# Reconstruction of Law and Policy : Rights and Environment Problem in Northern East Java -Pekalongan

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***Abstract***

*Many populations of society in Pekalongan stay in this form of areas and are liable to the dangers of coastal flooding, wetland loss, shoreline retreat and lack of infrastructure. Land subsidence is described as the sluggish vertical movement of the earth floor because of the subsurface movement of the earth substances.*
*This research is prior to explain about the rights, environment law, law and reconstruction using juridical normative methodology. In the end, this research describe how important to promote fundamental rights for coastal society in pekalongan. The technique method used the doctrinal legal studies.*

## I. Introduction

Disruption of the environment in the north coast of Java, especially the coast of Pekalongan, was caused by tidal floods, which seemed to be a regular occurrence for some of the coastal areas of Pekalongan. in some places, tidal floods have occurred permanently and have resulted in significant material losses. Currently around 7,771 houses are affected by the tidal floods, and it is estimated that 29,808 houses will be affected in the next decade. Currently the length of the road affected by the rob for the primary local category is 23,912 km, while for secondary locale it is 37,327 km with potential economic losses currently estimated at IDR 3.7 trillion and is expected to reach IDR 8.5 trillion in the next decade (Andreas, 2021). tidal floods have been built gradually in the Pekalongan area. The construction of the embankment was carried out, but new problems emerged in the form of damage to the embankment, leakage and ingress of sea water[1]

[1]Heri Andreas, research, Land subsidence on northern east java, national conference Semarang: 17-18 June 2021

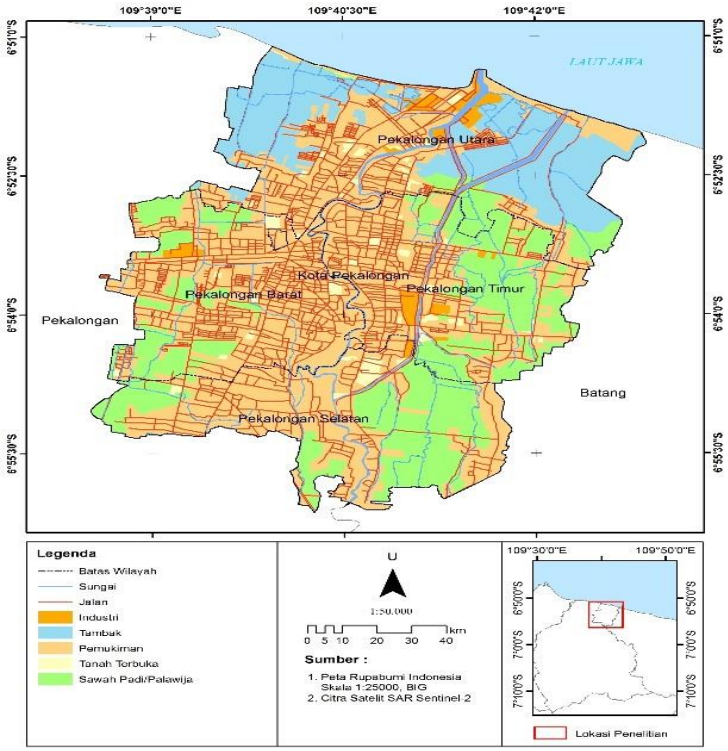


Figure 1. City Map

Greater than half of of one thousand million humans stay in this form of areas and are vulnerable to the dangers of coastal flooding, wetland loss, coastline retreat and absence of infrastructure. Land subsidence is defined as the slow vertical movement of the earth floor because of the subsurface motion of the earth materials. Land subsidence trouble can upward push up from herbal and anthropogenic problems or combination of each. Natural subsidence can cease end result from approaches including tectonics, sediment compaction, peat oxidation and isostatic adjustment.[2]

[2] D. Sarah and Soebowo "Land subsidence threats and its management in the North Coast of Java", Global Colloquium on GeoSciences and Engineering 2017 IOP Publishing IOP Conf. Series: Earth and Environmental Science 118 (2018) 012042 doi :10.1088/1755-1315/118/1/012042

