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RELATIONSHIP OF HUMAN RIGHTS AND ENVIRONMENTAL RIGHTS

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ABSTRACT

Human rights in terms of the right to a good and healthy living environment are a form of human rights as regulated in the 1945 Constitution. Law Number 32 of 2009 also stipulates that everyone has the right to a good and healthy living environment. Regulation of the right to a good and healthy environment also includes community obligations regarding the environment. Regulation of rights and obligations regarding the environment by providing space for the community to participate in environmental management. There are several good governance forms that are the basis for community involvement in environmental management based on rights, obligations and community participation, namely the principle of community participation, the principle of transparency and basic principles. Apart from that, the basis for community involvement in environmental management is based on Article 2 of Law Number 32 of 2009, which regulates the principles of environmental protection and management. One of the principles of environmental protection and management is the participatory principle.

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INTRODUCTION

The relationship between the environment and human rights is a questionable topic, for example the WALHI organization which wants to protect human rights. The Indonesian Forum for the Environment (WALHI) appreciates the latest developments in international recognition of individual and collective rights. However, even though there has been progress in the legal framework, in reality violence continues, and even tends to increase in several places in line with the continued development of the economic liberalization paradigm at the global level and the pragmatism of economic development at the national level. Until now we continue to witness conflicts over land and natural resources that occur in various regions of Indonesia. This conflict is very rarely not followed by violence after violence. This is faced by indigenous peoples and other local communities in Bulukumba-South Sulawesi, on Halmahera Island-North Maluku, Manggarai-East Nusa Tenggara, Muna-Southeast Sulawesi and in other places. Meanwhile, we are also still witnessing human rights violations that have occurred for decades and have not been resolved until now, such as those experienced by the Toba people in Porsea, North Sumatra, or most of the Dayak indigenous people in Kalimantan or other tribes in Sulawesi and Papua whose land was confiscated for various forestry or mining projects.

WALHI is working to advance the concepts of environmental rights and environmental justice. WALHI also works for the recognition of human rights and environmental rights of the people and communities where its activists work throughout Indonesia. Moreover, together with other organizations, WALHI will work to encourage ethics that recognize the value and diversity of life and the interdependence between humans and nature. WALHI's concept of environmental justice will recognize the importance of the future of nature, recognizing the importance of the web of life and ecological rhythms. In short, WALHI will work to protect the environment and people by confronting aggression against them. In this case, we must recognize that the rights that have been recognized today are the fruit of the struggle of the communities that own and fight for their rights. They have historically fought against such violence

and demanded their rights. We will only be able to do well if we work together. those who have and fight for these rights, WALHI plans to debate, formulate and advance national and international legal frameworks to support the enforcement and protection of these rights, and optimally fight for environmental justice.

Human Rights (HAM) are a set of rights that are inherent in the essence of human existence as God's creatures and are His gifts that must be respected, upheld and protected by the state, law, government and everyone for the sake of honor and protection of human dignity1 . The origins of the idea of human rights (Human Rights) as mentioned previously originate from the theory of natural rights (natural rights theory). The natural theory of rights originates from natural law theory. In its development against power, a renewal movement (Renaissance) emerged which hoped for a return to Greek and Roman culture which respected individuals. The renewal movement was continued from the flow of natural law initiated by Thomas Aquinas and Grotius which emphasized that every person in life is determined by God, but everyone regardless of status is subject to God's authority. This means that it is not only the power of the King that is limited by Divine rules, but all humans are endowed with a unique individual identity, which is separate from the state where they have natural rights which state that each individual is an autonomous being.

Looking at the definition above, it can be said that human rights are basic human rights, that human rights are naturally inherent or inherent, universal refers to human rights without distinction of skin color, race, religion, ethnicity, ethnicity, nation or other social status and cannot be revoked, that right belongs to individuals solely because they are human beings created by Him, not because they are citizens of a country3. Without these rights a person cannot be said to be fully human, if these rights are reduced or violated then his quality as a human being created by God will also be reduced.

