

## LEGAL LIABILITY OF FAST FASHION FOR TEXTILE WASTE MANAGEMENT BASED ON THE PRINCIPLE OF EXTENDED PRODUCER RESPONSIBILITY (EPR)

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**Abstract:** The fast fashion industry is loved by many people, especially young people (Gen Z) who like to shop in a short period of time with a large amount. However, not many people know that fast fashion is not only harmful and polluting the environment but also harmful to its users for a long period of use. This research focuses on the impact of environmental pollution from the disposal of chemical textile waste, including its effect on human health and also on the current regulations in Indonesia. The method used by the researcher is the normative juridical method. SIPSN (National Waste Management and Information System) issued data related to fast fashion industry waste in Indonesia showing a figure of 2.3 million tons / year 2021 and only 0.3 million tons of 2.3 million tons can be recycled, and 80% of other textile waste is in landfills.

**Keywords:** Environmental law, fast fashion industry, EPR principles

### INTRODUCTION

When we discuss the creative business sector, there are various types of industries involved, one of which is the fashion industry. According to Collins, the fashion industry is defined as "an industry that deals with the world of fashion," which includes all aspects related to clothing manufacturing, from the design process, production, distribution, to commercialization. In recent years, the fashion industry has undergone significant development. This can be seen from the high global sales revenue, which reached more than USD 180. 000. 000. 000 (one hundred and eighty billion United States dollars) every year.

Fast Fashion itself can also mean a fashion that is produced quickly, cheaply, and mass-produced as well as the form of its product that takes the design concept from other brands' fashion shows and is applied

into ready-to-wear clothing models that are ready to be marketed and aim to follow the latest trends. From this understanding, it can be known that several elements of Fast Fashion are: (1) A fashion; (2) Fast, cheap and mass production; and (3) taking the design concept of other brands/high-end brands during the show. Adibusana.<sup>1</sup>

The fast fashion industry in Indonesia continues to grow rapidly, supported by high consumer demand for trendy clothes at affordable prices. However, behind these advances, serious challenges arise related to the management of textile waste produced by this industry. The Extended Producer Responsibility (EPR) principle, which requires manufacturers to be responsible for the life cycle of their products until the final stage, has not yet been fully implemented by the fast fashion industry in Indonesia.

The imbalance between regulation, supervision, and the implementation of the

<sup>1</sup> Yudi Kornelis, "Fenomena Industri Fast Fashion: Kajian Hukum Perspektif Kekayaan Intelektual

Indonesia", "E-Journal Komunikasi Yustisia Universitas Pendidikan Ganesha 5, no. 1 (2022): 263.

Extended Producer Responsibility (EPR) principle in the fast fashion industry in Indonesia has become a complex issue and raises various critical questions. One of the main aspects that needs to be considered is how the fast fashion industry currently carries out its obligations in managing textile waste in accordance with EPR principles? And what is the role of the government in strengthening regulations and supervision of the legal responsibility of the fast fashion industry in textile waste management?

## ANALYSIS AND DISCUSSION

### A. The fast fashion industry and the impact of fast fashion waste on the environment and consumers

Since its inception in the 1760-1840s. The industrial revolution in the 19th century introduced a mass production of clothing. That's what changed the way people look at the fashion world. Clothes were very cheap at the time. People will throw away the clothes they are wearing. The emergence of the phrase fast fashion clothing has become a global phenomenon. The high demand affects the number of clothes to be produced, indirectly affecting the production chain and the long process that must be carried out.<sup>2</sup>

Fast fashion offers the latest fashion trends quickly and at affordable prices. This puts companies in this category in the fashion market segment that produces high street clothing in large quantities. The fast fashion industry specifically targets millennials as the main audience and also collaborates with influencers who have great influence. This fact is reflected in the quality of the products offered, which are not only attractive but also sold at a friendly price. The phenomenon of fast fashion that has sprung up around the world as a form of realization of *the ready-*

*to-wear* concept is no longer seen as mere protection. Currently, fashion is used as one of the indicators of a person's social status.<sup>3</sup>

Fast fashion outlets such as H&M and UNIQLO place speed and cost efficiency as top priorities in offering the latest collections that are in line with trends every six to eight weeks and this has a negative impact on the environment. In 2018, the fast fashion clothing industry produced between 600-900 pieces per week. This activity is one of the factors causing the increase in carbon content on Earth, which is expected to increase by 25% by 2050.

