



The Presence of the State in Guaranteeing the Protection of the Rights to Shelter and Health for Internally Displaced Persons who are Forced to Immigrate due to Climate Change

Rury Octaviani¹, Fitri Aisah², Adityo Kusumo³

^{1,2,3} Faculty of Law, Pancasila University, Jakarta, Indonesia
ruryoctaviani@univpancasila.ac.id

Abstract. According to Every citizen has the right to a decent place to live, according to Article 28 H, Paragraph 1 of the 1945 Constitution, and Law Number 39 of 1999, which addresses housing. Human Rights, thus the state must be present and ensure that this right is fulfilled. However, in practice there is often neglect of internal climate refugees to move forcibly due to temporary uninhabitable areas. Climate change is a natural phenomenon that must be avoided. This paper's goal is to determine that the state has attempted to provide rights to shelter and health for Internally Displaced Persons who are forced to immigrate due to the effects of climate change, of course, must be in accordance with the values of Pancasila and international human rights instruments that Indonesia has ratified. This article method uses are legal frameworks analyzed and approaching with case studies. The hypothesis expected is that the state has taken concrete steps to collaboration work with in charge in protecting the rights to shelter and health of internal climate refugees by providing a decent place, but it is expected that a directed formulation will be made for their survival and their community to continue to exist.

Keywords: Human Rights, Internally Displaced Person, Forced Migration, Climate Change.

1 Introduction

Climate change is a worldwide issue that calls for collaboration amongst nations. The possible effects modifications to rainfall patterns are two signs of climate change increases in air temperature. The phenomenon of climate change is often encountered periodically in certain seasons, thus making climatic conditions in a region change. Global warming triggers a climate crisis that has an impact on the increasing frequency of hydrometeorological disasters, requiring temporary displacement due to climate disasters. Hydrometeorological disaster is one of the disasters that is closely related to the climate crisis. It is projected that the intensity of its occurrence will increase in the future, so it is estimated that the affected area will also continue to grow and claim many victims. Communities affected by climate crisis and disasters experience various difficulties to fulfill their needs. Damage to housing and loss of jobs and health in refugee areas are the main problems that need to be resolved by the government.

Indonesia itself has A law pertaining to disaster management, Republic of Indonesia Number 24 of 2007, defines refugees as individuals or groups that are compelled to from their homes for an indeterminate amount of time due to the unfavourable consequences of catastrophes [1].

In addition to these laws, Indonesia also has the Regulation of the National Number 03 of 2018 Disaster Management Agency of the Republic of Indonesia concerning. Handling of Refugees in Disaster Emergencies which is regulated in Article 22, where there are seven main points regarding refugee rights. The seven points are the provision of work wages for those employed, provision of compensation, restoration of civil and political status rights, processing of lost documents, stimulant funds for house repairs, funds for replacing plant and livestock seeds, and assistance with house and business land rental costs [2].

Another mandate also states that Everyone has the right to a pleasant and healthy environment, a place to live, and prosperity in both physical and mental health. These rights are guaranteed by Law Number 39 of 1999 respecting Human Rights and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. However, in practice there is often a neglect of internal climate refugees to move forcibly because the area is temporarily uninhabitable due to climate change [3].

People who are displaced and resettled due to natural disasters or other crises within the country are referred to as internally displaced people/persons. The UNHCR, or United Nations High Commission for Refugees, highlights that managing internally displaced persons is a crucial component of disaster management [4].

With the presence of UNHCR, the Government of Indonesia can cooperate in handling climate refugees in Indonesia due to climate change, in order to fulfill the rights of climate refugees in accordance with the 1945 Constitution and International Conventions that the Government of Indonesia has ratified and has become part of Indonesian national law [5].

2. Methods

The methodology utilized in this research is known as normative jurisprudence, which indicates that it is a library study that was conducted with reference to a secondary source. The aim of this research is to acquire a body of legal theory, legal conceptions, and legal foundations that align with the requirements of the laws and regulations pertaining to this study. This study employs a qualitative technique, which involves analyzing main legal sources such as national laws and international law instruments, as well as secondary legal materials such as articles and legal literature that pertain to the research topic [6].

3. Result and Discussion

Climate change is a very serious problem for all humans on earth. This problem is not a problem that can be solved by itself without any efforts made by humans.

The existence of climate change can affect human health life, especially when extreme and erratic climate change can lead to outbreaks of diseases such as dengue fever, skin diseases, coughs, colds [7].

There are several obligations of the state as a subject of international law that are developed and often referred to as generic obligations, which include to respect, to protect, and to fulfill. The state must be present in these three obligations, which at this time the phenomenon of climate change has resulted in many disasters, including internally displaced persons who must be forced to move from their territory, because their territory is temporarily uninhabitable, or is completely uninhabitable, resulting in the government having an obligation to fulfill the right to internally displaced persons to a decent place to live and ensure that temporary housing for internally displaced persons is also clean and decent, so as not to cause other problems, including inviting diseases because the facilities and infrastructure provided are also inadequate for a relatively short time to be provided [8].

We can see the data below, related to the phenomenon of climate change that causes forced displacement of affected people so that they have to leave their territory. And they still get protection from the Government in accordance with existing laws and regulations and in collaboration with related parties, it could also be with UNHCR, an International Organization under the supervision of the United Nations [9].

Every country must possess the duty to safeguard those who enter its territory, both its citizens and foreigners who are in the region. Legal protection is one type of protection in which the state is required to uphold the rights pertaining to each particular legal subject. The international community will assume the responsibility of the state of origin that is unable to defend the fundamental rights of its citizens. The international community makes the required steps to ensure that a person's fundamental rights are upheld and maintained. A person with this type of international protection status, particularly one who is fleeing environmental threats, is entitled to protection for their fundamental human rights. One fundamental principle in managing refugees is the protection of human rights. It is among the responsibilities of the global society. On the other hand, it is also a national obligation of a country (receiving country) [10].

4. Conclusion

From the series of descriptions above, the main issue is climate refugees that arise due to climate change in the future, these refugees do not only occur in the territory of Indonesia, countries that are vulnerable to climate change can inevitably potentially leave their territory to find a decent place to live with their families. Not only that, Indonesia is also one of the vulnerable areas due to climate change which causes local residents to flee to areas that are suitable for habitation.

Both issues need policies that do not clash with the protection and handling of internal climate refugees who are often referred to as Internally Displaced Persons, they are protected by Indonesian laws that are already in force but need to be improved regarding mitigation programs in the face of climate change. But what is difficult to stem is of course climate refugees entering Indonesian territory, it is feared that it will become a new polemic if the Indonesian Government rejects the flow of climate

refugees who are allegedly going to enter the country's territory in large numbers. For this reason, it is necessary to have a clear policy as a legal basis for handling and protecting internally displaced persons due to climate change, and reconstruct Presidential Regulation 125 to mention the issue of climate refugees in the article, so that there is no chaos when the two refugees are located in the same area. To realize this policy, the Indonesian government needs to conduct international cooperation with international organizations, countries that are vulnerable to climate change, and can also cooperate with ASEAN countries that are vulnerable to climate change.

AUTHORS' CONTRIBUTIONS

The Author's Contribution to the article includes conducting a comprehensive analysis of The State in Guaranteeing Protection of the Rights to Shelter and Health for Internally Displaced Persons Who Are Forced to Immigrate Due to Climate Change.

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