

# Legal Protection of the Right to a Good and Healthy Environment in Wadas Village

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## ABSTRACT

Development, as a fundamental right for a better quality of life, has often overlooked environmental factors. Development activities can lead to significant environmental damage, which, in turn, results in violations of human rights. A specific example is the construction of the Bener dam, which uses andesite stone as its primary material. This project has caused environmental degradation in Wadas Village, leading to human rights violations for the local community. The critical issue at hand is how to legally safeguard the right to a clean and healthy environment. Research indicates that the construction of the Bener dam has generated conflict and public resistance against the government. The exploitation of natural resources, such as andesite stone, has harmed the environment that the Wadas community depends on, further exacerbating human rights violations. Existing laws and regulations for legal protection of the right to a good and healthy environment have proven inadequate in addressing the community's rights. Moreover, attempts to seek justice through lawsuits in the Semarang State Administrative Court and the Supreme Court have not yet resulted in the expected outcomes, leaving the community without the right to a clean and healthy environment they are entitled to.

**Keywords:** Legal protection; Human rights; Environment

## INTRODUCTION

A healthy environment is a fundamental human right, as stated in the 1945 Constitution. Boyle raises an important question: why should environmental protection be considered a human rights issue? There are several compelling reasons for this perspective. Most notably, unlike other areas of international environmental law, a human rights approach focuses on how environmental issues affect the lives, health, private lives, and property of individuals, rather than simply addressing the state of the environment or relationships between states (Boyle, 2012). Legal protections for human rights are among the most effective means of safeguarding the environment, since human rights and environmental health are closely interconnected. The 1945 Constitution, which is currently in force in Indonesia, includes regulations for environmental protection that aim to uphold human rights—specifically the right to a good and healthy environment. The objectives of environmental protection and management are designed to ensure both the protection of the environment and the fulfillment of individuals' rights to a wholesome living environment.

A healthy environment is essential for everyone to live a healthy life. Protecting the environment from damage and pollution is a key part of achieving this goal. When the environment is damaged, it can introduce harmful substances or energy that pose risks to human health, harm living resources and ecosystems, damage infrastructure, or interfere with legitimate uses of the environment (Appannagari, 2017). Environmental damage refers to the deterioration or decline in environmental quality. This is often characterized by the loss of land, water, and air resources, the extinction of plant and animal species, and damage to ecosystems. Additionally, environmental damage includes actions that lead to direct or indirect changes in physical or biological characteristics, ultimately making the environment less capable of supporting sustainable development (Mardatillah, 2022). Pollution plays a significant role in this process, as it represents a major alteration in environmental conditions caused by economic and technological advancements. When these changes exceed the

ecosystem's tolerance levels, they result in an increased concentration of pollutants in the environment (Gamedia Blog, 2022).

The definition of environmental pollution and destruction indicates that the state must anticipate the impacts of development, as outlined in the 1945 Constitution. Environmental destruction and pollution stem from humanity's desire to develop and improve living conditions. Within the framework of human rights, this aspiration is linked to the right to development. However, many people tend to overlook environmental factors when pursuing development, particularly issues related to ecosystems, which highlight the interconnected and cyclical relationship between humans and their environment. For instance, in the quest for faster food production, pesticides are often used to eliminate plant pests. What is frequently overlooked is that many species possess resilience, allowing them to survive despite pesticide use. Consequently, the prolonged application of these chemicals can have detrimental effects on human health. Susan Park (2022) has also noted that human activities are altering the frequency and types of environmental disasters we face.

The desire for the right to development often leads to the violation or neglect of the right to a healthy life, which includes the right to a healthy environment (Sodikin, 2021). While the intention of pursuing development is to improve human life by providing access to a healthy environment, this right is frequently compromised. Uncontrolled development can result in significant violations of human rights. Development, which reflects humanity's efforts to enhance quality of life through the exploitation of natural resources, often has detrimental effects on the environment. For instance, waste from gold mining can pollute rivers and cause damage, making these waterways unusable for local communities who rely on them for their daily needs. Many people view lakes and rivers not only as essential resources but also as vital parts of their identity and heritage. When these water sources become polluted and degraded, it leads to frustration and anger among the community.

The 1945 Constitution provides guidance on sustainable development and the protection of human rights. Additionally, several statutory regulations specifically address the right to a good and healthy environment, outlining the measures for protecting and fulfilling these rights. However, this is not the reality for the people of Wadas village, who are not receiving the rights guaranteed in these legal documents concerning a healthy environment. Their rights have been violated. While it is the government's responsibility to provide protection, it is instead undermining the environment for the residents of Wadas village in the name of public interest, specifically through the construction of the Bener dam.

This issue is explored and analyzed in detail in the following paragraphs, focusing on the problem of legal protection for the Wadas community's right to a good and healthy environment, as outlined in the 1945 Constitution. This concern arises from the Wadas village community's desire to secure their right to a healthy environment, which is essential for the ecosystem and overall quality of life, and is guaranteed by the constitution.

## RESEARCH METHODS

The research method employed in this study is the normative descriptive or normative juridical method. According to Philipus M. Hadjon, normative juridical research aims to discover and formulate legal arguments through the analysis of key issues (Hadjon & Djamiati, 2005). Similarly, Lili Rasjidi states that "the original legal research method is the normative legal research method" (Rasjidi & Sonia, 2009). From an application perspective, this research is problem-focused, examining the relationship between theory and practice in relation to a specific issue (Soekanto & Mamudji). The main objective of this research is to analyze the protection and fulfillment of the right to a healthy environment for the community in Wadas Village, particularly in light of development efforts that negatively impact the environment. The sources of data for this research include laws and regulations, court decisions, research findings, articles, books, and information from the internet and various websites.

## RESULTS AND DISCUSSION

**Theoretical Framework of Legal Protection of Human Rights** The 1945 Constitution serves as the foundational legal framework that guides environmental management while emphasizing the importance of protecting human

rights. Article 28H, paragraph (1) of the Constitution states that "everyone has the right to live in physical and spiritual prosperity, to enjoy a good and healthy environment, and to have access to health." This indicates that the right to a healthy environment is a fundamental human right that must be protected and fulfilled, as outlined in Article 28H, paragraph (1). To implement this provision, several laws and regulations have been established to uphold the right to a healthy environment. Notably, Law Number 39 of 1999 concerning Human Rights and Law Number 32 of 2009 concerning Environmental Protection and Management are key pieces of legislation that support this right.

