

**Enhancing the Imperative of Ensuring the Right to a Clean Environment
A Case Study on Jakarta's Air Pollution through
the Lens of Human Rights**

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***ABSTRACT:** This study delves into the intricate relationship between human rights and environmental issues, particularly focusing on the concerning issue of air pollution in Jakarta, Indonesia. The research explores the profound impact of rising air pollution levels exceeding WHO limits on the fundamental rights of the city's residents, encompassing rights to health, life, and overall well-being. It scrutinizes the complex factors contributing to Jakarta's air pollution predicament and its multi-dimensional implications. Additionally, the study underscores the urgency of devising effective environmental policies and regulations while emphasizing the need to integrate a human rights perspective in environmental planning. The analysis underscores the imperative of achieving a harmonious balance between sustainable development and the preservation of human rights in the face of escalating air pollution.*

***Keywords:** human rights, Jakarta, environment.*

Introduction

The environment encompasses a comprehensive array of elements, comprising natural resources, biodiversity, human existence, and the actions that influence the delicate equilibrium of nature. Legislations play a pivotal role in governing and safeguarding the environment, embodying the state's responsibility to manage and conserve natural resources for the betterment of its people. Despite the aspirations of sustainable development, the utilization of natural resources often neglects environmental sustainability, resulting in a noticeable decline in environmental quality.¹

In contemporary times, environmental concerns and human rights have emerged as two paramount global issues deserving heightened attention. The fundamental right to inhabit a clean and healthful environment is intrinsic to every individual, intrinsically intertwined with human rights principles, encompassing the right to life, well-being, and physical health. Consequently, it has become progressively imperative to adopt a human rights perspective when comprehending environmental issues, particularly within the complex urban landscape of megacities like Jakarta.

Jakarta, as the bustling capital of Indonesia, characterized by dense urbanization and robust industrialization, confronts persistent and severe issues pertaining to air pollution. The alarming escalation of air pollution in Jakarta has gravely imperiled air quality, thereby directly threatening the health and safety of its urban denizens. The incontrovertible fact that air pollution levels in Jakarta transgress the benchmarks established by esteemed global organizations, such as the World Health Organization (WHO), stands as a poignant testament to the burgeoning gravity of this predicament.²

Air pollution, largely a byproduct of human activities encompassing the proliferation of motorized vehicles, indiscriminate waste incineration, and the emissions from industrial activities, remains compounded by a pervasive lack of public awareness concerning its pernicious consequences. Legal disputes related to air pollution, as exemplified in Jakarta, accentuate the compelling need for legal remedies to combat this burgeoning crisis. The implications of elevated air pollution loom perilously large over public health, as fine particulate matter and noxious airborne chemicals precipitate a spectrum of health maladies, spanning from respiratory afflictions to cardiac ailments and, tragically, premature mortality.

Consequently, the formulation and implementation of efficacious strategies to curtail air pollution take on paramount importance in safeguarding the health and well-being of Jakarta's populace. However, such initiatives are not bereft of multifaceted challenges, prominently manifesting in the legal and energy spheres. Legal predicaments encompass the imperative expansion of regulatory frameworks, the effective enforcement of laws, and the resolution of potential conflicts of interest engendered by the interplay between industry and environmental conservation. Careful consideration in crafting regulations that are both effective and equitable for all stakeholders becomes an exigent task. Simultaneously, the energy dimension presents formidable concerns; transitioning toward environmentally benign and sustainable energy sources stands as a pivotal strategy for air pollution mitigation. Nevertheless, this energy metamorphosis contends with impediments such as requisite infrastructural upgrades, substantial capital investments, and transformative shifts in societal attitudes and behaviors vis-à-vis energy consumption.

Air pollution transcends national boundaries, assuming the mantle of a global

¹ Iwan Permadi, "Kajian Perspektif Hukum Terhadap Hak Atas Wilayah Serta Lingkungan Yang Sehat Dan Bersih Bagi Masyarakat Pesisir," *Rechtidee* 11, no. 1 (2016): 1–12.

² Dosen Tetap and Stkip Labuhan, "Rosmidah Hasibuan P.ISSN Nomor 2337-7216, E ISSN Nomor 2620-6625" 06, no. 02 (2018): 93–101.

predicament with far-reaching implications encompassing public health, the dynamics of global climate change, and the equilibrium of Earth's ecosystems.

