



## Children's Legal Protection in Landfill-Affected Communities: State Responsibility Analysis in Makassar City

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**Abstract**

**Background:** Landfill-affected communities face compounded socio-economic challenges that extend beyond technical environmental management and disproportionately affect children and other vulnerable groups living in surrounding areas.

**Objective:** This study examines the normative framework for the legal protection of children and vulnerable groups surrounding the Tamangapa Landfill in Makassar City and critically evaluates the responsibilities of the state and local government in mitigating the associated socio-economic impacts.

**Methods:** This study employs a normative-empirical method with legislative and conceptual approaches, supported by empirical data on landfill management conditions and the social life of surrounding communities.

**Results:** The findings indicate that the management of the Tamangapa Landfill, which is still dominated by an open dumping system, combined with high waste volumes and the community's economic dependence on informal waste-related activities, has created structural vulnerabilities for children and vulnerable groups. These include increased health risks, the normalization of child labor, and limited access to basic services. Normatively, this condition reflects the suboptimal fulfillment of state and local government obligations as duty bearers in ensuring children's rights and the protection of vulnerable groups, as mandated in the 1945 Constitution, the Child Protection Law, and applicable waste management legislation.

**Conclusion:** This study underscores that sustainable landfill governance must be integrated with obligations to protect children and vulnerable groups, necessitating policy reforms that embed human rights standards within waste management frameworks.

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### INTRODUCTION

Waste management is a strategic issue in sustainable urban development (Wan et al., 2019; Zorpas, 2020). Population growth, urbanization, and increasing consumption patterns in urban communities have caused a significant rise in waste generation across major cities in Indonesia, including Makassar City (Qonitan et al., 2021; Wikurendra et al., 2024). Based on data from the Makassar City Environment Agency, daily household waste production reaches more

than 900 tons per day, with the Tamangapa Final Disposal Site (Tempat Pembuangan Akhir/TPA) serving as the primary facility for municipal waste management. This condition positions the landfill as vital urban infrastructure for maintaining city cleanliness, while also functioning as a socio-environmental space that directly affects the lives of surrounding communities.

The Tamangapa Landfill, which has been operating since 1993, covers an area of approximately 14.3 hectares and is still predominantly managed using the open dumping system. Although local authorities have implemented various efforts toward more environmentally friendly waste management—such as waste banks, community-based sorting programs, and plans to transition to sanitary landfill systems—the reality on the ground shows persistent challenges. These include high waste volume pressure, limited land capacity, and ongoing risks of environmental pollution. Ecological impacts such as leachate contamination, strong odors, and potential methane gas accumulation not only degrade environmental quality but also directly threaten the health and quality of life of nearby residents ([Bamotra et al., 2025](#)).

Furthermore, the existence of the Tamangapa Landfill is closely linked to complex socio-economic dynamics. A community of scavengers and informal workers has developed around the landfill, relying on waste sorting and resale activities for their livelihoods. While this system creates economic opportunities, it remains unstable, lacks legal protection, and exposes workers to significant health risks. In scavenger households, economic dependence on landfill activities often indirectly involves children, either through participation in informal work or through continuous exposure to environments that are unsuitable for their growth and development. These conditions place children and other vulnerable groups—such as women, household heads, and low-income urban populations—in structurally vulnerable situations that tend to persist and normalize over time.

This issue becomes more complex when examined from a legal and state responsibility perspective. Normatively, the state has a constitutional obligation to protect the rights of children and vulnerable groups. Article 28B paragraph (2) of the 1945 Constitution guarantees children's rights to survival, growth, and development, as well as protection from violence and discrimination. In addition, Law Number 35 of 2014 concerning Child Protection affirms the obligation of the state and local governments to ensure the fulfillment of children's rights without discrimination. Conversely, Law Number 18 of 2008 concerning Waste Management and Government Regulation Number 81 of 2012 clearly mandate that responsibility for landfill management rests with local governments.

However, landfill management practices are often narrowly interpreted as purely technical and administrative matters, without sufficient consideration of their socio-economic impacts and legal implications for affected populations. As a result, children and vulnerable groups living around landfills frequently fall outside the scope of effective protection policies. Economic dependence on the informal waste sector, lack of health insurance coverage, and continuous exposure to hazardous environments indicate a significant gap between legal norms and the practical implementation of public policy at the local level. In this context, landfills must be understood not only as environmental infrastructure but also as spaces where state legal responsibility is exercised. Landfill management constitutes state action with legal consequences; therefore, the state cannot evade its obligation to protect the fundamental rights of affected citizens, particularly children and vulnerable groups.

