

OBLIGATIONS OF ENTREPRENEURS IN SOURCE-BASED WASTE MANAGEMENT IN BALI PROVINCE

Komang Satria Wibawa Putra¹, Dewa Krisna Prasada², Putu Eva Ditayani Antari³, I Gusti Ayu Eviani Yuliantari⁴

¹ Faculty of Law, National Education University, Indonesia. E-mail: komangsatria@undiknas.ac.id

² Faculty of Law, National Education University, Indonesia. E-mail: krisnaprasada@undiknas.ac.id

³ Faculty of Law, National Education University, Indonesia. E-mail: evaditayaniantari@undiknas.ac.id

⁴ Faculty of Law, National Education University, Indonesia. E-mail: ayueviani@undiknas.ac.id

Abstract: *This study investigates the legal ramifications of entrepreneurs' non-compliance with duties in source-based waste management in Bali Province. This study's issues are examined through normative research methodologies employing a doctrinal perspective. Primary and secondary legal materials were gathered through a literature review and analyzed descriptively and evaluatively. The study's findings indicate that Bali entrepreneurs must implement resource-based waste management as stipulated in Governor Regulation 47/2019, and ethically, they are entities engaged in commercial activities and generating profits. Legal ambiguity exists regarding the judicial repercussions of entrepreneurs' non-compliance with requirements in source-based waste management in Bali Province. Following the CSR principle, firms in Bali Province are mandated to implement source-based waste management as a manifestation of CSR in legal and ethical responsibility domains.*

Keywords: *Environmental Law; Source-Based Waste Management; Entrepreneurs' Legal Obligations*

INTRODUCTION

Bali is a renowned global tourism destination. Bali's allure as a tourist destination is enhanced by its natural beauty, hospitality, and cultural richness. Bali is famous for its stunning beaches, verdant terraced rice fields, and exquisite temples, complemented by the artistic activities of its inhabitants, making it a destination worthy of

multiple visits by tourists. Tourists typically express high satisfaction with Bali, particularly with environmental quality and infrastructure services, contributing to a significant return visit rate.¹

In addition to its natural beauty, community friendliness, and culture, the cleanliness factor has long rendered Bali an

¹ Dian Puteri Ramadhani, Lusiana Zulfa Amelia Damayanti, and Andry Alamsyah, "Mapping Tourist Cognitive Perceptions and Movements in Bali's Top-Rated Destinations," in *2023 International Conference on*

Computer, Control, Informatics and Its Applications (IC3INA) (IEEE, 2023), 341–46, <https://doi.org/10.1109/IC3INA60834.2023.10285771>.

attractive destination for travellers. In rural tourism in Bali, cleanliness, bolstered by well-maintained facilities, can enhance tourist pleasure.² Unpolluted air and a pristine beach contribute to a pleasant experience for Bali tourists. The adverse effects of neglecting hygiene undoubtedly lead to discontent and a diminished likelihood of return visits.³ Nevertheless, Bali is poised to experience a rise in waste volume, adversely affecting cleanliness due to its status as a tourist destination characterized by high human density.

According to data from the Hindu Forestry and Environment Service of Bali Province, the waste volume on the island of Bali in the first half of 2024 was 3,597 tons per day, reflecting an increase of around 230 tons compared to 2023.⁴ According to data from the National Garbage Management Information System (SIPSN), garbage generation in Bali Province is projected to exceed 1.2 million tons in 2024. Among the nine districts/cities, Denpasar City is the predominant contributor, generating approximately 360 thousand tons of garbage. The hotel, restaurant, and catering industry is one of the primary contributors to Waste in Bali.⁵ These enterprises, including cafes, constitute over 25 per cent of the total garbage generated in Bali.⁶

The trash issue in Bali significantly contributes to pollution and environmental

degradation. Water contamination in Bali's waterways has been classified as severely contaminated by refuse.⁷ In addition to river pollution, marine contamination resulting from Waste from Bali and shipping is unavoidable. The trash issue in Bali might adversely affect public health. Potential health hazards include respiratory infections and waterborne diseases.⁸ The consequences of the trash issue would undoubtedly affect tourism in Bali. Bali's economy, mainly reliant on tourism, is jeopardized by waste management issues that deter potential visitors.