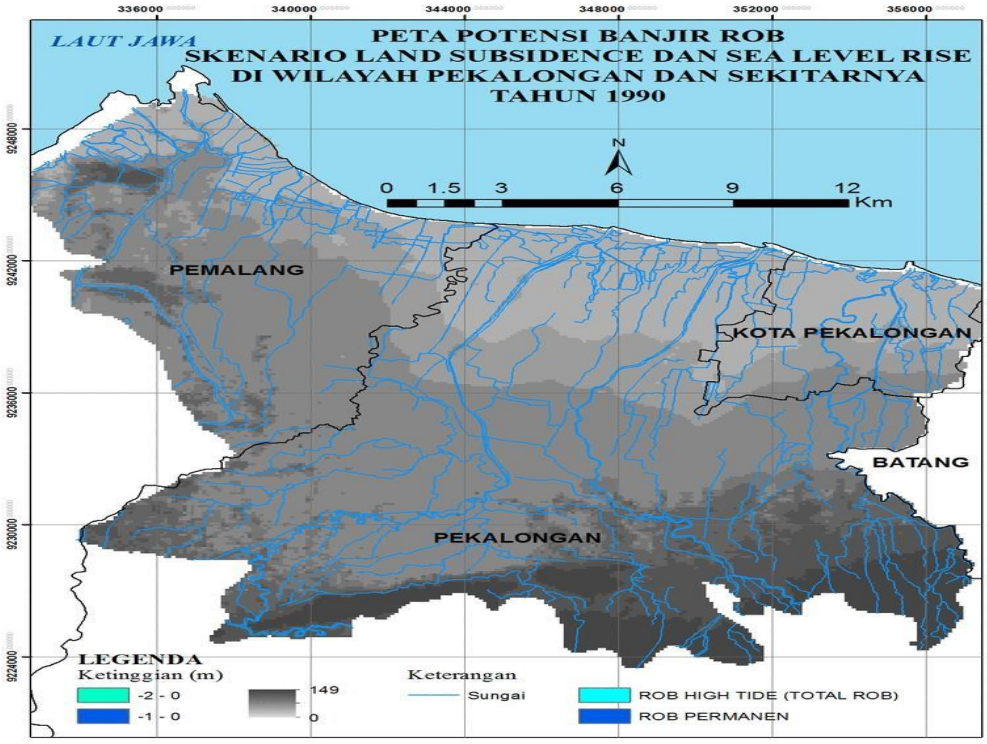



Table 2, flood area

The decrease in soil structure which then causes flooding and has the effect of disturbing the environment is due to reduced water in the underground layer which is getting thinner and thinner. Facts from the Bappeda of Pekalongan metropolis explains that the condition of the soil layer at the coast of Pekalongan has reached minus 30-50 cm underneath sea degree.The causes are uncontrolled land conversion, river shallowness, community/cultural behavior. Law and Policy formulation and enforcement

In accordance tho, there are issues of pleasant the human rights of the surrounding network associated with the surroundings, additionally the implementation of governance at the local degree is reformed, in order that nearby governments are given the widest feasible authority in handling nearby authorities that is self reliant and presently referred to as nearby autonomy. According to According to Ryaas Rasyid, that: "the implementation of regional autonomy is expected to provide great benefits in the life of society, nation and state, especially developing democratic life, encouraging efforts to empower communities in development, strengthening the capabilities and position of local government, improving public services and community welfare through

regional development.[3]This problem then becomes the main discussion regarding efforts to fulfill the environment, handling tidal floods as well as efforts to restore the coastal environment of Pekalongan City from the perspective of community rights, citizens, and law-policy reconstruction.

## 2. Research Method

The research approach that will be used is the doctrinal legal research. The authors use this approach to look at the concept of environment Law, Human Rights, and whether it has been in conformity with the context of handling primary problem in pekalongan coastal- environment. This research is based on a normative science of law at the time of the study also includes reviewing the legal concept for people, government. This research are technical prescriptive, with this deepening of research results can provide a comprehensive descriptions.