Quoted from the United Nations Climate Change News, the fashion industry accounts for 10% of greenhouse gas emissions due to long supply chains and energy use in intensive production. Reporting from 2018 data, it is stated that the fashion industry produces 2.1 billion tons of CO<sub>2</sub>eq, which means that it represents 4% of global carbon emissions.<sup>4</sup>

Based on data released by the Ministry of Industry, the textile and textile products (TPT) industry in Indonesia produces a very large amount of textile waste, which reaches around 1.8 million tons every year. Of the total waste, it is estimated that between 60 to 70 percent or around 1.08 million to 1.26 million tons come from the fast fashion sector.<sup>5</sup> This fact shows that the fast fashion industry contributes significantly to the high volume of textile waste in Indonesia. By looking at these figures, it becomes clear that the impact that this sector has on the environment cannot be ignored. This raises deep concerns about sustainability issues, as textile waste from fast fashion not only pollutes the environment but also poses a major challenge in waste management in the country.

<sup>2</sup> A Lukmanul Hakim and Emmy Yuniarti Rusadi, "Kritik Globalisasi: Fenomena Fast Fashion Sebagai Budaya Konsumerisme Pada Kalangan Pemuda Kota Surabaya", *AL MA' ARIEF: JURNAL PENDIDIKAN SOSIAL DAN BUDAYA* 4, no. 2 (2022): 60.

<sup>3</sup> Fenty Yolanda Pratiwi and Ibnu Zulian, "Tren Konsumerisme Dan Dampak Fast Fashion Bagi Lingkungan Kota Medan", *AKSELERASI: Jurnal Ilmiah Nasional* 5, no. 3 (2023): 109.

<sup>4</sup> Lukmanul Hakim and Rusadi, "Kritik Globalisasi: Fenomena Fast Fashion Sebagai Budaya Konsumerisme Pada Kalangan Pemuda Kota Surabaya".

<sup>5</sup> <https://www.netralnews.com/limbah-fast-fashion-di-indonesia-ancaman-tersembunyi-bagi-lingkungan/U0pEdVVYcnI2bnhETnVKdDBqZmQ3dz09>

## **B. Application of the Extended Producer Responsibility (EPR) principle in Indonesia**

The EPR principles and provisions were introduced at the World Summit Sustainable Development in 2002 in Johannesburg. Although the term EPR was not mentioned, the meeting recommended sustainable production and consumption efforts. It was only at the G-8 meeting from 2003 to 2005 that the EPR, which is included in the 3R (reduce, reuse, recycle) component, was formulated. The next 3R meeting was held in Tokyo in 2005 and 2006 more specifically about EPR (OECD, 2016).<sup>6</sup> The concept of Extended Producer Responsibility (EPR) in Indonesia has been regulated in Law No. 18 of 2008 concerning Waste Management, precisely in Article 15. In the article, it is stated that the manufacturer has responsibility for the disposal of packaging and products that cannot decompose naturally.<sup>7</sup>

Extended Producers Responsibility (EPR) according to the OECD (Organisation Economic Co-operation and Development) is a program that aims to hold producers responsible for the environmental impact of their products throughout the product chain, from design to post-consumer phase. It is hoped that this will ease the burden on the government in managing the end-of products, reduce the amount of waste disposed of in landfill, and increase recycling rates. There are 4 categories of policies developed in the application of the EPR concept according to the OECD, namely:

1. Manufacturers take back packaging that becomes waste from their products by establishing recycling centers by

involving consumers in collecting the rest of their products. The approach is carried out by providing incentives to consumers who collect their product packaging.

2. Economical approach:

- a) Deposit Refund is by providing a high initial price, but the price for the product will be reduced if the consumer returns the final packaging of the product.
- b) Advanced Disposal Fee (ADF) is a fee added to a specific product based on the estimated cost of collection and processing
- c) Material Taxes are the imposition of additional taxes given to industries that use materials that are difficult to recycle in the products produced. Later this tax will be allocated as the cost of processing recycled waste.
- d) Upstream combination tax/subsidy (UCTS) is to provide tax subsidies for producers who can withdraw waste generated from their production.

3. Creating regulations regarding minimum standards of recyclable materials combined with applied tax incentives, so that all industries can apply to their products.

4. Implement information-based instruments that support EPR programs such as implementing EPR program reporting, information on the labeling of recyclable product materials and components, and information to consumers about waste separation.<sup>8</sup>

Extended Producer Responsibility (EPR) has emerged as an innovative and

<sup>6</sup> [https://info3r.menlhk.go.id/berita/detail/berita-15-v\\_berita](https://info3r.menlhk.go.id/berita/detail/berita-15-v_berita)

<sup>7</sup> Peni Verawati, "Kebijakan Extended Producer Responsibility Dalam Penanganan Masalah Sampah Di Indonesia Menuju Masyarakat Zero Waste,"

*Jurnal Ilmu Hukum Dan Humaniora* 9, no. 1 (2022): 190.

