



THE URGENCY OF ESTABLISHING A LOCAL GOVERNMENT REGULATION CONCERNING WASTEWATER MANAGEMENT IN LUWU REGENCY

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ABSTRACT

Domestic wastewater is defined as wastewater contains various hazardous chemicals and microbes which causes environmental pollutions especially the source mainly for raw water sources as the drinking water from rivers and lakes, either the ground water. The importance in protecting and preserving environmental functions, thus obliged the regional government in Luwu Regency to manage the domestic wastewater. This study aims to understand the urgency of Establishing a Regional Regulation Concerning Wastewater Management in Luwu Regency. Through empirical juridical research conducted by the researcher to obtain research results i.e. The management of domestic wastewater in Luwu Regency is not yet optimal. Communities need adequate facilities and infrastructure e.g vacuum trucks and IPLT, education on domestic waste management to require the participations of the communities and private sectors can play an active role, and integrated funding and institutional needs. Luwu Regency needs the regulations in the form of Regional Regulations which is technically regulate the management of domestic wastewater in the particular importance for the community to have a better quality and healthy living environment to support the development of the good health and well-being of the communities.

Keywords: Wastewater, Law, Luwu

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INTRODUCTION

The increasing of the population growth tremendously has a serious impact in decreasing the environmental carrying capacity. It caused by the increasing number of the populations whom will be consuming clean water/drinking water which will have an impact on increasing the number of wastewater. One of the consequences of increased wastewater is the increasing volume of domestic wastewater discharged into water. Disposal is also carried out directly without any process.

As known that domestic wastewater contains various hazardous chemical and microbes,¹ which obviously causing environmental pollutions mainly in raw water sources for drinking water in rivers and lakes, as well as ground water. Referred on article 1 point 2 the Regulations of the Minister of Environment and Forestry of Republic of Indonesia Number 68 of 2016 concerning Domestic Wastewater Quality Standards, it defines domestic wastewater as waste water originating from daily human life activities related to water usage. Another definition is regulated in Article 1 Number 1 of the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 4 of 2017 concerning the Implementation of Domestic Wastewater Management System, domestic wastewater is the wastewater originating from businesses and/or residential activities, restaurants, offices, commerce, apartments, and dormitories.

Domestic wastewater refers to its type consists of black water and grey water, contains pollutants, including suspended and dissolved organic elements, inorganic elements, and microorganisms.² Black water is the disposal waste which derived from latrines in the form of stool and urine which contains 20 percents of the pathogen microbes, nitrogen, phosphorus, and microorganisms of the total wastes, while

¹ Kholif Al Muhammad, *Pengelolaan Air Limbah Domestik*, (Surabaya: Scopindo Media Pustaka, 2020), p. 50.

² Oktina Purwatinigrum, "Description of Communal Domestic Wastewater Treatment Plant in Kelurahan Simokerto, Kecamatan Simokerto, Kota Surabaya." *Jurnal Kesehatan Lingkungan* Vol. 10, No. 2 April (2018), p. 246.



grey water derived from bathrooms, kitchens, and laundry/washing contains 80 percents of the elements of nitrogen, phosphate, and potassium of the total wastes. The need of domestic wastewater management or sanitation which is a basic need of human that aims to separate human excrement produced by human activities from their residential area in order to prevent diseases.³

The importance of protecting and preserving the environmental function in accordance to the state objectives set forth in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, mentioned “to protect the entire Indonesian people and all of Indonesia’s bloodshed”. Furthermore, these objectives are stated in Article 28 H chapter (1) of the 1945 Constitution of the Republic of Indonesia which confirmed that:

“Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care.”

This formulation implies that a good and healthy environment is the basic human right for every Indonesian citizen, it is attached the state’s responsibility to fulfil this basic right.

A healthy living environment with clean water and decent sanitation becoming two points from seventeen points of the Sustainable Development Goals (SDGs). The SDGs is designed until 2030, it is the priority targets for national development.⁴ The priority points, clean water and sanitation require domestic wastewater management. This management aims to increase access to environmentally friendly domestic wastewater services, to achieve the quality development of life of the community and a better and healthier environment.