Human rights state that humanity has fundamental rights that are integral to human identity. The existence of these rights means that a person has a "privilege" that allows him to be treated according to the privileges he has. There is also an obligation that must be carried out in accordance with the "privileges" that exist in other people. Therefore, the privileges possessed by every human

being must be fulfilled and protected to realize the perfection of human existence. To realize this, awareness is needed from every human being to fulfill and protect each other.

The right to freedom of expression is the realization of the right that every human being has to express something, both for themselves and for others. Freedom of expression means that a person has chosen to exercise his or her rights, because according to the meaning of human rights, a person can do something or not do something. Estimologically, the meaning of each word in the sentence Human Rights

METHOD

The approach used in this research is approximation qualitative. A qualitative approach is a research procedure that produces descriptive data in the form of people's written or spoken words and observable behavior. The qualitative approach has characteristics natural (Natural serfing) as a source of direct, descriptive, more process data more important than results. Analysis in qualitative research tends to be carried out inductive analysis and the meaning of meaning is something that is important essential. (Lexy Moleong, 2006: 04)

The aim of this research is to determine the concept of siri marriage according to Islamic law and the Marriage Law, apart from that, also to find out the legal consequences of siri marriage on the status of children according to Islamic law and the marriage law.

RESULTS AND DISCUSSION

Fundamental rights mean rights that are fundamental (grounded). Human rights are rights that are fundamental and inherent to universal human identity. Therefore, examining human rights, according to Todung Mulya Lubis, is actually examining the totality of life, the extent to which our lives give a natural place to humanity. the value system that is incarnated in human rights is not solely a western product but is a solid foundation of all religions and existing culture 6. Indonesia, as a country that recognizes religion and maintains cultural diversity in daily life, gives rise to human rights values in accordance with religious and

cultural developments so that the discourse about human rights is very easy to understand but does not always correspond to reality.

In Indonesia, the human rights (Human Rights) discourse is easily accepted, understood and actualized within the framework of developing social and political policies and developments. In the context of reform, human rights discourse was formed as

guarantees that are stronger and gaining momentumIn WALHI's vision, environmental rights include political rights such as the rights of indigenous peoples and other collective rights, the right to information and participation in decision making, freedom of opinion and expression, and the right to object. unwanted development. WALHI also believes in demanding restoration of violated rights, including the rights of environmental refugees and the rights of people displaced due to environmental damage, the right to claim ecological debt and the right to environmental justice. Many of the rights above, especially political rights, have been regulated and protected in various conventions and agreements. We acknowledge the establishment of some of these rights, but we must admit that some of these rights have not been legally regulated, such as the right to ecological debt and the right to environmental refugees, especially refugees due to climate change. All of the above rights are equally important and related to each other. Environmental rights are human rights, as are the rights to livelihood and health, the existence of which is very dependent on the quality and access to the surrounding environment and their rights to information, participation, security and environmental preservation.Humans and human rights are two words that are difficult to separate. Since his birth on earth, humans are born with natural rights that are integral to their lives. Basically humans are free creatures. As Jean Jaquas Rousseau argued, humans will increasingly develop their potential and experience human values in an atmosphere of natural freedom. Freedom is a human demand as an individual creature. On the other hand, humans are social creatures. Humans cannot live alone, they always live in the midst of their sociality, be it a small community group, tribe, nation or country. It is in the position of humans as social creatures that human rights issues become very complex. There are many clashes between one human being and another

human being, one group against another group. Rights and freedoms naturally belong to every human being. In group living, this right is taken or delegated to the group for joint living arrangements. In its development, social groups become stronger, so that humans are only subordinate to the prevailing order of life. Human life and freedom are ignored for the group. That's when the rights inherent in humans are taken away