METHODS

The research method used in this study is a normative juridical research method. This method aims to analyze legal implications and challenges in the context of air pollution reduction strategies in Jakarta, with a focus on a human rights perspective. A normative juridical approach is carried out by referring to various relevant written legal sources, such as laws, statutory regulations, court decisions, and legal literature related to the research topic.

RESULTS AND DISCUSSION

Human rights represent an inherent set of entitlements that every individual possesses by virtue of their inherent dignity and existence as human beings. These rights are universally acknowledged as inalienable, applying to all individuals without regard to distinctions such as race, religion, gender, color, language, sexual orientation, or any other discriminatory factor. Human rights encompass a wide spectrum of rights and freedoms deemed fundamental to leading a dignified life and achieving justice. These encompass foundational rights like the right to life, health, education, gainful employment, freedom of expression, religious liberty, the right to a fair legal process, and a myriad of other entitlements. Human rights also encompass collective rights, such as the right to a healthful environment and the rights of indigenous communities.

Human rights are fundamental principles within the framework of international law, constituting the bedrock for constructing a just, democratic, and civilized society. Their protection and promotion are enshrined in various international human rights accords, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, as well as various regional human rights conventions. The duty of safeguarding and respecting human rights falls upon governments and the international community. Human rights organizations and advocates play a pivotal role in monitoring instances of human rights transgressions, advocating for policy reforms, and providing defense to those who fall victim to such violations. Human rights serve as a critical compass for the development of a more equitable, secure, and prosperous society, benefitting all individuals across the globe.³

The intricate interplay between human rights and environmental concerns, particularly within the realm of air pollution in Jakarta, represents a multifaceted and pertinent issue. The profound air pollution challenges in Jakarta starkly jeopardize human rights. Instances where pollution levels surpass the thresholds established by esteemed international bodies like WHO serve as unequivocal testament to the exacerbation of this predicament. Air pollution directly impinges upon fundamental rights, including the right to health, life, and an unpolluted environment. Hazardous airborne particles, such as PM 2.5 and toxic chemical compounds, give rise to a spectrum of health afflictions, encompassing respiratory maladies, cardiac conditions, and regrettably, premature mortality.⁴ Within this context,

³ Hanako Fatimah Pertiwi, "Analisis Corporate Citizenship Dan Hak Asasi Manusia Terhadap Isu Eksploitasi Lingkungan Pada Film 'Sexy Killers,'" *Masalah-Masalah Hukum* 49, no. 1 (2020): 71, <https://doi.org/10.14710/mmh.49.1.2020.71-79>.

⁴ Andang Binawan and Maria Grasia Sari Soetopo, "Implementasi Hak Atas Lingkungan Hidup Yang Bersih, Sehat, Dan Berkelanjutan Dalam Konteks Hukum Indonesia," *Jurnal Hukum Lingkungan Indonesia* 9, no. 1 (2023): 121–56, <https://doi.org/10.38011/jhli.v9i1.499>.

human rights are intricately entwined with the prerogative to lead a wholesome life and inhabit an uncontaminated environment. Furthermore, air pollution exerts substantial economic repercussions and encroaches upon the right to dignified employment. Public health challenges engendered by air pollution invariably extend their influence to worker productivity and attendance. This underscores how air pollution can adversely encroach upon human rights entailing decent labor and economic stability. Hence, delving into the intricate nexus between human rights and environmental issues, such as air pollution in Jakarta, emerges as a crucial endeavor. It affords us insights into the palpable impact of environmental quandaries on the daily existence of individuals, underscoring the imperativeness of sustainable environmental conservation to safeguard core human rights. Armed with this comprehension, we can devise more efficacious solutions to surmount environmental challenges while ensuring the preservation and safeguarding of human rights.

The impact of increasing levels of air pollution in Jakarta on the basic rights of residents is very significant and disturbing. The increasingly severe air pollution in Jakarta threatens individual basic rights, including the right to health, life and welfare. Pollution levels that far exceed the limits set by global organizations such as WHO are concrete evidence of the escalation of this problem. In terms of the right to health, high levels of pollution in Jakarta have a negative impact on the health of residents. Harmful particles in the air, such as PM 2.5 and toxic chemicals, can cause a variety of health problems, including respiratory problems, heart disease, and even premature death.⁵ Therefore, the right to health is threatened by this high air pollution. High levels of air pollution also threaten the right to life. Because air pollution can result in poor health and is potentially fatal, the right to live safely and healthily is at risk. Apart from that, air pollution can also interfere with the right to a clean environment. Jakarta residents have the right to live in a healthy and pollution-free environment, but high air pollution damages this environment. Apart from that, air pollution also has an impact on the right to welfare. High levels of pollution can affect the overall quality of life, disrupt daily activities, and put pressure on health systems, negatively impacting the well-being of the population. Therefore, increasing air pollution in Jakarta is not only an environmental problem, but also a disturbing human rights issue, which threatens the basic rights of residents, such as the right to health, life and well-being.⁶