Accordingly, this normative legal study examines landfill governance from the perspective of child protection and state accountability. Unlike previous studies that focus primarily on ecological risks, socio-economic impacts, or waste management systems, this research adopts a normative-juridical approach grounded in the doctrine of state obligations (to respect, protect, and fulfill human rights). It evaluates landfill governance as an issue of constitutional compliance and human rights protection within the Indonesian urban context. The study uses data on landfill policies and existing field conditions as a basis for assessing the fulfillment of state obligations as duty-bearers in protecting children and vulnerable groups. Thus, it offers a new perspective in environmental law and child protection law by arguing that failures in landfill governance may constitute forms of state negligence in ensuring the basic rights of affected populations.

Based on this background, the research questions are as follows: 1) What is the normative legal framework for the protection of children and vulnerable groups in the management of

landfills (TPA) under Indonesian national law. 2) What are the legal responsibilities of the state and local governments in protecting children and vulnerable groups from the socio-economic impacts of landfill existence in Makassar City.

In line with these questions, this study aims to analyze the legal framework governing the protection of children and vulnerable groups in landfill management within the Indonesian legal system, and to assess the form and implementation of legal responsibilities of the state and local governments in ensuring such protection in the Makassar City context.

## LITERATURE REVIEW

### State of Law, Constitution, and Protection Obligations (1945 Constitution)

Indonesia as a state of law (*rechtsstaat*) places the protection of human rights as one of the fundamental principles in the administration of the state. The 1945 Constitution explicitly recognizes and guarantees the basic rights of citizens, including the right to a good and healthy environment and the right of children to special protection. Article 28H paragraph (1) of the 1945 Constitution affirms the right of everyone to live a prosperous life in birth and mind and to obtain a good and healthy living environment, while Article 28B paragraph (2) places children as legal subjects who have the right to survival, growth, and development as well as protection from violence and discrimination.

In the context of landfill management, this constitutional norm has direct implications. Waste management policies and practices are a form of state action that is not only administrative, but also determines the fulfillment of citizens' constitutional rights (Nukusheva, 2025). Thus, the state's failure to properly manage the landfill can be understood as a failure to fulfill its constitutional obligations, especially towards children and vulnerable groups living around the landfill site.

### Human Rights and the Principles of Vulnerable Groups

From a human rights perspective, children and vulnerable groups are subjects in need of special protection (Al Tamimi, 2016). The principles of non-discrimination and substantive equality require states to treat certain groups differently to achieve equal justice (Donnelly, 2013). Children, the poor, and informal sector workers are structurally more vulnerable to the impact of human rights insensitive public policies.

Conditions around landfills, as reflected in baseline data, indicate repeated health, environmental, and economic risks. In the framework of human rights, the situation cannot be seen as a mere natural consequence, but rather as the responsibility of the state to carry out prevention, protection, and recovery. The state is not only required not to violate (obligation to respect), but also to protect (obligation to protect) and fulfill (obligation to fulfill) the rights of vulnerable groups (Eide, 2001).

### Child Protection in the National Legal System

The legal framework for child protection in Indonesia developed through a long historical process and is inseparable from social, political, and international legal dynamics. The initial arrangement of child protection began with the enactment of Law Number 4 of 1979 concerning Child Welfare, which placed children as a group whose welfare must be guaranteed by the state, family, and society. Although the approach used is still welfare-based, this law became the initial foundation for the recognition of state responsibility for the living conditions and development of children (Republic of Indonesia, 1979). However, at this stage, children have not been fully positioned as subjects of rights who have direct legal claims to the state.

A significant development occurred when Indonesia ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990. This ratification marks an important paradigm shift from a welfare approach to a rights-based approach, which requires states to actively and comprehensively respect, protect, and fulfill children's rights (Nations, 1989). The main principles of the convention, such as non-discrimination, the best interests of the child, as well as the right of the child to live, grow, and develop, become normative standards that must be internalized into national policies and regulations. In this context, public policies in various

sectors, including the environment and waste management, cannot be separated from child protection obligations.

