

LEGAL AWARENESS OF FOOD DELIVERY RESTAURANTS REGARDING REGULATIONS ON REDUCING THE USE OF PLASTIC BAGS*

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Abstract

The Surabaya municipality is facing unresolved issues due to the waste generated by community activities. The UN Economic and Social Commission for Asia and the Pacific (UN-ESCAP) reported that Surabaya generates 111,300 tons of waste, comprised of 32% plastic waste, 18% single-use food service waste, 14% plastic sanitation product waste, and 12% beverage bottle waste. In order to implement the Sustainable Development Goals (SDGs), the Surabaya City Government has issued Surabaya Mayor Regulation No. 16 of 2022, which focuses on reducing the use of plastic bags in the region. One factor contributing to the increasing amount of plastic waste generation in Surabaya is the proliferation of restaurants offering online food delivery services. This study employs a juridical-empirical method by sampling 50 merchants affiliated with Go Food, Shopee Food, and Grab Food in Surabaya City. The sample consists of 30 privately-owned merchants and 20 merchants owned by legal entities. The results indicate that all respondents are aware of the Mayor's Regulation in Surabaya. However, only 20% of them consciously and consistently comply with it by using eco-friendly shopping bags and paying the additional fee through an application. The implementation of the Surabaya Mayor's Regulation has encountered obstacles due to a lack of supporting legal infrastructure, thereby resulting in suboptimal monitoring of its execution.

Keywords: Waste; Plastic Waste; Online Food Delivery; Eco-Friendly Practices; Regulations.

INTRODUCTION

In 2014, the Minister of Environment praised Surabaya as an exemplary city that successfully manages waste using the 3R concept (reduce, reuse, recycle), resulting in a reduction of disposed waste. In order to achieve the government's target of reducing waste by 30% by 2025, two programs have been launched, namely the development of 3R Waste Management Sites (TPS 3R) and Waste Banks. However, the implementation of these programs is facing challenges such as skeptical attitudes from the public, limited facilities and infrastructure in TPS 3R, and a shortage of experts in waste

management (Rukuh Setiadi, 2020). Therefore, a reassessment is necessary to ensure the effective implementation of waste reduction programs in urban areas, which can achieve the government's targets and Sustainable Development Goals (SDGs).

The TPS 3R program and waste banks are only capable of reducing 0.014% of the total amount of waste generated by the community on a daily basis. As defined by the National Standardization Agency (2002), waste generation refers to the amount of waste produced by the community in terms of volume or weight per capita per day. The

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government relies on the amount of data available on waste sources to determine the necessary facilities and infrastructure for waste management. However, previous studies have indicated that the implementation of the 3R waste management program has not been effective in various regions. A study conducted in 2019 by A.A. Puspa Nugraheni and W. Widjonarko found that the ineffectiveness of the Tawang Sari 3R waste management program was attributed to three aspects. Firstly, from an economic perspective, the Tawang Sari 3R program suffered losses. Secondly, from an institutional perspective, both the government and community groups, including the Environmental Agency of Boyolali Regency, PKK Tawang Sari Village, and Posdaya Marsdi Mulyo, were unable to ensure the program's sustainability due to some inadequate human resources. Thirdly, from a socio-cultural aspect, there was still a lack of community involvement in waste management (Widjonarko & Nugroho, 2019). The research conducted by Suning and Dwi Maryanti in Sidoarjo also revealed unsatisfactory results regarding the 3R waste management program. The study indicated a lack of synergy between the government, society, and private sector in implementing the program. Additionally, the role of society was evaluated as inadequate (Widjonarko & Nugroho, 2019). These findings demonstrate that the problem of waste reduction in the city area has not been effectively resolved.

The United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP) is a United Nations organization that focuses on economic

and social development in the Asia Pacific region. The objective of UN-ESCAP is to provide solutions to economic issues, including environmental and sustainable development (Jenderal & Internasional, 2018). According to a UN-ESCAP report, Surabaya produces 111,300 tons of waste annually, consisting of 32% plastic waste in the form of plastic bags, 18% single-use food service items, 14% plastic waste from sanitation products, and 12% plastic drink bottles, as shown in figure 1.1. (Pasifik, 2020)

