

Guarantee Of Clean Water Fulfillment For The Community In Kutai Kartanegara Regency Juridical Study In The Perspective Of Human Rights

Hengki Prima Hodding¹, Sudiarti Dewi Kurra²

¹ Master of Law, Postgraduate Faculty of Law, Universitas Bosowa of Indonesia

² Faculty of Science and Politics, Universitas Indonesia Timur, of Indonesia

Email : hengkiprimal198@gmail.com¹, sudiartidewi82@gmail.com²

ABSTRACT

Water is the most important element presented by the creator in the midst of this world, the presence of water can help meet needs and create prosperity for the community, especially the availability of appropriate sanitation and clean water. However, in this case the state represented by the government to exercise power for the realization of people's welfare, sometimes has an apathetic attitude and action towards guaranteeing human rights, in the form of fulfilling the right to clean water for its people. This is especially felt by the people in Kutai Kartanegara district, East Kalimantan province, where local people receive water supply from the government that is not of poor quality because the water that flows to their homes is not clear but has a murky color and sometimes contains mud. Meanwhile, this research was carried out using a normative juridical research method, with a statutory and philosophical approach, through collecting primary and secondary legal sources, and then analyzing it using a qualitative descriptive method. The conclusion in this study is that the guarantee of human rights in the form of fulfilling clean water cannot be felt optimally and comprehensively by the people in Kutai Kartanegara district, East Kalimantan province, clean water is a human right that needs to be guaranteed by the state for community needs, both for household needs and industrial needs. and other needs that cannot be separated from clean water. Konstitution of concerning health emphasizes that people have the right to enjoy clean and healthy water, in this case what is related to the author's research is that the water that flows in people's homes in Kutai Kartanegara district does not meet clean water standards. so that the community's rights in the aspect of clean water to meet their needs and guarantee their health are still being neglected by the state, in this case the government.

Keywords: Guarantee; Fulfillment of clean water; Human rights.

INTRODUCTION

Water is an element and the most important component created by God for all living things, the existence of water is very urgent in terms of fulfilling basic needs for humans, the availability of clean water is a fundamental thing that is included in the category of human rights that need to be guaranteed and fulfilled by the state in this case the government. The community really needs guarantees of water supply which is not only in good quantity but equally important is the quality of the water distributed to all people, especially the people in Kutai Kartanegara district, East Kalimantan province, which is the author's research location.

The availability of a supply of clean water that is not optimal and ineffective will have implications for the main problems that will arise both for the community and the surrounding environment, clean water which is a human right needs to get special attention from the

government so that with a maximum supply clean water that is obtained by the community, will realize community welfare and the maximum quality level of human resources.

Water resources which are controlled by the state and utilized as much as possible for the prosperity of the people, is a very crucial mandate in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. It is important to pay attention to the management of water resources and to provide excellent service, through the fulfillment of clean water to the community, because the fulfillment of clean water cannot be separated from the underlying constitutional rights of the community and is one of the indicators of their welfare.

The high demand of the community for the availability of clean water to fulfill their daily needs, clean water is one of the triggers for economic development and development within a country, even related to the country's defense, the firmness contained in the constitutional basis, namely in article 28h paragraph 1 and article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. In this article, the state is expected to be present to guarantee and fulfill human rights and to utilize all natural resources, especially water resources, for the greatest prosperity and welfare of the people.

Meanwhile Law No. 5 of 1960 concerning the Basic Agrarian Regulations also emphasizes the state, namely in Article 2 paragraph (1), which states that in essence the state as an organization in this case is for the welfare of its people, does not control natural resources. Nature includes water resources absolutely, but the state is given the authority to manage these natural resources and then intended solely for the welfare of the people. Article 2 paragraph (1) of the UUPA is a *lex specialis* which reflects on Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The birth of article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, cannot be separated from the ratio legis of the philosophical foundation of the fifth precept of Pancasila, namely social justice for all Indonesian people, where water as a national wealth is controlled by the state as a management framework, in meeting the needs of the community and also to ensure justice and prosperity. The fulfillment of clean water is so crucial to human needs that it is included in the category of human rights whose urgency cannot be ruled out. Therefore, apart from national regulations, there are also conventions that apply on an international scale relating to the guarantee and fulfillment of clean water for mankind. On July 28, 2010, the UN General Assembly passed Resolution No. 64/292 which explicitly recognizes the right to water and sanitation as human rights. UN General Comment No. 15 emphasizes that the right to water entitles everyone to adequate, safe, acceptable, physically accessible and readily available water for personal and domestic use. Adequate quantities of clean water are necessary to prevent death from dehydration, to reduce the risk of water-related diseases, and to be used for consumption, cooking, and for personal and domestic hygienic needs.

There are three main tasks of the government to achieve the right to water, namely Respect, by not interfering unfairly with regard to people's access to water, for example by disconnecting water connections even though the community cannot afford to pay, Protect, maintain and protect people's access to water clean from threats from other parties, for example water pollution or unaffordable price increases, carried out by clean water service providers, Fulfill, use all available resources to realize the right to water for all people, for example through legislation, affordable price policies, programs to expand community access to clean water and sanitation and so on.

