



Synergy Between Human Rights and Environmental Justice Towards Sustainable Development

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| ABSTRACT

This study aims to investigate the relationship between human rights and environmental justice as important prerequisites for equitable sustainable development, using normative legal methods to assess the national legal framework (UUD 1945, UU HAM, UU PPLH) and the consistency of sectoral regulations. The results of the study show that although regulations recognize the right to a healthy environment as a human right, its implementation in the field is hampered by the failure to achieve distributive and recognitive justice due to a conflict of norms between development regulations and environmental principles, which systematically undermines intergenerational responsibility and results in structural human rights violations. On the other hand, the most effective point of synergy lies in the application of procedural rights (human rights) as the key to ensuring procedural justice. Therefore, this study suggests the need for improvements in environmental governance by adopting a Rights-Based Approach, including the mandatory integration of Human Rights Impact Assessment (HRIA) equivalent to Environmental Impact Assessment (EIA), as well as regulatory harmonization, so that the fulfillment of human rights can be used as the main benchmark for development success and to achieve a Just Transition.

| KEYWORDS

Human Rights, Environmental Justice, Sustainable Development.

I. INTRODUCTION

The issue of environmental degradation has now gone beyond a mere technical and economic problem, turning into a profound crisis related to ethics and human rights [1]. Recognition of human rights and demands for environmental justice are important pillars in responding to this crisis. Amidst various global challenges such as climate change, loss of biodiversity, and widespread pollution, there is an awareness that sustainable solutions cannot be achieved solely by prioritizing technological efficiency and economic growth. The core of this issue lies in structural aspects and injustices that cause the burden of environmental damage to be distributed unfairly, often targeting vulnerable and marginalized groups.

This review begins with the fundamental assumption that severe and systemic environmental damage is a form of structural human rights violation. Therefore, the framework of sustainable development, which aims to create a balance between social progress, environmental protection, and economic growth, cannot be comprehensively achieved without taking into account the dimensions of distributive and procedural justice in every policy. Ignoring these elements will only perpetuate the cycle of inequality and environmental damage.

This study is designed to investigate in depth the close relationship between the principles of Human Rights, the concept of Environmental Justice, and the framework of Sustainable Development. Using a normative-conceptual approach and interdisciplinary methods, this study links international legal analysis, particularly in relation to the Right to a Healthy Environment, with theories discussing environmental justice and climate justice. It is hoped that the results of this analysis will demonstrate the role of human rights as a basic standard that must be met in every development agenda, as well as how Environmental Justice functions as a mechanism to ensure that all parties enjoy environmental benefits and bear environmental responsibilities equally.

Ultimately, this paper will argue that a robust integration of Human Rights and Environmental Justice is more than just a moral value; it is an ethical and legal requirement for creating a Rights-Based Sustainable Development Model. This model will be a key element in realizing the Sustainable Development Goals (SDGs) in an effective and transformative manner, shifting the emphasis on the Green Economy to a Just Transition for all people and the planet [2].

II. METHODOLOGY

This research is a normative legal study that aims to examine the relationship between Human Rights and Environmental Justice in the context of Sustainable Development by examining the existing legal framework. The approach used is Literature Research to collect primary legal sources (UUD 1945, UU PPLH, dan UU HAM), secondary sources (books, journals, and international documents such as SDGs), as well as tertiary sources, which were then analyzed using qualitative methods. The process of analyzing legal sources is carried out comprehensively, covering descriptions, interpretations of the law from a systematic and purposeful perspective, and assessments of the harmonization of norms, with a primary emphasis on identifying the consistency and effectiveness of regulations in ensuring procedural justice and rights-based environmental distribution [3]. Finally, conclusions are drawn deductively to formulate optimal synergy concepts and policy recommendations.

III. RESULTS AND DISCUSSION

The normative recognition of the right to a healthy environment is the main foundation of this synergy, in which Article 28H of the 1945 Constitution explicitly establishes it as a Human Right [4], which was then clarified through Law No. 39 of 1999 on Human Rights and Law No. 32 of 2009 on Environmental Protection and Management (PPLH). This regulation fundamentally distinguishes between substantive rights, namely the right to enjoy a good and healthy environment, and procedural rights, which include the right to participation, access to information, and access to justice. The formulation of these procedural rights is crucial, as they serve as the basis for strengthening environmental legal claims; the implementation of these rights is tested in mechanisms such as legal standing for environmental organizations and citizen lawsuits. An analysis of court decisions shows that the use of a human rights perspective has become an effective judicial instrument in strengthening lawsuits against cases of environmental pollution and destruction, while also affirming the state's obligation to fulfill and protect the environmental rights of its citizens.

