

The Right to a Healthy Living Environment as Part of Human Rights

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Abstrak

Lingkungan hidup merupakan aspek terpenting dalam kehidupan manusia dan makhluk hidup lainnya yang tinggal di Bumi ini. Kelestarian lingkungan menentukan kelangsungan hidup bagi unsur biotik, sebaliknya kerusakan lingkungan hidup adalah ancaman terbesar bagi kelangsungan hidup manusia, hewan, dan tumbuhan. Berkaitan dengan lingkungan hidup yang sehat merupakan hak konstitusional bagi setiap orang yang di Indonesia yang merupakan bagian dari Hak Asasi Manusia. Artikel ini akan menguraikan mengenai hak untuk mendapatkan lingkungan hidup yang sehat adalah termasuk dari Hak Asasi Manusia. Penulisan artikel ini dilakukan dengan metode penelitian hukum normative dengan pendekatan konseptual. Hasil dari penelitian ini adalah hak untuk mendapatkan lingkungan hidup yang sehat secara berkelanjutan termasuk dalam Hak Asasi Manusia setiap warga negara yang harus dijamin oleh Pemerintah. Segenap upaya perlindungan terhadap lingkungan hidup dan pemulihan dari pencemaran perlu diusahakan oleh pemerintah guna mewujudkan lingkungan hidup yang sehat.

Kata kunci: lingkungan hidup, sehat, hak asasi manusia.

Abstract

The environment is the most important aspect in the lives of humans and other living creatures living on this Earth. Environmental sustainability determines the survival of biotic elements, on the other hand, environmental damage is the biggest threat to the survival of humans, animals and plants. Relating to a healthy living environment is a constitutional right for everyone in Indonesia which is part of Human Rights. This article will explain the right to a healthy living environment, which is part of human rights. This article was written using a normative legal research method with a conceptual approach. The result of this research is that the right to a healthy living environment in a sustainable manner is included in the Human Rights of every citizen which must be guaranteed by the Government. All efforts to protect the environment and recover from pollution need to be made by the government in order to create a healthy environment.

Keywords: environment, health, human rights.

INTRODUCTION

The living environment is the unity of space with all objects, forces, conditions and living creatures, including humans and their behavior, which influence nature itself, the continuity of life, and the welfare of humans and other living creatures (Binawan & Soetopo, 2023). The living environment is an accumulation of the interactions of various factors contained in the biotic and abiotic environment. Nowadays, the social environment in Indonesia is certainly experiencing many changes and developments that provide new challenges and hopes. This change will lead to positive change if society can protect, respect and organize the environment. Because the environment is actually an important factor in forming an individual's personality (Saleh & Gadsia Spaltani, 2022).

Most people still don't understand the importance of the environment, they think the environment is just a simple object that is simply related to nature, plants and animals. In fact, the scope of the environment is much broader than that, namely it concerns the comprehensive entity in which all living things exist. In the context of state development and community empowerment, all activities and activities cannot exclude the existence of the environment at certain points and limits. National economic development is carried out with the principles of sustainable and environmentally sound development. The existence of this principle is motivated by the understanding of society that the lower the quality of the environment, the lower the level of survival of living creatures in it (Jayakusuma, 2012). Therefore, development and empowerment

that do not pay serious attention to the environment will actually result in anti-development and anti-empowerment. Moreover, environmental protection is also closely related to the fulfillment of human rights.

The current global environmental crisis is caused by at least several things, including: wrong and failed policies; inefficient technology even tends to be destructive; low political commitment, ideas and ideology which ultimately harm the environment; deviant actions and behavior of state actors; the spread of cultural patterns such as consumerism and individualism; as well as individuals who are not properly guided. Based on this, in general the path taken to overcome environmental problems will be through making better policies; new and different technologies; strengthening political and public commitment; creating new ideas and ideologies that are pro-environment (green thinking); handling actors who are considered deviant; and changing cultural patterns, behavior and awareness of each individual (Haward, 202).

Environmental damage is becoming increasingly worrying day by day. In fact, it has endangered the lives and livelihoods of every living creature now and in the future. There are four main factors that cause environmental problems, including: technological factors, population growth factors, economic factors and political factors (Tampubolon, 2022). In fact, the essence of the environment is life which encompasses the order and values of life within it. Orders and values that maintain the sustainability of the environment and natural resources and social justice for human life today and for future generations.

