

Inter-correlation between Human Rights and Environmental Justice: A Discourse of Right to a Good and Healthy Environment in Indonesia

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ABSTRACT: The right to a good and healthy environment is part of human rights. Where the right to the environment as a human right to live in an environment with a minimum quality that allows the realization of a dignified and prosperous life. As part of human rights, the state must respect, fulfill, and protect the right to a good and healthy environment. To fulfill the right to a good and healthy environment, everyone is given the right to obtain environmental education, access to information, access to participation, and access to justice. In other words, without access to information, participation, and justice, the right to a good and healthy environment will be difficult to fulfill. The government needs a mechanism or instrument for these three accesses to fulfill the right to a good and proper

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environment for its citizens. In the next section, we will review mechanisms or instruments for access to information, as an effort to fulfill the right to a good and healthy environment, especially in the context of controlling air pollution, as well as the shortcomings and alternatives of these mechanisms or instruments. This study aims to analyze the discourse on the right to a good and healthy environment in Indonesia in the study of human rights and environmental law in Indonesia.

KEYWORDS: Human Rights, Environmental Justice, Environmental Rights, The right to a good and healthy environment



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I. INTRODUCTION

The environment is related to soil, water and air that serves as a container for living and breathing. Recently, environmental damage and environmental pollution have increased in intensity, resulting from human actions that exploit nature beyond the limits of reasonableness without thinking about the impact on present and future societies. Advances in technology and industry have a positive impact on economic development and development. Industrial developments can create jobs, but technological advances also have

negative impacts, especially the environment that is increasingly damaged.¹

The development of technology and industry will produce pollution, both water, air and soil. With the development of industry, the concentration of greenhouse gases (GHGs) which include CO₂, CH₄, N₂O, HFCS, PFCS and SF₆, is increasing, as a result of which the earth's surface temperature is getting hotter, known as global warming. The global environmental situation was discussed at the UN conference in Stockholm in 1972. Furthermore, the United Nations convention on climate change (UNFCCC) was signed in Rio de Janeiro in 1992, and in Kyoto in 1997. Indonesia has ratified the Kyoto Protocol through Law No. 17 of 2004. Indonesia is expected to improve its adaptability to climate change.

Nowadays, economic development brings progress and welfare to the community, but it is often not accompanied by good environmental management, so it has the potential to cause damage and pollution to the environment, which has a bad impact on people's

¹ In the further discussion, it is also emphasized that environmental damage due to the use of technology has not yet been worked out in totality. Air and water pollution, soil erosion, deforestation, and others have threatened natural resources that are crucial for life. Environmental problems affect the lives of everyone on earth. The integrity of the environment in the earth's ecosystem must be maintained, one of which is for future generations. Environmental damage is a symptom of a deeper problem, namely the perspective of humans, technology, and the environment. *See also* Mahdiansah, Dian. "Teknik Pengelolaan Lingkungan Hidup di Indonesia." *Celebes Engineering Journal* 1, No. 2 (2019): 1-7; Nahavandi, Saeid. "Industry 5.0—A human-centric solution." *Sustainability* 11, No. 16 (2019): 4371; Hutchison, Elizabeth D. *Dimensions of Human Behavior: Person and Environment*. (London, Sage Publications, 2018); Nardo, M., D. Forino, and T. Murino. "The evolution of man-machine interaction: The role of human in Industry 4.0 paradigm." *Production & Manufacturing Research* 8, No. 1 (2020): 20-34.

lives now and future children and grandchildren. Therefore, the community and the government have the right and obligation to protect the environment. It is hoped that the community will actively participate in the preservation of the environment. The government seeks to provide environmental protection, with the hope that a healthy environmental media can be realized that can give birth to a generation of quality, healthy and dynamic human beings. Environmental quality is currently declining, accompanied by a depletion of natural resource supplies. The environment should be managed properly in order to provide life and well-being for humans and other living things.

