



Excise Regulation For Single-Use Plastics As An Effort To Reduce Environmental Pollution In Indonesia

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Abstract: this study examines the legal vacuum in the regulation of excise duty on single-use plastics in Indonesia. The accumulation of poorly managed plastic waste has become a serious threat to the environment, but until now there has been no strong legal basis to deal with this problem. Although single-use plastics meet the criteria of excisable goods (BKC) as stipulated in Article 2 Paragraph (1) of Law No. 39 of 2007 on excise, until now it has not been regulated in excise regulations. Therefore, the imposition of excise duties is a strategic step in controlling the consumption of single-use plastics and reducing the impact of environmental pollution. This study uses normative juridical method with comparative approach to law and legislation approach. Legal material is collected through the study of literature and internet sources, then analyzed by prescriptive techniques as well as through systematic interpretation. The results show that the urgency of regulating excise duty for single-use plastics can be viewed from a philosophical, juridical, and sociological perspective. This regulation is in line with the values of Pancasila, the existing legal framework, and efforts to overcome environmental pollution in Indonesia. A comparative analysis of excise policy in Ireland and Denmark provides insight into applicable regulatory models. As a recommendation, This study proposes a draft clause in the excise law to support the expansion of the types of excisable goods, which is currently still under discussion.

Keywords: Waste; Disposable Plastic; Excise Regulation; Environmental Pollution; Indonesia

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1. Introduction

Indonesia is experiencing significant population growth, with a growth rate of 1.13% in 2023. Although the rate of growth has decreased slightly, the number of population continues to increase, reaching 270.2 million inhabitants based on the 2020 census. This growth has far-reaching impacts on the education, health, economy, and employment sectors, as well as increasing pressures on natural resources.¹ Indonesia, as the world's fourth-most populous country, faces similar challenges to other countries, such as rapid urbanization and environmental degradation due to increased consumption.² One of the significant impacts of overconsumption is plastic pollution, especially single-use plastics. It is estimated that around 24-34 million metric tons of plastic pollution enter the marine environment each year, with the potential to increase to 53-90 million tons by 2030 without effective intervention.³ Indonesia is one of the largest producers of plastic waste in the world, with about 66 million tons of plastic waste per year.⁴ The government has been working to address this problem through a target of 70% reduction in marine plastic waste by 2025 and zero plastic pollution by 2040. However, major challenges remain, especially in the implementation of more effective policies.⁵

As the largest archipelagic country in the world with abundant natural resources, Indonesia has a great responsibility to protect its natural resources in accordance with Article 28h of the 1945 Constitution, which asserts that natural resources must be utilized for the prosperity of the people. This is in line with the objectives stated in Article 3 of Law Number 32 of 2009 on Environmental Protection and management (UU PPLH) as amended by law (UU) number 6 of 2023 on the establishment of government regulations in lieu of Law Number 2 of 2022 on job creation into law (UU Ciptaker), whose objectives are: to protect Indonesia from pollution and damage to the environment; ensure the safety, health, and life of the community; ensure the continuity of life of living things and the preservation of ecosystems; maintain the preservation of environmental functions; achieve harmony, balance, and environmental balance; ensure the fulfillment of justice for current and future generations ensure compliance and protection of environmental

¹ Yehezkiel A Simangunsong et al., "Analysis of the Impact of Population Growth in Indonesia," *Jurnal Registratie* 6, no. 1 (2024): 61–73.

² Akhirul et al., "Dampak Negatif Pertumbuhan Penduduk Terhadap Lingkungan Dan Upaya Mengatasinya," *Jurnal Kependudukan Dan Pembangunan Lingkungan* 1, no. 3 (2020): 76–84.

³ Gita Laras Widyaningrum, "Studi Terbaru: Masalah Sampah Plastik Di Bumi Sudah Di Luar Kendali," Nationalgeographic.Grid.Id, 2020, <https://nationalgeographic.grid.id/read/132346281/studi-terbaru-masalah-sampah-plastik-di-bumi-sudah-di-luar-kendali>.

⁴ Adhistry Dhiyaulfah Azahwa, "Banyaknya Produksi Sampah Plastik Di Indonesia," *Kumparan.Com*, 2022, <https://kumparan.com/adhistry-dhiyaulfah/banyaknya-produksi-sampah-plastik-di-indonesia-1xZixIXbj3h>.

⁵ W. Widyastuti M. Stuchney, B. Dixon, A. Neeteson, A. Handjaja, "Mengurangi Polusi Plastik Secara Radikal Di Indonesia: Rencana Aksi Multipemangku Kepentingan," *World Economic Forum*, no. April (2020): 47.

rights as part of human rights; manage the wise use of Natural Resources; achieve sustainable development; and anticipate global environmental problems.

One of the policies that has been implemented is the regulation on paid plastic bags imposed through MoEF circulars in 2015 and 2016. However, its effectiveness is limited due to the too low price of plastic bags and the lack of a solid legal basis.⁶ This situation indicates the need for stricter regulations to reduce plastic consumption, such as the implementation of excise duties on single-use plastics.

Excise duty is an instrument used to control the consumption of goods that negatively affect the environment and society. Law No. 39 of 2007 on excise provides that goods including excisable goods are "state levies imposed on certain goods that have properties or characteristics as stipulated in the law". Based on the provisions of Article 2 Paragraph (1) and Article 4 paragraph (1) of the excise law, the scope of excisable goods in Indonesia is currently limited to ethyl alcohol, alcoholic beverages, and tobacco products. In fact, in principle, excise duties can be imposed on goods that: their consumption needs to be controlled; their circulation needs to be monitored; their use can have a negative impact on society or the environment; or their use needs the imposition of state levies for the sake of justice and balance, are subject to excise under this law. Single-use plastics, which have proven to be one of the main causes of environmental pollution, are supposed to meet the criteria as excisable goods. However, to date, there is no regulation that explicitly includes single-use plastics in the list of excisable goods (BKC) so there is a void.