<sup>8</sup> <https://aliansizerowaste.id/2022/12/12/mengulik-penerapan-epr-di-indonesia/>

strategic approach in overcoming the waste problem, which has been a big challenge for environmental management. This policy places a greater active role and responsibility in the hands of business actors and producers in the management of waste generated from their products. In its implementation, EPR prioritizes the principle of zero waste, which is management that aims to minimize or even eliminate waste that ends up in landfills.

In addition, the policy is designed to increase producer awareness through an ecoliteration approach, a learning process that aims to deepen understanding of the ecological impact of production and consumption activities. Thus, EPR not only serves as a technical solution, but also underscores the importance of transforming the mindset and lifestyle of people and producers to support the creation of holistic environmental sustainability. This systematic approach also recognizes that behavioural change and collective awareness are key elements in addressing increasingly complex global environmental problems.

EPR policies place the responsibility on manufacturers for the collection, sorting, and recirculation of their products when they are disposed of by citizens. If well designed, EPR policies significantly improve the cost-revenue dynamics for collection, sorting, reuse, separate repair and recycling of discarded textiles. EPR also provides transparency and traceability to the global material flow, and helps attract investment capital in the infrastructure needed to reuse and recycle at scale.<sup>9</sup>

The application of the EPR concept in the fast fashion industry still faces various challenges, especially in the midst of increasing market demand and high consumption of textile materials. The industry is known to generate large amounts of waste due to its fast production process and short trend cycles. However, some large companies such as H&M and UNIQLO have begun to show a commitment to contribute to

the management of their product waste, as part of efforts to create more sustainable business practices. H&M, for example, has developed an innovative recycling technology called "Looop", an advanced system that allows old clothes to be converted into new textile materials without the need for water or additional chemicals.

Meanwhile, UNIQLO initiated the RE.UNIQLO which focuses on the collection and reuse of used textile products to extend the life cycle of clothing. This initiative is the first step in creating a more responsible system for textile waste management, although there is still a need for broader cooperation and a holistic approach to address structural and operational challenges in the fast fashion industry as a whole.

Challenges in implementing EPR principles in Indonesia:

1. High Implementation Costs

The cost of ERP implementation is one of the biggest challenges faced by Indonesian companies. ERP implementation requires significant investment costs, including software licensing, IT infrastructure, training, and consulting. These high costs are often an obstacle, especially for small and medium-sized businesses.

2. Limited human resources and expertise

The limited workforce that has expertise in ERP implementation and management is a major challenge in Indonesia. Many businesses struggle to find experts who understand ERP technology and related business processes.

3. Resistance to change

When making major changes to business processes or work systems, you often encounter rejection from employees. This rejection can affect the success of ERP implementation because employees are reluctant to familiarize themselves with the new system. To overcome barriers to change, companies need to practice effective change management.

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<sup>9</sup> <https://www.ellenmacarthurfoundation.org/epr-policy-for-textiles>

4. Complexity of system integration  
Integrating an ERP system with an existing system in a company is often a complicated process. Legacy systems that are not compatible with new technologies can pose technical and operational challenges.
5. Compliance with local regulations  
Indonesian companies need to ensure that the ERP systems they implement comply with local regulations and policies on taxes, financial reporting, data security, and more. Failure to comply with these regulations may result in legal sanctions and fines. The solution is to choose an ERP provider that understands local regulations and offers customized solutions that meet the needs of the Indonesian market.
6. Data migration and data hygiene  
Migrating data from an old system to a new ERP system can be a big challenge, especially if the existing data turns out to be incomplete or inaccurate. Errors in data migration can result in disruption and business losses. As a solution, companies must conduct a thorough data audit before the migration process.
7. Data security  
Data security is a major concern in ERP implementation. As cyber threats become increasingly sophisticated, organizations need to ensure that their business data and sensitive information are well protected. To ensure data security, companies must implement strict security measures such as data encryption, strict access controls, and continuous security monitoring.

### **C. National Regulations Governing Fast Fashion Industrial Textile Waste**

Environmental law has a crucial role in regulating and supervising the impact of waste generated by the fast fashion industry, which is known as one of the largest contributors to environmental pollution, both

in the form of solid textile waste and toxic liquid waste from the dyeing process and fabric production. In Indonesia, the legal basis that regulates environmental protection and management, including industrial waste management, is contained in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH).

