 2008, Article 40 (1).

Waste operator/manager who in contravention of law and deliberately carrying out activities of waste management without taking into consideration the norms, standards, procedures, and criteria that could cause community health disorder, security disturbances, environmental pollution, and/or environmental destruction shall be sentenced to imprisonment for a minimum 4 (four) years and for a maximum 10 (ten) years and a minimum fine Rp. 100.000.000,- (one hundred millions Rupiah) and a maximum fine Rp. 5.000.000.000,- (five billions Rupiah)
(2) If the criminal violation as mentioned at paragraph (1) caused death or serious injured, waste manager shall be sentenced to imprisonment for a minimum 5 (five) years and for a maximum 15 (fifteen) years and a minimum fine Rp. 100.000.000,- (one hundred millions Rupiah) and a maximum fine Rp. 5.000.000.000,- (five billions Rupiah)

Even negligent acts by waste producers can carry penalties:

Article 41 (1): Waste operator/manager who are negligent of carrying out activities of waste management without taking into consideration the norms, standard, procedure, and criteria causing community health disorder, security disturbances, environmental pollution, and/or environmental destruction shall be sentenced to imprisonment for a minimum 3 (three) years and a maximum fine Rp. 100.000.000,- (one hundred millions Rupiah) (2) If the criminal violation as mentioned at paragraph (1) causing death or serious injured, waste manager

shall be sentenced to imprisonment for a maximum 5 (five) years and a maximum fine Rp. 500.000.000,- (five hundred million Rupiah)

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