Bali employs diverse garbage management systems. An autonomous waste management system is crucial for sustainable tourism in Bali. Nevertheless, the waste management system in Bali has not been shown to function efficiently. In Bali, existing waste management methods comprise integrated waste treatment facilities, a prohibition on single-use plastics, and a source-oriented waste management system.

An integrated waste treatment plant is a facility where garbage collection, sorting, reuse, recycling, processing, and final disposal, as delineated in Article 1 Number 7 of Law Number 18 of 2008 regarding Waste Management (Law 18/2008), occurs. According to Article 9 Paragraph (1) of Law 18/2008, the district or city government can designate the location of the integrated waste

² Juliana et al., "Antecedents of Happiness and Tourism Servicescape Satisfaction and the Influence on Promoting Rural Tourism," *International Journal of Sustainable Development and Planning* 19, no. 10 (October 30, 2024): 4041–59, <https://doi.org/10.18280/ijstdp.191033>.

³ Yen E. Lam-González et al., "Dissatisfaction Responses of Tourists in the Havana World Heritage Site," *Sustainability* 13, no. 19 (October 4, 2021): 11015, <https://doi.org/10.3390/su131911015>.

⁴ RRI, "Volume Sampah Di Bali Meningkat 230 Ton," RRI, 2024, <https://www.rri.co.id/daerah/1062303/volume-sampah-di-bali-meningkat-230-ton>.

⁵ Citta Maya, "Hotel, Restoran Dan Katering Penyumbang Sampah Kedua," Bali Post, 2025, <https://www.balipost.com/news/2025/02/06/440728/Hotel-Restoran-dan-Katering-Penyumbang...html>.

⁶ Kumparan, "Menteri LH: Hotel Hingga Kafe Sumbang Hampir 25% Sampah Di Bali," Kumparan, 2025, <https://kumparan.com/kumparannews/menteri-lh-hotel-hingga-kafe-sumbang-hampir-25-sampah-di-bali-24Ki4wCAZfr/3>.

⁷ I G A I M Pertiwi et al., "Waste Management System on Badung River Area in Bali," *IOP Conference Series: Earth and Environmental Science* 351, no. 1 (October 1, 2019): 012005, <https://doi.org/10.1088/1755-1315/351/1/012005>.

⁸ Diana Mayasari, Bambang Heru Purwanto, and R. Taqwaty Firdausijah, "Proposal for the Largest Waste Management in Landfills in Indonesia for Environmental Sustainability and Public Health," *Journal of Environmental & Earth Sciences* 7, no. 3 (February 20, 2025): 34–46, <https://doi.org/10.30564/jees.v7i3.8109>.

treatment facility. The integrated waste treatment plant serves as a waste processing facility designed to diminish the volume of trash directed to the ultimate processing site by sorting and processing the source material, reducing quantity and enhancing waste quality before final disposal.⁹

In 2018, the Bali Provincial Government enacted Governor Regulation Number 97 of 2018, which pertains to the limitations on producing single-use plastic Waste (Bali Governor's Regulation 97/2018). According to Article 1, Number 9, single-use plastic refers to any implement or material containing plastic, synthetic latex, polyethylene, or thermoplastic synthetic polymers designed for one-time use. Article 9, Paragraph (1) states that all individuals and business entities are barred from utilizing single-use plastics. This policy seeks to mitigate waste, mainly plastic trash.

In 2019, the Governor of Bali enacted Governor Regulation Number 47 of 2019 about Source-Based Waste Management (Bali Governor Regulation 47/2019). Source-based waste management refers to the initial waste management at households and commercial establishments before its transportation to the ultimate processing facility. According to Article 1, Numbers 8 and 9 of Bali Governor's Regulation 47/2019, waste management is defined as a systematic, comprehensive, and sustainable process that encompasses waste reduction through limiting generation (reduce), waste reuse (reuse), and waste recycling (recycle), as well

as the handling of waste through sorting, collecting, transporting, processing, and final disposal. Source-based refers to waste management conducted at the location where the waste is produced, as defined.