The 1945 Constitution serves as a written legal framework that guides environmental management while emphasizing the importance of human rights. Article 28H, paragraph (1), states that "everyone has the right to live in physical and spiritual prosperity, to have a good and healthy environment, and to obtain health." Thus, the right to a healthy environment is an integral part of human rights that must be protected and fulfilled, as outlined in Article 28H, paragraph (1). To implement Article 28H, paragraph (1), several laws and regulations have been established to ensure the right to a healthy environment. Notably, Law Number 39 of 1999 addresses Human Rights, and Law Number 32 of 2009 focuses on Environmental Protection and Management.

The protection and fulfillment of the right to a good and healthy environment are addressed in the 1948 Declaration, commonly known as the Universal Declaration of Human Rights, which was ratified on December 10, 1948. This marked a significant and historic event for the global community. Furthermore, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) is a multilateral agreement established by the United Nations General Assembly on December 16, 1966, and it entered into force on January 3, 1976. Countries that have ratified this agreement are committed to upholding the economic, social, and cultural rights of individuals, as well as those living in trust territories and non-self-governing territories (Saul & Jacqueline, 2014).

The African Charter on Human and Peoples' Rights, commonly known as the Banjul Charter, is an international human rights instrument designed to promote and protect human rights and fundamental freedoms across the African continent (Mutua, 1995). Another significant document is the Stockholm Declaration, which was created during the United Nations Conference on the Human Environment in 1972. This declaration, also known as the United Nations Declaration on the Human Environment, was endorsed by the member states of the United Nations at that time (Handl, 2012). Additionally, the United Nations Declaration on the Rights of Indigenous

Peoples was adopted by the General Assembly during its 61st session at United Nations Headquarters in New York on September 13, 2007. This declaration received support from a majority of 144 countries (Champagne, 2013).

The theoretical framework for protecting and fulfilling the right to a good and healthy environment, as previously explained, outlines the necessary actions for safeguarding this right within communities. However, in Wadas village, Bener district, Purworejo regency, Central Java province, the local community does not receive the protection and fulfillment of their right to a good and healthy environment as stipulated in laws, regulations, and supporting documents. Excessive environmental exploitation has led to significant environmental degradation, which in turn violates the community's right to a sound environment. According to Akmal (2022), this damage to the ecosystem may compel local residents to abandon their homes, as they can no longer rely on the environment for their livelihoods. The government has a responsibility to protect its residents and ensure their security and comfort in daily life. Those who remain in the area will face severe challenges due to a deteriorating ecosystem, and the benefits of soil fertility will diminish as a result of the ongoing exploitation of natural resources surrounding Wadas village.

The damage occurred due to the construction of the Bener dam, which utilized andesite from the surrounding area of Wadas village. The Bener dam is classified as a National Strategic Project (PSN) that is designed to meet the majority of the water supply needs for Yogyakarta International Airport (YIA) in Kulon Progo Regency, Yogyakarta (Kompas.com, 2022). This dam project requires a significant amount of andesite as a construction material, which the government has mandated to be sourced from Wadas village. However, some residents are opposed to the mining of andesite in their community (Kompas.com, 2022). According to the official website of the Indonesian Forum for the Environment (Walhi) in 2021, the mining project in Wadas Village is a quarry or

open-pit mining (excavated without waste) planned to last 30 months. The mining involves drilling, dredging, and blasting using 5,300 tons of dynamite (5,280,210 kilograms) to a depth of 40 meters. The andesite quarry in Wadas Village targets 15.53 million cubic meters of andesite material for the construction of the Bener dam. If this were to occur, it would destroy the natural landscape and would be no different from forcing residents to live with ecosystem damage (Walhi, 2021).

Asep Komaruddin (2021), a forest campaigner from Greenpeace Indonesia, has stated that andesite mining in Wadas village poses significant risks, including the potential for landslides and drought. The land in this village is vital for the residents, who rely on it for their livelihoods through agriculture and plantations. Bener district is already prone to drought, and the introduction of rock mining in the hilly Wadas area could exacerbate this situation, leading to increased resistance from villagers against the mining proposal (Komaruddin, 2021). Wadas is a crucial water catchment area that provides abundant water reserves for its residents. The community is concerned that the mining plan could damage 28 important water sources. This damage would not only endanger the water supply but also harm agricultural land, resulting in further loss of livelihoods for the residents (Komaruddin, 2021).

### **Protection and Fulfillment of the Right to a Good and Healthy Environment**

The right to a good and healthy environment is guaranteed in Article 28H, paragraph (1) of the 1945 Constitution, which states: "Everyone has the right to live in physical and spiritual prosperity, to enjoy a good and healthy environment, and to obtain health." This provision signifies the protection and fulfillment of every Indonesian citizen's right to a good and healthy environment. To implement Article 28H, paragraph (1) of the Constitution, Law Number 32 of 2009 concerning Environmental Protection and Management was established. Article 65, paragraph (1) of this law declares, "Everyone has the right to a good and healthy environment as part of human rights." This article underscores the notion that the quality of the environment is intrinsically linked to human rights, as it is impossible to fully enjoy human rights without a good and healthy environment. The respect, protection, enforcement, and fulfillment of human rights are heavily dependent on a healthy and livable environment. In a damaged ecosystem, it becomes nearly impossible to enjoy fundamental rights such as life, health, security, adequate food, and cultural access (Iskandar, 2011). In addition to Law Number 32 of 2009, there is also Law Number 39 of 1999 concerning Human Rights. Article 9, paragraph (3) of Law Number 39 of 1999 states that "everyone has the right to a good and healthy environment." This provision highlights society's demand for the right to a healthy environment, which includes access to intact natural resources essential for survival, such as land, shelter, food, water, and air. Additionally, it encompasses ecological rights, the rights of certain species, and the right of individuals to enjoy and live in a healthy natural environment (Sodikin, 2019).

