

# Green Constitution: Developing Environmental Law Awareness

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## ABSTRACT

Natural disasters often occur and take many lives. One of the reasons natural disasters occur and make it difficult for humans is because humans themselves have not been able to protect their environment. The World Risk Report released by the German Alliance for Development Work (Alliance), the United Nations University Institute for Environment and Human Security (UNU-EHS) and The Nature Conservancy (TNC) in 2012 states that environmental damage is one of the important factors determining height low risk of disaster in an area. The 10 countries that have contributed the most to the destruction of the environment are Brazil, the United States, China, Indonesia, Japan, Mexico, India, Russia, Australia and Peru. One reason why Indonesia is included as one of the countries that contribute to environmental destruction is because there is still a lack of legal awareness in protecting the environment. Legal awareness in protecting the environment is still poorly understood and implemented by the people of Indonesia. Lumbah river coastal community is one community that still does not understand the importance of protecting the environment, this is evidenced by the discovery of the community using river water to wash clothes, bathing, toilet and even for cooking needs simultaneously. Of course this is not good because the quality of the river becomes unhealthy both for the community or the environment. The research team is trying to develop counseling techniques to increase public awareness about environmental protection, namely the Green Constitution movement program. This movement will be used to overcome the problem of environmental damage in the village of Sungai Lumbah, RT.01 Alalak District, Batola Regency.

**Keywords:** *Green constitution, awareness law, environment.*

## 1. INTRODUCTION

Environmental damage has a huge direct impact on human life in the world today. In 2004, the High Level Threat Panel, Challenges and Change United Nations, included environmental degradation as one of the ten threats to humanity. The World Risk Report released by the German Alliance for Development Work (Alliance), the United Nations University Institute for Environment and Human Security (UNU-EHS) and The Nature Conservancy (TNC) in 2012 states that environmental damage is one of the important factors determining height low risk of disaster in an area. The following 10 countries that have contributed most to environmental destruction are Brazil, the United States, China, Indonesia, Japan, Mexico, India, Russia, Australia, and Peru. The 10 largest environmental violators are Singapore, Korea, Qatar, Kuwait, Japan, Thailand, Bahrain, Malaysia, the Philippines and the Netherlands.

The pattern of consumption which continues to increase in number of natural resources / earth, is now revealed in the form of ongoing crises. Loss of rainfed forest areas that occur every second, acceleration in the degree of natural damage, the ozone layer which is increasingly thinning, the possibility or potential damage to the natural balance that causes the earth can be used as a space for us to live, all of which shows the increasing degree of conflict between human civilization and nature around and even the universe [1].

The problem that arises in river water management is that river water availability is subject to a natural cycle called the hydrological cycle. During the dry season water crisis often

occurs. In Indonesia the water crisis has reached an alarming point both in big cities and villages, while in the rainy season river water resources overflow and become a flood disaster. Another problem that is quite severe is the condition of river water that is polluted by liquid and solid waste (garbage) in various places. Pollution and Destruction of river water resources is a serious problem faced by the government and the community in managing water resources management [2]. Since the 4th amendment of the 1945 Constitution of the Republic of Indonesia in 2002 Indonesia has constituted the normalization of environmental legal norms into the constitution, which is contained in Article 28 H and Article 33 paragraph 4, which confirms the basic norms concerning the importance of environmental preservation. But it has been more than 10 years since the fourth amendment in 2002 that the damage to the natural environment has increased.

The 4th Amendment to the 1945 Constitution [3], Article 28 H paragraph (1) states that: "Everyone has the right to live in prosperity and spirituality, to live and to have a good and healthy environment and to have health services". Article 33 paragraph (3) mentions the granting of rights and control to the state of the earth, water and natural resources contained therein for the greatest prosperity of the people. Article 33 paragraph (4) states that "The national economy shall be implemented based on economic democracy with the principles of togetherness, efficiency, being just, sustainable, environmentally sound, independent, and by maintaining the balance of progress and national economic unity.

