
Legal Aspects Of Prima Ternate Hospital Waste Management For Environmental Pollution Prevention

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ABSTRACT

Introduction: Hospitals have an important role in providing health services to the community and recovery for patients. Besides positive hospital activities, there are also hospital activities that have negative consequences such as producing medical waste and non-medical waste. **Methods:** The research method used is empirical legal research by conducting observations and interviews in the field. Garbage or hospital waste is considered to be a link in the spread of infectious diseases. **Result:** Waste can cause health problems, injury and environmental pollution because it contains toxic chemicals and sharp objects. **Discussion:** This study aims to analyze and evaluate waste management at Prima Ternate Hospital in the context of preventing environmental pollution. It showed that the greater the waste generated by Prima Ternate Hospital, the greater the potential to pollute the environment. **Conclusion:** Therefore, the implementation of good hospital waste management is very necessary to get a hospital condition that meets environmental health requirements.

Keywords: *Hospital Waste; Environmental pollution; Waste Management*

INTRODUCTION

Health occupies an important position in the components of human development. The health development of healthy Indonesia 2025 aims to increase the understanding, skills and

desire for a healthy life for everyone in order to improve their health status (Hasriyadi, Patilaiya, & Sumaryati, 2020, p. 44). Currently there is a lot of environmental pollution, ranging from soil, water and air pollution. Hospitals as health facilities create a lot of waste, ranging from solid waste, liquid waste to gas waste, both medical and non-medical. From one hospital to another, each has a different waste capacity, depending on the atmosphere and condition of the hospital.

Hospital waste is one of the hazardous waste-producing zones. Waste obtained from hospitals is very dangerous for people's health, waste in the form of bacteria and viruses from microbiology and virology laboratories which until now there is no tool to counteract it, so detecting it is quite difficult to do (Sumawang, 2020, p. 2). With the consequences that could arise, therefore efforts are needed in implementing good management in order to get the hospital condition to meet environmental health requirements as mandated by Article 1 paragraph (3) of Law No. 32 of 2009 concerning Environmental Protection and Management explains " Sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capabilities, welfare, and quality of life of present and future generations.

Hospitals in their management face developments, starting from the operational aspect and even management is strongly influenced by environmental demands, namely the demand to control the cost of health services and provide quality health services so that they can produce patient satisfaction. Hospital management consists of various aspects. Not only positive results are produced, poor hospital waste management can stimulate negative consequences. Good management in hospital waste management is very necessary, it is not good for management to cause great harm to the environment, health, or the image of the hospital itself (Misgiono, Setiani, & Budiyo, 2014, p. 1). Improper management of waste or hospital waste can pose a risk of accidents at work and disease transmission from patients to patients, patients to workers, workers to patients, or from people who visit hospitals. Hospital waste management definitely requires planning. It aims to maximize the use of facilities and infrastructure in managing hospital waste (Aida & Sulistyorini, 2008, p. 49).

Starting from March 2020 until the middle of the year in June 2021, it was recorded that 18,460 tons of hazardous and toxic types of medical waste (B3) were produced by Indonesia during the COVID-19 pandemic. The wastes come from health care facilities, isolation areas, emergency hospitals, detection tests, self-quarantine, and vaccination activities. B3 medical waste includes masks, used infusions, gloves, vaccine bottles, face shields, syringes, hazmat, bandages, personal protective equipment (PPE), PCR equipment, medical clothing, and antigen and alcohol swab cleaners ("KLHK: Pandemi Hasilkan 18 Ribu Ton Limbah Medis, PERSI Perkirakan Kenyataan Di Lapangan Jauh Lebih Besar," 2021). In North Maluku itself, the Dero-Dero Book Final Disposal Site (TPA) located in Takome Village, West Ternate is the place for the destruction of COVID-19 medical waste, the destruction of which is carried out with reference to existing guidelines and provisions (Cermat, 2021).