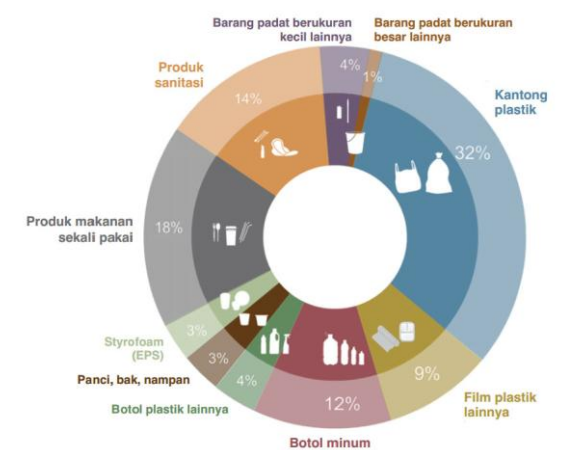


Figure 1.1 The composition of plastic types disposed into the environment.

The data indicates that single-use plastic bags are the biggest contributor to waste in Surabaya, which requires immediate action to prevent pollution of the waters and oceans. By managing and preventing plastic waste in Surabaya, the city plays a role in achieving sustainable development goals such as SDG 12 (responsible consumption and production) and SDG 14 (conserving marine ecosystems).

Surabaya has implemented various ways to reduce plastic waste, such as providing paid plastic bags at minimarkets, reducing the use of non-environmentally friendly plastic bags, and

launching the Suroboyo Bus, which is expected to reduce waste from bottled drinking water packaging. Despite efforts being made, the problem of increasing plastic waste has yet to be resolved. This is evidenced by the issue of the disposal of bottled water packaging waste, which is used as a payment method for the Suroboyo bus system. Another issue is the accumulation of 39 tons of bottled water packaging waste that is difficult to sell due to the lack of a proper sales system.

In an effort to achieve sustainable development goals and comply with the mandate of Regional Regulation No. 1 of 2019 concerning the second amendment of Regional Regulation No 5 of 2014 concerning the Waste Management and Cleanliness in Surabaya City (subsequently referred to as Regional Regulation No 1 of 2019), the Mayor of Surabaya has issued Mayor's Regulation No. 16 of 2022 concerning the Reduction of Plastic Bag Use (subsequently referred to as Mayor's Regulation No 16 of 2022). Effective from April 9, 2022, this regulation aims to reduce the amount of non-biodegradable plastic bag waste and increase community participation in protecting and managing the environment through the reduction of plastic bag usage. The regulation from the Mayor of Surabaya requires shopping centers, traditional markets, supermarkets, and restaurants to use environmentally-friendly shopping bags and prohibits the use of plastic bags.

In principle, the regulation can be effectively implemented and complied with by business operators or managers. Chapter VII of Regional Regulation No. 16 of 2022 provides for administrative sanctions, including oral warnings,

written warnings, and coercive actions by the government such as the forced removal of plastic bags or other measures to stop violations of the regulation.

The development of technology has brought changes to people's eating habits. Currently, food delivery services through online applications such as Grab Food, Go Food, and Shoope Food are becoming more popular. There are many factors that encourage people to buy food and drinks through these apps, including the availability of menu options, adoption of lifestyle, effectiveness and efficiency of online food delivery services, and conditions that force people to utilize these services (Puspita & Aprilia, 2020). Restaurants that provide food delivery services through these apps are one of the targets in reducing plastic waste, including plastic bags and disposable food packaging, in accordance with the Surabaya Mayor's Regulation.

Based on the background information provided, this study aims to investigate the extent of legal awareness of food delivery restaurants regarding the policy to reduce the use of plastic bags. The regulation issued by the Mayor of Surabaya on reducing plastic bag usage has not been fully implemented by some food delivery restaurants. Therefore, this research is conducted to identify the factors that influence the compliance of food delivery restaurants towards the policy.

In the hypothesis of this research, awareness of government regulations regarding plastic waste reduction is remains minimal. This is evidenced by the fact that many vendors still use plastic bags when providing food delivery services.

This research aims to address issues related to the legal awareness of restaurant owners offering food delivery services in implementing Mayor Regulation No. 16 of 2022, as well as the factors that hinder its implementation in Surabaya. The study is expected to provide an overview of the effectiveness of the implementation of Mayor Regulation No. 16 of 2022 in reducing plastic waste in the city.