Law Number. 32 of 2009 [4] "Environmental Protection and Management" states that a good and healthy environment is a human right of every Indonesian citizen as mandated by Article 28H of the 1945 Constitution. In Article 3 of Law No.32 of 2009 concerning protection and Environmental Management stated that: environmental protection and management aims:

- a. Protect the territory of the Republic of Indonesia,
- b. Ensure safety, health, and human life,
- c. Guarantee the survival of living things,
- d. Maintaining the preservation of environmental functions,
- e. Achieve harmony, harmony and environmental balance,
- f. Ensure the fulfillment and protection of the right to the environment as part of human rights,
- g. Controlling the wise use of natural resources, and
- h. Achieve sustainable development, and
- i. Anticipating global environmental issues.

Legal awareness in protecting the environment is still poorly understood and implemented by the community, including one of the Sugai coastal communities. Besides that, the indiscipline of visitors in maintaining the cleanliness of the river becomes the determining actor of the river which becomes dirty and has a lot of garbage. Actually, if every citizen pollutes the sea and damages the beauty of the sea, it must be sanctioned as reflected in a rule or constitution of our country, but it seems that the constitution is not known and understood by the people of the river banks.

Civilization towards the environment needs to be built through the commitment of every member of society and the government in protecting, protecting, repairing, restoring, and preserving the environment. At this time the concept has been campaigned Green Constitution, which is a form of Government commitment in the form of presenting basic rules Green Constitution is an attempt to constitutionalize environmental legal norms into the constitution by raising the degree of environmental protection norms to constitutional level [5]. One of the main vehicles to educate the public in order to have a good understanding of the Republic of Indonesia's Constitution (1945 Constitution), including the basic norms of civilization towards the environment, is through the implementation of the movement program green constitution in creating awareness of the river coast community in the marabahan sub-district of the marabahan sub-district Barito Kuala Regency.

The substance of the Green Constitution at the community level is specially packaged for inculcation and application to every element of society. With regard to this matter, the substance of the Green Constitution needs to be instilled early on, that is not only the civilization of the environment needs to be understood (moral knowing), but it must also be desired (moral feeling) and practiced in life (moral action). In this study the Green Constitution was carried out in the Barito River coastal communities by providing counseling Green Constitution.

## 2. THEORETICAL FRAMEWORK

Green Constitution is a state constitution that places environmental protection as an important consideration [5]. This term was introduced by Assiddiqie who mentioned that the substance of the Green Constitution was found in the

fourth amendment of the 1945 Constitution of the Republic of Indonesia conducted in 2002. One of the ideas and developments in efforts to protect the environment is to place the regulation of human rights to the environment in the state constitution as a commitment to protection and management of the environment (Green Constitution) is one of the things that answers various kinds of community concerns regarding environmental degradation.

The concept of green is closely related to green democracy (Green Democracy) or Ecological Democracy (Eco-Democracy). These terms relate to the Brundtland Report which gave birth to the term ecocracy in the development of several green constitutions (Green Constitution) in several countries. Ecocracy is short for the word Ecological Democracy or Eco-Democracy. Ecocracy as a new terminology is used more as an acknowledgment of nature and the environment and the things contained therein. Interpreting the limited carrying capacity of the environment and understanding of Sustainability Ecology so that humans do not take exploitative actions and destroy the environment and nature without predicting the consequences and negative impacts. Wibowo and Budimansyah [6] said that citizens have ecological rights governed by law to participate in environmental conservation efforts. This is as contained in Law Number 23 of 1997 concerning Environmental Management (UUPLH) [7] Article 5 paragraph (3) which states "Everyone has the right to participate in the framework of environmental management".

Every country in the world has an interest in the existence of the environment, in various countries the attention to the environment is regulated in the country's laws. In the realm of international law, various rules about the environment developed especially since 1945 during World War II. According to Erwin [8] said that to discuss the international environmental legal system can be studied within the framework of International Customary Law and International Conventional Law. Within the framework of the Customary International Law, new rules of environmental protection emerged at the end of the 19th century, followed by the doctrine of "State Responsibility" which is a modern application of the concept of stateliability due to environmental damage to other countries.