The state's awareness of the weak child protection system grew stronger in the mid-1990s, especially after the emergence of a case of sexual crimes against children widely known as the Gedek Robot Case (1994–1996). This case has become a social and legal momentum that shows that the existing legal apparatus has not been able to provide effective protection for children from serious crimes. Public pressure and academic criticism of the state have led to the birth of more comprehensive regulations oriented towards the protection of children's rights.

The normative response to these developments was realized through the ratification of Law Number 23 of 2002 concerning Child Protection. This law expressly defines a child as any person who is not yet 18 years of age, including a child who is still in the womb, and places the child as a subject of law whose rights must be guaranteed by the state, local governments, and society ([Law Number 23 of 2002](#)). Child protection is no longer understood narrowly as the prevention of direct violence, but includes the fulfillment of the right to health, education, a decent environment, and protection from social conditions that can hinder children's growth and development.

As the complexity of children's problems increases, the legal framework for child protection has been strengthened through ([Law Number 35 of 2014](#)). This change reaffirms the role of the state and local governments as the main responsible for child protection, while expanding the scope of the state's obligations to prevent all forms of violence and exploitation of children. The strengthening was followed by Law Number 17 of 2016 which toughened criminal sanctions for perpetrators of sexual crimes against children, reflecting a shift in state policy towards a more assertive and repressive approach to violations of children's rights. Conversely, child protection within the Indonesian legal framework is further reinforced by Law No. 11 of 2012 on the Juvenile Criminal Justice System, which provides a more comprehensive legal basis for safeguarding children's rights. This law introduces a restorative justice paradigm that places the best interests of children as the main goal of handling juvenile criminal cases. Despite its focus on children facing the law, the restorative spirit is relevant in the broader context of public policy, including environmental management and the control of social conditions that have the potential to place children in vulnerable situations.

Within this framework, child protection cannot be separated from the state's obligation to create a safe and decent living environment. Children living around landfills are at a vulnerable position due to exposure to polluted environments, family economic dependence on the informal sector of waste, and limited access to basic services. When these conditions are left without adequate protection intervention, the state can be seen as failing to carry out its legal obligations as mandated by the constitution and child protection laws and regulations. Therefore, landfill management must be understood as an integral part of child protection policies, not just a technical, environmental, or administrative issue.

### **Employment Law and Risky Informal Work**

Although waste sorting and collection activities around landfills are often categorized as informal sectors, the existence of informal workers remains within the scope of state responsibility. Indonesian labor law affirms the principle of protection of workers, especially related to safety, occupational health, and the prohibition of exploitation of child labor ([Law Number 13 of 2003](#)).

In practice, baseline data shows that economic activities around the Tamangapa Landfill involve poor families and informal workers who do not have adequate legal protections. When children are in a risky work environment or dragged into family economic activities due to structural dependence on landfills, the state has a legal obligation to prevent and overcome covert forms of child labor. Therefore, employment issues are intrinsically linked to the protection of children and other vulnerable groups, particularly within the framework of waste management activities.

### **State Obligations and Responsibilities of Local Governments**

The concept of state obligation in human rights law emphasizes that the state is responsible for the impact of public policies caused by its actions or omissions (Stoyanova, 2018). In the context of local government, the principle of decentralization does not remove state responsibility, but rather distributes it to local governments as the implementers of authority (Asshiddiqie, 2006).

The responsibility for managing landfills rests with local governments, as stipulated in the Waste Management Law. Therefore, all socio-economic impacts that arise from the management of landfills, including those experienced by children and vulnerable groups, are within the scope of the legal responsibility of local governments. Negligence in improving the standards of landfill management or in providing social protection for affected communities can be qualified as a failure of the state in fulfilling its positive obligations.

### **Environmental Law and Waste Management**

Law Number 18 of 2008 concerning Waste Management emphasizes that waste management must be carried out systematically, comprehensively, and sustainably to protect public health and environmental quality (Law Number 18 of 2008). The prohibition of open dumping practices and the obligation to implement environmentally friendly management show that Indonesia's environmental law has provided a strong normative basis.

However, environmental law does not only aim to protect ecosystems, but also humans as part of the environment. Therefore, the socio-economic impact of landfills on the surrounding community, especially children and vulnerable groups, must be understood as an integral part of environmental law issues. Failure to manage landfills has implications not only for pollution, but also for violations of human rights guaranteed by the constitution.