RESEARCH METHODS

This research applies an empirical juridical approach, which is a research method that examines the practical implementation of normative legal provisions in the field or in legal events that occur in society. This approach not only analyzes the law from the aspect of legislation and regulations but also considers the behavior of society (Muhammad, 2004). The sampling technique used in this research is purposive sampling, where the sample consists of 50 food delivery restaurants that are registered on the GoFood, ShopeeFood, and GrabFood platforms in Surabaya city.

RESULTS AND DISCUSSION

A. Legal Awareness of Food Delivery Restaurant Owners in Implementing the Surabaya City Regulation No. 16 of 2022

According to Sudikno Mertokusumo, legal awareness refers to an individual's awareness of actions that should be taken or avoided. This also includes the community's views on appropriate behavior and how to respect the rights of others (Laurensius Arliman S, 2015).

According to Laurensius Arliman S. (2015), legal awareness can be defined as an understanding of the following:

1. The function of law as a tool to protect society. In this context, legal awareness means understanding what law is and how it plays a role in maintaining the safety and well-being of society;
2. Our legal obligations to others. Legal awareness also includes a sense of responsibility and obligation to respect the rights of others and consider the common interests; and
3. Consequences of violating the law. Legal awareness includes an understanding that violating the law will result in sanctions and consequences that must be borne by the perpetrator.

The Surabaya Mayor Regulation No. 16 of 2022 was issued as an implementation of the Surabaya Regional Regulation No. 1 of 2019 concerning Waste Management and Cleanliness in Surabaya. Although the effectiveness of this regulation in reducing plastic waste has not yet been evaluated, it is hoped that the implementation of the Surabaya Mayor Regulation can reduce 50% of plastic waste generated by the Surabaya community. In addition to helping reduce plastic waste from consumer shopping, the implementation of the Surabaya Mayor Regulation on Reducing the Use of Plastic Bags is also expected to help preserve the environment.

Cooperation between local government and society is necessary to reduce the use of plastic bags. Active participation from the community is very important to assist the government in monitoring the implementation of the

Surabaya Mayor's Regulation on Reduction of Plastic Bag Use. Despite the efforts made in 2015 to reduce plastic waste through the plastic bag fee policy, the policy was considered ineffective because shopping bags were still made of plastic and the alternative options were still affordable. Furthermore, this policy did not solve the problem and was even suspected of benefiting certain individuals.

After experiencing previous failures and witnessing the detrimental effects of uncontrolled plastic waste on the environment, the city government of Surabaya has made a breakthrough in reducing the use of plastic bags by implementing regulations in Mayor Regulation No. 16 of 2022. As a metropolitan city and a primary destination for the surrounding population in terms of economy and education, Surabaya has experienced an increase in its population, reaching 2.87 million people as of September 2020.

The high intensity of work and technological advancements has affected the high mobility in Surabaya. Therefore, the people of Surabaya prefer online food delivery services through applications such as Grabfood, Gofood, and Shopee food. Several factors are driving the people of Surabaya to utilize these services, as stated by Puspita and Aprilia (2020) below:

1. Quality of service and application: The ease of use of the application and the satisfactory delivery service are driving factors for people to comfortably use online food delivery services.
2. Variety of food offered: The availability of a wide range of food

options on the application is a key factor that motivates people to use these services.

3. Lifestyle changes: The development of technology has indirectly influenced the lifestyle of people, moving them away from conventional buying and selling towards online transactions.
4. Effectiveness and efficiency: The use of online food delivery services indirectly helps in saving time and energy, making it an effective and efficient way of getting food delivered.
5. Conditional: The availability of online food delivery services can assist customers who are unable to purchase food directly due to certain circumstances.

With the increasing interest of the community in utilizing online food delivery services, many people in Surabaya see the opportunity to improve their family's economy and contribute to reducing plastic waste in the city. One of the factors influencing this is the ease of becoming a restaurant partner on applications such as Grabfood, Gofood, and Shopee food. More than 500 restaurants in Surabaya have currently joined as partners on these applications to provide online food delivery services. The types of food and beverages offered are diverse, ranging from fast food, traditional Indonesian cuisine, Chinese, Indian, Thai, Korean, and other types of food and beverages.