## 3. Results and Discussion

With environmental troubles, the proper to stay is disrupted due to excessive environmental harm which additionally effects in disruption to human health. This is actually also regulated in the International Covenant on Civil and Practical Rights (ICCPR), especially Article 6 paragraph (1) states that, every human being has the inherent right to life, …no one shall be arbitrarily deprived of his life. The article stipulates that everyone has the right to live and no one, not even the state, can stop someone's life arbitrarily. This means that the state must take various actions to protect human life, so that environmental damage does not result in the expulsion of people from their places of life. In addition, also the International Covenant on Economics, Social and Cultural Rights, hereinafter referred to as ICESCR through UN General Assembly Resolution No. 2000 A (XXI) on December 16, 1966. In essence, the Covenant states that every nation has the right of self-determination which is the basis for every individual to obtain his socio-economic status in his place of residence. In relation to the protection of individual rights to socio-economic and cultural life, the government is obliged to provide a decent life for everyone by providing employment (to carry out the right to work) or also providing education as an implementation of protection of the right to education at their place of residence. In essence, the Covenant stated that every country has the proper of self-dedication that's the idea for every

[3]Ryaas Rashid, "Strategy for Economic Development, Social Politics in the Perspective of Regional Autonomy", National Seminar Paper held by the Faculty of Law Untirta, Banten, June, 2000.

character to acquire his socio-financial status in his vicinity of residence. in terms of the protection of character rights to socio-economic and cultural existence, the government is obliged to offer a decent existence for all people by means of supplying employment (to carry out the proper to work) or also imparting training as an implementation of safety of the proper to education at their vicinity of house. In essence, the Covenant said that each state has the proper of self-dedication that is the idea for every person to obtain his socio-financial status in his place of residence. when it comes to the protection of man or woman rights to socio-monetary and cultural lifestyles, the authorities is obliged to offer a respectable existence for anyone by way of presenting employment (to perform the proper to paintings) or additionally imparting training as an implementation of safety of the proper to training at their place of house.

With environmental problems, the proper to live is disrupted due to extreme environmental damage which additionally consequences in disruption to human health. that is honestly also regulated within the global Covenant on Civil and realistic Rights (ICCPR), mainly Article 6 paragraph (1) states that, each individual has the inherent proper to existence, …nobody will be arbitrarily disadvantaged of his existence. the item stipulates that everyone has the proper to stay and nobody, not even the country, can stop a person's existence arbitrarily. which means that the state need to take diverse actions to defend human lifestyles, in order that environmental damage does no longer bring about the expulsion of human beings from their locations of life. further, also the global Covenant on Economics, Social and Cultural Rights, hereinafter known as ICESCR thru UN trendy meeting resolution No. 2000 A (XXI) on December sixteen, 1966.
In essence, the Covenant states that every nation has the proper of self-determination that's the premise for each person to obtain his socio-financial reputation in his vicinity of house. on the subject of the protection of person rights to socio-financial and cultural life, the authorities is obliged to offer a first rate existence for every body with the aid of presenting employment (to perform the right to paintings) or additionally presenting schooling as an implementation of protection of the proper to schooling at their region of residence. In essence, the Covenant said that each state has the proper of self-willpower that's the basis for each character to acquire his socio-monetary popularity in his vicinity of house. in terms of the protection of character rights to socio-economic and cultural existence, the authorities is obliged to provide a decent existence for absolutely everyone by means of offering employment (to carry out the proper to work) or additionally presenting training as an implementation of safety of the proper to schooling at their area of residence. In essence, the Covenant stated that each

nation has the right of self-determination which is the idea for each character to acquire his socio-economic status in his place of house. with regards to the safety of person rights to socio-monetary and cultural lifestyles, the authorities is obliged to provide a respectable lifestyles for anyone with the aid of supplying employment (to carry out the proper to paintings) or additionally offering training as an implementation of safety of the right to schooling at their vicinity of house.

The right to existence (right to existence) The right to lifestyles for the humans of Pekalongan has been disrupted because of damage to the encircling surroundings which has additionally disrupted human health. every person has the proper to live and no one, now not even the state, can forestall a person's lifestyles arbitrarily. which means the country need to take diverse movements or as a minimum no longer be negligent to guard human beings's lives.

The right to a healthy surroundings The submerging of humans's settlements by means of floods and rising sea stages has resulted in excellent environmental harm and the surroundings in which the human beings live is now not feasible to stay in. people become refugees in their very own regions and inside the evacuation they do no longer get a wholesome surroundings. the local people need to have the proper to get a healthful environment or a wholesome lifestyles. To get a healthy lifestyles, of path, you need to guard the surroundings from harm.

The proper to be free from Interference with One's home and property The which means of interference is environmental disturbances, including pollutants, because of noise, flooding from a dam, climate adjustments due to nuclear strength center (PLTN) activities, and consists of the overflow of water that inundates residential areas, which appreciably impacts private life. This kind of disturbance can be seemed as one of the violations of human rights.