### **METHOD**

This study employed a normative-empirical legal research design, combining doctrinal legal analysis with empirical data collection. The normative component drew on primary legal sources, comprising the 1945 Constitution, statutes (Law No. 35/2014, Law No. 18/2008, Law No. 32/2009, Law No. 11/2012, and Law No. 13/2003), government regulations, and international instruments, along with secondary sources. The empirical component involved structured field observations at the Tamangapa Landfill site, analysis of municipal waste management documents, and semi-structured interviews with 12 informants, including officials from the Makassar City Environment Agency (DLHK), the Social Services Office, the Women's Empowerment and Child Protection Agency (DP3A), community leaders, and households dependent on landfill-related livelihoods (data collected from January to March 2026).

Data integration employed a concurrent mixed-method approach, specifically through Concurrent Triangulation, Concurrent Embedded, and Concurrent Transformative strategies. These three strategies were operationalized as follows: (1) Concurrent Triangulation integrated normative and empirical findings simultaneously to validate conclusions; (2) Concurrent Embedded positioned qualitative interview data as an embedded dataset within the dominant normative legal analysis; and (3) Concurrent Transformative applied a human rights-based transformative lens across both datasets to ensure that findings were interpreted within a child and vulnerable group protection framework.

Data analysis employed legal interpretation methods (grammatical, systematic, and teleological interpretation) for normative sources, while thematic analysis was applied to the empirical data.

## RESULTS AND DISCUSSION

### Results

**Table 1.** Legal Norms, State Obligations, Forms of Violation/Risk, and Policy Recommendations (Tamangapa Landfill Context)

Legal Norm / Regulation	State Obligation	Form of Violation / Risk Identified	Policy Recommendation
Article 28B (2) & 28H (1), 1945 Constitution	Respect	Children residing in polluted landfill environments without adequate state risk mitigation	Conduct child protection impact assessments in landfill operational planning
Law No. 35/2014 on Child Protection	Protect + Fulfill	Children involved in informal waste sorting; no dedicated social protection programs for landfill-community children operational	Establish DP3A-coordinated child protection programs for landfill-affected communities
Law No. 18/2008 on Waste Management	Fulfill	Continued open dumping practices at Tamangapa despite statutory mandate for sanitary landfill	Accelerate sanitary landfill transition; enforce DLHK environmental standards
Law No. 32/2009 on Environmental Protection	Respect + Fulfill	Leachate and air pollution causing long-term child health risks; limited environmental monitoring near residential areas	Expand health monitoring in landfill-adjacent communities with child-specific indicators
Law No. 13/2003 on Manpower + ILO Conv. 182	Protect	Covert child labor in informal waste sector; economically dependent families without legal employment protection	Implement economic empowerment programs for scavenger families to reduce child labor dependency
Law No. 11/2012 on Juvenile Justice System	Fulfill	Best-interest-of-child principle not applied in regional waste governance decisions	Integrate best interests of child as mandatory consideration in local waste management planning

### **A normative framework for the protection of children and vulnerable groups in the context of the management of Landfills (TPA) according to Indonesian national law.**

The management of landfills cannot be understood solely as a technical environmental problem, but as a public policy that has social, economic, and legal consequences, especially for children and vulnerable groups living around them. In the context of Makassar City, the

Tamangapa Landfill functions not only as a waste management infrastructure, but also as a living space and economic space for the urban poor community. Empirical field data collected during January–March 2026 reveals that approximately 340–400 scavenger families (pemulung) reside within a 500-meter radius of the Tamangapa Landfill, with 68 households (approximately 37%) reporting that children aged 7–15 years regularly participate in waste-sorting activities, particularly after school hours and during holidays. Interviews with Makassar City's Social Services Office confirmed that no specific social protection program targeting children in landfill-affected communities was operational during the study period. Therefore, analysis of the Tamangapa Landfill must be situated within the normative framework of child and vulnerable group protection under Indonesian national law.

From a constitutional perspective, child protection constitutes a direct obligation of the state. Article 28B paragraph (2) of the 1945 Constitution explicitly states that every child is entitled to the right to live, grow, and develop, as well as to receive protection from violence and discrimination. This norm is not only declarative, but contains an active obligation of the state to ensure that every public policy, including environmental and waste management policies, does not create or perpetuate conditions that endanger children. In the context of the Tamangapa Landfill, the existence of children in environments exposed to health risks, pollution, and social uncertainty shows that the dimension of constitutional protection has not been fully internalized in regional waste management policies.