In September 2000 in New York, the United Nations hosted the Millennium Summit, which sparked the Millennium Declaration known as the Millennium Development Goals (MDG's). The MDG's goals are expected to be achieved by 2015. One of the goals is "*Ensuring Environmental Sustainability*". One of the targets is to apply the principles of sustainable development. Indonesia has been consistent and co-signed the MDG's Declaration since its inception. The birth of the concept of sustainable and environmentally sound development is based on the MDG's concept and is driven by the growing public awareness of environmental issues.² Sustainable and

² It is critical that the natural resources base and ecosystems are managed sustainably to ensure that people's food requirements and other social, economic, and environmental needs are sufficiently met. Climate change, conflicts over access to resources, and increased water scarcity all pose a threat to not only environmental sustainability but also food security. As such, millennium development goal 7 has 4 targets: (1) to integrate the principles of sustainable development into every nation's policies and programmes, and also reverse the depletion of environmental resources; (2) to reduce biodiversity loss and achieve a substantial reduction in the rate of loss by 2010; (3) to halve the proportion of the universal population without sustainable access to clean and safe drinking water and basic sanitation by

environmentally sound development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development requirements include *economically viable, socially acceptable* and *environmentally sound*. Everyone has the right to a good and healthy living environment; this has been guaranteed in Law Number 32 of 2009 concerning Environmental Protection and Management.

Development that utilizes natural resources often leads to environmental deterioration and environmental impact. Therefore, development that is in contact with the environment is required to pay attention to the environment by applying environmental quality standards and environmental damage standards. This is needed as a guideline and is an important instrument in environmental management. Businesses and / or activities that are not in accordance with environmental quality standards or environmental damage standards, including violations of applicable environmental law provisions.

2015; and (4) to achieve substantial improvement in the lives of a minimum of 100 million slum dwellers by 2020. *See also* Larionova, Marina. "The Challenges of Attaining the Millennium Development Goals (MDGs)." *International Organisations Research Journal* 15, No. 1 (2020): 155-176; Feeny, Simon. "Transitioning from the MDGs to the SDGs: Lessons learnt?." In *Moving from the millennium to the sustainable development goals*. (Palgrave Macmillan, Singapore, 2020), pp. 343-351; Weststrate, Johanna, et al. "The sustainable development goal on water and sanitation: learning from the millennium development goals." *Social Indicators Research* 143, No. 2 (2019): 795-810; Rahmah, Syifa Zia, Grace Lestariana Wonoadi, and Achmad Zulfikar. "The Implementation of MDGs Program on Eradication of Extreme Poverty and Hunger in Indonesia (2009-2014)." *Jurnal Ilmiah Hubungan Internasional* 15, No. 1 (2019): 75-88; Diouf, Gwilim. "Millenium development goals (MDGs) and sustainable development goals (SDGs) in social welfare." *International Journal of Science and Society* 1, No. 4 (2019): 17-24.

II. METHODS

In the preparation of this paper, we used references from various sources, mainly books. In addition to books, we also use related journals, both national and international journals as reference support in compiling this paper. We also use relevant laws and regulations to strengthen every one of what we put forward in this paper.

III. UNDERSTANDING THE RIGHT TO A GOOD & HEALTHY ENVIRONMENT

1. *Definition of Human Rights*

Human rights according to the KBBI law are regulations that are officially considered binding and carried out by the ruler or government, laws, regulations and so on to regulate community associations.³ In article 1 of Law Number 39 of 1999 concerning Human Rights, it is stated that "*Human Rights are a set of rights inherent in the nature and existence of man as a creature of God Almighty and are His grace that must be respected, upheld, and protected by the state, law, government and everyone, for the sake of kehormatan and protection of hark at and human dignity*".

Every human being is equal before God Almighty because he is born with the same dignity, degree, rights, and obligations. Every human being born into the world has rights inherent in himself. Conceptually, human rights can be exercised by a human being with his identity as an individual and his identity in a community, organization, family, and state or collective. In an essay entitled

³ Retno Listyarti and Setiadi Setiadi. *Pendidikan Kewarganegaraan*. (Surabaya, Erlangga, 2008), pp. 47-48.

"*Human Rights, Individual Rights and Collective Rights*" Jack Donnelly said that "*human rights are a special class of rights that one has simply because one is a human being. They are thus moral rights of the highest order (whether or not they are recognized in the positive law). As such, they play a special political role*".

The point of this understanding is that human rights are a privilege, these rights are owned because a person is a human being and human rights are the highest moral rights so that they have an important role in politics.

2. Understanding a Good and Healthy Living Environment

The environment is a combination of physical conditions that include the state of natural resources such as soil, water, solar energy, minerals, and flora and fauna that grow on the ground and in the ocean, with institutions that include human creation such as decisions on how to use the physical environment. The environment in Indonesia is often referred to as the "*Environment*". For example, in Law No. 32 of 2009 concerning Environmental Protection and Management, it is explained about the definition of the Environment, namely the unity of space and objects, powers, conditions, and living things, including humans and their behavior, which affects human survival and the welfare of humans and other living beings and can affect them.