The provisions regarding the right to a good and healthy environment, as outlined in Article 28H, paragraph (1) of the 1945 Constitution, are implemented through Law Number 32 of 2009 concerning Environmental Protection and Management, and Law Number 39 of 1999 concerning Human Rights. These laws align with several international documents aimed at protecting and fulfilling the right to a good and healthy environment, including the 1948 Universal Declaration of Human Rights. The 1948 Universal Declaration of Human Rights is a recommendation adopted by the UN General Assembly. The purpose of this declaration and other related statements is to safeguard the human rights of individuals in all countries. The declaration consists of 30 articles (Qothrunnada, 2022), and while it does not explicitly mention the right to a good and healthy environment, Article 25, paragraph (1) states that everyone has the right to a standard of living adequate for their health and well-being. Although the declaration does not directly reference a healthy environment, the right to an adequate standard of living implies that individuals must have access to a healthy life. A healthy life, in turn, requires that we protect the environment from damage and pollution.

In addition to the 1948 declaration, the International Covenant on Economic, Social and Cultural Rights (ICESCR) also plays a significant role. Specifically, Article 7, point b, states: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: ... (b) Safe and healthy working conditions." This article underscores the right of all individuals to work in a healthy environment. Such conditions are not only essential at home but in the workplace as well, where everyone is entitled to a safe and healthy atmosphere. Furthermore, the right to a healthy environment includes the responsibility to maintain environmental functions and manage environmental

resources. This can be understood as a balance and harmony between society's rights and its obligations toward the environment.

In the African continent, the African Charter regulates the right to a good and healthy environment. Article 24 of the African Charter states that all people are entitled to a satisfactory environment that is conducive to development. This Charter applies to all nations and, by extension, to every individual, implying that everyone has the right to a pleasant living environment. Additionally, the principles outlined in the Stockholm Declaration of the United Nations Conference on the Human Environment (1972) emphasize the importance of an adequate living environment. The Declaration asserts that, "man is at once the creature and molder of his environment; both the natural and manmade elements are essential to his well-being and to the full enjoyment of basic human rights, including the right to life itself." Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) outlines the individual and collective rights of indigenous peoples, including rights related to culture, identity, language, employment, health, and education. The Declaration emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures, and traditions, and to pursue their development according to their own needs and aspirations. Ken Coates argues that UNDRIP resonates strongly with indigenous peoples; however, national governments have not yet fully grasped its implications (Coates, 2022).

### **Conditions of the Wadas Community's Right to a Good and Healthy Environment**

Wadas is a village rich in natural resources that are vital to the local community. Covering an area of 405,820 hectares, Wadas Village is situated in Bener District, Purworejo Regency, Central Java Province. The terrain consists of hilly plains and valleys, with altitudes ranging from 213 to 258 meters above sea level. The fertile soil has allowed residents to engage in multicultural agriculture, cultivating a variety of crops for generations. Wadas Village boasts an abundance of natural potential, as its fertile land is suitable for growing numerous types of plants. Crops such as durian, teak, mahogany, cubeb, sugar palm, cloves, and acacia thrive in this environment (Rosa, 2022). According to Purworejo Regional Regulation Number 27 of 2011 on Regional Spatial Planning (RTRW), the village has designated specific areas for plantations to ensure the needs and welfare of its residents. However, the Decree from the Governor of Central Java, Ganjar Pranowo, which designates the area for andesite mining, contradicts Regional Regulation Number 27 of 2011 concerning the Regional Spatial Plan (RTRW). Andesite rock, which is abundant in Wadas village, is a type of volcanic rock rich in plagioclase feldspar and amphibole minerals, with smaller amounts of quartz and pyroxene. This type of rock is commonly found in volcanic regions around the world, particularly in volcanoes located at convergent plate boundaries between continental and oceanic plates (Aprillya, 2022).

Wadas village spans an area of 405,820 hectares, comprising 381,820 hectares of dry land and 24,000 hectares of rice fields. The village is divided by the Juweh River, with residential areas situated along its banks. The local community's needs and welfare are largely met through plantation commodities, with sugar palm plantations providing the highest income. These plantations are harvested twice daily, once in the morning and once in the evening, ensuring a steady income for the residents. The high value of these plantation products, along with effective environmental management, promotes a diverse range of plants that contribute to environmental sustainability (purworejokab.go.id.2022).

According to a survey conducted by GEMPADEWA (Community Movement Caring for the Nature of Wadas Village, 2022), along with findings from WALHI (a non-governmental organization, 2022), LBH (a legal aid agency) Yogyakarta, and the Mobile Library for the community during 2018-2019, the annual value of plantation commodities in Wadas Village is approximately 8.5 billion rupiah. Additionally, hardwood commodities could generate up to 5 billion rupiah every five years (ekuatorial.com; 2022). The Indonesian Forum for the Environment (WALHI, 2022) has identified Wadas Village as a productive area rich in biodiversity (kompas.com, 2022). The economic activities and development within the Wadas community have played a crucial role in meeting daily needs. Residents of Wadas have confirmed that the community enjoys a guarantee of welfare supported by local economic practices, which are sustainable both now and in the future. However, the abundant natural resource of andesite rock, which is set to be mined for dam construction, poses a threat to the Wadas village ecosystem, potentially leading to its destruction (PP Muhammadiyah, 2022).

The issue emerged during the construction of the Bener dam, leading to agrarian conflict in Wadas village, where andesite, a crucial material for the project, was being mined. However, the mining was met with resistance from the local residents, the majority of whom are farmers. They opposed the mining because it threatened to damage their livelihoods. The andesite extraction needed for the Bener dam would lead to land conversion, particularly affecting agricultural land. This conversion would result in the loss of land that serves as the primary source of income for most farmers in the area (PP Muhammadiyah, 2022).

According to Presidential Regulation Number 109 of 2020 in the Republic of Indonesia, the Bener dam is classified as one of the National Strategic Projects (PSN) under President Joko Widodo's administration. Out of a total of 201 National Strategic Projects, 48 are focused on dam infrastructure development (Nurhadi, 2022). If this National Strategic Project is not thoroughly analyzed from an environmental perspective, it may worsen the socio-ecological crisis, leading to widespread human rights violations and undermining public participation. In other words, the environmental crisis exacerbates various other crises, including moral, social, cultural, ecological, and economic issues. Many of the projects categorized as National Strategic Projects primarily focus on the extraction and exploitation of natural resources, which requires a considerable amount of land for infrastructure development. This approach has led to various issues, including the seizure of people's living spaces and an increase in agrarian conflicts in Indonesia. Additionally, these projects often overlook the environmental carrying capacity of the areas involved. Therefore, it is essential for the government to conduct strategic environmental assessments to evaluate the environmental impact of these projects. This assessment is crucial, especially in light of the frequent ecological disasters occurring in Indonesia.