The concept of the Green Constitution in various countries and the application of the Green Constitution, namely (1) Portugal: The Green Constitution in this country regulates a proper and healthy environment is part of human rights. The Portuguese constitution of 1976 has established the obligation of the state to protect the environment and quality of life. France made an amendment to the constitution in 2006, then the environmental constitution was immediately incorporated into the Preamble (opening), not just put on the trunk. Spain: In this country through the Spanyol 1978 Constitution section 45 Chapter III on the "Principle of Governing Economic and Social Policy", regulates the right of everyone to enjoy an environment suitable for their development and is obliged to preserve it, the government is required to supervise the use of natural resources, to protect and improve the quality of life of its people.

## 3. METHODS

The methods that can be used in providing legal counseling are: The lecture method is a way of explaining and explaining

an idea, meaning or message verbally to a group of targets so as to obtain information about health.

- a. The Lecture Method is a way of explaining and explaining an idea, understanding or message verbally to a target group so as to obtain information about health.
- b. Group Discussion Method Is a planned and prepared discussion about a topic of discussion between 5 - 20 participants (targets) with a designated discussion leader.
- c. Brainstorming Method is a form of problem solving in which each member proposes all possible solutions to the problem thought by the participants, and an evaluation of the opinion was carried out later.
- d. Panel Method is a discussion that has been planned in front of visitors or participants about a topic, it takes 3 or more panelists with a leader.
- e. The method of role playing is to portray a situation in human life without exercises, carried out by two people or more to be used as material for thought by the group.
- f. Demonstration method is a way to show understanding, ideas and procedures about something that has been carefully prepared to show how to carry out an action, scene using props. This method is used for groups that are not too large in number.
- g. The Symposium Method is a series of lectures given by 2 to 5 people with topics that are excessive but are closely related
- h. Seminar method is a way in which a group of people gather to discuss a problem under the guidance of an expert who masters his field [9].

The method used in the law counseling activities of the green constitution program in Sungai Lumbah village is the lecture method, the discussion method, the brainstorming method, the demonstration method and the seminar method. The media used as supporting messages will be conveyed by the community service team using printed media in the form of booklets, leaflets, leaflets, flip charts, rubric, posters, and photographs.

Media legal counseling is media that is used to deliver environmental crime messages because the tool is used to facilitate the reception of messages against environmental crime for the intended community. According to Lucie [10], extension media based on how their production is grouped into:

- a. Print media is a static media and prioritizes visual messages. Print media consists of:
  - 1) Booklet is a medium to convey environmental legal awareness messages through the green constitution program in the form of books, both writing and drawing.
  - 2) A leaflet is a form of delivering information through folded sheets. Fill in information can be in the form of sentences or images.
  - 3) Flyers are a form of information in the form of sentences or combinations.
  - 4) Flip charts are a medium for delivering messages or information on environmental legal awareness through the green constitution program in the form of a sheet containing a

picture and behind it contains a message related to the picture.

- 5) Rubric or writing in the newspaper about the discussion of environmental legal awareness through the green constitution program
- 6) Posters are a form of print media containing messages on environmental law awareness through the green constitution program which is usually posted in public places.
- 7) Photo that reveals information on environmental legal awareness through the green constitution program which serves to provide information.
  - b. Electronic Media is a moving and dynamic media, can be seen and heard in conveying its message through electronic aids. The types of electronic media: television, radio, video, slides, and films.

Counseling aims to change lives better in this service. The expected change is to increase public legal awareness about the environment. There are 2 counseling objectives namely short term goals and long term goals. Short-term goals include changing levels of knowledge, changing levels of skills or abilities, changing attitudes, and changing motives for action. Whereas do not long more to the will and ability of the community to change the way for the better, try to find more things that are beneficial to life, and still do good actions even though the main goal has been achieved [11].