In Indonesia's basic Constitution, which is contained in the 1945 Constitution, Article 28 H Paragraph 1, states that, "Everyone has the right to live in physical and spiritual prosperity, to live and have a good and healthy living environment and has the right to receive health services." The right to a good and healthy living environment is also confirmed in Law Number 32 of 2009 concerning Environmental Protection and Management

An environment that has been damaged and cannot function according to its intended purpose will become unhealthy which can endanger human health. A good and healthy environment is a human right. So, if these rights are disturbed there will be violations of human rights (HAM) because a good and healthy environment is part of human rights. The problem that arises is how to fulfill human rights to a healthy environment? From this background and problems, the author took the title of this writing, "Fulfillment of Human Rights to a Healthy Environment."

METHOD

The research method used in writing this article is a normative legal research method with a conceptual approach. The legal materials used in writing this article are primary legal materials and secondary legal materials. The legal material collection technique used is library research. The analysis technique used is deductive analysis.

RESULT AND DISCUSSION

A healthy environment is everything around that can influence the development of human life, either directly or indirectly. On the other hand, a bad environment will also have a negative impact on human life which can result in humans being unable to live a comfortable life. A good and healthy environment means an environment that can enable humans to develop optimally, in harmony, harmony and balance (Laurensius Arliman S, 2018). Environmental management that is not wise and prudent will certainly have a bad influence in the form of decreasing environmental quality. However, if environmental management is carried out well and wisely, it will have an impact on improving the quality of the environment. The importance of managing the environment well and wisely is in order to realize sustainable development.

In realizing environmental development, it must be balanced with preventing and controlling pollution. Prevention and control of pollution is carried out to protect against environmental damage, so that in its operation it requires the cooperation of environmental experts from various scientific disciplines to work together to research the factors that hinder or encourage the development and development of our country's environment. Environmental

problems can be viewed from medical, planological, technological, environmental engineering, economic and legal aspects. Management aspects of the environment and conservation of natural resources in Indonesia need to be studied intensively, because environmental management is impossible without legal regulation. This does not mean that legal experts can handle environmental problems independently of other scientific disciplines related to the environment.

Countries all over the world, including Indonesia itself, are still experiencing many environmental problems. If you look at health.org on its website, data states that there are more than 1 million people worldwide who die every year because they live or work in dirty or unhealthy environments. From the data presented, most of the people affected by an unhealthy environment are people with a low economic level. This is supported by data on the highest number of deaths related to dirty and unhealthy environments coming from low to middle income countries in Southeast Asia, the West Pacific and Africa. WHO also reports a high percentage of deaths related to cardiovascular disease and cancer. These cases were found in high-income countries in Europe, South America and North America (Tampubolon & Purba, 2022).

If we look at healthy environmental factors, it is known that more residents living in healthy environments have good health status compared to residents living in unhealthy environments. (Citra & Iswandari, 2020) This is of course related to the fact that a clean and healthy environment reduces the risk of spreading environmental-based diseases such as diarrhea, malaria, dengue fever or tuberculosis. Overall, this can support improving public health. This statement is supported by the results of the analysis that an unhealthy environment plays a role in infectious diseases.

Likewise, education level is linked to health status. The percentage of the population with a high school education level or above has the highest good health status compared to those with elementary-high school education or those who have not graduated from elementary school. It can be said that people with a low level of education are 1.7 times more likely to have poor health status than those with higher education, while those with moderate education are only 1.2 times more likely to have poor health status than those with high education (Leonard, 2022). It can be concluded, the higher the level of education, the better the health status. On the other hand, the lower a person's education level, the worse their health status.