The construction of the Bener dam, classified as a National Strategic Project, poses a significant risk of ecological disaster. This project requires extensive land use and involves the extraction of andesite stone from Wadas village, an activity that has been linked to human rights violations. Due to these violations, andesite mining in Wadas village is excluded from the National Strategic Project (PNS). Expert analyses indicate that there are ongoing legal issues and human rights violations throughout the project's planning stages and land acquisition processes. The determination of the mining site did not incorporate the voices of Wadas villagers, undermining the quality of their living environment, water sources, local biodiversity, and food security. Additionally, there are indications of administrative errors regarding the integration of the Bener dam construction permit and the andesite mining operations in Wadas village. These inaccuracies pertain to the categorization of andesite mining as part of the land acquisition process for public interest—linked to the dam's construction—despite the fact that the extraction activities are primarily for business or commercial purposes (Wibowo, 2022).

The National Strategy Project is harmful to the residents of Wadas village, forcing them to sell land that contains andesite rocks. This is particularly concerning since the Wadas area is outside the designated Bener dam National Strategy Project. The outcomes of the Bener dam construction remain unclear, yet it has come at the expense of the people's interests, with local residents seeing no benefits from the project. Additionally, the surrounding environment has already suffered damage. The construction of the Bener dam appears to be driven by human ambition and a desire for development, which are not aligned with the adequate capacity needed to manage such a project. This ambition has often lacked the necessary planning to create humane, measurable designs and effective socio-ecological disaster mitigation strategies (Al-Hamdi, 2022).

The andesite mining project in Wadas, Purworejo village, faces legal issues and human rights violations that have arisen from its planning and land acquisition processes. As a result, this project does not qualify as a National Strategic Project. The local community has not received the protection and fulfillment of their right to a good and healthy environment from the government. Additionally, the determination of the mining location was made without considering the aspirations of the residents of Wadas village. The community requires protection and support for their rights to a healthy environment, which is essential for maintaining the quality of their living space, water sources, local biodiversity, and food. These factors are crucial for the sustainability of the Wadas village ecosystem.

The construction of the Bener dam highlights administrative issues related to the consolidation of dam construction permits in Bener village and andesite mining in Wadas. The core problem stems from the classification of andesite mining in Wadas village, which has been included in the land acquisition scheme as

part of a project deemed to serve "public interest." However, the Bener dam project primarily aims to pursue "business interests" or commercial objectives, rather than genuinely benefiting the local community as intended by the national strategic project framework. As a consequence of the project, a socio-ecological crisis has arisen, manifesting as poor environmental security and ecological disasters. The Bener dam project has exacerbated violence, led to the appropriation of local livelihoods, and fueled various agrarian conflicts throughout Indonesia. Rather than fostering genuine development, the Bener dam—classified as a National Strategic Project—promotes a "myth of prosperity" that fails to deliver tangible benefits. In reality, violence has become a pervasive issue, resulting in widespread community terror (Muqoddas, 2022).

It is important to highlight that the Bener dam construction project, which has led to violations of the environmental rights of the Wadas village community, involves a total investment of 2.06 trillion IDR, funded by both the State Budget and the Regional Budget. The Ministry of Public Works and Public Housing is responsible for overseeing this project. The planned Bener dam will feature a water capacity of 100.94 million cubic meters and will cover an area of 15,069 hectares. The State-Owned Enterprise (BUMN) PT Bratas Abipraya (Persero) is in charge of the construction, which, upon completion, will be the tallest dam in Indonesia, standing at 159 meters high, with an embankment length of 543 meters and a bottom width of approximately 290 meters (Tirto.id: 2022). The construction plans for the dam commenced in 2018, with an anticipated completion date in 2023 (CNN Indonesia, 2022). The legal foundation for the Bener dam construction is grounded in Law No. 32 of 2009, which addresses Environmental Protection and Management, and Law No. 11 of 2020, which relates to Job Creation. However, Law No. 11 of 2020 acknowledges the community's status as directly affected by the project's activities and restricts their involvement in the preparation of an Environmental Impact Analysis (AMDAL).

The government's unilateral decision to designate the Bener dam as a National Strategic Project has been criticized for lacking public participation. The Indonesian Center for Environmental Law (ICEL) pointed out that most regulations related to National Strategic Projects, such as Law Number 11 of 2020 on Job Creation and Government Regulation Number 22 of 2021 on Environmental Protection and Management, do not include provisions for public involvement in the planning and designation processes. Moreover, these regulations fail to ensure public participation throughout the permitting process and project execution. As a result, such actions are viewed as not allowing for public engagement within these frameworks (PP Muhammadiyah, 2022).

The complex issues faced by Wadas village due to the construction of the Bener dam have sparked conflicts between local residents and the government, leading to various immediate problems. Andesite mining poses a significant threat to the environment, which is a persistent concern for the Wadas community, especially since the area is classified as prone to landslides. Their fears are justified, as Wadas village experienced a major landslide in 1988 that resulted in the deaths of seven people (Ganta, 2021). The village's location in the Menorah Hills makes it particularly vulnerable to such disasters. Consequently, Wadas village, situated upstream, plays a crucial role in maintaining ecological balance. It functions as a catchment area that protects the Purworejo region from the risks of flooding and drought (PP Muhammadiyah, 2022).

According to Zuhhad (2022), dam construction poses a significant risk to the long-term sustainability of the environment, with potential losses outweighing the benefits. One major issue is the climate crisis: dammed rivers will submerge numerous plants that play a crucial role in absorbing carbon emissions. When these plants decompose underwater, they release methane gas, a potent greenhouse gas that retains heat from the sun 80 times more effectively than carbon dioxide. This heightened release of methane could worsen climate challenges. The impacts of the climate crisis will profoundly affect communities in Indonesia and around the world. It is projected that climate-related issues may cost Indonesia approximately Rp 544 trillion in sectors such as maritime, agriculture, health, and water supply. Additionally, the climate crisis is likely to lead to an increase in natural disasters, including floods, tidal waves, landslides, hurricanes, and extreme weather events. The destruction of wetlands and beaches, crucial for maintaining ecological balance, is a significant concern. River sediment is essential for the long-term health of wetlands, such as peatlands and coastal swamps, and provides vital nutrients for agricultural land. However, dams can trap this sediment, resulting in wetland degradation and disrupting agricultural practices (PP Muhammadiyah, 2022).