Various problems related to air pollution reflect the impact of human activities in meeting their daily needs. Environmental damage by human actions is not only a local issue in Indonesia, but also a global challenge. There are a number of similar factors contributing to increasing air pollution levels in metropolitan cities around the world. One of the main factors that worsens this situation is the gas emissions released by motor vehicles which continue to increase along with their increased use. This situation especially often occurs in developing countries, where awareness of the importance of maintaining environmental cleanliness is not yet widespread in society.

There are additional issues that arise when discussing the role and responsibilities of the state, through the government, in protecting and preserving the environment. The state is obliged to protect its citizens, its territory and all the resources therein, in accordance with

⁵ Nur Khamim, "Upaya Masyarakat Dalam Membentuk Lingkungan Bersih Dan Implikasinya Dalam Pelaksanaan Pendidikan Islam Anak Di Desa Manyarejo Kecamatan Manyar Kabupaten Gresik.," *Atthiflah: Journal of Early Childhood Islamic Education* 8, no. 2 (2021): 90–100, <https://doi.org/10.54069/atthiflah.v8i2.153>.

⁶ Sayyidatihiyaa Afra Geubrina Raseukiy, "Membaca Kebijakan Hukum Dalam Pemenuhan Hak Atas Lingkungan Yang Bersih, Sehat, Dan Berkelanjutan Sebagai Hak Asasi Manusia Universal," *Jurnal Hukum Lingkungan Indonesia* 9, no. 1 (2023): 1–24, <https://doi.org/10.38011/jhli.v9i1.508>.

the principle of state responsibility which is reflected in the protection and management of the environment in accordance with statutory regulations.⁷ One of the principles of holding several state officials accountable is the principle of state responsibility which emphasizes the state's obligation to protect its citizens, its territory and the resources within it. This principle is the realization of the state's obligations guaranteed by the constitution of the Republic of Indonesia which guarantees the rights of citizens to have a decent and quality life.

In carrying out government duties, including providing public services and meeting community needs, the state must formulate public policies. This policy is the result of the state's authority to carry out administrative actions including granting permits or permits. The state has the authority to establish preventive and repressive policies against all activities that have the potential to damage the quality of the environment. The preventive principle underlines the state's efforts to prevent violations or deviations from regulated provisions. This means that improvements in law enforcement instruments and apparatus must continue to be carried out by the state through relevant policies or regulations to prevent environmental problems in the future. This is an important step to ensure the state's role in environmental protection and management is based on the principles of balance and integration. Apart from that, repressive policies must also be implemented through evaluation and improvement of all elements and elements that support policies at the preventive stage. The aim is to minimize repeated violations.⁸ Therefore, all government policies must consider their impact on the environment. Every policy taken has potential risks to the environment. In Indonesia, efforts to deal with a number of environmental pollution problems are considered to be inadequate, both in terms of legal instruments, law enforcement and public awareness. Public awareness about the importance of maintaining environmental cleanliness and nature conservation is still low in several areas. In fact, in big cities where people's level of understanding should be higher, some of them may not care about environmental pollution. This is a serious problem because this indifferent attitude can cause negative impacts in the future.

Efforts to fulfill the right to a clean and healthy environment are an issue that has an important impact on the quality of life of Jakarta residents. Air pollution in Jakarta is a problem that cannot be ignored. As the center of government, DKI Jakarta faces high mobility, which impacts air quality and sparks various controversies that affect Jakarta's population. One aspect is air pollution which can be grouped into two types, namely particles floating in the air and polluting gases. Pollutant particles include Total Suspended Particulate (TSP) with a particle diameter of up to 100µm, Particulate Matter (PM10) with a diameter of less than 10µm, and Particulate Matter (PM2.5) with a diameter of less than 2.5µm. Meanwhile, pollutant gases include sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), surface ozone (O₃), and others (Inaku and Novianus 2020).⁹

Air pollution in Jakarta has an impact on poor environmental quality. This unfavorable environmental condition is related to human activities, especially through industrial factories and fossil fuel power plants operating in the Jakarta administrative area. Poor environmental quality has the potential to harm human health. For example, research conducted by Susilawati in 2021 shows that various factors, including changes in

⁷ Josina Augusthina Yvonne Wattimena, "Pemenuhan Hak Atas Air Bersih Dan Sehat, Serta Hak Menggugat Masyarakat," *Balobe Law Journal* 1, no. 1 (2021): 1, <https://doi.org/10.47268/balobe.v1i1.497>.