Then instead of that, if the three aspects of guaranteeing human rights which include protection (to protect), appreciation (to respect) and fulfillment (to fully feel), then it can be said that the guarantee of human rights to enjoy clean water is really implemented by the government. . Even though Law No. 39 of 1999 on human rights does not separately regulate matters relating to the right to water, the availability of the right to clean water is a fulfillment and protection as the main component in life, so that it becomes an absolute element and the right to clean water is included in the category of non-derogable rights.

The condition of the water received and used by the people in Kutai Kartanegara district has allegedly not met the clean water quality standards, and if the water that these people use in their daily lives, it will have implications for the health conditions of existing human resources. Whereas law number 36 of 2009 concerning health emphasizes that in essence, everyone has the right to protect and maintain environmental health, be it physical, biological or social. In this case, of course, clean water that is intended for the community, is an important component in ensuring their health. Adequate irrigation services must be within safe physical reach for all sections of society. Adequate, safe and acceptable water must be accessible from, or within the vicinity of, every household, educational institution or workplace. All irrigation facilities and services must be of adequate quality, culturally appropriate, sensitive to gender, recycling and privacy requirements. Physical security must not be compromised during access to irrigation facilities and services. Economical Accessibility: Water, and irrigation facilities and services, must be affordable for everyone. Direct and indirect costs and bills related to irrigation guarantees must be affordable, and must not be dangerous .

The water that is distributed to people's homes in Kutai Kartanegara district usually has a reddish-brown color which is caused by the presence of a mixture of mud and also in the water reservoirs there is quite a lot of silt, but on the other hand sometimes the water they use has a high level of clarity is quite good but it has an effect in the form of a quite pungent smell of calcium hypochlorite, which is suspected as a mixed ingredient to purify the water. Meanwhile, if the levels of calcium hypochlorite or chlorine are very excessive in the water, this will have an impact on the emergence of complaints in the community, both in the form of eye irritation and skin disease accompanied by other complaints. While normal water is good for meeting needs, that is, water that has no color, smell or taste. However, the people in Kutai Kartanegara district have considered the phenomenon of dirty water as commonplace because it has been experienced for a long time, both for personal and domestic purposes. Because the local people assume that this does not have a bad impact on their survival, while on the other hand using unhygienic water for consumption purposes or other activities will have an impact on the accumulation of bad things that can happen both in the short term and in the long term especially those related to public health. Through a scientific study by Extoxnet. Orst.edu, that in clear and dirty water there are bacteria such as; such as Coliform Bacteria, Giardia Lamblia, Cryptosporidium and Helminths. If even clear water contains lots of bacteria, parasites, viruses and protozoa, of course, the various numbers and varieties will be found in dirty water even more. Bacteria or parasites contained in dirty water include Clostridium botulinum, Campylobacter jejuni, Vibrio cholerae, Escherichia coli, Mycobacterium marinum, Shigella dysenteriae, Legionella pneumophila, Leptospira, Salmonella, Salmonella typhi, Vibrio vulnificus, Vibrio alginolyticus, Vibrio parahaemolyticus and many more. another. Based on the description and presentation of the legal issues mentioned above, the authors therefore have an interest in conducting this research, because this research is very closely related to guaranteeing human rights in the aspect of fulfilling clean water, the authors raise the topic of guaranteeing

the fulfillment of clean water for people in the district. Kutai Kartanegara juridical study in the perspective of human rights.

METHODS

The type of research in this study is the normative juridical type (Geovani et al., 2021; Heldeweg & Saintier, 2020; Negara, 2023; Zulyadi, 2020) and then uses a statutory approach and a philosophical approach, as well as collecting primary legal material sources, secondary legal material sources and tertiary legal material sources. After all legal material sources have been collected, analytical techniques are carried out in a qualitative way after which they are presented descriptively.

RESULTS AND DISCUSSION

Results

The existence of the community within a country is the most important (McManus et al., 2012; Mungmachon, 2012; Sutawa, 2012; Wilkinson, 2023) element in supporting the development of that country, with the very rapid growth of society experienced in the country of Indonesia, causing many complex problems such as the issue of the quality of human resources, as well as the problem of managing natural resources that have not been maximally to support the sustainability of society and its environment. Kutai Kartanegara Regency, East Kalimantan Province, cannot be separated from classic problems, both in terms of human resources and natural resource management aspects which are not representative of the community, even though the state in this case is an organization run by the central government and regional governments (Hong, 2017; Hoppe et al., 2015; Schlæger & Jiang, 2014; Zhou, 2010). Having duties and responsibilities accompanied by inherent authority can carry out mitigation in terms of empowering natural resources, especially water resources, so that they can be distributed to the community which is not only based on the quantity of the water, but is very much needed from the quality of the water as well.