Efforts in achieving these priorities require planning policy synergies in the national level, provincial and regional levels. Law number 23 of 2013 concerning Regional Government regulates that

³ Sri Mahendra Satria Wirawan, “Kajian Kualitatif Pengelolaan Air Limbah Domestik di DKI Jakarta.” *Jurnal Riset Jakarta* Vol 12 No. 2 (2019), 58.

⁴ <https://sdgs.bappenas.go.id/>, diakses 14 April 2023.



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wastewater management is included in the mandatory affairs of the Regional Government and is a basic service to the community (Article 11 and Article 12).⁵ Refer to this provision, each Regional Government is mandatory obliged to provide basic services of domestic wastewater management for its citizens which carried out based on Minimum Service Standards (SPM) (Government Regulation No. 2 of 2018).⁶

Several criteria standards for domestic wastewater managements should be met. According to the Ministerial Regulations of the Minister of Public Works and Public Housing (PERMEN PUPR) Number 04 of 2017 concerning Implementation of Domestic Wastewater Management System. The selection of the type of DWMS (SPALD) is carried out by considering the population density of >150 people/Ha, the depth of the ground water surface is 2%, and the financing capability of the local government. Regions that do not meet these criteria can apply local or centralized DWMS (SPALD) scale residential, and for areas that meet all the criteria can apply centralized DWMS (SPALD) scale urban. This management involves the management of domestic wastewater activity by the wastewater management unit. That management activity covers small scale (on-site) and large scale (off-site). Feasibility criteria of wastewater management must be considered, in terms of physical, social, and economics.⁷

Luwu Regions as one of the autonomous regions located in South Sulawesi Province with population density around 369,820

⁵ Article 11 dan 12, Undang-undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah.

⁶ Peraturan Pemerintah Nomor 2 Tahun 2018 Tentang Standar Pelayanan Minimal.

⁷ Sindriani daki dan Sujianto, "Implementasi Kebijakan Pengelolaan air limbah domestik di kecamatan tualang (Studi Kasus Perda Kab.Siak No.1 Tahun 2017)," *Cross-Border* Vol. 6 No. 1 (2023), p. 340.



people (BPS Kabupaten Luwu 2023).⁸ Based on the 2019 South Sulawesi Sanitation Profile published by the Ministry of Public Works and Public Housing (PUPR) Directorate General Cipta Karya Settlement Facilities Centre for The South Sulawesi⁹ Region stated that out of twenty four (24) districts/cities in South Sulawesi, only seven (7) districts/cities had functioning IPLT (Installation of Stool Treatment Plant). Six (6) in total of ISMS (IPLT) were not functioning, two (2) were damaged and there were nine (9) districts/cities did not have the Installation of Stool Treatment Plant (IPLT). Luwu Regions is one of the districts that do not have the Installation of Stool Treatment Plant (IPLT) yet.

The description of domestic wastewater management as described indicates that domestic wastewater problems require appropriate and sustainable handling. One of the handling stages is the establishment of a legal instrument of a Regional Regulation to regulate the management of domestic wastewater in a directed, measurable, environmentally minded, and sustainable, to support the realization of a better and healthier living environment in Luwu Regency.

METHODS

This research is empirical juridical research or it is called field research, which studies the applicable legal provisions and what obviously happens in the society.¹⁰ Research on the enactment or implementation of normative legal provisions in particular legal event occurs in the society.¹¹ In other words, research is conducted on actual

⁸ BPS Kabupaten Luwu, *Luwu Dalam Angka 2023 Luwu Regency in Figures*, (Luwu: BPS, 2023), p. 42.

⁹ Kementerian PUPR, *Profil Sanitasi Sulawesi Selatan Tahun 2019*, (Direktorat PPLP Direktorat Jenderal Cipta Karya Balai Sarana Permukiman Wilayah Sulawesi Selatan, 2020).

¹⁰ Suharsimi Arikunto, *Prosedur Penelitian Suatu Penelitian Praktek*, (Jakarta: Rineka Cipta, 2012), p. 126.