At the international level, some countries have successfully implemented excise taxes on plastics to reduce their use. Ireland introduced the Plastic Bag Levy in 2002, which proved effective in suppressing single-use plastic consumption.⁷ Denmark has implemented the Packaging Tax Act since 1994, which also has a positive impact on reducing plastic waste.⁸ The success of these two countries shows that fiscal policy can be an effective solution in reducing plastic pollution. Indonesia needs to consider the implementation of excise duty for single-use plastics to fill the legal void in the regulation of plastic waste management. Based on the description described above, the author is interested to discuss the issue with the title, "excise regulation for single-use plastics as an effort to reduce environmental pollution in Indonesia".

2. Method

This research uses normative juridical method with comparative approach of law and legislation analysis. The selection of this method is aimed at assessing the relevant positive legal norms, as well as evaluating the effectiveness of their

⁶ Ni Wayan Sintya Galuh Paramita and Amrie Firmansyah, "Efektifitas Kebijakan Plastik Berbayar Di Indonesia Dalam Upaya Pengurangan Pencemaran Sampah Plastik," *Jurnalku* 4, no. 2 (2024): 210–21, <https://doi.org/10.54957/jurnalku.v4i2.673>.

⁷ Mauro Anastasio and James Nix, "Plastic Bag Levy in Ireland," *Institute for European Environmental Policy*, 2022, 9.

⁸ Mikael Skou Andersen, "The Green Tax Reform in Denmark," preprint, University of Aarhus, 1994, 47–50.

regulation through comparison with other legal systems. Data is obtained through library studies, which include primary, secondary, and tertiary legal materials, both from printed literature and credible online sources.

In analyzing the collected legal materials, this study uses prescriptive analysis, which is an approach that not only exposes the content of positive legal norms, but also evaluates and formulates how these provisions should be ideally designed or applied. This approach is relevant to answer the normative questions that are the focus of the study. As a reinforcement of argumentation, this study also applies the method of grammatical interpretation, which interprets norms based on the meaning of language, as well as systematic interpretation, and in accordance with the principles of interpretation in law.

3. The urgency of setting excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

3.1. The philosophical urgency of setting excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

Pancasila acts as the main philosophical basis that is the source of the highest law, so every policy must be in harmony with the values contained in it. Pancasila, as the basic norm of the state (*staatsfundamentalnorm*), has been established since August 18, 1945 and became the main guideline in the formation of legislation. The values in Pancasila are also reflected in the Preamble of the 1945 Constitution, which contains the ideals of national law and becomes a fundamental rule in the life of the state.⁹ The objectives of the state listed in the Preamble to the 1945 Constitution, in particular to protect the nation and promote the general welfare, demand policies that support sustainable development. One of the major challenges facing Indonesia today is single-use plastic pollution, which damages ecosystems and threatens public health.

However, the fulfillment of these rights, especially the right to a healthy environment, currently faces great challenges due to the increase in plastic waste, especially from single-use plastics. As one of the largest contributors to plastic pollution in the world, Indonesia is faced with a serious problem that pollutes ecosystems, especially the oceans. Plastic waste not only damages the environment but also threatens public health and the sustainability of life. Therefore, single-use plastic control is an important step to protect the environment from pollution and fulfill people's rights. The principle of environmental justice demands the application of legal instruments such as excise taxes, which aim to control plastic consumption and provide legal certainty in the management of plastic waste.

Excise duty for single-use plastics has a strong constitutional foundation, in accordance with Article 23A of the 1945 Constitution, which states that taxes and levies must be regulated by law. This instrument is not only a fiscal mechanism, but

⁹ Sri Wahyuni Laia and Sodialman Daliwu, *Urgensi Landasan Filosofis, Sosiologis, Dan Yuridis Dalam Pembentukan Undang-Undang Yang Bersifat Demokratis Di Indonesia*, 10, no. 1 (2022): 546-52.

also a tool to encourage changes in people's behavior and industry to switch to more environmentally friendly materials. The right of the community to enjoy a healthy environment is also regulated in Article 28h paragraph (1) of the 1945 Constitution, which affirms that every citizen has the right to a good and healthy environment. Therefore, excise regulations for single-use plastics must be designed taking into account aspects of fairness and effectiveness in their implementation. In addition, Article 33 paragraph (4) of the 1945 Constitution emphasizes the principle of sustainable development and environmental insight in the national economy. The implementation of the excise tax on single-use plastics is in line with this principle, as it aims to reduce environmental pollution while encouraging innovation in more sustainable alternative materials.¹⁰

In the Pancasila perspective, excise regulations for single-use plastics are closely related to the first, second, and fifth precepts. This arrangement reflects human responsibility to the environment as a gift of God, upholds justice in environmental protection for the whole society, and realizes social justice by ensuring the fair distribution of benefits.¹¹

Philosophically, excise regulation for single-use plastics is a strategic step to tackle environmental pollution while guaranteeing people's rights to a healthy environment. With this regulation, it is expected that there will be changes in the behavior of the community and businesses to switch to more environmentally friendly alternatives for the sake of sustainability.