Prima Ternate Hospital is a public hospital that has 51 medical personnel and 3 non-health workers. The number of beds is 61 which is divided into several rooms, namely the VVIP / Super VIP room, VIP room, class I-III rooms, HCU rooms and isolation rooms (Ditjen Yankes, n.d.). By understanding the number of beds, surgical patients and patients treated at

Prima Ternate Hospital in a certain time, it is possible to predict the daily waste capacity generated. The waste generated must be handled by the Prima Hospital. The high Bed Occupancy Rate (BOR) is estimated to be directly proportional to the capacity of medical waste generated.

This study has the aim of evaluating waste management at Prima Ternate Hospital which has never been studied before. Waste management evaluation needs to be done in order to improve and improve the services of Prima Ternate Hospital.

METHOD

This research specifically focuses on Prima Ternate Hospital. This study uses a type of empirical legal research. Primary, secondary and tertiary legal materials are the sources used in this research. The data collection technique used is literature study, namely primary, secondary and tertiary legal materials obtained by reviewing legislation, books and literature, legal expert opinions and materials related to this research (Marzuki, 2010, p. 133). The data obtained from the research will be analyzed using descriptive analysis methods, namely examining concepts, legal systems and legal norms related to this research (Kadarudin, 2021, p. 196). In order for conclusions to be easily obtained, this study uses the deduction method.

RESULTS AND DISCUSSION

Hospital waste management from a legal perspective in Indonesia

The Indonesian people have aspirations to protect all citizens, promote the welfare of citizens, educate citizens and participate in carrying out world order based on freedom, eternal peace and social justice. Health must be realized through various health efforts for health development in a global and structured way assisted by a national health system (Sihotang, 2015, p. 202). Article 28 paragraph (1) of the 1945 Constitution of the Republic of Indonesia *expressis verbis* essentially stipulates that "everyone has the right to obtain health", further Article 34 paragraph (3) states "health service facilities and public services that deserve to be state responsibility".

Hospital waste management has relevance to the environment. Etymologically, the environment has two syllables, environment and life. The Big Indonesian Dictionary defines the environment as "the area and part of the area within the kelurahan which is the working environment for the implementation of the village government." Life is defined as "moving, continuing to exist and working as it should" (Badan Pengembangan dan Pembinaan Bahasa, 2022). Environmental management can be seen in Article 1 paragraph (1) of Law Number 32 of 2009 concerning Protection and Management of the Environment which states that "The environment is a unitary space with all objects, power, circumstances, and living things, including humans and their behavior, which affects nature itself, the continuity of life, and the well-being of humans and other living creatures."

Humans and the environment have a reciprocal relationship. Humans affect the environment, as well as humans are affected by their environment. The environment is a place where humans carry out their activities, using natural resources to meet the survival and needs

of life. In the utilization of natural resources in order to realize the welfare as stated in the preamble of the Constitution, it is necessary that sustainable development with an environmental orientation must be carried out based on an integrated and comprehensive national policy while taking into account what is needed for current and future generations. Therefore, it is important to fulfill a harmonious, balanced and harmonious living environment in its management for the realization of environmentally-oriented sustainable development (Sumawang, 2020).

Article 2 of Law Number 32 of 2009 concerning Environmental Protection and Management outlines the principles of the environment:

- a. The responsibility of the state, which means that the use of resources is guaranteed by the state, and will provide great benefits for the quality of life and welfare of the people for both current and future generations. The right to a good and healthy environment is also guaranteed by the state.
- b. The principle of responsibility, the state becomes the basis for protecting and managing the environment is carried out by enforcing environmental law. Between the forms of law enforcement, civil and administrative law is considered an important effort to do, because the administrative law enforced is more focused on efforts to prevent the environment from pollution. In addition, it is also intended to give punishment to perpetrators who damage and pollute the environment.
- c. Sustainability and sustainability, which means that each person is obliged to be responsible for future generations and to their fellow generations by carrying out efforts to improve the environment and preserve ecosystems so that they are of higher quality.
- d. Harmonious and balanced, meaning that it is necessary to pay attention to economic, social, cultural aspects and the preservation of ecosystems in the use of the environment.
- e. Integration, meaning that it is necessary to integrate related components in protecting and managing the environment.
- f. Benefits, meaning that all development efforts and or activities carried out are matched with the capabilities of the natural energy base and the environment in order to increase the safety of citizens and the degree of humans and the environment.
- g. Caution, uncertainty due to an effort and or or activity due to the limited ability of science and technology is not an excuse to delay steps away from the danger of contamination or environmental destruction.
- h. Justice, protection and environmental stewardship must reflect equality in a global way for every society, ranging from across generations, regions to gender.
- i. Ecoregions, protection and management of the environment must observe the character of the natural energy base, ecosystems and customs of local residents.
- j. Biodiversity, protection and management of living areas must observe structured efforts to maintain the presence, diversity, and sustainability of biological natural resources.
- k. Polluters pay, each person in charge whose efforts or activities lead to environmental contamination or destruction must bear the cost of environmental healing.
- l. Participatory, each community agency is encouraged to function actively in the process of collecting decisions and implementing environmental protection and management.
- m. Local wisdom means that in the protection and management of the environment, it is obligatory to maintain legal respectable values.

- n. Good governance, protection and management of the environment begin with the principles of participation, transparency, ability and equality.
- o. Regional autonomy, regional authorities and rulers organize and manage their own regime matters in the aspect of environmental protection and management by observing regional peace in the Unitary State of the Republic of Indonesia.

Nowadays, environmental problems are increasing. The problem does not only occur at the local level, but also reaches the regional, national, transnational and global levels (Bram, 2011, p. 194). St. Moenadjat Danusaputro stated that “there is a fundamental difference between modern environmental law, which focuses on environment oriented law and classical environmental law, which focuses on use-oriented law or the use of the environment. Modern environmental law determines the rules of human actions in order to protect the environment from deterioration and quality damage in order to maintain its sustainability so that it can be sustainable for future generations to use. Meanwhile, classical environmental law focuses on the exploitation of environmental resources and the use of human intelligence to the fullest and in a relatively short time (Ridwansyah, 2017, pp. 173–188).

Regulations regarding hospital waste management can be referred to the RI Minister of Health Regulation Number 7 of 2019 concerning Hospital Environmental Health in chapter III letter F. The Minister of Health Regulation concerning the health of hospital areas is made "to meet the environmental health of hospitals that have quality and meet environmental health quality standards. and health requirements." The Minister of Health a quo was stipulated by Nila Faried Moeloek as the Minister of Health of the Republic of Indonesia on 19 February 2019. In addition, in PP RI Number 101 of 2014 concerning Management of Hazardous and Toxic Waste, Article 99 Chapter VIII, to be precise, regulates the management of toxic and hazardous waste.

Implementation of waste management at Prima Ternate Hospital in the context of preventing environmental pollution

In everyday life, people cannot be separated from legal and health problems. These two problems can be viewed in an integrated or separate way, because these two aspects take a fairly important position in developing and maintaining a social system as a process and a forum for living together (Soekanto, 2017, p. 211). One of the tasks of the state is to protect its citizens, in this case including in terms of obtaining good and healthy health service facilities.

As a health care provider, hospitals are an important part of health resources. Hospitals are required to provide comprehensively in the provision of emergency services, outpatient and inpatient services. There are conditions that must be met by a hospital in order to obtain a hospital establishment permit, namely the requirements for waste treatment consisting of environmental monitoring efforts (UPL), environmental health efforts (UKL), and environmental impact analysis (AMDAL) which are carried out in line with the classification and type of hospital. in line with statutory regulations. Hospital waste is any waste, ranging from liquid, solid originating from hospital activities, ranging from medical to non-medical activities that have high potential for radioactive chemicals, microorganisms and toxins. If

hospital waste is not managed properly, problems may arise, both in terms of service or aesthetics, it can even cause environmental pollution and transmit diseases (nosocomial infections). Therefore, serious attention is needed in hospital waste management so that negative things that occur can be reduced and avoided (Sihotang, 2015).