The environmental crisis will persist, exacerbated by declining fish populations and damaged ecosystems. Since 1970, the construction of several dams has led to an approximate 81 percent decrease in animal populations within rivers. During the dry and hot seasons, reservoirs can elevate river temperatures, further harming the ecosystem by threatening the survival of trees and animals that rely on cooler waters. Additionally, higher temperatures can contribute to a decline in water quality. Large amounts of unmanaged household waste often enter rivers and accumulate in dams, worsening water quality. As a result, clean water resources are squandered, and people may be forced to rely on the dam's water, even though it is their only option. This water often contains invasive plant species, such as water hyacinth, which exacerbate evaporation from the dam. If the climate continues to deteriorate, particularly during droughts, the water levels in the dam could fall significantly. This reduction not only affects hydroelectric power generation but may also render the dam's water undrinkable (PP Muhammadiyah, 2022). Ultimately, the Bener dam project will contribute to the broader social and ecological crisis, with issues of land grabbing and environmental destruction becoming increasingly apparent (Yanuardi, et al., 2021).

The construction of the Bener dam led to significant conflict and violence, as the local community opposed both the dam and the mining of andesite in Wadas village. Tensions first escalated on Monday, February 7, 2022, when thousands of police officers entered Wadas village, forming lines and setting up tents in Kaliboto Field, which caused a power outage. The following day, Tuesday, February 8, 2022, the police entered Wadas village fully armed and arrested residents who were perceived to be resisting (Suara.com, 2022). Their actions were described as intimidating, repressive, and confrontational, instilling fear among the residents and disrupting their sense of security and order (PP Muhammadiyah, 2022). As a result, allegations of human rights violations by security forces against the people of Wadas village emerged.

Three key aspects of this agrarian conflict have come under scrutiny: human rights violations, environmental destruction, and land conversion. The National Human Rights Commission (Komnas HAM) has reported that these violations were due to the excessive use of force by police, which resulted in the violent arrest of several residents (resmi@komnas.ham, 2022). From an environmental perspective, the construction of the Bener dam, located approximately 10 km from Wadas village, is part of a National Strategic Project (PSN), with Wadas village designated as a mining site for andesite, intended to supply construction materials. The public is not only concerned about the arrests of numerous residents by authorities but has also criticized the dam project for its potential environmental impact (Kompas.com., 2022).

Research on the relationship between development and threats to human rights can be found in the existing literature. Some studies indicate that upholding human rights remains a significant challenge, often creating new problems instead of resolving existing ones. While Indonesia's substantial economic development has successfully reduced poverty and improved the overall standard of living, this increase in prosperity has also compromised personal freedoms (Hasyim, 2008). Moreover, to accelerate economic development, the military frequently supports the infringement of democratic rights, including the rights to freedom of speech and participation in government. These infringements are often enforced through repressive measures. Additionally, development efforts often lack a human rights perspective, which is evident in the absence of genuine deliberation, superficial legal procedures, and widespread corruption (Rasdi & Alkadri, 2018). A clear example of human rights violations is the government's decision to force the construction of the Bener dam, which infringes upon the right to a healthy environment—a right traditionally derived from the surrounding ecosystem.

### **Legal Justice According to Court Decisions**

Government power is essential for running a democratic system. Legally, the concept of authority is inherently linked to power derived from the law, which governs both its acquisition and application. Adhering to the principle of legality (Livermore, 2006), authority based on law is intended to meet the rights and needs of the populace. In this context, the Central Java regional government, with the Governor as its head, has the responsibility to address the community's claims for welfare, particularly the right to development. This research focuses on the construction of the Bener dam, identified as a National Strategic Project aimed at meeting the community's water needs for irrigation and other essential purposes. As the head of the Central Java regional government, the Governor wields authority over all development activities within the region, which includes the Bener dam project. One of the powers vested in the Governor is the ability to issue regulations that serve as the

foundation for such developmental initiatives. An example of this is the Decree of the Governor of Central Java Number 590/20 of 2021, which updates the designation of land acquisition locations for the construction of the Bener dam in Purworejo and Wonosobo Regencies, dated June 7, 2021.

The Decree of the Governor of Central Java Number 590/20 of 2021 has led to significant issues, as the community opposes the designation of land for public interest related to the construction of a dam. This project raises concerns about environmental damage in the surrounding area, particularly due to the mining of andesite stone used in the dam's construction. As a result, the ecosystem and ecological integrity of the Wadas community are at risk of being severely harmed or even destroyed. Furthermore, the Decree is not aligned with the principles of sustainable development, as outlined in the 1945 Constitution. Article 33, paragraph (4) states that "the national economy is organized based on economic democracy, sustainability, environmental awareness, independence, and maintaining a balance between progress and national economic unity." Therefore, economic development must prioritize environmental sustainability, ensuring that natural resources are preserved and that the environment is protected (Sodikin, 2021).

The issue in Wadas village originates from the Decree of the Governor of Central Java Number 590/20 of 2021, which updates the determination of land acquisition locations for the construction of the Bener Dam (Harjanto, 2022). The residents who oppose this plan are those who hold legitimate rights to land, buildings, plants, or other assets, and are also affected by the mining activities related to the dam construction. Their rights are protected and recognized under Indonesian law.

Residents have requested that the governor revoke Central Java Governor's Decree Number 590/20 of 2021, which pertains to the update on the determination of land acquisition locations for the construction of the Bener dam in Purworejo and Wonosobo Regencies, Central Java Province. This decree, dated June 7, 2021, is being contested through a lawsuit filed with the State Administrative Court in Semarang. The residents' legal action against the Central Java regional government aims to achieve justice, as they believe the government's decision was made unilaterally, without proper consultation with the community that would be affected by the Bener dam construction.