⁸ Dessy Gusnita, "Dan Kontribusinya Dalam Mengurangi Polusi Udara," *Juni* 11, no. 2 (2010): 66–71.

⁹ Sandri Linna Sengkey, Freddy Jansen, and Steenie Wallah, "Tingkat Pencemaran Udara Co Akibat Lalu Lintas Dengan Model Prediksi Polusi Udara Skala Mikro," *Jurnal Ilmiah MEDIA ENGINEERING* 1, no. 2 (2011): 2087–9334.

environmental quality (such as water, air, and food), depletion of the ozone layer, decreased availability of water resources, loss of ecosystem functions, and environmental degradation, can influence human health.¹⁰

The surge in air pollution levels in Jakarta, surpassing the thresholds established by global organizations like WHO, is the result of a multitude of intricate factors. Firstly, the rapid expansion of the population and unbridled urbanization has led to heightened mobility of residents and an upsurge in motorized vehicles. This, in turn, contributes significantly to the emission of pollutants from vehicle exhausts, which stands as a principal catalyst for air pollution. Furthermore, the sustained economic growth and rapid industrialization within Jakarta also amplify emissions stemming from industrial and developmental pursuits.¹¹

The ramifications of escalating air pollution levels beyond the parameters set by WHO are manifold and weighty. Foremost, this takes a substantial toll on the well-being of Jakarta's denizens. Elevated air pollution has been empirically linked to a myriad of health afflictions, spanning from respiratory ailments to cardiovascular diseases, and even untimely mortality. Health constitutes an elementary individual entitlement, and breaches of this right become glaringly evident when residents are subjected to perilous air pollution. Moreover, the rising air pollution levels underscore the exigency for enhancements in environmental policies. This engenders a clamor for the formulation of more efficacious strategies to curtail air pollution, strategies that are in harmony with the standards enunciated by international organizations such as WHO. It also underscores the necessity for stringent regulations governing emissions emanating from both industry and motor vehicles.¹²

In conclusion, the implication for human rights is that the fundamental rights of the populace, notably the right to health and a pristine environment, are under threat. This engenders a call for reinforced safeguards of human rights within the environmental context and accentuates the importance of integrating a human rights perspective into environmental planning and policy. The escalating air pollution in Jakarta serves as a vivid exemplification of how environmental predicaments can directly impinge upon the foundational rights of individuals, warranting earnest endeavors to strike a harmonious balance between sustainable development and the protection of human rights.

CONCLUSION

Based on the discussion above, several conclusions are drawn as follows. Air pollution is a serious problem in Jakarta, which has a negative impact on public health and the environment. Fulfilling the right to a clean and healthy environment is important to improve the quality of life of Jakarta residents, reduce the risk of disease, and support sustainable economic growth. Environmental law plays an important role in addressing air pollution and ensuring compliance with environmental regulations. Efforts to reduce air pollution must include steps such as changing energy sources from fossil to renewable, increasing environmentally friendly vehicles, strengthening supervision and law enforcement, and involving community participation in planning and implementing environmental policies. Community participation and effective sanctions to ensure better implementation of

¹⁰ Kurniawan Budi Santoso et al., "Studi Temporal Pertumbuhan Ekonomi Dan Polusi Udara. Studi Kasus: Dki Jakarta, Semarang, Dan Surabaya Pada Tahun 2005-2015," *Jurnal Meteorologi Klimatologi Dan Geofisika* 5, no. 2 (2019): 54–70, <https://doi.org/10.36754/jmkg.v5i2.59>.

¹¹ Sengkey, Jansen, and Wallah, "Tingkat Pencemaran Udara Co Akibat Lalu Lintas Dengan Model Prediksi Polusi Udara Skala Mikro."

¹² Kenzo Therin and J.M. Joko Priyono Santosa, "Bangunan Untuk Bernafas Solusi Polusi Udara Di Jakarta," *Jurnal Sains, Teknologi, Urban, Perancangan, Arsitektur (Stupa)* 3, no. 2 (2022): 3157, <https://doi.org/10.24912/stupa.v3i2.12442>.

environmental policies. Jakarta needs to prioritize fulfilling the right to a clean and healthy environment to achieve sustainable development goals and maintain community welfare.

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