#### 4. RESULT AND DISCUSSIONS

The initial activities carried out in the outreach series *Green Constitution* were coordination with barito river community leaders as well as a survey of the implementation of community service activities. This activity is an initial coordination with the local government, in this case the Chairman of the Rukun Warga (RW) and Ketuan Rukun Tetangga (RW), the Barito river coastal community. Through interviews with the Chairman of the Rukun Warga (RW) and Ketuan Rukun Tetangga (RW), information was obtained about the community's understanding of the importance of preserving the environment, especially the riverine environment. This is also consistent with the results of preliminary observations which show that people still use river water for food, washing, and even latrines.



**Figure 1** Situation of Coastal Community Life

During this time the awareness of coastal communities on the importance of environmental conservation is still lacking due to lack of legal awareness about the environment. Then the people have difficulty knowing and understanding the rules of the law regarding environmental conservation. The results of coordination with community leaders, it was agreed that the activity would be carried out at the house of the Head of the

Neighborhood Association on the coast of the Barito River with open space facilities, tents, chairs and *sound system*. Community service with the theme "Legal Awareness through the Program *Green Constitution*" was successfully carried out in collaboration with the Chairperson of the Department of Citizenship Education, Faculty of Social Sciences Education, Indonesian Education University and the Pancasila and Citizenship Education Study Program (PPKn) Department of Social Sciences, Faculty of Teacher Training and Education, Lambung Mangkurat University. This activity was carried out on Saturday, 3 August 2019 in the village of Sungai Lumbah, RT.01 Alalak District, Batola Regency.



**Figure 2** Opening of Community Service

The counseling process takes place using legal awareness counseling media through the program *green constitution* in coastal communities in the form of leaflets, banners, posters, and banners. Legal awareness education through the program *green constitution* in coastal communities was opened by Dr. Mariatul Kiptiah, S.Pd., M.Pd as chairman of the Pancasila and Citizenship Education Study Program (PPKn) Department of Social Studies, Faculty of Teacher Training and Education, Lambung Mangkurat University. Presenters and speakers in this counseling are Prof. Dr. Dasim Budimansyah M.Sc. and Dr. Harpani Matnuh MH The material presented was about the urgency of protecting the environment, the program *green constitutions*, and legal awareness.

During the counseling process, the implementation team of community service activities monitored the community members as well as conducted interviews with the material, and instructors in this activity. In general, residents of riverine communities said that the counseling was very good and the material provided was much needed material in increasing understanding of the importance of environmental conservation, and the instructors were very competent in delivering the material.

The expected outcome at this stage is that the residents of the riverine community will get initial knowledge and understanding of legal awareness of protecting the environment through the program *green constitutions*. In the next stage is the assistance of riverine community members in implementing the stages of the program *green constitutions* in their daily lives.



**Figure 3** Together with the community participants

Constraints faced in carrying out community service activities "Legal Awareness through the Program *Green Constitution*" is first, access to the service area is far from the city center and there is no public transportation that can be used. Transportation that can be used is only private transportation or transportation using river lines. Transportation of local residents that is often used is transportation using the river route that is a klotok boat with a small capacity and it takes quite a long trip because it goes through the rivers with human labor without machines. The way to overcome this is by approaching the distance, lecturers and students leave early and rent a klotok boat to get to the service / counseling location.



**Figure 4** Klotok boats, the main transportation of coastal river communities

Secondly, the community members are generally poorly educated, it is difficult to provide guidance and information, especially regarding laws or regulations concerning environmental preservation. The program is *Green Constitution* delivered in a simple direction to be able to be understood comprehensively by the community and to form legal awareness. Although the community is poorly educated, their children have been supported by their parents to carry out education.

**5. CONCLUSION**

Community service activities are carried out in the form of extension activities. The results achieved in this outreach activity are a) Understanding of the legal awareness of riverine communities about the environment, b) understanding of regulations or alternative environmental policies for coastal areas, c) the ability of the community as a pioneer of environmental law. Supporting factors: there is a good form of cooperation between the Indonesian Education University dedication team and the Lambung Mangkurat University dedication team and the coastal community of lumbah river village, Alalak District, Batola Regency. While the factors of

constraints include: a) inadequate facilities and infrastructure, b) the process of delivering information that is less effective and conducive, c) limited time to reach out.

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