The environment in English is called *the environment*, in Dutch it is called *milleu*.⁴ A good and healthy living environment contains environmental meanings that can allow humans to develop

⁴ N.H.T Siahaa. *Hukum Lingkungan dan Ekologi Pembangunan*. (Jakarta, Kompas Gramedia, 2014), pp. 4-9.

optimally, in harmony, harmony, and balance. The existence of this kind of guarantee gives the possibility for everyone to demand to the government that the good and health of their environment be considered and improved continuously and therefore it is also an obligation for the state to always create a good and healthy living environment for its citizens and continuously make efforts to improve and nourish the environment.

IV. THE ROLE OF THE COMMUNITY & THE RIGHT TO A GOOD AND HEALTHY ENVIRONMENT

1. *The Right to a Good and Healthy Environment*

As stated in article 65 paragraph 1 of Law No. 32 of 2009 concerning Environmental Protection and Management (hereinafter as UUPPLH), it is explained that "*Everyone has the right to a good and healthy environment as part of human rights*". Constitutionally, subjective rights as stated in Article 3 of the UUPPLH regarding the purpose of environmental protection and management can be related to the general rights listed in the fourth paragraph of the preamble to the 1945 Constitution which states "*to establish an Indonesian State government that protects the entire Indonesian nation*", and is also associated with the right of the ruler to the state over the earth and water and the state over the earth and air and the natural wealth contained therein. for the greatest prosperity of the people.⁵

⁵ Hasibuan, Rosmidah. "Pengaturan Hak Atas Lingkungan Hidup Terhadap Kesehatan." *Jurnal Ilmiah Advokasi* 6, No. 2 (2018): 93-101; Permadhi, Putu Lantika Oka. "Hak Atas Lingkungan Hidup Dilihat dalam Perspektif Hukum Positif di Indonesia." *Jurnal Hukum Saraswati (JHS)* 1, No. 1 (2019); Yusa, I. Gede, and Bagus Hermanto. "Implementasi Green Constitution di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup

From the environment, humans, animals and plants can gain power and energy. Man acquires his basic or primary needs, secondary needs or even meets more than his own needs. For this reason, the right to the environment is needed. Without a good and healthy living environment, people cannot meet their needs properly because the main source to meet their needs is not healthy and good. Good and healthy environmental factors are very influential for the survival of the components of living things on earth. The protection of the environment and natural resources has a dual purpose, namely: serving the interests of society as a whole and serving the interests of individuals. The environment is an absolute part of human life. Man, forages for food and drink and feeds his needs from the availability or sources provided by the environment and natural wealth as the first and most important source for the fulfillment of various needs.

There are no various human rights regulations that explicitly address the issue of environmental protection. However, if you pay attention to several human rights that are closely related to environmental issues, especially rights related to the third generation of human rights, namely *solidarity rights*. This right includes getting a clean-living *environment right to a clean environment*. This right can be subdivided into the right to life, the right to a good and healthy life, to get health as well as the right to freedom of property, and also protection.

1) The right to life

The right to life is the most basic right because it is inviolable, due to damage or pollution of the environment that results in the

Berkelanjutan." *Jurnal Konstitusi* 15, No. 2 (2018): 306-326; Darmawan, Karina Fitri. "Hak Asasi Lingkungan Versus Hak Atas Pembangunan Sebagai HAM: Antara Konflik dan Keseimbangan." *Jurnal Poros Hukum Padjadjaran* 3, No. 2 (2022): 169-184.

death of humans. Everyone has the right to live and no one and also the State can arbitrarily stop a person's life unless he is very dangerous. The state must take various actions or at the very least, must not neglect to protect human life. So, environmental damage or environmental pollution can result in the death of people, so here the State must not neglect to protect human life from environmental damage and pollution as has occurred in various parts of the world due to industry or pollution from various sources or nuclear reactor radiation.

2) The Right to a Healthy Environment

There are no human rights documents or State Constitutions that decisively define the nature of a healthy environment. This, although no one expressly says a healthy environment, at least there is a right to get healthy working conditions or to get a good and healthy life in a work environment or anywhere else. So, this shows that everyone deserves a healthy life. With the protection of the environment, in the end humans will also enjoy a clean environment, free from pollution, both in the work environment, education, home and other public places.

3) The right to health

The right to health means that everyone has the right to health both physically and mentally. The right to health cannot be separated from a healthy environment, because without a healthy environment, it is impossible for health to be guaranteed. As stated in article 28H Paragraph 1 of the Constitution of the Republic of Indonesia of 1945.