As state administrators in running the government, of course, they must pay attention to the principles of governance, one of which is the principle of protecting human rights. Thus, despite the growth and proliferation of legal instruments for the protection of human rights, there is a continuing disparity between official proclamation and actual implementation of human rights protection (Rokhim, 2013). This is because human rights are a measure in the implementation of government, so Landman (2004) stated, measuring human rights serves the following four functions: (1) contextual description, monitoring, and documentation of violations; (2) classification of different types of violations; (3) mapping and pattern recognition of violations over space and time; and (4) secondary analysis that provides explanations for violations and policy solutions for reducing them in the future. Contextual description provides the raw information upon which measures of human rights are based.

Every government action must prioritize the protection of human rights. It is essential for the government to recognize that the primary duty to uphold these obligations lies with the state, specifically the regional government of Central Java province, led by its governor. The government's responsibility to protect human rights is rooted in Article 28A of the 1945 Constitution of the Republic of Indonesia, which states, "Everyone has the right to live and the right to defend their life and livelihood." Additionally, Article 28H Paragraph (1) of the Constitution asserts, "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to enjoy a good and healthy living environment, as well as the right to receive health services." Article 28H Paragraph (4) further declares, "Everyone has the right to private property, and such property rights may not be arbitrarily taken away by anyone." There are also relevant provisions in specific laws. For instance, Article 9 of Law Number 39 of 1999 concerning Human Rights states: (1) "Everyone has the right to live, maintain their life, and improve their standard of living," (2) "Everyone has the right to be peaceful, safe, happy, and prosperous, both physically and mentally," and (3) "Everyone has the right to a good and healthy living environment." Similarly, Article 29 Paragraph (1) of the same law emphasizes, "Everyone has the right to protection of themselves, their families, honor, dignity, and property rights." Additionally, Article 65 Paragraph (1) of Law

Number 32 of 2009 states, "Everyone has the right to a good and healthy living environment as part of human rights."

Based on these provisions, the community filed a lawsuit against the government for its arbitrary actions, asserting that everyone has the right to develop themselves and their economy in order to sustain their livelihoods. The residents of Wadas village opposed andesite mining because it posed a threat to their homes and their agricultural economy. They sought to protect their livelihoods as farmers from being unjustly taken away (Decision Number: 68/G/PU/2021/PTUN.SMG).

The court decision regarding the demands of the Wadas community stated that the andesite rock mining plan would displace the residents of Wadas Village. The expected impacts of this plan would significantly affect the livelihoods of many people, including the loss of property rights, housing, and agricultural land that have historically contributed to their prosperity. Additionally, the mining project would lead to job losses for farmers who have cultivated the land for generations, as the mining activities would damage the landscape, rendering it unusable for agriculture. Consequently, the residents of Wadas Village would be forced to adapt to a new environment and change their livelihoods. (Decision Number: 68/G/PU/2021/PTUN.SMG).

In their lawsuit, the Wadas community stated that Indonesia has ratified the International Covenant on Economic, Social, and Cultural Rights through Law Number 11 of 2005. This means that all provisions or policies implemented by the government must aim to fulfill, respect, and protect the economic, social, and cultural rights outlined in the covenant. The government's actions have negatively impacted the lives of Wadas residents, who were previously thriving both physically and mentally, leading to conditions that make it difficult for them to live. Andesite rock mining in Wadas village has resulted in the loss of jobs, homes, and decent living conditions for the residents. The prolonged effects of mining activities are likely to cause significant environmental damage. The government is viewed as having violated Article 11, paragraph 1 of Law Number 11 of 2005, which concerns the ratification of the International Covenant on Economic, Social, and Cultural Rights. This article states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of his living conditions. States Parties will take appropriate steps to ensure the realization of this right, recognizing the importance of the essence of this Covenant based on the principle of freedom" (Decision Number: 68/G/PU/2021/PTUN.SMG).

The recent court decision addresses the planned andesite mining in Wadas village for the construction of the Bener dam, highlighting a lack of consideration for gender issues. The government's mining plan neglects to acknowledge the role of Wadas village women in managing natural resources. This oversight will significantly impact these women, who rely on the environment for their livelihoods. If the andesite mining project proceeds, it will threaten the livelihoods of women in Wadas village by restricting their access to vital natural resources. To promote justice for the women of Wadas village, the government must prioritize their needs and desires in the planning process. Many women in Wadas village earn their living through farming, and the proposed mining plan will adversely affect them. However, the government appears to ignore this reality, which represents a form of impoverishment inflicted on the women of Wadas village (Decision Number: 68/G/PU/2021/PTUN.SMG).

The claim submitted by the community regarding their right to a good and healthy environment was not considered by the judge in this dispute. The judge ruled that the decree issued by the Governor of Central Java

Province, both in terms of its procedural methods and its content, did not violate applicable laws or regulations and was consistent with the general principles of good governance. As a result, the community's request for a healthy environment was not taken into account, leading to the rejection of their claim by the court. Consequently, the community did not obtain legal justice through the decision of the State Administrative Court in Semarang.

Residents of Wadas village had their demand for a good and healthy environment rejected by the judge at the Semarang State Administrative Court. Subsequently, they filed an appeal with the Supreme Court. However, in decision number 482 K/TUN/2021, the Supreme Court also rejected the Wadas villagers' demands related to their right to a good and healthy environment, thereby upholding the earlier decision of the Semarang State

Administrative Court. This Supreme Court ruling demonstrates that the residents of Wadas have not achieved legal justice through the courts, nor has there been adequate protection and fulfillment of their human rights concerning a good and healthy environment. The government, which is responsible for ensuring the right to a good and healthy environment, has thus been supported by the judiciary in failing to fulfill the community's rights. The Wadas villagers seek justice for both their community and the environment. As noted by Christin Winter (2022), the concepts of ecological and social relationality, along with multispecies justice (MSJ), can help rethink, reorganize, and revitalize the study of justice to make it more relevant in light of the ongoing impacts of climate change, ecosystem collapse, land degradation, and water degradation, as well as issues of human-ecological dependency and social dislocation. Ultimately, the Wadas community is advocating for justice regarding their right to a good and healthy environment—a right that is recognized legally and morally for all individuals.