Bali Governor's Regulation 47/2019 has impacted all societal sectors in Bali, encompassing households and entrepreneurs, to implement source-based waste management. In practice, numerous entrepreneurs have not actively implemented source-based waste management. This is demonstrated by the saturation of final processing facilities in Bali in mid-2024.¹⁰ Furthermore, there is a lack of clarification concerning the legal ramifications for entrepreneurs who fail to implement source-based management, exacerbating the state of legal certainty in this context. Consequently, it is essential to investigate and analyze the responsibilities of entrepreneurs in source-oriented waste management within Bali Province. Previous studies analogous to this work include "Synergy between Customary Villages and the Government in Maximizing Environmental Law Enforcement Based on Balinese Local Wisdom." This study examines the collaboration between customary villages and the government in enforcing laws regarding the role of customary villages in implementing source-based waste management.¹¹ A study, "The Effectiveness of the Implementation of a Source-Based Waste Management Program (Case Study of Padangsambian Village, Denpasar City)", was conducted. This

⁹ Yesika Purukan Agnes T. Mandagi, "Peran Pemerintah Dan Masyarakat Dalam Mengelola Sampah Dengan Tempat Pengelolaan Sampah Terpadu (TPST) Di Kelurahan Kairagi Dua Kecamatan Mapanget Kota Manado," *Tekno* 21, no. 86 (2023), <https://doi.org/https://doi.org/10.35793/jts.v21i86.52407>.

¹⁰ Atnews, "TPA Di Bali Overload, Keberhasilan

Pengelolaan Sampah Perlu Komitmen," *Atnews*, 2024, <https://www.atnews.id/portal/news/21614>.

¹¹ Ni Komang Yuko Utami and I Gede Pasek Pramana, "Sinergi Antara Desa Adat Dan Pemerintah Dalam Memaksimalkan Penegakan Hukum Lingkungan Berbasis Kearifan Lokal Bali," *Jurnal Kertha Desa* 11, no. 4 (2023): 2130–43, <https://sipsn.menlhk.go.id/sipsn/public/data/komposisi>.

research examined the efficacy of waste-based management practices, emphasizing the execution of source-oriented waste management. The two studies have not examined the obligations of entrepreneurs for source-based waste management in Bali Province, particularly concerning the responsibilities and legal repercussions for those who fail to apply such management practices.

METHOD

This study investigated entrepreneurs' responsibilities in source-based waste management in Bali Province, focusing on the legal ramifications for those who fail to adhere to these practices. These problems were analyzed using normative research methods. Normative legal study emphasizes assessing and critiquing legislation grounded in moral and legal principles intended to effectuate change.¹² This study employs a doctrinal approach, a conventional method that examines the rule of law through legal statutes, typically without consideration of external social issues.

The method employed for gathering legal materials is a literature methodology that involves the collection of both primary and secondary legal sources. The principal legal framework comprises all rules and regulations of source-based waste management in Indonesia, particularly Bali. The secondary legal materials include journals and books pertinent to analyzing the emerging issues. The gathered legal materials are subjected to descriptive and evaluative analysis. The descriptive technique aims to elucidate the structures inside the law, identify problems in legal statutes and regulations, and articulate findings derived from secondary legal sources. The evaluative

technique assesses the legal issues of laws and regulations.

ANALYSIS AND DISCUSSION

A. Source-based waste management arrangements for entrepreneurs in Bali Province

Source-oriented waste management emphasizes the segregation of trash at its origin. The general populace has been acquainted with basic waste segregation, specifically organic and inorganic materials, for an extended period. Organic waste includes food waste, animal waste, solid Waste, and industrial organic Waste.¹³ Materials incapable of natural decomposition, including plastic, glass, metals, fly ash, and waste sludge ash, are categorized as inorganic waste. Waste separation is fundamental to effective and consistent waste management. Effective and consistent waste management outcomes necessitate collaboration between multiple stakeholders rather than relying solely on government efforts.