3.2. The sociological urgency of regulation for excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

The sociological foundation in legislation focuses on meeting the needs of society based on empirical facts about social problems and the needs of the state. Regulations that have a strong sociological foundation tend to be more accepted and effective in their implementation. The principles of sociology in law emphasize the importance of the relevance of law to the social conditions of society. If regulations are made in accordance with the needs of the community, then acceptance and compliance with them will be higher without the need for excessive supervision.¹²

Population growth is one of the main factors causing environmental problems, especially through increased consumption of Natural Resources.¹³ As the population increases, the need for food, clean water, energy and land also increases, which leads to overexploitation of resources. As a result, there is environmental degradation, loss

¹⁰ Jimly Asshiddiqie, *Green Constitution (Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945)* (Raja Grafindo Persada, 2010).

¹¹ Teddy Ferdian, "Patuh Pajak Dan Implementasi Nilai-Nilai Pancasila," Pajak.Go.Id, 2023, <https://www.pajak.go.id/id/artikel/patuh-pajak-dan-implementasi-nilai-nilai-pancasila>.

¹² Laia and Daliwu, *Urgensi Landasan Filosofis, Sosiologis, Dan Yuridis Dalam Pembentukan Undang-Undang Yang Bersifat Demokratis Di Indonesia*.

¹³ Takdir Rahmadi, *Hukum Lingkungan Di Indonesia* (Raja Grafindo Persada, 2011).

of biodiversity, as well as disruption of the functioning of ecosystems, which negatively affects the balance of nature.

In addition to resource exploitation, human activities such as fossil fuel burning and deforestation exacerbate greenhouse gas emissions that fuel climate change and increase the frequency of extreme weather. Technological advances that should be the solution, actually contribute to exacerbating pressure on the environment through mass production and consumption of goods that produce large amounts of waste. Plastic waste and industrial waste pose a serious threat to soil, water and air, causing prolonged pollution and difficult to decompose in a short time.

Data from the National Waste Management Information System shows a significant increase in national waste generation from 2018 to 2024. In 2019, there were about 27 million tons of waste, and this increased to about 41 million tons in 2023.¹⁴ This increase reflects the high consumption patterns of the community, especially from the household sector which is the main contributor to waste generation with a percentage of 54.69%.¹⁵

When viewed by type, plastic waste ranks second with a proportion of 19.45% of the total composition of National Waste. During the 2018-2024 period, the amount of plastic waste reached around 62.76 million tons out of a total of 322.69 million tons of waste generated.¹⁶ This figure illustrates the high consumption of plastic products, especially single-use plastics such as shopping bags, food and beverage packaging, and protective materials in online transactions. Unfortunately, this high consumption is not balanced by adequate management awareness, thus contributing to environmental pollution and the risk of the presence of microplastics in the human food chain.

To overcome this problem, policies are needed that can effectively reduce the consumption of single-use plastics. One of the efforts that can be applied is the implementation of excise duty as a fiscal instrument aimed at controlling the consumption of certain goods that are at risk of damaging the environment. This regulation is very important to ensure that the use of natural resources can be carried out in a sustainable manner, while encouraging changes in people's behavior towards more environmentally friendly consumption patterns.

The Indonesian government has actually been trying to reduce the use of plastic through the paid plastic bag policy introduced through the MoEF circular in 2015 and 2016. Under this policy, consumers are required to pay Rp200,00 for every plastic bag used in modern stores. However, this policy is considered less effective because

¹⁴ SIPSN, "Data Timbulan Sampah," Sipsn.Menlhk.Go.Id, 2024, <https://sipsn.menlhk.go.id/sipsn/public/data/timbulan>.

¹⁵ SIPSN, "Data Sumber Sampah," Sipsn.Menlhk.Go.Id, 2024, <https://sipsn.kemenlh.go.id/sipsn/public/data/sumber>.

¹⁶ SIPSN, "Data Komposisi Sampah," Sipsn.Menlhk.Go.Id, 2024, <https://sipsn.kemenlh.go.id/sipsn/public/data/komposisi>.

prices that are too low are not enough to provide disincentives for the community to reduce the use of single-use plastics.¹⁷

If properly implemented, the excise policy for plastics will not only reduce the consumption of single-use plastics but also present significant economic benefits. Excise tax can be a source of state revenue which can then be allocated for waste management programs, education related to environmental awareness, and innovation of materials that are more environmentally friendly.

3.3. Juridical urgency to regulate excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

1. Constitutional Basis: The Constitution Of The Republic Of Indonesia In 1945

As the highest legal basis in Indonesia, the Constitution of the Republic of Indonesia of 1945 (UUD 1945) provides legitimacy to various policies aimed at maintaining the welfare of society, including in terms of Environmental Protection. One of the policy instruments that can be applied to overcome environmental problems, especially related to plastic waste, is the imposition of excise duty on single-use plastics. The constitutional foundation of this policy can be found in Article 23A of the 1945 Constitution, which states that taxes and other levies of a coercive nature must be regulated by law. This provision confirms that any form of levy, including excise duty on single-use plastics, must have a clear legal basis and be aimed at the public interest. In this context, the excise tax on single-use plastics is not just a fiscal instrument to increase state revenues, but also a consumption control tool aimed at changing the behavior of society and industry to be more responsible in using and managing single-use plastics. Thus, excise regulations for plastics not only serve as a source of state revenue, but also as a mechanism for controlling the negative impact that plastic waste has on the environment. In addition, the right of people to live in a healthy environment has been guaranteed in Article 28h paragraph (1) of the 1945 Constitution, which affirms that everyone has the right to a good and healthy living environment. This constitutional right mandates the state to take concrete steps in ensuring a clean and pollution-free environment.