¹¹ Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004), p. 32.



situations or real situations that occurs in society with aims to understand and to seek the facts and data needed. After the requirement of the data is collected, then leads to identifying the problems which ultimately leads to problem solving.¹²

In this research, primary material sources (secondary data) obtained from books, legislations, literatures, books from library literatures and websites. While empirical data obtained documents related to existing conditions concerning the domestic wastewater management in Luwu Regency, National Medium-Term Development Plan (RPJMN), Local Government Medium-Term Development Plan (RPJMD), and actual conditions in Luwu Regency.

RESULTS AND DISCUSSION

A. The Domestic Wastewater Management in Luwu Regency

Referred on data of the government affairs administration in Luwu Regency which is mentioned in Local Government Regulations Number 3 of 2021 concerning Amendments to Local Government Regulations Number 8 of 2019 concerning Local Government Medium-Term Development Plan (RPJMD) of Luwu Regency of 2019 – 2024 that the Government is still not optimal in handling regional domestic wastewater.¹³ It does not mean that the government does not implement the programs concerning to domestic wastewater management. In 2020, the program starts under the planning and budgeting of environmental sanitations programs sourced from the Special Allocation Fund (DAK) of Sanitation with the amount of 1,8 Billion Rupiah. The activities have held are the construction of individual latrines, a communal IPAL and the constructions of a reduce, reuse, and

¹² Bambang Waluyo, *Penelitian Hukum Dalam Praktek*, (Jakarta: Sinar Grafika, 2002), p. 15.

¹³ Lampiran Peraturan Daerah Nomor 3 Tahun 2021 Tentang Perubahan Atas Peraturan Daerah Nomor 8 Tahun 2019 Tentang RPJMD Kabupaten Luwu Tahun 2019-2024, p. 319.



recycle waste processing site (TPS 3R). These activities carried out using the self-management method by Community Self-Help Groups.¹⁴

Furthermore, data from The Central Bureau of Statistics for Luwu Regency of 2022 shows that 90,83% of households in Luwu Regency use their own lavatory facilities, 93,67% of households use septic tank/IPAL/SPAL.¹⁵ Herein the details in the table below:

Tabel 1. Percentage of Households by characteristics and use of defecation facilities, 2022.

Characteristics	Use of toilet facilities		Total
	Private	Other*	
(1)	(2)	(3)	(4)
Gender KRT			
Male	90,82	9,18	100,00
Female	90,87	9,13	100,00
Production groups			
The bottom 40 %	85,81	14,19	100,00
Middle 40 %	91,34	8,66	100,00
Top 20 %	96,14	3,86	100,00
Highest education KRT			
SDke bawah	89,74	10,26	100,00
SMP ke atas	92,12	7,88	100,00
Luwu Regency	90,83	9,17	100,00

*Others Include shared facilities, publik MCK, and no/no use of defecation facilities.

Tabel 2. Percentage of households *according to the characteristics and type of toilet used by then household, 2022.

Characteristics	Fecal Landfill	Total
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¹⁴ Data Dinas Perumahan dan Kawasan Permukiman Kabupaten Luwu, 2020.

¹⁵ BPS Kabupaten Luwu, *Statistik Kesejahteraan Rakyat Kabupaten Luwu 2022*, (Luwu: BPS, 2022), p. 46-47.

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	Setictank/IPAL/SPAL	Other*	
(1)	(2)	(3)	(4)
Gender KRT			
Male	94,34	5,66	100,00
Female	90,1	9,9	100,00
Production groups			
The bottom 40 %	88,39	11,61	100,00
Middle 40 %	95,24	4,76	100,00
Top 20 %	97,43	2,57	100,00
Highest education KRT			
SDke bawah	92,07	7,93	100,00
SMP ke atas	95,55	4,45	100,00
Luwu Regency	93,67	6,33	100,00