The convenience of becoming a partner for food delivery restaurants can have both positive and negative impacts. On the positive side, being a seller partner can provide benefits such as:

- a. Creating new job opportunities. In situations where many companies are reducing their workforce, becoming a partner of a food delivery service restaurant can be an alternative for restaurant owners. With a relatively small capital and cooking and innovation skills, restaurant owners can join as partners in such applications.
- b. Improving family economy. Joining as a restaurant partner in a food delivery service application can improve family economy and provide additional income. Especially in the current new normal period, the appropriate use of information technology can provide great benefits in generating income.
- c. Quick business growth. Advances in information technology, especially in the food business world, provide great opportunities to reach a wider audience. With increased sales, product improvement, and other conveniences in the application, the food business can grow rapidly.
- d. Saving rental costs. Joining as a partner in a food delivery service application does not require a large place to open a business. Thus, expenses in rental costs can be saved. Even a personal or rented residence can be used as a food delivery business venue. Applications such as Grabfood, Gofood, and Shopee food do not require food businesses to have a special place.

As for the negative sides on the ease of becoming a restaurant partner include, among others:

- a. The lack of supervision in implementing restaurant cleanliness and health standards.

Basically, a food establishment or restaurant must meet the cleanliness and health standards that have been established. These standards are based on the Minister of Health's Decree No. HK.01.07/Menkes/382/2020 regarding Health Protocols for the Public in Public Places and Facilities in the Context of COVID-19 Prevention and Control. This guide covers various restaurant cleanliness and health standards, such as restaurant management standards, kitchen area standards for managers and employees, as well as standards for payment and exit areas (Suparyono, 2022).

Not all partner restaurants of Grabfood, Gofood, and Shopee food, especially those operating from homes, comply with the cleanliness and health standards set by the Ministry of Health. The Ministry of Health's policy only applies to restaurants or eateries, and there are no regulations governing the cleanliness and health standards for homes used as food delivery service establishments. The ease of becoming a partner restaurant also contributes to the lack of compliance with these standards. Furthermore, not all partner restaurants registered through Grabfood, Gofood, and Shopee food undergo food surveys before joining.

In a pandemic situation, potential partners only need to bring food samples to the office for verification without going through a business feasibility survey. However, it is crucial to consider the accessibility of the business location, as delivery personnel such as motorcycle

taxi drivers often complain about the difficulty of picking up food from restaurants located in non-strategic areas, including those located in narrow alleys or densely populated residential areas.

- b. There is no legal requirement for restaurants providing food delivery services.

The Government Regulation No. 80 of 2019 on Electronic Trading provides a solution to the challenges in online food business by regulating the requirements for obtaining business permits for business operators. The term "business operators" here refers to application companies, while partner sellers (merchants) are not required to have business permits.

In the requirements to become a seller partner (merchant) at PT. Solusi Transportasi Indonesia (Grab), PT. Aplikasi Karya Anak Bangsa (Gojek), and PT. Shopee Indonesia (Shopee), a business license is not required. The legal relationship between the merchant and the application companies is a partnership relationship governed by a partnership agreement. Both parties have rights and obligations in accordance with the agreed upon agreement, with reference to the Local Regulation (Clara Apulina Ginting and T. Keizerina Devi Azwar, 2021).

The application company divides the types of businesses that can join as merchants into two categories: privately owned businesses and corporate-owned businesses. These two types of businesses have differences in their understanding and requirements that must be fulfilled in order to join as a merchant. Privately owned businesses refer to businesses or restaurants owned by individuals. To join as a merchant in this category, a national

ID card, tax ID number, and bank account are required. On the other hand, corporate-owned businesses refer to businesses or restaurants that have legal entities. To join as a merchant in this category, the director's personal information (national ID card), business license, articles of incorporation, and tax ID number are required.

From this regulation, we see that individual businesses have an advantage in becoming merchants because there is no obligation to obtain business licenses such as a Business Identification Number (NIB), Company Business License (SIUP), or Tourism Business Registration Certificate (TDUP). This ease of entry is one of the reasons why there is a high number of merchants joining platforms such as Grabfood, Gofood, and Shopee food.

Currently, there has been a shift in the purchasing behavior of the community towards food. They prefer to use technology or applications rather than conventional or direct methods (Nugroho, 2021). This is supported by survey results showing that 70% of 450 respondents order food more often through applications (Intan, 2021). However, the impact of this behavioral change is evident in the increase in plastic waste resulting from food packaging. Waste management issues are also becoming a problem in almost all urban areas in Indonesia.