2. Law No. 32 of 2009 on Environmental Protection and management

The law on Environmental Protection and management (UUPPLH) establishes a systematic and integrated effort to maintain the functioning of the environment and prevent pollution or damage through planning, control, maintenance, supervision and enforcement. Consideration of UUPPLH, as stated in Item a which states that "*a good and healthy living environment is a fundamental right of every Indonesian citizen as mandated in Article 28h of the Constitution of the Republic of Indonesia year 1945*". In addition, item d states that "*environmental degradation threatens the survival of humans and other living things, so that serious and consistent environmental protection and*

¹⁷ Paramita and Firmansyah, "Efektifitas Kebijakan Plastik Berbayar Di Indonesia Dalam Upaya Pengurangan Pencemaran Sampah Plastik."

management is required by all stakeholders" affirms that a good and healthy environment is a fundamental right of every Indonesian citizen as stated in Article 28h of the 1945 Constitution. In addition, UUPPLH also highlights that the decline in Environmental Quality threatens the lives of humans and other living things, so that environmental protection is a shared responsibility of all stakeholders. In order to prevent pollution, Article 53 UUPPLH requires every perpetrator of pollution or environmental destruction to overcome the impact caused by a technology-based approach. Plastic waste is one of the main causes of environmental pollution resulting in damage to ecosystems and decreased quality of life. Article 87 and Article 88 of the UUPPLH affirm that the party that caused the pollution is obliged to pay compensation and is absolutely responsible without the need to prove the element of guilt, in accordance with the principle of Environmental Law "polluters pay." Thus, the imposition of excise duty on single-use plastics becomes one of the relevant mitigation strategies to control environmental pollution. This policy is not only aimed at reducing plastic consumption, but also provides an impetus for the industry to switch to more environmentally friendly alternatives.

3. Law No. 7 of 2021 on harmonization of tax regulations

Excisable goods (BKC) in Indonesia are currently limited to three types, namely ethyl alcohol or ethanol, drinks containing ethyl alcohol, and tobacco products, as stipulated in Article 4 paragraph (1) of the excise law which has been amended by Law Number 7 of 2021 on harmonization of tax regulations (HPP law). However, Article 4 paragraph (2) opens the opportunity for the extension or reduction of the type of BKC through a government regulation, provided that the proposal must be submitted to the DPR RI to be discussed and agreed upon in the preparation of the RAPBN. This mechanism ensures that the policy of adding or reducing BKC is aligned with the direction of national fiscal policy.

4. Law No. 18 of 2008 on Waste Management

Waste Management in Indonesia aims to improve public health, preserve the environment, and utilize waste as a resource, as stipulated in Article 4 of Law Number 18 of 2008 and refers to Article 28h of the 1945 Constitution. This management is a shared responsibility between the government and the community, as stipulated in Article 5 and Article 12, although the government has a primary obligation in the reduction and handling of waste. In addition, Article 44 requires each region to have a final processing site (TPA) that meets environmental standards by 2013. Although the waste problem is still complex, this regulation provides a strong legal basis to support more environmentally sound waste management, including through excise policies for single-use plastics.

5. Government Regulation No. 81 of 2012 on the management of Household Waste and similar household waste

Effective waste management is becoming a major challenge in Indonesia due to the increasing volume of waste every year, especially single-use plastic waste that has an

impact on public health and Ecosystem Sustainability. The government regulation on Waste Management regulates the strategy and role of producers and communities in managing waste, as stipulated in Article 3, Article 13, and Article 14. This regulation confirms the obligation of manufacturers to recycle and reuse waste by drawing up recycling programs, using raw materials that can be recycled or reused, as well as recalling product packaging for further processing.

4. The concept of setting excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

In the concept of excise regulation for single-use plastics, it is important to study the existing excise models for single-use plastics, to find out their advantages and disadvantages. The author will discuss the legal systems in Ireland and Denmark, then explain the excise regulations for plastics in both countries. Next, the authors will present a comparative table of excise tax settings for single-use plastics in Ireland and Denmark, followed by an analysis. Finally, the author will provide recommendations for implementing appropriate rules to be applied in Indonesia in the future.

4.1. Legal systems of Ireland, Denmark, and Indonesia

The legal system according to J.H. Merryman is an operational device that includes institutions, procedures, and the rule of law, while Sudikno calls it a whole order with interconnected elements. The legal system is normative and has a structure that allows changes without interfering with its continuity. Each country has a different legal system, which influences legal arrangements and decisions in the country.¹⁸

Chart 1. Legal systems of Indonesia, Ireland and Denmark

Indikator	Indonesia	Irlandia	Denmark
Sistem Hukum	Campuran: <i>Civil law</i> , hukum adat, hukum Islam	<i>Common Law</i>	Campuran: <i>Civil law</i> , <i>common law</i> .
Konstitusi Tertinggi	Undang-undang Dasar Negara Republik Indonesia Tahun 1945	<i>Bunreacht na hÉireann</i> (Konstitusi Irlandia Tahun 1937)	<i>Grundlov</i> (Konstitusi Denmark Tahun 1849)
Badan Peradilan Tertinggi	Mahkamah Agung atau Mahkamah Konstitusi	<i>Supreme Court of Ireland</i> (Mahkamah Agung Irlandia)	<i>Højesteret</i> (Mahkamah Agung Denmark)

Source: *Secondary Legal Materials, 2025 (Processed)*.