The parties delineated in Bali Governor's Regulation 47/2019 concerning waste management based on sources include:

- a. Everyone in the household;
- b. management of residential areas, including housing, apartments, and the like;
- c. Commercial areas include hotels, offices, shops, shopping malls, trade centres, and the like;
- d. Industrial estates include food processing industry centres, tourism industries, and the like;
- e. Public facilities include schools, health care facilities, markets, and the like;
- f. Social facilities include

¹² Robin West, *Toward Normative Jurisprudence* (Cambridge: Cambridge University Press, 2011), <https://doi.org/10.1017/CBO9781139043922>.

¹³ Pranas Baltrenas, Audrone Jankaite, and Ervinas

Raistenskis, "Experimental Investigation of Biodegradation Processes in Food Waste," *Journal of Environmental Engineering and Landscape Management* 13, no. 4 (2005): 167–76, <https://doi.org/10.1080/16486897.2005.9636867>.

- playgrounds, meeting halls, and the like;
- g. Managers of religious places of worship;
- h. Manufacturer;
- i. Distributors in Bali;
- j. Traditional villages.

Philosophically, entities categorized as merchants, corporations, entrepreneurs, and similar classifications bear a more outstanding moral obligation to undertake resource-based waste management than others. This occurs because only entrepreneurs generate trash through buying and selling transactions or profit-making operations. Furthermore, trash generated by businesses is predominantly comprised of inorganic materials. It differs from other entities that do not oversee operations and generate revenues.

One aspect of waste management pertains to Article 22, Paragraphs (1) to (5) of Bali Regional Regulation Number 5 of 2011 regarding Waste Management (Bali Regional Regulation 5/2011). This regulation mandates that district or city governments implement waste management through regional and/or city-scale processing that ensures public health and environment safety, conducted at the source, temporary storage facilities, integrated waste treatment units, and/or final disposal sites. For the procedures for source-based waste management implemented by entrepreneurs, consult Article 9, Paragraph 1 (1) and (2) of Bali Governor's Regulation 47/2019, among other provisions;

- a. Using and choosing materials that contain little waste;
- b. does not use single-use plastics;
- c. utilize and reuse waste according to its function or with other functions;

- d. provide sorted waste bins, including waste easily decomposed by nature, reusable, recyclable, B3 and B3, and residual waste.
- e. Collecting Garbage;
- f. deposit Waste that Nature does not quickly decompose to Waste Banks and/or Waste Collection Facilities;
- g. processing waste that is easily decomposed by nature and
- h. transporting residual waste to the end Processing Site.

Individuals responsible for residential areas, commercial zones, industrial estates, public facilities, and social amenities may execute Waste Management autonomously or in conjunction with Customary Villages and/or Villages, as outlined in Article 10 Paragraph (3) of Bali Governor's Regulation 47/2019. The implementation of rules mandating all parties, particularly entrepreneurs, to engage in source-based waste management ought to have established legal certainty within society. Upon further examination, no legal provisions govern the juridical implications for the non-fulfilment of these obligations. Each statutory obligation is fundamentally linked to the repercussions resulting from its non-fulfilment. Understanding parties' accountability for source-based waste management obligations in the Bali region is crucial, particularly for entrepreneurs.

B. Responsibilities of entrepreneurs in source-based waste management

In Bali Province, an example is companies that implement source-based

waste management. One of them resembles the approach taken by Alila Villas Uluwatu. Since 2019, Alila Villas Uluwatu has aggressively implemented two additional elements of the circular economy: circulating high-value commodities and resources and rejuvenating nature. Utilizing the Sustainability Lab, the hub of its dedication to waste reduction, waste can be transformed into a beneficial resource.¹⁴ While all entrepreneurs must manage trash, only sorting and transportation are the predominant approaches. Few entrepreneurs now manage waste through reduction, reuse, and/or recycling.