The development of environmental regulations in Indonesia has undergone several significant changes since the beginning of its implementation until now. On March 11, 1982, the government passed Law Number 4 of 1982 concerning the Basic Provisions of Environmental Management (UULH 1982), which became the initial foundation for environmental management in Indonesia. Along with the development and increasingly complex needs, on September 19, 1997, the 1982 Law was replaced by Law Number 23 of 1997 concerning Environmental Management (UULH 1997). However, the need for more comprehensive regulations encourages the government to revise again. This is realized by the passage of Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), which replaces the 1997 UULH.

In the context of the fast fashion industry, the implementation of EPR means that fashion brands are not only responsible for choosing more environmentally friendly materials, but are also obliged to provide mechanisms to recycle or manage used clothes so that they do not end up in landfills. Regulations such as the Regulation of the Minister of Environment and Forestry Number P.75/MENLHK/SETJEN/KUM.1/10/2019 concerning the Roadmap for Waste Reduction by Producers have begun to encourage the implementation of EPR by requiring companies to participate in sustainable waste management systems.

Article 2 Paragraph (3) of the PPLH Law states that every person who is allowed to dispose of waste into the environmental



media with the requirements, namely meeting environmental quality standards and obtaining permission from the Minister, Governor or Regent/Mayor in accordance with their authority.

In article 14 of Law Number 32 of 2009 concerning Environmental Protection and Management, hereinafter referred to as the PPLH Law, it is explained that the instruments for the prevention of pollution and environmental damage are basically instruments for environmental management, because environmental management is intended to prevent and overcome the problem of pollution and environmental damage, one of which is through licensing instruments. One of the intended permits is a permit for discharging wastewater into a water source. Textile industry companies whose activities have an impact on the environment must have an environmental protection and management permit, namely a Liquid Waste Disposal Permit (IPLC).<sup>10</sup>

Article 59 of the PPLH Law explicitly stipulates that every business actor is obliged to manage the waste they produce, while Article 69 prohibits waste disposal without proper management. In addition, Government Regulation (PP) Number 22 of 2021 concerning the Implementation of Environmental Protection and Management clarifies the category of hazardous waste and regulates its management procedures. Article 69 of the PPLH Law prohibits any person to:

- a) Committing an act that results in pollution of environmental damage, which is and/or
- b) Entering B3 that is prohibited by laws and regulations into the territory of the Unitary State of the Republic of Indonesia:
- c) Entering waste originating from outside the territory of the unitary state of the Republic of Indonesia into the environmental media of the Unitary State of the Republic of Indonesia:
- d) Dumping waste into environmental media:

- e) Dumping B3 and B3 waste into environmental media:
- f) Releasing genetically modified products into environmental media that is contrary to laws and regulations or environmental permits:
- g) Clearing land by burning:
- h) Preparing an AMDAL without having a certificate of competence for the preparation of the AMDAL and/or;
- i) Providing false information, misleading, omitting information, damaging information, or providing information that is not true.

Article 98 of the PPLH Law states that every person who deliberately commits an act that results in the exceeding of ambient air quality standards, water quality standards, seawater quality standards, or environmental damage standards, shall be sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp 3,000,000,000,- and a maximum of Rp 10,000,000,000, and Paragraph (2) states that if the act as intended in Paragraph (1) results in injury to a person and/or a danger to human health, it shall be sentenced to imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp 4,000,000,000,- and a maximum of Rp 12,000,000,000,- and if the act results in serious injury or death of a person, then the threat is imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years with a minimum fine of IDR 5,000,000,000 and a maximum of IDR 15,000,000,000,-.<sup>11</sup>

Most factories in the fashion industry do not have an adequate fabric waste management system. Many factories choose to dispose of fabric waste directly to landfills or burn it without going through a safe processing process. Cloth waste that is disposed of carelessly can increase the amount of solid waste, whereas the burning

<sup>10</sup> Made Wipra Pratistita Dkk, "Penegakan Hukum Terhadap Pencemaran Limbah Pewarna Cair Industri Tekstil", *TERANG : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 1 (2024): 281.