Legal systems in Ireland, Denmark, and Indonesia have different characteristics, influenced by the history, legal tradition, and system of government of each country. Ireland adheres to the *common law system*, which evolved from the English legal system. Before this system was implemented, Ireland had a traditional legal system of *brehon law*, which was eventually replaced in the 17th century. After independence in 1922, Ireland adopted a legal system similar to that of the United Kingdom, but with the supremacy of a written constitution. In the legislative system, the Irish Parliament

¹⁸ Maria Ulfah, *Buku Ajar Perbandingan Sistem Hukum* (Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari Banjarmasin, 2022).

(*Oireachtas*) plays a role in lawmaking, with a process that includes six stages before a draft becomes law.¹⁹

Denmark has a mixed *civil and common law legal system*, with a democracy based on universal suffrage. Danish democracy developed as a reaction to royal absolutism, with an emphasis on the principle that power comes from the people. The political system is very transparent, where every citizen has the right to access government documents as well as file complaints if they feel they are being treated unfairly. State power is divided into three branches, the executive, legislative, and judiciary, with the Danish Parliament (*Folketinget*) as the main institution in the process of legislation and oversight of government.²⁰

On the other hand, Indonesia adheres to the *civil law system*, which is a legacy of the continental European legal system due to Dutch colonization. In this system, written law has a high binding force, so legal certainty is maintained through the codification of regulations. The system of government adopted is the presidential system, in which the executive and legislative powers are independent. The 1945 Constitution became the Supreme Constitution, which underwent four amendments between 1999-2002 to strengthen the principles of democracy, human rights protection, and Government Accountability.²¹

Although the three countries have different legal systems, there are similarities in terms of enforcement of the rule of law and democratic principles. Ireland stands out with its *common law system* that relies on jurisprudential precedent, while Denmark combines elements of *common law* and *civil law* in a highly transparent democratic system. Indonesia, with its *civil law system*, relies more on Written law in maintaining legal certainty and stability of the country. These differences in legal systems indicate that each country adapts its legal structure according to its history, the needs of society and the system of government adopted.

4.2. Regulation of Excise laws for single-use plastics in Ireland, Denmark and Indonesia

The implementation of excise duties on single-use plastics has become a concern in various countries as a policy instrument to reduce environmental impact. Each country has a different approach to implementing this policy, tailored to the conditions and needs of each. Comparative studies with other countries such as Ireland and Denmark provide important insights in evaluating the effectiveness of excise policies for plastics as well as their application opportunities in Indonesia.

Ireland is one of the countries that has managed to implement an effective excise policy for plastics. Since 2002, the country has imposed an excise duty of €0.15 per

¹⁹ Noelle Higgins, "The Lost Legal System: Pre-Common Law Ireland and the Brehon Law," *Dublin City University* 11, no. 1 (2011): 1-14.

²⁰ Folketinget - The Danish Parliament, *About the Danish Parliament*, 2013, 28.

²¹ Mohamda Saleh, Ismaili, dan Adianto Mau, Perbandingan Hukum Tata Negara Antara Indonesia dan Singapura, *Jurnal Impresi Indonesia (JII)*, Vol. 1, No.5 (2022): 543.

plastic bag which was later increased to €0.22 in 2007. This policy has managed to reduce the use of plastic bags by 94% in the first three years. Revenues from excise taxes on plastics are allocated to environmental programs, which further reinforces the goal of this policy in reducing pollution. Ireland's success shows that excise duty on plastics can be an effective tool in changing people's behaviour as well as raising environmental awareness.²²

Denmark also has a long history of implementing excise policies for plastics, starting with the Packaging Tax Act in 1994. The tax is imposed based on the weight of plastic bags and aims to reduce the use of disposable bags by encouraging more environmentally friendly alternatives. In 2024, the excise rate on plastic bags in Denmark will reach 73.46 DKK per kilogram. The scope of the excise duty continues to be expanded, including various types of plastic packaging and disposable tableware. This approach proves that a progressive and sustainable excise policy for plastics can lead to a more responsible change in consumption.²³

In Indonesia, excise policy is still limited to goods such as alcohol and tobacco, although the Excise Law has opened up opportunities to expand the scope of excisable goods (BKC). Since 2020, the government has been planning the implementation of excise duty for single-use plastics as part of the plastic waste reduction strategy. The Directorate General of Customs and Excise (DGTC) has conducted a study on the potential application of excise duty for plastics, sweetened beverages, and carbon emissions. Disposable plastic meets the characteristics of BKC as stipulated in Article 2 Paragraph (1) of the excise law, which has consumption properties that need to be controlled, has a negative impact on the environment, and requires certain supervision. However, until now the policy has not been implemented, partly due to considerations of its impact on industry and society.²⁴

The implementation of excise duty for single-use plastics in Indonesia requires careful consideration to be effective and in line with best practices in other countries. The government needs to determine the right amount of excise rates in order to change consumer behavior without giving excessive economic burden. In addition, it is important to ensure that revenues from excise taxes on plastics are allocated transparently to environmental programs, such as waste management and community education. Comparative studies with other countries show that the success of excise policies for plastics depends on the right combination of tariffs, public education, as well as the availability of environmentally friendly alternatives.

²² Asphat Muposhi et al., "Efficacy of Plastic Shopping Bag Tax as a Governance Tool: Lessons for South Africa from Irish and Danish Success Stories," *Acta Commercii* 21, no. 1 (2021): 1–10, <https://doi.org/10.4102/ac.v21i1.891>.

²³ Ines Blanco de Tord, "Plastic Taxation in Europe: Update 2024," *Wts.Com*, 2024, <https://wts.com/global/publishing-article/20240508-plastic-taxation-europe-update-2024~publishing-article>.