## CONCLUSION

The Wadas village community is a cohesive group that lives in harmony with the natural environment and the resources found in their land. These natural resources are essential for the survival of the Wadas village community. However, the construction of the Bener dam, classified as a National Strategic Project, has sparked conflict and resistance among the Wadas community. This opposition arises from the use of materials sourced from Wadas village, specifically andesite rock, for the dam's construction, which has resulted in environmental damage. The environmental harm caused by the dam's construction also infringes on the community's right to a healthy and sustainable environment. Unfortunately, existing laws and regulations aimed at protecting this right have not effectively addressed the community's concerns. Moreover, the community's attempts to seek justice through lawsuits in the State Administrative Court in Semarang and the Supreme Court have not been successful in achieving the desired outcome regarding their environmental rights. Both justice enforcement institutions rejected the Wadas residents' demands, leaving their requests for legal justice unfulfilled. As a result, the Wadas village community's right to a good and healthy environment has not been met due to the ongoing construction of the Bener dam.

The government should refrain from using andesite rock materials from Wadas village or the surrounding area for dam construction projects to protect the environment. Additionally, it is advisable for the judicial institution handling the case involving the Wadas village community to take into account both human rights and environmental considerations. This approach ensures that justice serves not only a specific group of people but also promotes environmental justice, while providing legal protection for human rights.

## REFERENCES

1. Akun Instagram. (2022). resmi@komnas.ham. Thursday, February 24.
2. Al-Hamdi, Ridho. (2022). Pelanggaran HAM yang Jelas dan Kekuatan Buzzer di Kisruh Desa Wadas, in <https://republika.co.id/berita/raw9ya328/pelanggaran-ham-yang-jelas-dan-kekuatan-buzzer-di-kisruhdesa-wadas>, (downloaded, April 26, 2022).
3. Appannagari, Ramamohana Reddy. (2017). Environmental Pollution Causes and Consequences: A Study, North Asian International Research Journal of Social Science & Humanities, Vol. 3 Issue 8. August (2017).
4. Aprillya, Salma Rafifa. (2022). Apa Itu Batu Andesit? Mengenal Batu Andesit, Kandungan hingga Kegunaan, in detiknews.com, Wednesday 08 April.
5. Arifin, R., Rasdi, & Alkadri, R. (2018). Tinjauan Atas Permasalahan Penegakan Hukum dan Pemenuhan Hak Dalam Konteks Universalisme dan Relativisme Hak Asasi Manusia di Indonesia. *Legality*, 26(1).
6. Asep, Komaruddin. (2021). Ancaman Kerusakan Lingkungan hingga Hilangnya Mata Pencarian Warga Wadas karena Proyek Bendungan, in kompas.com.
7. Boyle, Alan. (2012). Human Rights and the Environment: Where Next? *EJIL*, Vol. 23 No. 3, 613–642, doi:10.1093/ejil/chs054.
8. Coates, Ken, Terry Mitchell, ed., (2022). From aspiration to inspiration: UNDRIP finding deep traction in Indigenous communities, *The Rise of the Fourth World*, The Centre for International Governance

- Innovation (CIGI), in [https://id.wikipedia.org/wiki/Deklarasi\\_PBB\\_tentang\\_Hak-Hak\\_Masyarakat\\_Adat](https://id.wikipedia.org/wiki/Deklarasi_PBB_tentang_Hak-Hak_Masyarakat_Adat) (accessed, April 23, 2022).
9. Champagne, Duane. (2013). *UNDRIP (United National Declaration on the Rights of Indigenous People): Human, Civil, and Indigenous Rights*, University of Minnesota Press, Vol. 28. No. 1.
  10. CNN Indonesia;2022. Akun Twitter Wadas\_Melawan Kena Suspend. Retrieved March 18, 2022, from [cnnindonesia.com](http://cnnindonesia.com) website: <https://www.cnnindonesia.com/nasional/20220216121349-20759868/akuntwitter-wadasmelawan-kena-suspend>.
  11. Decision Number: 68/G/PU/2021/PTUN.SMG
  12. Frequently Asked Questions: Declaration on the Rights of Indigenous Peoples United Nations Permanent Forum on Indigenous Issues.
  13. Ganta, R. (2021). Tambang Datang Longsor di Wadas Terancam Berulang.
  14. Hadjon, Philipus M. & Djamiati, Tatiek Sri. (2005). *Argumentasi Hukum*. Yogyakarta: Gadjah Mada University Press.
  15. Handl, Gunther. (1992). *Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972 and the Rio Declaration on Environment and Development*, United Nations Audiovisual Library of International Law.
  16. Harjanto, Setyo Aji. (2022). *Bisnis.com* by title: "Keputusan Ganjar Jadi Pemicu Warga Wadas Tolak Bendungan Bener", in <https://kabar24.bisnis.com/read/20220209/15/1498487/keputusan-ganjar-jadipemicu-warga-wadas-tolak-bendungan-bener>. (downloaded, 3 May 2022).
  17. Hasyim, D. (2008). *Perencanaan Pembangunan Berwawasan HAM Menuju Pembangunan Berpusat Pada Rakyat*. Unisia: *Jurnal Ilmu-Ilmu Sosial*, 31(68).
  18. Iskandar. (2011). *Konsepsi Dan Pengaturan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat (Kajian Perspektif Hak Asasi Manusia Dalam Pengelolaan Lingkungan Hidup)*, Kementerian Pendidikan Nasional, Universitas Bengkulu, Fakultas Hukum.
  19. *Gramedia Blog*. (2022). *Pencemaran Lingkungan: Pengertian, Contoh, Dampak dan Cara Mengatasi dalam* <https://www.gramedia.com/literasi/pencemaran-lingkungan/>, (accessed, April 19, 2022).
  20. *Kompas.com*. (2021), dengan judul "Ancaman Kerusakan Lingkungan hingga Hilangnya Mata Pencarian Warga Wadas karena Proyek Bendungan", <https://nasional.kompas.com/read/2022/02/10/05400031/ancaman-kerusakan-lingkungan-hingghilangnya-mata-pencarian-warga-wadas?page=all>.
  21. *Kompas.com*. (2022). Bendungan Bener, PSN yang Ditolak Warga Wadas.
  22. Landman, Todd. (2004). *Measuring Human Rights: Principle, Practice, and Policy*, *Human Rights Quarterly*, Volume 26, Number 4, November, Published by The Johns Hopkins University Press, DOI: 10.1353/hrq.2004.0049.
  24. Livermore, Michael. (2006). *Authority and legitimacy in global governance: Deliberation, institutional differentiation, and the codex alimentarius*, \\server05\productn\N\NYU\81-2\NYU205.txt unknown Seq: 2 1-MAY-3.
  25. *Majelis Hukum dan HAM PP Muhammadiyah*. *Wadas Pelanggaran dan HAM dan Krisis Sosio-Ekologi Atas Nama Proyek Strtaegi Nasional (Policy Brief)*, April 2022.
  26. Mardatillah, Ani. (2022). *Pengertian Kerusakan Lingkungan, Dampak, dan Cara Mengatasinya*, dalam <https://www.merdeka.com/sumut/pengertian-kerusakan-lingkungan-dampak-dan-cara-mengatasinyakln.html>. (accessed, April 19, 2022).
  27. Muqaddas, Busyro. (2022). "PP Muhammadiyah: Tambang Batu Andesit di Wadas Bermasalah Sejak Perencanaan", in <https://www.republika.co.id/berita/raw7y7409/pp-muhammadiyah-tambang-batuandesit-di-wadas-bermasalah-sejak-perencanaan>, Monday, April 25, 2022.
  28. Mutua, Makau W. (1995). *The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties*, 35 *Va. J. Int'l L.* 339, Available at: [https://digitalcommons.law.buffalo.edu/journal\\_articles/579](https://digitalcommons.law.buffalo.edu/journal_articles/579).
  29. Nurhadi. (2022). *Bendungan Bener, Proyek Strategis Jokowi Pemicu Konflik di Desa Wadas*, dalam <https://nasional.tempo.co/read/1559978/bendungan-bener-proyek-strategis-jokowi-pemicu-konflik-didesa-wadas/full&view=ok>, Saturday, February 12, 2022.
  30. Park, Susan. (2022). *The politics of 21st century environmental disasters*, in the *Journal Environmental Politics*, Vol. 31, No. 1, 1–7. <https://doi.org/10.1080/09644016.2021.2024718>.