The 1945 Constitution of the Republic of Indonesia, the declaration of International Human Rights and the Environmental Law of the Republic of Indonesia have mandated the rights of every citizen, one of which is the right to a good and healthy environment. Therefore,

there is a need for synergy and cooperation between the government, local governments, and the community in managing and protecting the quality of the environment so that a good and healthy environment can be realized for the prosperity and welfare of the Indonesian people. In addition to having a good and healthy environment, humans also have an obligation to maintain the environment to remain a good and healthy living environment.

2. *The Role of Society in the Environment*

Society is a very important component for the purpose of environmental management and protection. Not only is it expected to be a resource that can be used for environmental development, but more than that the community component can also provide important alternatives for the environment as a whole.

In the regulations/constitution of the Indonesian state, the right of every citizen to get a good and healthy environment has been regulated. This is contained in article 28 H paragraph 1 of the 1945 Constitution of the Republic of Indonesia, which states that "*everyone has the right to live a prosperous life born and mentally, to live and get a good and healthy living environment and the right to obtain health services*". It is also regulated in Article 65 paragraph 2 of Law No. 32 Tahun 2009 concerning Environmental Protection and Management which states that "*everyone has the right to get environmental education, access to information, access to participation, and access to justice in fulfilling the good and healthy environment requirements*".

From the content of the article above, it can be concluded that every citizen without exception has the right to get his rights as contained in the Indonesian constitution. One of the obligations of the state to protect every citizen is the stem of environmental protection and

management as stated in article 63 of Law No. 32 of 2009 concerning Environmental Protection and Management regarding the duties and authorities of the Government and Local Government in environmental protection and management.

Article 70 paragraph 1 of Law No. 32 of 2009 regulates the right of the community to play an active role in environmental protection and management. Article 70 paragraph (1) states that the community has the same and widest rights and opportunities to play an active role in the protection and management of the environment in the form of social supervision, providing advice, opinions, proposals, objections, complaints, and/or submission of information or reports. The role of the community in environmental protection and management is carried out in order to:

1. Increase awareness in environmental protection and management
2. Increase independence, community empowerment, and partnerships
3. Develop community skills and reporting
4. Fostering the immediate need for the community to carry out social supervision
5. Develop and maintain local culture and wisdom in order to preserve the function of the environment.⁶

⁶ Nopyandri, Nopyandri. "Hak atas Lingkungan Hidup dan Kaitannya dengan Peran Serta dalam Pengelolaan Lingkungan Hidup dalam Perspektif Otonomi Daerah." *INOVATIF: Jurnal Ilmu Hukum* 7, No. 3 (2014).

V. THE RELATIONSHIP OF RIGHTS WITH A GOOD & HEALTHY ENVIRONMENT

Human rights and the environment have dependence on each other. The state can provide environmental protection arrangements that also protect human rights, especially those related to issues of the right to life, the right to health, the disruption of property rights to the provision of protection for inland communities. Thus, the environment and human rights are two things that are interconnected and can reinforce each other between them. Recognizing human rights means also protecting the environment and at the same time can be used to achieve sustainable development as one of Indonesia's development goals. This is because recognizing and protecting human rights is a potential way to protect the environment.

In the Constitution of Our Country, in the 2nd Amendment to the 1945 Constitution, article 28H paragraph (1) states: "*Everyone has the right to live a prosperous life born and mentally, to live and to have a good and healthy living environment and the right to obtain health services*". It is also expressly stated in Articles 5 and 8 of Law No.23 of 1997, concerning environmental management, that: "*Everyone has the same right to a good and healthy environment*", as well as in Law No.39/1999 on Human Rights, article 3 states "*People have the right to a better and healthier environment*".

In general, the description shows how important the environmental component is in supporting and fulfilling the right to human life as the right to the environment is related to achieving the quality of human life. There are still so many policies that are also directly related to the environment such as Law No.26 of 2007 on Spatial Planning, Law No. 27 of 2007 on coastal and small island management, Law No. 10 of 2009 on Tourism. But apparently, the

policy is not able to control environmental destruction. One of the reasons is that the implementers of these policies do not actually make it a foundation in the implementation of development.