²⁴ Astri Warih Anjarwi, *PAJAK LALU LINTAS BARANG: Kepabeanan, Ekspor, Impor, Dan Cukai* (Deepublish, 2021).

4.3. Comparison of customs arrangements for single-use plastics in Ireland, Denmark and Indonesia

Chart 2. Legal systems of Indonesia, Ireland and Denmark

Aspects	Of Ireland	Denmark	Indonesia
Regulation	<p>S.I. No. 698/2023 - Circular Economy (Environmental Levy) (Plastic Bag) (No. 2) Regulations 2023</p> <p>(SI No. 698/2023-Regulation Of The Circular Economy (Environmental Levy) (Plastic Bags) (No. 2) Tahun 2023)</p>	<p>Bekendtgørelse om visse krav til emballager, udvidet producentansvar for emballage samt øvrigt affald der indsamles med emballageaffald (BEK nr 323 af 20/03/2025)</p> <p>(Perintah Eksekutif tentang persyaratan tertentu untuk pengemasan, tanggung jawab produsen yang diperluas untuk pengemasan dan limbah lain yang dikumpulkan bersama limbah pengemasan (BEK no. 323 dated 20/03/2025))</p>	<p>MoEF circular S.1230 / PSLB3-PS/2016 on the price and mechanism of application of paid plastic bags</p>
the year they were first applied	2002	1994	2016
institutions	<p>of the Ministry of Environment and Local Government</p> <p>"light plastic bag" means a plastic bag with a wall thickness of less than 50;</p> <p>"packaging" means any material, container or wrapper, used for or in connection with the detention, transport, handling, protection, promotion, marketing or sale of any product or substance;</p>	<p>Ministry of Environment and Gender Equality</p> <p>Packaging is any object, of any kind, of any material used to wrap, protect, handle, distribute from producers to users or consumers, and present Goods, both raw materials and processed goods. All disposable items used for the same purpose, as well as beverage containers and drinking glasses that are disposable plastic products, should be considered as suitable packaging.</p>	<p>Ministry of Environment and Forestry</p> <p>Plastic bags provided by retailers.</p>
types of plastic subject to excise	<p>"plastic" means a polymer, to which additional materials or other substances may have been added, and which is capable of serving as a component the main structure of the bag;" plastic bag " means a plastic bag, with or without handles, made of plastic, which is given to the consumer at the point of sale of goods or products.</p> <p>"plastic bag " means a plastic bag, with or without handles, made of plastic, which is given to the</p>		

consumer at the point of sale of goods or products.

Kapitel 2 Krav til visse emballager, § 12 (Minimumspris for visse typer af bæreposer):

"Salgssteder for varer eller produkter, der ikke er omfattet af § 51 a, stk. 5, i loven, som udleverer bæreposer med hank af andet materiale end plastik eller bæreposer af plastik med og uden hank med en vægtykkelse over 30 mikrometer efter lovens § 51 a, stk. 1 og 2, skal opkræve en minimumspris på 4 kr. pr. pose."

Part 2
Environmental Levy, Article 4 (Levy Amount):
"The amount of the levy shall be 22 cent for each plastic carrier bag."

Pasal yang Mengatur Terkait Tarif Cukai

(Section 2 Environmental Tax, Article 4 amount of Levy:
"the amount of the levy is 22 cents for each plastic bag.")

(Chapter 2 requirements for certain packaging, Article 12 minimum prices for certain types of carrier bags: places of sale of goods or products not covered by the ⑧ 51 a, para. 5, of the Act, which supplies plastic bags with handles made of materials other than plastic or plastic bags made of plastic with or without handles with a wall thickness of more than 30 microns in accordance with Article 51 a, paragraph 1 of the Act. 1 and 2, must charge a minimum price of 4 kr. per-bag.)

Minimum Rp200 per bag

initial rate	€0.15 per plastic bag (Rp2,680)	€0.067 per bag (Rp1,250)	minimum Rp200
current rate	€0.22 per plastic bag (Rp.3.931)	€0,54 per kantong	Minimal Rp200

Source: Secondary Legal Materials, 2025 (Processed).

The regulation of excise duty for single-use plastics in Indonesia is regulated in Article 14 of Law No. 7 of 2021 on harmonization of tax regulations (HPP law). Under these provisions, goods that can harm society or the environment may be subject to excise, including single-use plastics. However, until now, there has been no effective implementation related to the imposition of excise duties for plastics in derivative regulations. Some of the main disadvantages of this regulation include the absence of a clear excise rate, which causes its implementation to be delayed. In addition, uncertainty in derivative regulations is also an obstacle, considering that government regulations or regulations of the Minister of Finance that regulate technical aspects have not been published. On the other hand, the lack of incentives for the industry to switch to more environmentally friendly alternatives hinders innovation and changes in the use of more sustainable materials. The lack of transparency in the use of excise funds for plastics is also a problem, since the funds are supposed to be used to support environmental programs. Overall, this condition shows that the regulation of excise duty for plastics in Indonesia is still passive and has not been able to function as an effective legal instrument in reducing the consumption of single-use plastics.