Every commitment is invariably associated with legal repercussions and liabilities. These three elements constitute the foundation for establishing legal conformity across society. Legal obligations constitute a subset of the moral commitments delineated by laws and regulations.¹⁵ Legal consequences are judicial repercussions imposed on the offender through sanctions. Responsibility is a normative relationship established via social interaction, encompassing legal and moral components.¹⁶ To ensure proper and socially significant conduct among legally accountable individuals, legal responsibilities are categorized according to several criteria integral to legal regulation.¹⁷

Entrepreneurs mandated to implement source-based waste management under Bali Governor Regulation 47/2019 should face legal repercussions to establish their legal obligations. Nonetheless, the search results

indicate the absence of clear regulations concerning the legal ramifications for entrepreneurs failing to implement source-based waste management. Only specific waste management actions have legal ramifications as outlined in Law 18/2008; waste managers who contravene the prescribed license criteria are liable to administrative penalties. Additionally, the same legislation encompasses acts with legal ramifications, such as waste importation and waste management operations that may lead to public health issues, security threats, environmental contamination, and/or ecological degradation.

The regulation mandating entrepreneurs to implement source-based waste management is Bali Governor Regulation 47/2019. The Governor's Regulation is incapable of governing sanctions, particularly criminal ones. According to the principle of "no punishment without representation," only the permission of the populace, conveyed through their representatives, can legitimize the imposition of criminal consequences.¹⁸ The legal foundation is delineated in Article 15 Paragraph (1) of Law Number 12 of 2011 of the Republic of Indonesia concerning the Establishment of Laws and Regulations (Law 12/2011), which stipulates that provisions of criminal matters may solely be included in national laws, provincial regulations, or regency/city regulations. Paragraph (2) of the criminal provisions in the Provincial and Regency/City Regional Regulations stipulates a maximum sentence of six months

¹⁴ Zians, "Alila Villas Uluwatu, Manfaatkan Limbah & Ciptakan Ekonomi Sirkular," *majalahglobalreview*, 2023, <https://www.majalahglobalreview.com/alila-villas-uluwatu-manfaatkan-limbah-ciptakan-ekonomi-sirkular/>.

¹⁵ Ezequiel H Monti, "On the Moral Impact Theory of Law," *Oxford Journal of Legal Studies* 42, no. 1 (March 7, 2022): 298–324, <https://doi.org/10.1093/ojls/gqab035>.

¹⁶ Kristin Y. Albrecht, Giulia Battistoni, and Sabrina Zucca-Soest, "Responsibility as a Challenge An Introduction," *Archiv Für Rechts- Und Sozialphilosophie* 110, no. 4 (2024): 483–90, [https://doi.org/10.25162/arsp-](https://doi.org/10.25162/arsp-2024-0022)

2024-0022.

¹⁷ Emzari Yunusov, "Interpretation of Legal Obligations of a Person and a Citizen in the Field of Environmental Protection," *E3S Web of Conferences* 244 (2021), <https://doi.org/10.1051/e3sconf/202124412013>.

¹⁸ Sardi Laiti and Fenty U Puluwulawa, "Pertanggungjawaban Pidana Atas Tindakan Pegawai Negeri Bukan Bendahara Atau Pejabat Lain Yang Mengakibatkan Kerugian Negara," *Philosophia Law Review* 2, no. 1 (2022): 73–93, <https://doi.org/https://doi.org/10.56591/pilar.v2i1.14341>.

or a maximum fine of Rp50,000,000.00 (fifty million rupiah). Article 238 of Law Number 23 of 2014 regarding Regional Government in the Republic of Indonesia stipulates, among other provisions:

- a. The Regional Regulation can contain provisions on imposing enforcement/enforcement costs on violators following the provisions of laws and regulations.
- b. The Regional Regulation can contain a threat of imprisonment for a maximum of 6 (six) months or a maximum fine of Rp50,000,000.00 (fifty million rupiah).
- c. The Regional Regulation may contain the threat of sanctions that are restoring to their original state and administrative sanctions in the form of verbal reprimands, written reprimands, temporary suspension of activities, permanent suspension of activities, temporary revocation of permits, administrative fines; and/or other administrative sanctions following the provisions of laws and regulations.

Employers' responsibilities in source-based waste management exhibit minimal possibility for legal compliance. Liability devoid of repercussions is unrefined. Despite existing legal obligations, entrepreneurs also possess moral

responsibilities. Moral requirements are contingent upon the perpetrator's purposeful conditions, but legal obligations frequently derive from external conduct and institutional compulsion. This split may result in varying interpretations of normative concepts.¹⁹ Moral requirements align fundamentally with corporate social responsibility (CSR) tenets.