31. Pasludin, Andi Akmal. (2022). "Polemik Desa Wadas, DPR Ingatkan Rusaknya Keseimbangan Alam Akibat Eksploitasi", in <https://nasional.tempo.co/read/1560682/polemik-desa-wadas-dpr-ingatkanrusaknya-keseimbangan-alam-akibat-eksploitasi/full&view=ok>, Senin, 14 Februari 2022.
32. Qothrunnada, Kholida. (2022) "Deklarasi Universal HAM : Sejarah dan Isi Pasal" in <https://www.detik.com/edu/detikpedia/d-5763438/deklarasi-universal-ham--sejarah-dan-isi-pasal>, (accessed, April 24, 2022).
33. Rasjidi, Lili. & Liza Sonia Rasjidi. (2009). Monograf: Filsafat Ilmu, Metode Penelitian, Dan Karya Tulis Ilmiah Hukum, Bandung.
34. Rokhim, Abdul. (2013). Kewenangan Pemerintah Dalam Konteks Negara Kesejahteraan (Welfare State), dalam Jurnal Dinamika Hukum Fakultas Hukum Unisma Malang, Vol. XIX No. 36, Pebruari-Mei.
35. Rosa, Camelia. (2022). in <https://akurat.co/ramai-diperbincangkan-yuk-intip-potensi-alam-desa-wadas>, Wednesday, February 9, 2022.
36. Saul, Ben. Kinley, David. Maowbray, Jacqueline, (2014). The International Covenant on Economic, Social and Cultural Rights, Oxford University Press.
37. Sodikin. (2021). Legal Construction for Economic Recovery Based Environment Post Covid-19 Pandemic, in the Journal Rechtsvinding Vol. 10 No. 3 Desember 2021, DOI:
38. <http://dx.doi.org/10.33331/rechtsvinding.v10i3>.
39. Sodikin. (2019). Gagasan Kedaulatan Lingkungan Dalam Konstitusi Dan Implementasinya Dalam Pelestarian Lingkungan Hidup in the Journal of Masalah-Masalah Hukum, Vol. 48 No.3, Juli 2019, DOI: 10.14710/mmh.48.3.2019.294-305.
40. Sodikin. (2021). Legal Constructions for Economic Recovery Based Environment Post Covid-19 Pandemic, in the Journal of Rechtsvinding, Vol. 10 No. 3 Desember. DOI:
41. <http://dx.doi.org/10.33331/rechtsvinding.v10i3>.
42. Soekanto, Soerjono. & Mamudji, Sri. (1994). Penelitian Hukum Normative – Suatu Tinjauan Singkat, Jakarta: Raja Grafindo Persada.
43. Yanuardy, D., Swanvri, Muntaza, Novrian, D., Bambang, Dahana, ... Kuswardon, T. (2014). Master Plan Percepatan Dan Perluasan Krisis Sosial-Ekologis Indonesia. In MP3EI - Master Plan Percepatan dan Perluasan Krisis Sosial- Ekologis Indonesia.
44. Wahana Lingkungan Hidup Indonesia (Walhi, 2021) in <https://www.walhi.or.id>.
45. Wibowo, Eko Ari. (ed.) (2022). Muhammadiyah Sebut Tambang di Desa Wadas Punya Problem Hukum dan HAM, in <https://nasional.tempo.co/read/1585955/muhammadiyah-sebut-tambang-di-desa-wadaspunya-problem-hukum-dan-ham>, Tuesday, April 26, 2022.
46. Winter, Christen. J. (2022). Introduction: What's the value of multispecies justice? in the Journal Environmental Politics 2022, VOL. 31, NO. 2, <https://doi.org/10.1080/09644016.2022.2039001>.
47. Zuhhad, A. (2022). Ada Apa dengan Desa Wadas: Tambang dan Bendungan Bener Rugikan Indonesia. Retrieved April 14, 2022, from Greenpeace website:
48. <https://www.greenpeace.org/indonesia/cerita/45996/ada-apa-dengandesa-wadastambang-dan-bendunganbenerrugikan-indonesia/>.