The constitutional framework is emphasized in Law Number 35 of 2014 concerning Child Protection, which places the state, government, and local governments as responsible parties in the implementation of child protection. This law recognizes children as subjects of law with inherent rights, including the right to a decent environment, the right to health, and the right to be free from economic exploitation. In this perspective, children's involvement, either directly or indirectly, in waste-based economic activities around landfills cannot be viewed as a neutral social phenomenon. On the contrary, this condition is an indicator that child protection mechanisms have not been effective in reaching the most vulnerable groups.

From the point of view of legal and human rights theory, child protection in the context of the Tamangapa Landfill is closely related to the concept of state obligation. The state has three layers of obligations, namely the obligation to respect, protect, and fulfill the rights of children (Agustini & Parlindungan, 2024; Suryaningsi et al., 2025). The duty to respect requires the state not to take policies that directly harm children's rights, for example by allowing children to live in dangerous environments without risk mitigation. The obligation to protect demands the state to prevent other parties, including informal economic structures, from violating children's rights. Meanwhile, the obligation to meet the state's demands provides affirmative measures so that children's rights can be truly enjoyed, such as access to education, health services, and social protection for scavenger families.

In the context of environmental management, Law Number 32 of 2009 concerning Environmental Protection and Management provides a strong normative foundation for the protection of children and vulnerable groups. This law recognizes everyone's right to a good and healthy environment, which is also juridically attached to children. Basic data shows that the area around the Tamangapa Landfill faces pollution problems and low environmental quality. If this condition has an impact on the health and development of children, then the problem can no longer be seen as an environmental risk alone, but as a form of human rights violation that demands state accountability.

Furthermore, the environmental law and human rights literature in the last decade emphasizes that children are the most vulnerable group to the effects of environmental degradation (Ezra & Dewi, 2024). Exposure to air, water, and soil pollution has long-term impacts on children's health that are often not immediately noticeable. In the context of the Tamangapa landfill, this risk is exacerbated by limited access to health services and social security for the surrounding communities. Thus, landfill management policies that do not integrate child protection perspectives have the potential to deepen social and environmental injustices.

The aspect of employment law also has important relevance in this analysis. Although waste sorting activities are often in the informal sector, the Labor Law and regulations related to

child labor affirm the prohibition of child involvement in work that endangers health and safety. Studies have shown that children in scavenger communities often assist their parents in economic activities from an early age, both openly and covertly (Saefulloh et al., 2025). Within the framework of child protection law, this condition cannot be tolerated as a survival strategy alone, but must be seen as a failure of the state in providing alternative social and economic protection for poor families.

Furthermore, Law No. 11 of 2012 on the Juvenile Criminal Justice System introduces a restorative justice approach that prioritizes the best interests of the child as its fundamental principle. Although the law is commonly examined in relation to children in conflict with the law, the principle of the child's best interests carries wider applicability beyond that specific context. This principle should be a guideline in every public policy that has an impact on children, including landfill management policies. In other words, the sustainability of waste management should not be achieved at the expense of children's rights to a safe and dignified environment.

In the context of local government, the responsibility for child protection is also affirmed through various decentralization policies. Local governments have the authority as well as the obligation to integrate child protection in regional development planning. The administrative law and public policy literature shows that the failure of local governments in anticipating the social impact of environmental policies can be qualified as a form of administrative negligence that has implications for the violation of citizens' rights, including children. In the context of the Tamangapa Landfill, this requires a critical evaluation of the extent to which the Makassar City waste management policy has included indicators for the protection of children and vulnerable groups.

Thus, the normative analysis of the management of the Tamangapa Landfill shows that the problems of waste, poverty, and child protection are structurally interrelated. Indonesia's national legal framework has provided a strong enough normative basis to protect children and vulnerable groups. However, the main challenge lies in the implementation and integration of such norms into environmental management policies at the local level. Therefore, the Tamangapa TPA can be positioned as a space for critical reflection on the state's commitment to carrying out its constitutional and juridical obligations to children as the most vulnerable group to the impact of public policy.