Therefore, there is a direct link between the protection of human rights to the environment. The environment is a defiant part of human life. In other words, the living environment is inseparable from human life. Humans forage and drink and meet other needs from the availability or resources provided by the environment and natural wealth as the first and most important source for the fulfillment of their various needs. With this, there needs to be a high awareness for the community or the authorized government to maintain a good and healthy living environment.⁷

Sonny Keraf emphasized that there is a close relationship between good governance and good environmental management. The implementation of good government will influence and determine the management of the environment and good environmental management reflects the level of good government administration. Strictly speaking, without good governance, it is difficult to expect good environmental management.⁸

The relationship between good government organizers and environmental management problems was also stated by Mas Achmad Santosa who took examples of various environmental damages that occurred during the New Order government, which according to Achmad Santosa was caused by the government not having good governance.⁹

⁷ Siahaan, 2004.

⁸ A. Sonny Keraf. *Etika Lingkungan*. (Jakarta, Penerbit Kompas, 2006).

⁹ Mas Achmad Santosa. *Good Governance dan Hukum Lingkungan*. (Yogyakarta, ICEL, 2001). In the further context, it is also highlighted that environmental

VI. PERSPECTIVES OF LAW NO. 32 OF 2009 CONCERNING THE RIGHT TO A GOOD & HEALTHY ENVIRONMENT

In our constitution, which is contained in the 1945 Constitution article 28H paragraph 1 which states that " everyone has the right to live a prosperous life born and mentally, to live and to have a good and healthy living environment and to get health services". The right to a

Governance is a multi-level interaction between local, national, and even global which is carried out in the realm of environmental policies that aim to achieve sustainable development. The increasing frequency of cases, including illegal logging, smog pollution, and other environmental problems, has contributed to the emergence of environmentally sound development concepts. Uncontrolled exploitation of resources will not only result in scarcity of resources but can also result in a decrease in environmental quality. Of course, the environmental degradation that is happening is really dangerous for the sustainability of life and ecosystem life. For this reason, it is necessary to have policies related to environmental protection and management that are preventive in nature to eliminate (impact) degradation to environmental destruction. *See also* Bennett, Nathan J., and Terre Satterfield. "Environmental governance: A practical framework to guide design, evaluation, and analysis." *Conservation Letters* 11, No. 6 (2018): e12600; Bakker, Karen, and Max Ritts. "Smart Earth: A meta-review and implications for environmental governance." *Global Environmental Change* 52 (2018): 201-211; Purniawati, Purniawati, Nikmatul Kasana, and Rodiyah Rodiyah. "Good Environmental Governance in Indonesia (Perspective of Environmental Protection and Management)." *The Indonesian Journal of International Clinical Legal Education* 2, No. 1 (2020): 43-56; Maruf, Maruf. "Indonesia Response and Recent Development of Law and Policy in Addressing Marine Plastic Litter." *JILS (Journal of Indonesian Legal Studies)* 4, No. 2 (2019): 167-188; Wijayanto, Adi, Hatta Acarya Wiraraja, and Siti Aminah Idris. "Forest Fire and Environmental Damage: The Indonesian Legal Policy and Law Enforcement." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 8, No. 1 (2022): 105-132; Rideng, I. Wayan, I. Ketut Kasta Arya Wijaya, and Hartini Saripan. "Dimensions of Water Resources Regulation in Philosophy of Justice and Human Rights Perspective." *JILS (Journal of Indonesian Legal Studies)* 7, No. 1 (2022): 31-56.

good and healthy environment is also affirmed in Law No. 32 of 2009 concerning Environmental Protection and Management (UUPPLH). In UUPPLH, the meaning of guaranteeing a good and healthy environment for citizens is seen in its philosophical foundation. It is stated that a good and healthy living environment is the human right of every Indonesian citizen as mandated in article 28H of the 1945 Constitution. Thus, the recognition of the right to a good and healthy environment as a human right of every Indonesian citizen and a constitutional right for citizens. Therefore, the State, government, and all stakeholders are obliged to carry out environmental protection and management in the implementation of sustainable development.

The placement of a good and healthy environment has an important and essential meaning as the right of citizens, in this case the State as the ruler must guarantee and protect the rights of citizens to the environment. If examined more deeply in Law No. 23 of 1997 concerning Environmental Management (UUPPLH), this clearly distinguishes the position of good and healthy environmental ha, which is regulated in article 5 paragraph 1 of Law No. 32 of 1997, stating that "*Everyone has the same right to a good and healthy living environment*" while UUPPLH places the right to a good and healthy environment on the philosophy of the basis for the formation of changes to the new environmental law.¹⁰

A good and healthy living environment is placed in the highest position as a basic right of citizens guaranteed by the State. Another fundamental difference between Law No. 23 of 1997 and Law No. 32

¹⁰ Cahyani, Ferina Ardhi. "Upaya Peningkatan Daya Dukung Lingkungan Melalui Penerapan Prinsip Sustainable Development Berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Indonesian State Law Review* 2, No. 2 (2020): 168-179.

of 2009 is the regulation contained in UUPPLH on the principles of environmental protection and management which is based on good governance because in every process of formulating and implementing instruments to prevent pollution /and/or damage to the environment and its countermeasures and law enforcement requires the integration of transparency aspects, participation, accountability, and fairness.

