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**"THE ISSUES OF ENVIRONMENTAL HUMAN RIGHTS IN THE INDONESIAN ENVIRONMENTAL HUMAN RIGHTS LAW INSTRUMENTS: THE FUTURE ROLE OF ASEAN HUMAN RIGHTS COURT"**

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The integration of environmental rights into human rights instruments, derived from Principle 1 of the 1972 Stockholm Declaration, has been adopted into domestic laws of many countries. In Indonesia, the combination of rights above is constitutional right guaranteed under Article 28 H of the 2<sup>nd</sup> amendment of the 1945 Constitution and protected under Law of 2009 Law No. 32 on Environmental Protection and Environmental Management and Law of 1999 No. 39 on Human Rights. Many argue that violation of environmental rights will also impair human rights and that cases may be submitted to Human Rights Court for adjudication. In Indonesia, environmental cases submission to Human Rights Court is seen to be impossible since they are inconsistent with the Law of 2000 No. 26 on Human Rights Court. Also, many verdicts of the District Courts reflect the hesitation of the judiciary in interpreting the people's environmental human rights in Indonesia. Using the comparative approach, this paper will observe and analyze the possibility of extending the jurisdiction of Indonesian Human Rights Court to include environmental matters similar to that undertaken by the European Human Rights Court in handling environmental matters. The purposes of the study are to examine the verdicts of the district courts relating to the community environmental disputes; To look at the practice of The European Human Rights Court in solving the individual and the community environmental disputes. The method of the study: all the data gathered are obtained from secondary data and are descriptively and qualitatively analyzed. The conclusion: In the context of the establishment of ASEAN Human Rights Court, using human rights mechanisms that should be considered in solving the environmental conflict in Indonesia. Since pollution and environmental degradation disturb the people's enjoyment to human rights.

**Keywords:** environmental rights, Indonesian Environmental Management Act, environmental declarations, Indonesian Human Rights act, human rights conventions, European Human Rights Court, environmental cases.

**STATE'S RESPONSIBILITY ON SAVING AND FILLING EX-GAFATAR'S LAND RIGHT AFTER EVICTION AND REPATRIATION FROM BORNEO**

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The Purpose of the article is the extending view of law about infraction human right of ex-Gafatar because of eviction and repatriation forcibly from Borneo. Hopefully, the article can will be solve solution to justice for ex-Gafatar.

This article uses the legal-socio approach which will be exposure about set of problem law involved in socio science, economic, and politic until a conclusion which approaches value of substantial justice.

The decision of The Indonesian Ulema Council for Gerakan Fajar Nusantara (Gafatar) "as organization is deviate" causes eviction and repatriation forcibly by government from Borneo. Around 8000 members of Gafatar group was repatriated from west Borneo. They are from several regions in Indonesia like Jakarta, West Java, and Lampung. It is infraction human right. Government as responsibler should save and fill rights for ex-Gafatar because of the eviction. Members of ex-Gafatar get financial loss like material effects and immaterial effects.

Government as responsibler on saving and filling human right should make policy for restoring ex-Gafatar's right. Especially it is change all of ex-Gafatar's asset at Borneo. Although organization of Gafatar was reputed as organization is deviate from The Indonesian Ulema Council, but justice based on constitution 1945th must be doing as shape responsibility state to it citizen

**Keywords:** responsibility, state, eviction Gafatar