The Surabaya City Government has taken concrete steps to tackle the problem of plastic waste and fulfill the mandate of Article 28H of the 1945 Constitution which obligates the state to ensure a good and healthy environment for Indonesian citizens. These efforts are realized

through the issuance of Mayor Regulation No. 16 of 2022, which explicitly regulates the reduction of plastic bag usage. In fact, in this regulation, businesses are prohibited from providing plastic bags to their customers. This is stipulated in Article 6 which requires restaurants to comply with the following provisions:

- a. Abide by the prohibition on providing plastic bags;
- b. Provide environmentally-friendly shopping bags for a fee near the cashier during payment transactions;
- c. Implement procedures to socialize the use of environmentally-friendly shopping bags to consumers; and
- d. Implement procedures to socialize the negative impacts of using plastic bags.

According to Mayor Regulation No. 16 of 2022, a restaurant is defined as an establishment that serves food and beverages, equipped with equipment and tools for food preparation, in a fixed location. Although this definition does not provide further explanation of the scope of restaurants, it can be concluded that restaurants that do not provide dine-in services, such as those listed on Grabfood, Gofood, or Shopee food owned by individuals or legal entities, are also considered restaurants and must comply with the Surabaya Mayor's Regulation on the Reduction of Plastic Bag Usage by not providing plastic bags.

Before the effective implementation of the Surabaya Mayor's Regulation on the Reduction of Plastic Bag Usage, the Surabaya City Environmental Agency conducted a 30-day information dissemination campaign in traditional and modern markets, crowded areas, retail stores, restaurants, and tourist spots in

Surabaya, in accordance with Article 15 provisions. The purpose of this information dissemination was to educate the public about the zero waste program, particularly the reduction of plastic waste, and encourage them to start using shopping bags as a habit.

To determine the level of compliance of merchants with the Surabaya City Mayor's Regulation regarding the ban on the use of plastic bags, a study was conducted on 50 merchants in Surabaya, consisting of 30 privately-owned businesses and 20 businesses owned by legal entities. The results showed that all respondents (100%) stated that they were aware of the regulation. However, although they understood the ban on the use of plastic bags as food and beverage packaging, this did not guarantee their compliance with the regulation. In fact, the majority of business owners (64%), especially those who owned private restaurants, still considered the regulation only as a recommendation and not a requirement to be followed. Therefore, to this day, many business owners still use plastic bags and do not comply with the regulation.

Based on the statements of the food producers or managers mentioned above, it is evident that many food business owners lack a comprehensive understanding of the objectives behind the policy of restricting the use of plastic bags. This policy is not intended to create difficulties for them, but rather to assist business operators in preserving the environment and reducing plastic waste.

The owner of the merchant asserts that the local government should not discriminate between food providers and plastic bag manufacturers. To promote the

reduction of plastic bag usage, the local government should limit their production and provide inexpensive and readily available alternative food/beverage packaging. However, in reality, plastic bags are still widely available and sold at an economical price. This raises doubt for the merchant owner regarding the effectiveness of the policy, as the local government appears indecisive and displays discriminatory actions towards food business operators.

Despite the fact that the use of plastic bags is still a common habit when shopping, unfortunately, people often forget to bring environmentally friendly shopping bags. Therefore, there is a need to implement new and more sustainable habits to change environmentally damaging behavior.

The government's efforts to disseminate information through the Surabaya Environmental Agency are a manifestation of the legal fiction theory, which is based on the requirements stipulated by Law No. 12 of 2011 regarding the Formation of Legislation to be published and socialized to the public so that the law can be known and obeyed. There is a distinction between legal awareness and legal compliance, where legal compliance is driven by the application of sanctions in society to make people obedient to the law. On the other hand, legal awareness is a law that is hoped by society to exist and be enforced.

Based on the survey results, it is known that current merchants only have legal awareness of the applicable regulations, but they still lack awareness to comply with them. In addition to obligating merchants not to provide

plastic bags, they are also required to socialize the use of environmentally friendly shopping bags and provide information on the negative impacts of plastic waste. However, the implementation of these obligations is difficult to achieve due to the low level of compliance of the merchants towards the established regulations.

Article 6 of Mayor Regulation No. 16 of 2022 imposes an obligation on restaurants to actively participate in socializing the reduction of plastic bag usage. However, according to the information obtained, many restaurant owners are not fulfilling this obligation. Even Grabfood, Gofood, and Shopee food merchants argue that this is not their responsibility. Although the government only provides information about the limitation of plastic bag usage, restaurant owners are also expected to participate in educating customers about the importance of reducing plastic bag usage.