The right to a good and healthy environment is a subjective right as Heinhard Steiger et.al. argues, that subjective rights are the most widespread form of protection of a person. So that in this case, a healthy and good living environment, as a basic right of a person must be protected to obtain an environment that can affect the survival of humans and other living things that are avoided from pollution and destruction of the environment in a healthy and good manner. Therefore, the right to a healthy and good environment as stated in various laws and regulations relating to the obligation to protect the environment with its resources is a commonwealth that everyone can use, which must be maintained for the benefit of society and for future generations. Protection of the environment and its natural resources. Thus, it has a dual purpose, which is to meet the interests of society as a whole and meet the interests of individuals.¹¹

¹¹ Steiger, Heinhard, et al. "The Fundamental Right to a Decent Environment." In *Trends Environmental Policy and Law*. (Erich Schmidt Verlag, Berlin, 1980), pp. 13-16. See also Wijoyo, Suparto. *Konstitusionalitas Hak Atas Lingkungan*. (Surabaya, Airlangga University Press, 2019); Pasapan, Priya Tandirerung. "Hak Asasi Manusia dan Perlindungan Lingkungan Hidup." *Paulus Law Journal* 1, No. 2 (2020): 48-58; Laily, Farah Nur. "Penegakan Hukum Lingkungan Sebagai Upaya Mengatasi Permasalahan Lingkungan Hidup di Indonesia." *Wacana Paramarta: Jurnal Ilmu Hukum* 21, No. 2 (2022): 17-26; Usman, Abdurrahman Supardi. "Lingkungan Hidup sebagai Subjek Hukum:

Law No. 32 of 2009 regulates people's rights to the environment or to environmental management. Article 65 regulates the existence of five ha of living cats, namely:

1. Everyone has the right to a good and healthy living environment as part of human rights
2. Everyone has the right to get environmental education, access to information, access to participation, and access to justice in fulfilling the principles of a good and healthy environment.
3. Everyone has the right to submit proposals and/or objections to business plans and/or activities that are expected to have an impact on the environment
4. Everyone has the right to play a role in environmental protection and management in accordance with laws and regulations
5. Everyone has the right to make complaints due to alleged pollution and/or destruction of the environment.

Environmental regulation has been formulated since the era of law Number 4 of 1982 concerning the Basic Provisions of Environmental Management (UULH), in article 5 paragraph 1 of the UULH it is stated "*the right to a good and healthy environment*". And regulated in Law No. 32 of 2009 concerning Environmental Protection and Management which is in force now.

The preservation of environmental functions as formulated in article 1 number 6 means an effort to maintain the continuity of the carrying capacity and carrying capacity of the environment. If the formulation of article 1 number 6 is connected with the obligations as stipulated in article 67, it can be interpreted that everyone has an obligation to

Redefinisi Relasi Hak Asasi Manusia dan Hak Asasi Lingkungan Hidup dalam Perspektif Negara Hukum." *Legality: Jurnal Ilmiah Hukum* 26, No. 1 (2018): 1-16.

make efforts in order to maintain the carrying capacity and carrying capacity of the environment. The second form of obligation, as regulated in article 67, namely controlling pollution and / or environmental damage, is related to efforts not to allow pollution or environmental damage to occur. Article 1 number 14 provides an understanding of environmental pollution, namely the entry or inclusion of living things, substances, energy, and/or other components into the environment by human activities so that they exceed the established environmental quality standards.

Environmental damage, as formulated in article 1 number 17 is defined as a direct or indirect change in the physical, chemical and/or biological properties of the environment that exceeds the standard criteria for environmental damage. Linking the good and healthy environment with the obligation to maintain the functioning of the environment and the obligation to control the environment, it can be interpreted that there is a balance and harmony between the rights and obligations of the community to the environment. The environment will not be good and healthy when the community does not maintain the sustainability of environmental functions and strives to control pollution and destruction of the environment.¹²

In the context of demanding rights and obligations to the environment, the community must not be silent or passive towards environmental management. Therefore, in accordance with the provisions stipulated in law No. 32 of 2009, the community must play an active role in environmental protection and management.¹³

¹² Muladi Muladi. *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung, Refika Aditama, 2007).