<sup>11</sup> Widya Krulinasari Yudi Yusnandi, "Tinjauan Limbah Kain Sisa Produksi Menurut Hukum

Internasional Dan Hukum Nasional," *Seminar Nasional Penelitian Dan Pengabdian Kepada Masyarakat, Universitas Sang Bumi Ruwa Jurai* 62–63 (2022).

of fabric waste produces air pollution and carbon dioxide emissions that contribute to global warming and exacerbate the greenhouse effect. This kind of action is contrary to the environmental standards set forth in national regulations, where every individual is prohibited from carrying out activities that cause pollution or environmental damage. Violations of this rule may be subject to criminal sanctions. At the international level, regulations such as the Basel Convention have established guidelines and limits that each country must follow. The Convention requires its member states to integrate the rules into national policies to protect the environment globally.

The Law on Environmental Protection and Management (UU PPLH) of 2009 serves as the main legal basis for a number of implementing regulations, including Government Regulation Number 22 of 2021 which regulates the Implementation of Environmental Protection and Management. Although this regulation has been designed to strengthen environmental governance, its implementation cannot be separated from various complex obstacles.

Some of the main challenges faced include a weak monitoring system for the implementation of the regulation, a lack of effective synergy and coordination between the government agencies involved, and a lack of public awareness of the importance of preserving the environment. This shows that in addition to strengthening regulations, strategic efforts are also needed to increase public awareness, improve supervision mechanisms, and build more integrated coordination among relevant stakeholders.

When it comes to textile waste from the fast fashion industry, the PPLH Law plays a very important role. The fast fashion industry is known for its mass production and fast consumption models, resulting in large amounts of textile waste, both in the form of solid waste from used clothes and liquid waste from the production process that is

produced and contains hazardous substances. Chemicals. Article 59 of the Environmental Management Law states that all producers are obliged to dispose of waste generated from their industrial activities. In addition, Article 69 prohibits the indiscriminate disposal of waste that can pollute the environment.

To overcome these problems, the PPLH Law is the basis for its derivative regulations, such as Government Regulation (PP) Number 22 of 2021 concerning the Implementation of Environmental Protection and Management which regulates the disposal of industrial waste, including textile waste. We offer: In addition, the concept of Extended Producer Responsibility (EPR) contained in the regulation requires manufacturers, including fast fashion companies, to be responsible for the life cycle of their products, from production to distribution, consumption to waste management. I urge you to do it.

The PPLH Law makes textile waste produced by the fast fashion industry more responsible by introducing a recycling system, using environmentally friendly materials and establishing a waste management mechanism that is in accordance with applicable environmental standards. This not only reduces environmental pollution but also supports the sustainability of the textile industry in the long term.

## CONCLUSION

The fast fashion industry in Indonesia continues to show significant growth in line with increasing consumer demand for fashionable and affordable clothing. This phenomenon is driven by the rapid development of fashion trends and the increasingly easy access to products through e-commerce platforms. However, despite its rapid development, the industry accounts for a huge volume of textile waste, of which only a fraction of it can be recycled. Although the principle of *Extended Producer Responsibility (EPR)* has been regulated in Law Number 18 of 2008 concerning Waste

Management, implementation in the field is still far from optimal. Many fast fashion companies have not fully carried out their responsibility for the life cycle of their products, especially in the management of waste generated until the final stage. In addition, weak supervision and implementation of regulations are a challenge in suppressing the negative impact of this industry on the environment.

Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) emphasizes that every business actor is obliged to manage their waste with the principles of prudence and sustainability. Some well-known brands, such as H&M and UNIQLO, have launched recycling programs as a form of their concern for the environment, but these measures are not enough to solve the problem thoroughly. Therefore, more intensive collaboration is needed between the government, industry players, and the community in managing textile waste effectively. If left inadequately addressed, poorly managed textile waste can pose serious threats to the environment, such as water and soil pollution, as well as endanger human health through contamination with hazardous chemicals.

## SUGGESTION

### 1. Government

Optimizing regulations related to the implementation of Extended Producer Responsibility (EPR) can be done through the development of more specific and targeted policies for the fast fashion industry. This includes the drafting of stricter rules regarding the responsibility of producers in managing textile waste, from the production stage to post-consumption.

### 2. Manufacturer

Using environmentally friendly materials in textile production is an important step to ensure that products can be easily recycled as well as reduce the impact of pollution on the environment. Choosing biodegradable or natural fiber-based materials, such as organic cotton, hemp, and

lyocell, can help reduce hard-to-decompose textile waste.

### 3. Community

Increasing public awareness about the negative impact of excessive consumption of clothing is an important step in reducing environmental pollution caused by textile waste. Fast fashion encourages fast and wasteful consumption patterns, resulting in a huge amount of waste and accelerating the exploitation of natural resources.

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