According to Ahmad (2018), the level of legal awareness can be categorized into four levels, namely:

- a. Legal knowledge: At this level, society has knowledge of certain behaviors or things that have been regulated by the law.
- b. Legal understanding: At this level, society not only knows about the law, but also understands how the law is regulated.
- c. Attitude towards the law: At this level, society has a tendency to evaluate the law that has been established.
- d. Legal behavior: This stage is where society consciously complies with and follows the rules and regulations of the law.

In order to increase public awareness about the importance of using environmentally friendly shopping bags, the Surabaya City Environmental Agency has conducted socialization efforts. Additionally, applications such as Grab, Go Jek, and Shopee have also participated by providing information through their merchant applications with slogans encouraging the use of eco-friendly shopping bags. Furthermore, these applications have also committed to providing additional driver attributes, such as food boxes as a place to put food and drink orders. However, restaurant merchants are still reluctant to use eco-friendly shopping bags because they are concerned that food may spoil or spill, which could affect their ratings and performance in the eyes of customers.

The social behavior changes of a community have indirect impacts on the surrounding environment. Despite the growing knowledge of plastic waste hazards in society, guidance from various parties is still necessary to ensure the effectiveness of existing policies. One way to provide guidance is through information dissemination (Susilo, 2012). This is a gradual process of shaping attitudes and transferring information about new culture from one generation to the next (Handelman, 2021).

Based on the fact that socialization or information dissemination plays an important role in changing habits, it is necessary to have appropriate forms of information dissemination that can be understood by all segments of society. However, the success of changing social habits is not solely dependent on information dissemination alone. The government also plays a crucial role in

implementing policies through monitoring and enforcement actions so that these policies can be complied with by the public.

So far, the respondents feel that they have never been invited to listen to direct communication from Grabfood, Gofood, or Shopee Food. This is suspected to be one of the reasons why the traders are less obedient in following the directions. The traders only know about the ban on plastic bag usage from social media or from information dissemination conducted in other public places.

If a merchant wants to use environmentally friendly shopping bags, an additional cost of IDR 4,000 to IDR 6,000 is required, which will be charged to customers. Based on a survey, 20 out of 25 corporate merchants have implemented an additional charge for eco-friendly shopping bags for every purchase, while the other 5 still use plastic bags. Meanwhile, all 30 privately owned merchants or restaurants still use plastic bags to wrap food and drinks.

Some sources among the privately owned merchants admit that the additional cost for shopping bags is not proportionate to the price of the food or drinks they sell. Therefore, they prefer to use plastic bags, which are easier to obtain and have a more affordable cost. This is also why privately owned merchants still use plastic bags.

Since the implementation of the Surabaya Mayor Regulation in March 2022, the use of plastic bags by merchant owners has not received any warnings from Grabfood, Gofood, Shopee food, or the Environmental Agency. This can be observed from the lack of verbal, written,

or coercive warnings from these parties to merchant owners who use plastic bags.

The Surabaya Environmental Agency has issued verbal warnings to several outlets that continue to use plastic bags, but plastic bags are still found in some of these outlets (Kurniawan, 2022). However, the respondents in this study indicated that they have not received any warnings either verbally or in writing. This may be due to the large number of merchants, making it impossible for the Environmental Agency's human resources to reach all of them. Therefore, in order for the policy to be effective and increase legal awareness among merchants, all parties, including government officials, Grabfood, Gofood, Shopee food, and the public, need to be involved in supporting the implementation of this policy.

In terms of the tasks of development and supervision, the Mayor of Surabaya has the authority to delegate responsibilities to the Surabaya Environmental Agency. In order to carry out supervisory duties, the Environmental Agency is authorized to impose administrative sanctions on food business operators who do not comply with established rules. Types of sanctions that can be given include written or verbal warnings, as well as government enforcement measures such as the confiscation of plastic bags and efforts to stop violations. These provisions are in accordance with Article 12 paragraph (2) of Mayor Regulation No. 16 of 2022.

B. Challenges in Implementing the Surabaya Mayor's Regulation No. 16 of 2022 on Reducing the Use of Plastic Bags in Surabaya City.

According to Soerjono Soekanto, the effectiveness of law enforcement in

society can be measured through five aspects, namely regulation, enforcement by authorities, infrastructure support, compliance by the public, and culture. However, the Surabaya Mayor Regulation on Reducing the Use of Plastic Bags lacks clarity in terms of its regulation or the law itself, which may lead to different interpretations among the public. The regulation's name also indicates a lack of government commitment to eliminating the use of plastic bags as a source of waste generation.