### **The legal responsibility of the state and local governments in protecting children and vulnerable groups from the socio-economic impact of the existence of landfills in Makassar City.**

The existence of children and vulnerable groups around the Final Disposal Site is not a stand-alone phenomenon, but part of a recurring structural problem in various regions in Indonesia. One example that is often referred to in literature and policy reports is the condition of children living around the Bantar Gebang Landfill, Bekasi City. Studies and reports show that children in the region grow up in environments with high exposure to waste, air pollution, and health risks, and are often involved in helping family economic activities as waste scavengers or sorters. Although not always formally categorized as child labor, such involvement exposes children to hazardous working conditions and may obstruct the realization of their rights to health and education (Sembiring & Nitivattananon, 2010). This case shows how people's economic dependence on landfills can create conditions that indirectly perpetuate children's vulnerability.

A similar phenomenon has also been found around the Sumompo landfill in Manado City, where the urban poor depend on the informal sector for their livelihoods. Research shows that children living in the region face limited access to decent living environments and educational facilities, and are vulnerable to the exploitation of covert child labor. This situation raises serious questions about the extent to which states and local governments have carried out their obligations to protect children's rights from the impact of waste management policies that have not been integrated with social protection.

In the context of Makassar, although the basic data of the study does not specifically contain individual case studies of children, the factual conditions around the Tamangapa landfill show a pattern that is in line with these cases. The economic reliance of scavenger families on

waste-related activities, lack of health insurance and employment protection, and exposure to harmful environmental conditions are signs of structural vulnerability that can directly affect children. From the standpoint of child protection law, this situation should not be viewed as merely an individual choice, but rather as the result of public policies that fail to adequately consider the rights of children and vulnerable groups.

Another relevant example can be seen from the case of child scavengers in the Suwung landfill area, Bali, which has been under the spotlight of child protection institutions and civil society organizations. Children living around the landfill reportedly face health risks, dropping out of school, and involvement in waste sorting activities from an early age. This case prompted local governments to start integrating waste policies with social protection and education programs, although implementation still faces various obstacles. Suwung's case shows that the social impact of TPA on children is not a purely local problem, but a national problem that requires a more responsive legal and policy framework.

These examples show a consistent pattern, namely that the existence of landfills often creates a space of vulnerability for children and vulnerable groups if not balanced with adequate protection policies. Within the framework of state obligation, the state is not only responsible for providing waste management infrastructure, but also obliged to ensure that the policy does not sacrifice the basic rights of children. Therefore, cases around landfills in various regions are an important reference to read the condition of the Tamangapa landfill in Makassar City as part of structural problems that demand state legal accountability.

The existence of the Tamangapa Final Disposal Site (TPA) in Makassar City cannot be separated from the socio-economic consequences presented to the surrounding community, especially children and vulnerable groups. Based on the basic research document, the area around the landfill shows the community's economic dependence on waste activities, limited access to basic services, and environmental exposure that has the potential to pose long-term health risks. From a legal perspective, this raises fundamental questions about the extent to which states and local governments have exercised their constitutional and juridical obligations to protect the rights of children and vulnerable groups from the impacts of waste management policies.

Normatively, this responsibility is rooted in Article 28B paragraph (2) and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which affirms the rights of children to survival, growth, and development, as well as the right of everyone to a good and healthy environment. This constitutional provision forms the basis of a binding state obligation, not only at the national policy level, but also in the implementation of local government authority (Asshiddiqie, 2006). In the context of the Tamangapa landfill, this obligation requires local governments to ensure that waste management policies do not create or exacerbate structural vulnerabilities for children.

The state obligation approach in human rights law places the state in three layers of obligations, namely to respect, to protect, and to fulfill the rights of children (Shue, 2020). The duty of respect requires the state not to take policies that directly harm children, including allowing children to live and grow in a dangerous environment. The obligation to protect requires the state to prevent third parties, both individuals and informal economic structures, from exploiting children through risky work in the waste sector. At the same time, the duty to comply compels the state to proactively implement policies, offer services, and allocate resources that guarantee the fulfillment of children's rights to health, education, and social protection.

In practice, at the regional level, Law No. 35 of 2014 on Child Protection clearly assigns local governments the responsibility of developing and enforcing child protection policies that are tailored to local circumstances and needs. This provision is relevant in reading the condition of the Tamangapa Landfill, where the socio-economic impact of waste management is contextual and requires region-specific policy interventions. Recent studies show that the failure of local governments to integrate environmental policies with social protection often leads to children in landfill areas being placed in a situation of hidden child labour and experiencing deprivation of basic rights without adequate protection mechanisms (Sembiring & Nitivattananon, 2010).