With regard to human rights and the environment, by placing the state as the protector of human rights, the interests of the people must be paramount in the management of natural resources and the environment. The state functions fully as the manager and administrator of policies aimed at protecting and developing human rights related to the environment. The understanding of the state's right to manage sectors of production that are important to the state and to meet the needs of the community for the welfare of the people is entirely valid if considered in the context of the interests of citizens' human rights. The interests or human rights of the community, especially in terms of access to natural resources and the environment, must be made the main focus and ultimate goal of the state's right of control, as stated in Article 33 paragraph 3 of the 1945 Constitution.

An evaluation of legal practices at the national level shows that Environmental Justice needs to be measured through three main aspects: Distributive, which ensures the equitable distribution of the burdens and benefits of development; Procedural, which requires public participation and adequate access to information in important processes such as Environmental Impact Assessment (EIA); and Recognitive, which recognizes the rights of indigenous peoples. In-depth research reveals significant challenges in achieving Distributive Justice, as existing regulations are often ineffective in reducing injustices in the distribution of impacts. Furthermore, the link between Environmental Justice and the Principles of Sustainable Development is hampered by the incompatibility between regulations in various development sectors, such as investment or mining, and sustainability goals. These normative contradictions often sacrifice intergenerational responsibility for the sake of short-term economic interests, ultimately demonstrating the failure of the law to ensure a balance between social and ecological sustainability [6].

The main point of synergy between human rights and environmental justice lies in procedural aspects, where the application of the right to participate and access to information guaranteed by human rights is very important in achieving procedural justice in the field. Research shows that regulations and practices that successfully unite these two ideas, such as in the process of spatial planning or issuing permits, can effectively avoid injustice from the outset. However, this collaboration is threatened by conflicting norms and gaps between regulations that directly or indirectly reduce protection for the environment and human rights. This problem is exacerbated by issues of deregulation and corruption related to natural resources, which ultimately lead to systemic human

rights violations and serious injustices for local communities and marginalized groups that are highly dependent on the natural environment.

Full synergy towards equitable Sustainable Development requires a reform of environmental governance through the comprehensive application of a Rights-Based Approach. This policy must prioritize the fulfillment of human rights, especially for vulnerable groups and indigenous peoples, as the main benchmark for development success. Therefore, this study recommends that Human Rights Impact Assessment (HRIA) be integrated as a mandatory requirement equivalent to Environmental Impact Assessment (EIA) for every strategic project. In addition to changes in these procedures, institutional capacity building and law enforcement are also urgently needed through the development of normative solutions to harmonize regulations, both vertically (from the central to regional levels) and horizontally, so that conflicts between norms that often hinder justice can be resolved [7]. Then, strengthening the role of law enforcement and supervisory institutions, such as the National Human Rights Commission and the Ombudsman, is very important in resolving environmental conflicts so that accountability is maintained and substantive justice can be achieved.

IV. CONCLUSION

Research shows that although Indonesia has established a strong legal basis for making the right to a healthy environment a fundamental human right, as described through substantive and procedural rights in the Environmental Protection and Management Law, its implementation is hampered by the inability to achieve environmental justice, especially in terms of distribution. This occurs due to serious conflicts between sectoral development (investment) regulations and environmental principles, which systematically ignore responsibility towards future generations and result in human rights violations. The most effective synergy is found in the application of procedural rights (HAM) as a key element to ensure Procedural Justice in the field. Therefore, comprehensive collaboration towards equitable Sustainable Development requires reform in governance by applying a Rights-Based Approach, making the fulfillment of human rights the main indicator of success. The main recommendation is the mandatory integration of Human Rights Impact Assessment (HRIA) equivalent to Environmental Impact Assessment (EIA), supported by regulatory harmonization and an enhanced role for supervisory institutions such as the National Human Rights Commission and the Ombudsman, to ensure substantive justice.

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