Reducing is not the same as prohibiting. Reducing the use of plastic bags refers to an effort to limit their use, but still allows for their use. However, it is important to emphasize the extent of the limitations on plastic bag usage, which is not yet clear in the Surabaya Mayor's Regulation on Reducing Plastic Bag Usage. On the other hand, prohibiting or prohibition has a more forceful meaning, where the public is clearly and firmly prohibited from using plastic bags.

In terms of law enforcement, the Mayor's Regulation of Surabaya regarding the Reduction of Plastic Bag Usage has established strict requirements. To ensure compliance with the regulation, the Mayor of Surabaya needs to establish a Supervision and Guidance Team for Plastic Bag Usage, which has been regulated in the Mayor's Decree. The plastic bag monitoring team will consist of several local government organizations in Surabaya, which will be determined through the Mayor's Decree. Unfortunately, as of now, the decree remains unavailable to the public.

The decree is part of the support system to ensure the effective implementation of the Surabaya Mayor's

Regulation on the Reduction of Plastic Bag Usage in society. The Surabaya Mayor's Regulation also provides opportunities for public participation to report businesses that have not yet implemented the use of eco-friendly shopping bags. Additionally, the community can provide recommendations to the Department of Environment for efforts to reduce plastic bags in Surabaya. However, there are no further provisions or technical guidelines related to reporting procedures or giving recommendations at this time.

The legal culture is a key factor in ensuring the success of law enforcement in society. Legal culture is a part of the legal system that provides information on how the law can be applied in the midst of society (Muhtarom, 2015). Legal culture is reflected in the demands and requests of the community to make changes to the legal system in order to achieve better improvement.

Legal compliance can be classified into three types: compliance, identification, and internalization. Compliance involves adhering to rules due to the fear of sanctions if they are violated. Identification, on the other hand, involves obeying rules to maintain positive relationships with others. Lastly, internalization involves following rules because they align with one's personal values (Hasibuan, 2014). Given these types of obedience, it can be inferred that the owners of Grabfood, Gofood, and Shopee food merchants are more likely to comply with the rules out of a motivation for compliance.

Until recently, there has been no legal action or concrete measures taken by the monitoring and supervisory team to

impose sanctions on the owners of Grabfood, Gofood, and Shopee food merchants who have not complied with the established regulations. This has led to many merchant owners who have failed to comply with their obligation to switch to environmentally friendly shopping bags and not to use plastic bags. Therefore, the implementation of administrative sanctions is necessary to encourage the public to comply with the obligations set forth in the legislation.

On the other hand, plastic bags are still easier and cheaper to obtain than environmentally friendly shopping bags. Therefore, many vendors still use plastic bags as packaging for food and drinks that are sold. Nevertheless, the government has not yet succeeded in stopping the production of plastic bags that have become the source of this problem.

If the use of plastic bags is strictly prohibited by law, the government will have to face an increase in unemployment in the plastic industry. In this situation, the government is faced with a dilemma between preserving the environment and maintaining the economic stability of Indonesia.

According to Mayor Regulation No. 16 of 2022, an environmentally friendly shopping bag is one that is made from organic materials that can easily decompose and can be reused. On the other hand, a plastic bag is made of or contains plastic material and has handles for easy lifting. This definition implies that plastic bags without handles can still be used and are allowed. However, this has led to confusion in interpreting the Surabaya Mayor Regulation, which lacks clarity in its regulations.

The sanction imposed on the community for violating Mayor Regulation No. 16 of 2022 is an administrative sanction. This sanction is a means of public legal power applied by the government against those who do not comply with the rules in administrative law, as explained by Efendi and Freddy Poernomo (2017).

Mayor Regulation No. 16 of 2022 is a public regulation that allows the implementation of administrative sanctions to be carried out without the intervention of the public prosecutor or other prosecutors. These administrative sanctions are established based on Mayor Regulation of Surabaya No. 10 of 2017 regarding the Procedures for Imposing Administrative Sanctions for Violations of Surabaya City Regional Regulation No. 5 of 2014 concerning Waste Management and Cleanliness in Surabaya City.