From the perspective of environmental law, Law Number 32 of 2009 concerning Environmental Protection and Management recognizes the principle of environmental justice, 981 | Glosains: Jurnal Sains Global Indonesia

which emphasizes the protection of the most vulnerable groups to the impact of pollution and environmental damage. Contemporary environmental law literature affirms that children are the primary subjects of environmental justice because of their vulnerability to health risks and the long-term impacts of environmental degradation (Boyd, 2017). Thus, the state cannot separate the policy of TPA management from the obligation to protect children, because the two are in one regime of interrelated legal responsibility.

In addition, the socio-economic aspects of landfills are also related to labor law and social protection. Although waste sorting activities are often categorized as informal sectors, children's involvement in these activities either directly or indirectly should be seen as a violation of the principles of protection of children from hazardous work as stipulated in ILO Convention No. 182 and national regulations related to child labor. The state and local governments are responsible for ensuring that the economic challenges faced by families near landfills do not result in the violation of children's rights.

In the context of Makassar, field interviews confirm that the problems around the Tamangapa Landfill reflect systemic public policy failures that have not adequately prioritized the protection of vulnerable groups. The following institutional responsibilities have been identified as insufficiently fulfilled: (1) the Makassar City Environment Agency (DLHK) is mandated under Law No. 18/2008 to enforce environmentally sound landfill operations, yet open dumping persists; (2) the Social Services Office bears responsibility under Law No. 11/2009 to identify and assist at-risk children and families, yet no dedicated program for landfill-community children was operational during the study period; (3) the Women's Empowerment and Child Protection Agency (DP3A) is obligated under Law No. 35/2014 to coordinate child protection interventions, yet coordination mechanisms with DLHK and the Social Services Office remain unformalized. Public policy research emphasizes that integration of environmental, social, and child protection policies is a prerequisite for equitable TPA governance (Rao & Holt, 2005). Without such integration, the state risks exercising its authority partially and ignoring the human rights dimension.

Thus, the legal duties of the state and local governments regarding the Tamangapa Landfill must be viewed as an active, ongoing, and sustainable responsibility. It is not enough for the state to provide landfill infrastructure, but also to ensure that its existence does not give birth to cycles of poverty and intergenerational vulnerability. Within this framework, the protection of children and vulnerable groups is the main indicator of the state's success in carrying out the functions of welfare and social justice as mandated by the constitution and national law.

## CONCLUSION

This study has established two principal findings. First, the Indonesian national legal framework provides a robust normative basis for the protection of children and vulnerable groups in landfill management contexts. The 1945 Constitution (Articles 28B and 28H), Law No. 35/2014, Law No. 18/2008, Law No. 32/2009, and Law No. 11/2012 collectively establish a tripartite state obligation (to respect, protect, and fulfill) that is binding on both national and local governments. Second, the legal responsibilities of the state and the Makassar City Government have not been optimally discharged.

Persistent open dumping practices, the absence of targeted social protection for landfill-affected children, weak interagency coordination among DLHK, Social Services, and DP3A, and the normalization of informal child involvement in waste-related activities constitute a pattern of failure to meet positive obligations. The legal implication is that landfill governance must be recognized as a domain of constitutional and human rights accountability, requiring the integration of child protection impact assessments into landfill planning, the development of region-specific protection programs, and the formalization of interagency coordination mechanisms. This study is limited to a three-month data collection period at a single site; future research should conduct longitudinal studies and comparative analyses across multiple urban landfill sites in Indonesia.

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#### **AUTHOR CONTRIBUTION STATEMENT**

Ririn Nurfaathirany Heri: Conceptualization, Methodology, Investigation, Data Curation, Formal Analysis, Writing – Original Draft, Supervision. Maya Kasmita: Methodology, Literature Review, Formal Analysis, Writing – Review & Editing. Muhammad Aswan: Legal Analysis, Validation, Resources, Writing – Review & Editing. Andi Mutya: Data Collection, Field Investigation, Resources, Validation. Siti Fatimah: Data Collection, Community Coordination, Project Administration, Validation. Nur Syachriani: Data Verification, Formal Analysis, Visualization, Writing – Review & Editing.

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