Corporations must undertake Corporate Social Responsibility as a social and ethical obligation that transcends legislative mandates to promote sustainable development.²⁰ Corporate Social Responsibility (CSR) is fundamentally connected to business ethics, environmental concerns, and community well-being, emphasizing the interests of relevant stakeholders such as customers, employees, society, and the environment.²¹

The legal framework is a crucial element for facilitating CSR actions. Specific legislation is required to enforce corporate social responsibility initiatives, including environmental preservation and social welfare.²² The Bali province government has legislated CSR by enacting Bali Province Regional Regulation Number 8 of 2023 about Corporate Social and Environmental Responsibility (Bali Regional Regulation 8/2023). The Regional Regulation primarily emphasizes the company's accountability for limited social issues alongside its responsibilities for environmental concerns.

¹⁹ George Pavlakos, "The Relation between Moral and Legal Obligation: An Alternative Kantian Reading," in *Reasons and Intentions in Law and Practical Agency* (Cambridge University Press, 2015), 228–44, <https://doi.org/10.1017/CBO9781107707573.014>.

²⁰ Nakib Muhammad Nasrullah and Mia Mahmudur Rahim, "Introduction," in *CSR, Sustainability, Ethics and Governance*, 2014, 1–9, https://doi.org/10.1007/978-3-319-02350-2_1.

²¹ Flávia Rego Vilas Boas and Carolina Feliciano Machado,

"Social Responsibility as a Lever for the Circular Economy," in *Circular Economy and Manufacturing* (Elsevier, 2024), 217–38, <https://doi.org/10.1016/B978-0-443-14028-0.00011-6>.

²² Syukri Kurniawan and Hari Sutra Disemadi, "Corporation's Criminal Liability in Indonesia: A Response to the Weak Enforcement of Corporate Social Responsibility," *Lentera Hukum* 7, no. 2 (July 27, 2020): 209–30, <https://doi.org/10.19184/ejhl.v7i2.16754>.

The ambiguity surrounding laws concerning the non-implementation of source-based waste management requirements poses difficulty in enforcing CSR laws in multiple nations.²³

Conceptually, CSR encompasses characteristics that compel corporations to adopt it. The company's legal obligation entails adherence to rules and regulations, including those of corporate social responsibility and other legal requirements for ethical and lawful operation. Secondly, ethical responsibility extends beyond legal requirements, requiring the organization to operate on a moral and ethical foundation grounded in truth, justice, and reasonableness, even without legal mandates.²⁴

CONCLUSION

Source-based waste management in Bali Province is an ineffective strategy for mitigating the adverse environmental effects of trash, as stipulated in Bali Governor's Regulation 47/2019, which mandates the involvement of numerous stakeholders, including entrepreneurs. Entrepreneurs bear a more outstanding moral obligation to manage garbage according to its sources as they engage in commercial operations and generate money. Nonetheless, there are flaws and legal ambiguities in regulating source-based waste management in Bali Province about the juridical ramifications of non-compliance with these responsibilities. Nevertheless, according to the principles of Corporate Social Responsibility (CSR), firms in Bali Province are still required to implement source-based waste management as a manifestation of CSR in terms of legal and ethical obligations.

²³ Qaraman Mohammed Hassan, Ibrahim Mustafa Khudir, and Damilola S. Olawuyi, San, "Regulating Corporate Social Responsibility in Energy and Extractive Industries: The Case of International Oil Companies in a Developing Country," *Resources Policy* 83, no. October 2022 (June 2023): 103607, <https://doi.org/10.1016/j.resourpol.2023.103607>.

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²⁴ Javier Martínez Falcó, Bartolomé Marco-Lajara, and Patrocinio Zaragoza-Sáez, "Corporate Social Responsibility: A Comprehensive Analysis," in *Positive and Constructive Contributions for Sustainable Development Goals*, 2022, 131–60, <https://doi.org/10.4018/978-1-6684-7499-0.ch009>.

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