In reviewing and analysing the excise arrangements for single-use plastics between Ireland, Denmark and Indonesia, it is important to look at how a legal product can be applied as a regulation that governs life in society. In this regard, progressive law seeks to provide answers to emerging problems. Progressive law is based on the assertion that law was created for man, not that man should be subject to the law. The concept of thought in progressive law emphasizes that the law should be able to bring happiness to man and his nation.²⁵ Progressive law is a law that is in favor of justice and the interests of the people. According To Bernard L. Tanya, progressive law affirms that in the process of law enforcement, law enforcers must prioritize empathy and concern for the community, especially Indigenous peoples, and uphold the value of honesty and sincerity.²⁶ The existence of progressive law is not a coincidence, but is born of a process and does not arise out of nowhere without a cause. Progressive law is part of the ongoing search *for truth*.

In a comparative analysis of excise regulations for single-use plastics, Ireland and Denmark are examples of countries that have successfully implemented effective regulations in reducing plastic consumption. Ireland was one of the first countries to introduce *plastic Bag Levy Regulations* in 2002. The success of this regulation can be seen from the enthusiasm of the community who support the implementation of this excise tax up to 91% after one year of implementation.²⁷ The peculiarity of the Irish approach is that the excise tax system is based on the number of units of plastic bags used by consumers, rather than production-based. Thus, this regulation directly affects demand and encourages changes in people's behavior in the use of plastic bags. In addition, the funds obtained from the excise tax on plastics are allocated to environmental projects, thereby increasing public awareness of sustainability issues.²⁸

Denmark, meanwhile, is taking a different approach by imposing excise duties on manufacturers and distributors of single-use plastics. This approach forces industries to consider additional excise costs in their pricing strategies, which indirectly reduces dependence on single-use plastics. One of the advantages of this system is the mechanism of multilevel excise rates based on the type of plastic and the environmental impact caused. With multilevel systems in place, plastics with greater environmental impact are subject to higher tariffs, prompting the industry to seek more environmentally friendly alternatives.

In addition to a clear excise system, Denmark also provides incentives for manufacturers who use recycled materials or more sustainable alternative materials. This incentive serves as an impetus for the industry to develop environmentally friendly technologies and reduce the production of single-use plastics. In addition,

²⁵ Rizky Julranda et al., "PENERAPAN HUKUM PROGRESIF SEBAGAI PARADIGMA PEMBANGUNAN HUKUM NASIONAL DALAM RANCANGAN UNDANG-UNDANG MASYARAKAT HUKUM ADAT," *Jurnal Crepido* 04, no. 02 (2022): 171-83.

²⁶ *Ibid.*

²⁷ Anastasio and Nix, "Plastic Bag Levy in Ireland.": 5.

²⁸ Muposhi et al., "Efficacy of Plastic Shopping Bag Tax as a Governance Tool: Lessons for South Africa from Irish and Danish Success Stories."

Denmark combines excise taxes on single-use plastics with subsidies for small businesses to enable them to switch to alternative materials. This approach helps the small business sector not to be economically burdened by the transition to the use of more environmentally friendly materials.

When compared to the situation in Indonesia, the main difference lies in the clarity of regulations and their implementation mechanisms. Ireland and Denmark have specific regulations regarding excise rates, fund collection systems, and the allocation of excise revenue to environmental programs. In contrast, in Indonesia, the excise regulations for single-use plastics in the 2021 HPP law still face obstacles in implementation due to the lack of clear derivative rules. The lack of certainty regarding excise rates and the mechanism for utilizing excise funds for plastics makes this regulation ineffective in reducing the consumption of single-use plastics.

From the perspective of progressive legal theory proposed by Satjipto Rahardjo in his book *progressive law*, states that the concept of progressive law is the establishment of law not only for itself, but for social justice and sustainability.²⁹ Therefore, the excise regulation for single-use plastics must be more than a fiscal instrument, it must be a social transformation tool that promotes a sustainable change in the behavior of society and industry. The success of Ireland and Denmark shows that effective regulation requires an approach that is not only repressive through excise, but also makes room for innovation by providing incentives for industry and support for communities to switch to more environmentally friendly alternatives. In the Indonesian context, progressive legal theory demands a more dynamic regulatory change by considering environmental, social, and economic factors as a whole.

4.4. The concept of setting excise duty for single-use plastics as an effort to reduce environmental pollution in Indonesia

Excise duty has a legal basis mandated in the legislation in Indonesia. Just as taxes have a constitutional basis in Article 23A of the Constitution of the Republic of Indonesia in 1945, excise is also regulated in Law No. 39 of 2007 on Excise, which states that excisable goods are goods with certain properties or characteristics whose consumption needs to be controlled, their circulation monitored, and their use can have a negative impact to the environment or public health. Single-use plastics meet these criteria because they contribute to significant environmental pollution. In Article 4 paragraph (1) of the excise law, it is stated that the goods subject to excise are determined based on government regulations. However, until now, the regulation related to excise tax on single-use plastics is still in the design phase and there is no regulation that regulates specifically the tariff and the mechanism for its imposition.

Similar regulations related to single-use plastic excise regulations can be found in a circular issued by the Ministry of Environment and Forestry (MoEF). However, juridically, circulars do not have binding legal force because they are not an imperative piece of legislation. The circular is only a guideline, appeal, or

²⁹ Satjipto Rahardjo, *HUKUM PROGRESIF* (Genta Publishing, 2009).

recommendation for those who are willing to implement it, so it does not have force or legal consequences for those who do not comply.

This legal vacuum causes uncertainty in the implementation of single-use plastic control regulations and delays environmental benefits that would otherwise be obtained more quickly. This could be because the excise tax acts as a fiscal instrument designed to suppress plastic consumption by providing economic incentives for producers and consumers to switch to more environmentally friendly alternatives. In addition, the proceeds from the plastic excise tax can be used to support environmental programs, such as waste management and the development of more sustainable alternative materials. This regulation is not only restrictive but also adapts to the development of environmental and national economic needs.