Discussion

1. Development of Human Rights (HAM)

The human rights adhered to by Indonesia originate from Pancasila as the philosophy of the nation and state. Conceptually, human rights contained in Pancasila accommodate aspects of humans as individual creatures and social creatures. Recognition of human rights is principally reflected in the second principle (Pancasila). The basic concept of human rights, which is still abstract, needs to be explained in a more concrete concept, so that it has legal force in its implementation. The implementation of human rights is very dependent from the good will of the ruler. The authorities establish legal institutions that have the power to impose their will on society. He mastered repressive tools. In conditions like this, sometimes the implementation of human rights is no more than seeking the legitimacy of power to strengthen its government. Apart from that, an important factor in implementing human rights is the State's official recognition of human rights in concrete form, namely a declaration that is confirmed by law. With this normal juridical basis for human rights, at least violations of human rights can be minimized.

Over several decades, human rights have been identified and regulated in various international and regional agreements. The best example is the 1948 General Declaration of Human Rights, which directs members of the international community to respect the rights of all human beings to life, to obtain a decent living, to liberty and security, to liberty. express opinions and express themselves, and to participate in the government of their country. In 1976, two international covenants emerged with the encouragement of the United Nations (UN), the first covering Civil and Political Rights (SIPOL) and the second regarding Economic, Social and Cultural Rights (ECOSOB).

SIPOL rights are widely known as 'first generation' rights and are sometimes referred to as negative rights because they require states not to use measures such as torture against their citizens or deny them the right to speak. Meanwhile, second generation rights which include Economic, Social and Cultural rights, on the one hand, are often referred to as positive rights because they require government action to provide services such as housing or schools. Both first and second generation human rights were regulated in response to the needs of individuals whose rights have been violated in recent decades, and have now received public recognition and acceptance.

2. The Relationship between Environmental Rights and Human Rights

The right to a good and healthy living environment is one of the human rights as regulated in Article 28 H of the 1945 Constitution which states that: "Everyone has the right to live in physical and spiritual prosperity, to live in, and to have a good and healthy living environment and have the right to receive health services." Law Number 32 of 2009 regulates people's rights to the environment or environmental management. Article 65 regulates five rights to the environment, namely:

1. Everyone has the right to a good and healthy living environment as part of human rights
2. Everyone has the right to environmental education, access to information, access to participation and access to justice in fulfilling the right to 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 statutory regulations.
5. Everyone has the right to make a complaint due to alleged environmental pollution and/or destruction.

Regulation of rights to the environment as regulated in Law Number 32 of 2009 is followed by regulation of obligations towards the environment. Article 67 of Law Number 32 of 2009 regulates that every person is obliged to maintain the preservation of environmental functions and control environmental pollution and/or damage. The provisions of Article 67 contain two obligations for the community in managing the environment, namely (1) the obligation to maintain the sustainability of environmental functions, and (2) the obligation to control environmental pollution and/or damage. In order to demand rights and obligations towards the environment, society must not be silent or passive regarding environmental management. Therefore, in accordance with the provisions regulated in Law Number 32 of 2009, the community must play an active role in protecting and managing the environment.

Article 70 paragraph (1) of Law Number 32 of 2009 regulates the community's right to play an active role in environmental protection and management. Article 70 paragraph (1) states that the community has the same and broadest rights and opportunities to play an active role in environmental protection and management. The role in protecting and managing the environment can take the form of social supervision, providing advice, opinions, proposals, objections, complaints, and/or submitting information or reports. The

role of the community in environmental protection and management is carried out in the framework of:

1. Increase awareness in environmental protection and management.
2. Increasing independence, community empowerment and partnerships.

Developing community capabilities and pioneering.

CONCLUSION

Regulation of rights to the environment as regulated in Law Number 32 of 2009 is followed by regulation of obligations towards the environment. Article 67 of Law Number 32 of 2009 regulates that every person is obliged to maintain the preservation of environmental functions and control environmental pollution and/or damage. Apart from that, humans and human rights are two words that are difficult to separate. Since his birth on earth, humans are born with natural rights that are integral to their lives. Basically humans are free creatures. As Jean Jaquas Rousseau argued, humans will increasingly develop their potential and experience human values in an atmosphere of natural freedom

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