Administrative sanctions differ from criminal sanctions and regional regulation sanctions based on their nature. According to Philipus M. Hadjon's opinion in an article written by Sri Nur Hari Susanto (2019), the difference between administrative sanctions and criminal sanctions can be seen in their targets or objectives, nature, and procedures. Criminal sanctions are given to offenders as a form of punishment and are carried out through a court process. On the other hand, administrative sanctions aim to restore the behavior of society and are implemented without going through a judicial process.

In the context of administrative sanctions, there are two types of sanctions that can be imposed, namely corrective sanctions and punitive sanctions. Corrective sanctions aim to end, prevent,

or limit violations, while punitive sanctions aim to impose punishment on violators (Efendi & Freddy Poernomo, 2017). Therefore, it would be appropriate if in Mayor Regulation No. 16 of 2022, only administrative sanctions are imposed on violators.

With the administrative sanctions outlined in Mayor's Regulation No. 16 of 2022, the responsible task force must be able to directly enforce these sanctions when they encounter businesses or activities that violate the regulations. However, as discussed in the previous subsection, there is an issue with many restaurant delivery businesses not complying with the law but being allowed to continue operating by the government, which renders the enforcement of administrative sanctions ineffective.

According to Dari & Negara (2020), administrative sanctions can take the form of:

- a. Written warning. It is applied if a food delivery restaurant violates the regulations set by the mayor's decree No. 16 of 2022 or the conditions stipulated in the license;
- b. Government coercion. It is a measure that the government can take to stop a violation and restore the situation to its original state. For instance, if a food delivery restaurant violates the regulations set by the mayor's decree No. 16 of 2022 or the obligations required in the licensing process;
- c. License revocation. This sanction is applied if both of the previous sanctions have been given by the government, but the food delivery restaurant continues to violate the regulations. This sanction only applies to businesses that are legal

entities, while privately owned businesses cannot be subject to this sanction; and

- d. Administrative fine. This sanction obligates the owner of the food delivery restaurant to pay a certain amount of money for negligence in implementing government coercion.

The main issue in Surabaya related to online food orders is the abundance of privately owned restaurants offering this service compared to those owned by legal entities. In the author's view, revoking licenses is an effective administrative sanction to address this problem. By revoking licenses, the activities and operations carried out by restaurant owners will be halted and they will not be allowed to operate, thus putting pressure on them to comply with regulations. However, due to the high number of privately owned restaurants, a solution that can be taken is to collaborate with food delivery apps to encourage business owners to use plastic bags responsibly.

According to Gunawan Wibisana (2019), a business permit can be revoked if certain violations occur, which are:

- a. The business owner transfers the business permit to someone else without written approval from the permit provider;
- b. The business owner fails to fulfill demands or coercion from the government within the specified timeframe, either partially or entirely;
- c. The business owner causes pollution or environmental damage at a level that endangers human safety and health; and
- d. The business owner fails to implement administrative sanctions

imposed by the government, either partially or entirely.

The ineffectiveness of administrative sanctions in protecting the environment is caused by several factors. Firstly, the government only considers administrative sanctions as a legal action without any real actions to support it. Secondly, there is confusion in understanding the difference between fines and coercive fines, where both have fundamental differences. As the last resort of the sanction applied, administrative sanctions are also unable to reduce the amount of plastic waste generated by online food delivery restaurant businesses without prevention from the beginning.

CONCLUSION

Based on the above discussion, it can be concluded that this study found several points as follows.

1. The level of legal awareness among Grabfood, Gofood, and Shopee food merchants, both personal and legal entities, is still low. Despite being informed about Mayor Regulation No. 16 of 2022 through government information dissemination and banners, the majority of respondents continue to utilize plastic bags as their preferred packaging for food and beverages. This happens because the price of food and drinks sold is cheaper than the price of environmentally friendly shopping bags, and because there are no administrative sanctions given to violators as stipulated in the Surabaya Mayor Regulation.
2. The obstacles to implementing Mayor Regulation No. 16 of 2022 are caused by several factors, such as the lack of

supporting facilities to support surveillance as a preventive measure, the absence of a team formation decree for supervisors or task forces, and the absence of clear legal grounds for carrying out tasks and functions. Additionally, Mayor Regulation No. 16 of 2022 does not provide sufficient explanations regarding technical instructions for the public to report violations. Therefore, derivative policies in the form of Mayor's Decisions or other policies are needed to follow up on the implementation of reducing the use of plastic bags for online food delivery restaurants.

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