¹³ Santosa, Mas Achmad, and Margaretha Quina. "Gerakan Pembaruan Hukum Lingkungan Indonesia dan Perwujudan Tata Kelola Lingkungan yang Baik

VII. CONCLUSION

Finally, this study concluded and highlighted that the right to the environment is regulated in Law No. 32 of 2009 concerning Environmental Protection and Management. Human Rights are a set of rights inherent in the nature and existence of man as a creature of God Almighty and are His grace that must be respected, upheld, and protected by the state, law, government and everyone, for the sake of kehormatan and protection of harkat and human dignity, every human being has their own human rights they are free to exercise their rights without crossing boundaries and not interfering with the rights of others. The Environment is the unity of space and objects, powers, circumstances, and living beings, including humans and their behavior, which affects human survival and the well-being of humans and other living beings and can affect them. Human life will not be separated from the name of the environment, that is where it is called the living environment where humans interact to meet all their needs. Society is a very important component for the purpose of environmental management and protection. Not only is it expected to be a resource that can be used for environmental development, but more than that the community component can also provide important alternatives for the environment. Humans are the main component, their role in the protection and management of the environment as explained in article 67 of Law No. 32 of 2009. The environment is a defiant part of human life. In other words, the living environment is inseparable from human life. Human beings forage and drink and meet other needs from the availability or sources

dalam Negara Demokrasi." *Jurnal Hukum Lingkungan Indonesia* 1, No. 1 (2014): 23-54.

provided by the environment and natural wealth as the first and most important source of food and its various needs. Direct linkages between the protection of human rights and the environment. The role of the community in environmental protection and management is carried out in order to: Increase awareness in environmental protection and management, increase independence, community empowerment, and partnerships, develop community capabilities and reporting, Develop community immediate resilience to carry out social supervision, develop and maintain local culture and wisdom in order to preserve environmental functions.

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COMPETING INTERESTS

The Authors declared that they have no competing interests.

REFERENCES

- Bakker, Karen, and Max Ritts. "Smart Earth: A meta-review and implications for environmental governance." *Global Environmental Change* 52 (2018): 201-211.
- Bennett, Nathan J., and Terre Satterfield. "Environmental governance: A practical framework to guide design, evaluation, and analysis." *Conservation Letters* 11, No. 6 (2018): e12600.
- Cahyani, Ferina Ardhi. "Upaya Peningkatan Daya Dukung Lingkungan Melalui Penerapan Prinsip Sustainable Development Berdasarkan Undang-Undang Nomor 32 Tahun

- 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Indonesian State Law Review* 2, No. 2 (2020): 168-179.
- Darmawan, Karina Fitri. "Hak Asasi Lingkungan Versus Hak Atas Pembangunan Sebagai HAM: Antara Konflik dan Keseimbangan." *Jurnal Poros Hukum Padjadjaran* 3, No. 2 (2022): 169-184.
- Diouf, Gwilim. "Millenium development goals (MDGs) and sustainable development goals (SDGs) in social welfare." *International Journal of Science and Society* 1, No. 4 (2019): 17-24.
- Feeny, Simon. "Transitioning from the MDGs to the SDGs: Lessons learnt?." In *Moving from the millennium to the sustainable development goals*. (Palgrave Macmillan, Singapore, 2020), pp. 343-351.
- Hasibuan, Rosmidah. "Pengaturan Hak Atas Lingkungan Hidup Terhadap Kesehatan." *Jurnal Ilmiah Advokasi* 6, No. 2 (2018): 93-101.
- Hutchison, Elizabeth D. *Dimensions of Human Behavior: Person and Environment*. (London, Sage Publications, 2018).
- Keraf, A. Sonny. *Etika Lingkungan*. (Jakarta, Penerbit Kompas, 2006).
- Laily, Farah Nur. "Penegakan Hukum Lingkungan Sebagai Upaya Mengatasi Permasalahan Lingkungan Hidup di Indonesia." *Wacana Paramarta: Jurnal Ilmu Hukum* 21, No. 2 (2022): 17-26.
- Larionova, Marina. "The Challenges of Attaining the Millennium Development Goals (MDGs)." *International Organisations Research Journal* 15, No. 1 (2020): 155-176.
- Listyarti, Retno and Setiadi Setiadi. *Pendidikan Kewarganegaraan*. (Surabaya, Erlangga, 2008).
- Mahdiansah, Dian. "Teknik Pengelolaan Lingkungan Hidup di Indonesia." *Celebes Engineering Journal* 1, No. 2 (2019): 1-7.
- Maruf, Maruf. "Indonesia Response and Recent Development of Law and Policy in Addressing Marine Plastic Litter." *JILS (Journal of Indonesian Legal Studies)* 4, No. 2 (2019): 167-188.