Hospital waste is divided into two, namely medical waste consisting of liquid, solid, radioactive waste and the second non-medical waste consisting of solid and liquid waste. As a socio-economic institution, hospitals have a complete duty and function in providing health services to residents. The impact of activities carried out by hospitals does not only have a positive impact, but also possible negative impacts such as pollution from waste activities being disposed of without being managed properly and correctly in line with the principles of managing the environment extensively. Hospital activity waste is included in B3 waste, namely waste that is radioactive, infectious, flammable and corrosive (Sutarno, 2014, p. 154).

Waste management at Prima Ternate Hospital is divided into three types, namely solid waste management, search and gas waste. Each management is carried out in different ways according to the type of waste and the existing management rules. As the largest producer of waste, if the hospital does not manage it properly, it has the potential to cause environmental pollution in which the community and even the hospital will suffer losses.

According to the Decree of the Minister of Health Number 1204/Menkes/SK/X/2004 concerning Hospital Environmental Health Requirements, "In the implementation of waste management, each hospital must reduce waste from the source, then monitor and use toxic and hazardous chemicals and must be managed against stocks of chemicals and pharmaceuticals. Every tool used in managing medical waste, from collection, transportation to destruction, must go through the certification of the authorities."

UUPPLH regulates criminal liability for legal entities that damage the environment, as Article 116 reads, namely "legal entities or those who govern or act as leaders in an act (polluting/damaging the environment) or both." Based on these provisions, it can be concluded that if a business entity commits a criminal act, then there are 3 possibilities that can be held criminally responsible, namely the legal entity, the legal entity and its management or only the management.

Hospitals that commit criminal acts against the environment can also be held accountable as stipulated in the provisions of Articles 118 and 119 of the UUPPLH. Article 118 of the UUPPLH states that "For the criminal acts referred to in Article 116 paragraph (1) letter a, criminal penalties are given to business entities represented by administrators who are authorized to represent inside and outside the court in accordance with statutory regulations as functional actors." Article 118 of the a quo law stipulates that "the perpetrators of environmental crimes are business entities, this can be referred to in Article 116 paragraph (1) letter a, namely business entities." Therefore, business entities can be given criminal penalties (Sihotang, 2015).

Besides, in this case The community or hospital visitors also have an important role to play. It is necessary to develop the hospital area to the community, because the hospital is a special area that has the potential to transmit disease, and must be given a good understanding of information about the dangers of medical waste, how to handle it and its disposal to the community.

CONCLUSION

As a health care provider, hospitals are an important part of health resources. Hospitals are required to provide comprehensively in the provision of emergency services, outpatient and inpatient services. There are conditions that must be met by a hospital in order to obtain a hospital establishment permit, namely the requirements for waste treatment consisting of environmental monitoring efforts (UPL), environmental health efforts (UKL), and environmental impact analysis (AMDAL) which are carried out in line with the classification and type of hospital. in line with statutory regulations. Hospital waste is any waste, ranging from liquid, solid originating from hospital activities, ranging from medical to non-medical activities that have high potential for radioactive chemicals, microorganisms and toxins. If hospital waste is not managed properly, problems may arise, both in terms of service or aesthetics, it can even cause environmental pollution and transmit diseases (nosocomial infections).

Therefore, the recommendation (novelty) that can be offered in this study is that the Prima Ternate Hospital can strictly separate medical waste and non-medical waste, increase the sanitation budget to finance repair and maintenance operations on waste management installations and solid medical waste must be transported. once a day and must be destroyed in cooperation with other parties who have incinerators to destroy 24 hours at the latest if stored at room temperature.

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