Excise as a type of indirect tax is part of the State Administrative Law whose regulation has several functions and purposes as a controller of consumption of goods whose use if excessive will cause negative impacts on the environment. In addition, the additional benefit of the extension of single-use plastic BKC is to correct people's behavior because the excise levy will give people the choice to buy goods at prices including excise or not to buy.

This regulation also plays a role in developing administrative regulations to remain relevant to current conditions (IUs constitutum) and can adapt to future challenges (ius constituendum). Thus, the extension of single-use plastic BKC is expected to provide legal certainty for businesses or the community, as well as supporting government efforts in reducing the negative impact of plastic on the environment.

Furthermore, in establishing the extension of single-use plastic BKC, there are several justifications that support this regulation, including:

1. Reducing single-use plastic consumption by increasing the price of plastic products through excise duty, thereby encouraging people to switch to more environmentally friendly alternatives.
2. Provide legal certainty for producers and businesses related to plastic excise regulations, which can help transition to a circular economy.
3. Increase state revenues that can be allocated for plastic waste management programs, research and innovation of alternative materials, and public education about the negative impact of plastics on the environment.

After formulating that it turns out that the extension of single-use plastic BKC must be determined, the recommendations that the author will make refer to the Plastic Bag Levy that has been applied in Ireland and the Packaging Executive Order in Denmark alternative arrangements related to the extension of single-use plastic BKC are:

- a. Formulate provisions regarding the addition of BKC in Law No. 39 of 2007 on excise. This regulation aims to provide legal certainty and establish a clearer implementation mechanism for industry players and consumers. The author will draw up an article regulating the extension of excise duty

on single-use plastics.

Referring to international standards and best practices, the authors propose the following legal norms related to the extension of excise duty on single-use plastics:

Article X

- (1) excise duty is imposed on excisable goods consisting of:
 - a. ethyl alcohol or ethanol, without regard to the materials used and the manufacturing process;
 - b. beverages containing ethyl alcohol in any degree, without regard to the materials used and the manufacturing process, including concentrates containing ethyl alcohol;
 - c. tobacco products, which include cigarettes, cigars, leaf cigarettes, sliced tobacco, e-cigarettes, and other tobacco products, without regard to the use or non-use of substitutes or auxiliaries in their manufacture; and
 - d. single-use plastics including plastic bags, tableware and similar plastic products designed for single use, without regard to their additives or manufacturing technology.
- (2) The addition or reduction of excisable goods is regulated by a government regulation after being submitted by the government to the House of Representatives of the Republic of Indonesia to be discussed and agreed upon in the preparation of the draft state budget.

In the article, the authors propose that the BKC extension for single-use plastics be set at a more optimal level in order to encourage the reduction of plastic consumption. This proposal is based on evaluation in other countries as well as the condition of plastic consumption in Indonesia. It is feared that the current restrictions on plastic bags will not provide enough impetus for manufacturers and consumers to switch to more environmentally friendly alternatives. In addition, the imposition of excise duty on plastic types that are limited to plastic bags is also not in line with international best practices and Indonesia's commitment in addressing the problem of environmental pollution due to plastic waste. Therefore, the authors propose the implementation of a higher excise tax with a gradual transition approach that is fair and comprehensive, so as to provide adequate adaptation time for business actors without reducing the effectiveness of regulations in suppressing the use of single-use plastics.

Businesses in the plastics industry sector need to be directed to adopt the principle of a circular economy to reduce dependence on single-use plastics. In addition, this regulation is urgent to be implemented immediately considering that many countries, some of them, namely Denmark, Ireland, and Germany, have previously imposed similar regulations. This shows that single-use plastic excise regulations not only provide benefits in reducing environmental impacts but also increase state revenue.

However, the regulations currently available in Indonesia still do not provide clear legal certainty in their implementation as a whole.

Thus, the determination of the proposed article and its regulation in Indonesia is expected to provide legal certainty for the community, especially for industry players and consumers. The main objective of this regulation is to control the consumption of single-use plastics through a fixed and non-volatile excise tax. This is because, until now, regulations related to plastic excise in Indonesia do not have specific provisions that are standard, so their application tends to be not optimal and has not provided a significant deterrent effect.

5. Conclusion

Regulation of single-use plastic excise in Indonesia is a step to reduce environmental pollution in order to create a healthy environment for the community. Based on the above discussion, the author concludes the following:

1. Regulation of single-use plastic excise duty needs to be regulated in Indonesia as a strategic step in reducing environmental pollution. This regulation is relevant given the high level of pollution caused by plastic waste, which negatively affects the health of people and ecosystems. The regulation of single-use plastic excise tax is also part of efforts to protect people's rights to a healthy environment and encourage the principle of sustainability in the national economy. Although excise extensification has been regulated in the excise law, regulations that specifically regulate single-use plastic BKCS are still not implemented thoroughly. Therefore, further regulation is needed to ensure that this regulation can be effectively implemented to support efforts to reduce environmental pollution in Indonesia.
2. The concept of single-use plastic excise regulation needs to be formulated in the form of laws, not just circulars, taking into account legal, social and economic aspects, so that it has a strong legal basis and can be effectively applied in society to encourage the transition to the use of more environmentally friendly alternatives. The author proposes to include a point in the article that regulates the extension of single-use plastic BKC in the excise law. As such, it will have a more solid foundation and will be able to accommodate similar regulatory practices that have been implemented in other countries, such as Ireland and Denmark.

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