*households that have defecation facilities with their own or shared use

Based on above detailed table, the percentage of household using their own lavatory facilities and using septic tanks/IPAL/SPAL as final disposal sites for household is very high. However, it should be known that wastewater management at the household level is limited in managing waste from lavatory, it is only providing septic tank. The septic tank usage is limited to the management of wastewater originating from the lavatory, while the wastewater from the bathroom or washing areas which is direct discharged into the drainage around the house without carrying out initial management, unconsciously the danger of that laundry, washing, and kitchen wastewater are categorized as waste containing soap and microorganisms which are extremely dangerous to health when it pollutes to clean water sources.¹⁶ Moreover, the septic tank used by almost all community is completely submitted to the construction worker without considering the quality of that septic tank.

¹⁶ Dharmawati Ika Tirta, Rudi Latief, Syahriar Tato, "Hubungan Peran serta Masyarakat dalam Pengelolaan Limbah Domestik," *Urban and Regional Studies Journal* Vol. 5 No. 1 (2022), p. 5.



The Regional Government of Luwu Regency has not yet provided a vacuum truck as a clearing suction machine/equipment.¹⁷ Whereas refer to Presidential Regulation Number 18 of 2020 concerning the 2020-2024¹⁸ National Medium-Term Development Plan (RPJMN) targets the increasing number in households having access to decent sanitation up to 90% (including 15% of households in having access to safe sanitation) and Ministerial Regulations of Minister of Public Works and Public Housing (PUPR) Number 04 of 2017 mentioned that every household is required to do clearing septic tank one (1) time in three (3) years. Necessarily to have a clearing suction transport (vacuum truck) and Installation of Stool Treatment Plant (IPLT) to give guarantee of safe management and reduce environmental pollution.

Procurement of vacuum trucks and Installation of Stool Treatment Plant (IPLT) require a well-conceived planning and the implementation is not just given the responsibility to the government, but requires good cooperation with the community and the private sectors.¹⁹ Followed by educating the community in the form of awareness-knowledge transfer regarding domestic wastewater management system.²⁰ Thus, the community and private sectors can actively participate in any domestic wastewater management activities,

¹⁷ Data Dinas Pekerjaan Umum dan Penataan Ruang Kabupaten Luwu, 2023.

¹⁸ Peraturan Presiden Nomor 18 Tahun 2020 tentang Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2020-2024.

¹⁹ Muhammad Agus Umar, M. Baiquni, dan Su Ritohardoyo, "Peran masyarakat dan pemerintah dalam pengelolaan air limbah domestik di wilayah Ternate Tengah," *Majalah Geografi Indonesia* Vol. 25 No. 1 (2011), p. 48.

²⁰ Imam Santiko Raharjo, Ratna Widyawati and Muh. Sarkowi. "Analisis Strategi Pengembangan Sistem Pengelolaan Air Limbah Domestik Kabupaten Pringsewu," *SNIP Proding* Vol. 2 No. 2 (2022).



either carried out in self-managed or independently which is fully supported by related parties through financial and scientific supports.²¹

B. The Urgency of Establishing a Local Government Regulation Concerning Wastewater Management

Regional government has the authority to establish regional policies to regulate their own governmental affairs. This authority is on the Regional Head and the Regional Representative Councils (DPRD). Local Government Regulation is determined by the Regional Head after obtaining approval from Regional Representative Councils (DPRD). The basis of the authority to establish the Local Government Regulation regulated in Article 18 Section (6) of the 1945 Constitution of the Republic of Indonesia states that “The regional governments are entitled to determine regional regulations and other regulations for the execution of the autonomy and the duty of assistance”.²²

Law Number 23 of 2014 concerning Regional Government (Article 65 section (2) letter b, Article 154 section (1) letter a, Article 236 section (2), and Article 242 section (1)), each as follows: Article 65 section (2) letter b, “Regional Head have the duty and authority to determine regional regulations that have been approved by the Regional Representative Councils (DPRD)”. Article 154 section (1) letter a, “The Regional Representative Councils (DPRD) have the duty and authority to form regional regulations which are discussed with the regional head for mutual approval”. Article 236 section (2), “Local Government Regulation is formed by the Regional Representative Councils (DPRD) with the joining approval of the Regional Head”. Article 242 section (1), “The draft of local government regulation that has been mutually approved by the Regional Representative Councils (DPRD) and

²¹ Bektı Prihatiningsih, *Peran Stakeholder dalam Pengelolaan Limbah Cair Domesti Berkelanjutan di Kota Malang*, Sistek Universitas Merdeka Malang 2 (2021), p. 188.

²² Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 18 ayat 6.



Regional Head is announced by the Head of Regional Representative Councils (DPRD) to the Regional Head to be determined as the Local Government Regulation.

Based on the implementation of local government regulation, domestic wastewater is sub-affairs of government affairs in the division of public works and spatial planning, These affairs include mandatory affairs related to basic services as determined in Article 12 paragraph (1) letter c of Law (UU) No. 23 of 2014 concerning Local Government (Regional Government), itu must be held in all regions. Even though, it does not mean that the Central and Provincial Government do not have authority in the implementation of domestic wastewater sub-affairs. The division of authority for the waste water sub-affairs as follows:

Central Government

Determination of the national domestic wastewater management system development;

Management and development of cross-provincial domestic wastewater management system and domestic wastewater management system for national strategic interest.

Provincial Government

Management and development of regional domestic wastewater management system.

Local (Regional) Government

Management and development of local districts/cities domestic wastewater management system.

The division of authority in the implementation of the domestic wastewater sub-affairs mentioned above, defines that the implementation of domestic wastewater management is not just the task, authority, and responsibility of the Central and Provincial Governments, but also the duties, authorities and responsibilities of the Regency/City Regions. The government guarantees every citizen can obtain basic services. The minimum types and quality of basic services entitled to every citizen to be received regulated in Article 7 of Government Regulation number 2 of 2018 Concerning Minimum Service Standards.

Section (1), "Minimum Service Standards (SPM) of public work includes MSM (SPM) of provincial public works and MSM (SPM) of



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district/city regional public work". Section (2) letter b, "Types of basic services in MSM (SPM) of provincial public works include providing domestic wastewater management services". The Regional Head and/or the vice of regional head who do not implement Minimum Service Standards can be objected to administrative sanctions. Thus, the existence of a Local Government Regulation concerning Domestic Wastewater Management is tremendously important, because it becomes a legal standing for Regional Head to carry out the implementation of waste water management in their respective regions properly and in accordance of the regulations.

In Luwu Regency, Still not there yet regional regulation that regulates the independent management of domestic wastewater. Whereas, the formation of local government regulations can technically regulate the management of domestic wastewater. Starting the planning; construction; procurement; operation; maintenance; and rehabilitation; as well as utilization. The important aspect is the institutional aspect, domestic wastewater management can be managed in an integrative handling, not partially and spreads across several regional apparatuses related to domestic wastewater management (Office of Public Works and Spatial Planning, Office of Housing and Settlement Area, Office of Environment Sevices and Office of Health Services). In addition, it can regulate the role of the community and the private sector as well.

The determined local government regulation concerning Domestic Wastewater Management, is basically a legal standing needs for the community in Luwu Regency to have a good and healthy living environment to support the development of the community's health and welfare status. Community behaviour in managing waste water that is carried out conventionally is expected to change with the guidelines in the proper management of domestic wastewater to prevent environmental damage

CONCLUSION

The management of domestic wastewater in Luwu Regency is not yet optimal, None of the vacuum trucks and Installation of Stool Treatment Plant (IPLT). Wastewater management at the household



level is still limited in waste management from lavatory only, whilst waste water from bathrooms and other washing facilities are discharged directly into the sewers (drainage) around the house without initial-proper management. The community and private sector need to be educated about domestic wastewater management in order to have an active role. Moreover, Financial and institutional problems. This description is the reason behind the importance of proper, integrated and sustainable handling. Luwu Regency needs regulation in the form of Local Government Regulation that technically regulate the management of domestic wastewater to enlightening the community to have the good and healthy living environment to support the development of the community's health status and welfare.

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