- Muladi, Muladi. *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung, Refika Aditama, 2007).
- Nahavandi, Saeid. "Industry 5.0—A human-centric solution." *Sustainability* 11, No. 16 (2019): 4371.
- Nardo, M., D. Forino, and T. Murino. "The evolution of man–machine interaction: The role of human in Industry 4.0 paradigm." *Production & Manufacturing Research* 8, No. 1 (2020): 20-34.
- Nopyandri, Nopyandri. "Hak atas Lingkungan Hidup dan Kaitannya dengan Peran Serta dalam Pengelolaan Lingkungan Hidup dalam Perspektif Otonomi Daerah." *INOVATIF: Jurnal Ilmu Hukum* 7, No. 3 (2014).
- Permadi, Putu Lantika Oka. "Hak Atas Lingkungan Hidup Dilihat dalam Perspektif Hukum Positif di Indonesia." *Jurnal Hukum Saraswati (JHS)* 1, No. 1 (2019).
- Purniawati, Purniawati, Nikmatul Kasana, and Rodiyah Rodiyah. "Good Environmental Governance in Indonesia (Perspective of Environmental Protection and Management)." *The Indonesian Journal of International Clinical Legal Education* 2, No. 1 (2020): 43-56.
- Rahmah, Syifa Zia, Grace Lestariana Wonoadi, and Achmad Zulfikar. "The Implementation of MDGs Program on Eradication of Extreme Poverty and Hunger in Indonesia (2009-2014)." *Jurnal Ilmiah Hubungan Internasional* 15, No. 1 (2019): 75-88.
- Rideng, I. Wayan, I. Ketut Kasta Arya Wijaya, and Hartini Saripan. "Dimensions of Water Resources Regulation in Philosophy of Justice and Human Rights Perspective." *JILS (Journal of Indonesian Legal Studies)* 7, No. 1 (2022): 31-56.
- Santosa, Mas Achmad, and Margaretha Quina. "Gerakan Pembaruan Hukum Lingkungan Indonesia dan Perwujudan Tata Kelola Lingkungan yang Baik dalam Negara Demokrasi." *Jurnal Hukum Lingkungan Indonesia* 1, No. 1 (2014): 23-54.

- Santosa, Mas Achmad. *Good Governance dan Hukum Lingkunga*. (Yogyakarta, ICEL, 2001).
- Siahaan, N.H.T. *Hukum Lingkungan dan Ekologi Pembangunan*. (Jakarta, Kompas Gramedia, 2014).
- Steiger, Heinhard, et al. "The Fundamental Right to a Decent Environment." In *Trends Environmental Policy and Law*. (Erich Schmidt Verlag, Berlin, 1980), pp. 13-16.
- Usman, Abdurrahman Supardi. "Lingkungan Hidup sebagai Subjek Hukum: Redefinisi Relasi Hak Asasi Manusia dan Hak Asasi Lingkungan Hidup dalam Perspektif Negara Hukum." *Legality: Jurnal Ilmiah Hukum* 26, No. 1 (2018): 1-16.
- Weststrate, Johanna, et al. "The sustainable development goal on water and sanitation: learning from the millennium development goals." *Social Indicators Research* 143, No. 2 (2019): 795-810.
- Wijayanto, Adi, Hatta Acarya Wiraraja, and Siti Aminah Idris. "Forest Fire and Environmental Damage: The Indonesian Legal Policy and Law Enforcement." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 8, No. 1 (2022): 105-132.
- Wijoyo, Suparto. *Konstitusionalitas Hak Atas Lingkungan*. (Surabaya, Airlangga University Press, 2019); Pasapan, Priya Tandirerung. "Hak Asasi Manusia dan Perlindungan Lingkungan Hidup." *Paulus Law Journal* 1, No. 2 (2020): 48-58.
- Yusa, I. Gede, and Bagus Hermanto. "Implementasi Green Constitution di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan." *Jurnal Konstitusi* 15, No. 2 (2018): 306-326.