Indonesia is a rustic that acknowledges the conventional values of human rights, in which the state has the obligation to defend, recognize and satisfy the primary rights of its residents.[4] Considered one of them pertains to the right to an excellent and healthful surroundings.A healthful dwelling surroundings is the fundamental key to respecting human rights. Human rights are rights which can

[4] "Introduction to HAM(VI): Obligations and Responsibilities of the Government," nd, https://icel.or.id/isu-prioritas/keadilan-iklim-dan-ham/siaran-pers-pengakuan-hak-atas-environment- good-and-healthy-life-as-universal-ham-Indonesia-needs-strengthen-commitment-to-realization-rights-to-the-environment-in-Indonesia/.

be inherent in humans, without which we can't stay as humans.each person has the right to enjoy health, happiness and the availability of a safe and healthful surroundings. A safe, smooth, wholesome and sustainable environment is an imperative a part of the entire entertainment of diverse human rights, together with the proper to stay, the environment and nature are certain in a social entity that can't be separated from human beings. If the atmosphere is damaged, then there are human rights which are taken via force. consequently, the proper to the environment additionally approach that it's far closely associated with the order of justice.

Access to a wholesome environment has been declared a human proper through the UN Human Rights Council. The UN Human Rights Council has adopted a resolution on the right to a smooth, wholesome and sustainable environment, as the first formal reputation of this right as a human right at the global.[5] The United countries (UN) recognizes the proper to an awesome and wholesome surroundings as a normal Human proper (HAM) thru decision A/RES/seventy six/300 which became ratified on the 76th United countries widespread meeting (UNGA) annual consultation on 28 July 2022. The statement of the UN wellknown meeting has strengthened the popularity of the Human right to an excellent and healthful environment. previously at the moonOctober 2021, the United countries Human Rights Council (UNHRC) first diagnosed, that get proper of entry to to a safe, easy, wholesome and sustainable surroundings is part of human rights (HAM). UNHRC has identified how environmental harm interferes with the total leisure of human rights, and they have concluded that states have an duty under human rights regulation to guard human rights from environmental harm.[6] This reputation follows the recognition of the proper to an awesome surroundings as a ordinary Human Rights by the UN Human Rights fee in 2021.[7] In Indonesia, the proper to an awesome and wholesome surroundings has been diagnosed considering the fact that 1999 via the ratification of regulation no. 39 of 1999 regarding human rights. This recognition become observed by way of the second one change to the 1945 constitution via Article 28H paragraph (1) of the 1945 charter which expressly states: "all people has the proper to live in bodily and spiritual prosperity, to have a place to stay, and to have a good and healthful surroundings and is entitled to obtain fitness

[5] "The right to a clean and healthy environment is a human right - Indonesian Green Site," nd, https:// Hijauku.com/2022/07/28/hak-atas-environment-yang-clean-dan-sehat-Jadi-ham/.
[6] "Universal Recognition of Human Rights for a Good, Healthy and Sustainable Environment - UGM Center for Environmental Studies," nd, https://pslh.ugm.ac.id/pengakuan-universal-ham-atas-environmental-living-yang-baik -healthy-and-sustainable/.
[7] I*bid*.

services ".[8] It correlates with this context, that the inclusion of sustainable and environmentally sound standards in Article 33 paragraph (four) of the 1945 charter of the Republic of Indonesia enables toughen the recognition of the importance of efforts to protect and manipulate the surroundings in Indonesia.[9]

## 4. Conclusion

The 1945 charter regulates the right to an excellent and wholesome environment, displaying that human rights and the surroundings need each other so that by means of respecting human rights at the same time protective the surroundings. Vice versa, via protecting the surroundings, human rights are mechanically protected. it is essential to contain all additives in regulation, rights, policy to inspire and recognise that those all matters need to be fought for collectively, in order that the Pekalongan coastal environment is not damaged and human rights aren't violated. success of the right to a great and wholesome surroundings in Pekalongan coastal groups need to completely fulfilled, as may be visible from regulation number 32 of 2009.

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[9] Bita Gadsia Spaltani Indah Nur Shanty Saleh, "Reformulation of Legal Protection for Fighters for the Right to a Good and Healthy Environment" 4, no. 1 (2016): 1–23.

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