Article 1 Law no. 39 of 1999 concerning Human Rights states that "Human Rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gift which must be respected, upheld and protected by the state, law, government and every people, for the sake of honor and protection of human dignity." Human rights are inherent in humans, so no matter how bad the behavior and treatment experienced by someone, they will still be human and these rights will always be attached to them. In Article 1 of the Human Rights Charter, provisions regarding the right to life are contained, which states, "Everyone has the right to live, to defend his life and living." However, Article 36 also contains restrictions on human rights including the right to life, such as "In exercising his rights and freedoms, every person is obliged to comply with the restrictions established by law with the sole aim of ensuring recognition and respect for his rights." and the freedom of others, and to meet just demands in accordance with moral considerations of security and public order in a democratic society."

In connection with the fulfillment of human rights in a healthy environment, the 1945 Constitution of the Republic of Indonesia, the international human rights declaration 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 environment and healthy, stated in the Amendment to the 1945 Constitution, Article 28H paragraph (1), "Every person has the right to live in physical and spiritual prosperity, to live and have a good and healthy living environment and the right to receive health services." Therefore, there is a need for cooperation between the government and society so that a good and healthy living environment can be realized.

Law enforcement is an important aspect in efforts to fulfill the right to a healthy environment (Siregar & Zul, 2015). If you look at the purpose of the existence of the law itself, which is for benefit, then the existence of the law can provide benefits for environmental preservation, which is increasingly given less attention (Salim, Utami, & Fernando, 2022).

Juridically, every citizen has the right To obtain a healthy living environment, it is the state's responsibility to fulfill this right. Rights that have been legally regulated must actually be implemented, therefore if there is negligence in fulfilling these rights then the law must be enforced.

Law is an environmental instrument that functions to prevent environmental damage. The legal instruments needed in the environmental sector are laws that are capable of social responsiveness, sensitivity to state policy which is used as a basis for fulfilling basic human needs. In accordance with Human Rights, the community has the same and broadest rights and opportunities to play an active role in environmental protection and management within the framework of these legal instruments. The public has the right to file a class action lawsuit for their own interests and/or for the interests of the community if they experience losses as a result of environmental pollution and/or damage as stated in Article 91 of the PPLH Law.

Regarding environmental law, there are preventive and repressive measures to maintain compliance with the fulfillment of the right to a healthy environment. For perpetrators who cause environmental damage, both individuals and legal entities will receive legal action. Legal actions for perpetrators include: administrative sanctions, civil sanctions and criminal sanctions

The PPLH Law strongly emphasizes the need for community participation in environmental protection and management, so that the government (state) has an obligation to increase community awareness in the environmental sector. Based on Article 2 letter k of the PPLH Law, it is emphasized that protection and environmental management is implemented based on participatory principles. Various factors can influence community involvement in environmental protection and management. These factors can originate internally, including: the will or desire of the community and the ability to be involved in environmental protection and management; as well as external factors, including: space provided by law, the role of formal and non-formal institutional officials who help the community to participate in environmental protection and management activities.

The PPLH Law develops the concept of community participation with a consultative relationship pattern and a partnership relationship pattern. The consultative relationship pattern emphasizes that interested community groups have the right to have their aspirations heard and to be informed by the decision maker, even though the final decision remains in the hands of the decision maker. Community involvement in the context of partnerships according to the PPLH Law means that decision makers and community members are equal partners. The parties discuss the problem together, look for various alternative solutions to the problem and discuss decisions. These two relationship patterns will place community aspirations as valuable information for decision makers and will reduce the possibility of community refusal to accept the decision. Providing access or information about environmental management is an inseparable part of the aspect of community participation in environmental management activities

CONCLUSION

A good and healthy environment means that the environment should play a role in the development of an optimal, harmonious, harmonious and balanced human environment. Residents who live in healthy environments or usually in rural areas are more likely to have good health status compared to residents who live in unhealthy areas or environments or usually in urban areas. Human rights inherent in humans also influence their right to a good and healthy living environment. Article 28H paragraph (1) of the 1945 Constitution states that "Every person has the right to live in physical and spiritual prosperity, to live in and have a good and healthy living environment and has the right to receive health services." However, in order to create a good and healthy living environment, there needs to be cooperation between the government and the community. The existence of law enforcement carried out by the government and implemented by the community has a very big influence on creating a good and healthy living environment. The rights that have been stated and regulated juridically must be actually and successfully implemented in fulfilling those rights and with the existence of an enforced law it is hoped that negligence will be prevented in fulfilling these rights.

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