So crucial is the role of the state in carrying out the function of guaranteeing and fulfilling human rights for the community (Cruz, 2010; Neta et al., 2021; Yuliyanto et al., 2022). According to (Asmarudin, 2021; Chowdhury et al., 2011; Suwandoko & Rihardi, 2020; Yuliantini et al., 2021), states that the state is constitutionally obliged to protect, respect and fulfill all aspects relating to human rights . Because the state, in this case, means that the government has the power to carry out its obligations, so that the state, which already has inherent characteristics with this authority, actually abuses its authority or abuses of power, the state government is meant not only for the executive order but also for the entire legislative and judicial order. The state as an organization formed by the people within a nation in carrying out its state administration must reflect on the law and the ideals and goals of the country. Indonesia has a very strong constitutional basis in the form of the 1945 Constitution of the Republic of Indonesia, matters relating to the ideals or goals of the Indonesian state have also been included in which one of them is, Indonesia aims to provide progress and prosperity. for the people. Apart from that, Indonesia also adheres to a constitutional state system that is in line with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Immanuel Kant's

views on a rule of law or what is called the night guard state *Nachtwächterstaat*, which means that the state is only limited to protecting the interests of the people without interfering with the interests and problems that become social phenomena. Besides that, Friedrich Julius Stahl gave the definitive characteristics of a rule of law, namely, guarantees of human rights, division of power or *Trias politica*, government must be based on law and the existence of administrative justice.

Indonesia, which is a rule of law and adheres to a continental European system, in carrying out its state functions needs to reflect on the important elements of a rule of law that have been described by Friedrich Julius Stahl, one of which is the protection and guarantee of human rights, which if only one element of that opinion not fulfilled by a country, the authors argue, that the country has not carried out its functions properly, which are based on constitutional grounds. In this case, what is related to the author's research is the guarantee of the fulfillment of clean water for the community which is meant by a human right that cannot be reduced and set aside by the government, the 1945 Constitution of the Republic of Indonesia has expressly stated in Article 28h paragraph (1) and article 33 paragraph (3) which essentially states that the role of the state is to guarantee people's rights, whether in the form of social rights, the right to health and a good environment, and the state is given the power to control the earth, water, outer space and the natural wealth contained therein. in which it is controlled by the state solely for the fulfillment of the welfare of the community.

There are provisions in the 1945 Constitution of the Republic of Indonesia, which have regulated substantively guaranteeing human rights, apart from that law number 5 of 1960 concerning basic agrarian regulations, law number 17 of 2019 concerning water resources, has been firm. explicitly states that water as a national wealth is the right of the people who support life to achieve a decent living welfare, the state in this case the government is bound to implement what is contained in the law, because the government is given the attribution authority to carry out orders from Constitution.

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Clean water is a necessity for human life, which is a positive human right, meaning that this right cannot be set aside, for example, economic, social and cultural rights, such as the right to get proper food, proper shelter and be supported by a proper living environment. also. Therefore the availability of clean water quality for the community, especially in Kutai Kartanegara district, East Kalimantan province, is important to be considered by the provincial government, as well as district or city governments, as mandated in law number 23 of 2014 concerning regional government, which matter is the law The law gives rights, powers and obligations to regional governments to pay attention to what is in the interests of their people. In relation to guaranteeing the fulfillment of clean water for the community, to support their welfare through the quality of clean water in guaranteeing excellent health, because how can the community have a prosperous quality of life if it is not supported by excellent health if the water they use daily does not meet the requirements? clean water quality standards (Ashutosh & Mountz, 2011; Balfour & Adams, 2014).

Meanwhile, Indonesia, through its legal products, has clearly guaranteed human rights, especially those relating to the fulfillment of water which is a means and infrastructure to support activities and the quality of life of the community in terms of excellent health, for example, as stated in the constitution of the Republic of Indonesia in 1990. 1945 namely in article 28 h paragraph (1) one of the elements of the article is the state, in this case the government needs to guarantee a good and healthy environment for the community. The meaning of the verse is that the government has a very large role in ensuring the health of its people because these elements are elements of the fulfillment of human rights that must be felt by the community.

Communities who should receive guarantees and continuous fulfillment of clean water cannot be realized by the state, in this case the government for the people in Kutai Kartanegara district, this phenomenon has been felt by the local community for a long time where water has been distributed to homes through pipes, has a quality level of clean water that does not meet the standards because the distributed water has a quite turbid color, and if it has been accommodated in the water reservoir for a long time, it will result in the accumulation or presence of silt at the bottom of the reservoir, besides that sometimes the distributed water is has a good level of clarity, but has a bad thing caused by the smell of calcium hypochlorite which is quite pungent (Adeyanju, 2012; Lowitzsch et al., 2020; Yin et al., 2014).

Apart from that, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia also states that land, water and the wealth contained therein is controlled by the state, but in this case the wealth is controlled by the state with the intention of managing and then distributing it to the public, to guarantee the prosperity and welfare of the Indonesian people, so that the government in carrying out its duties needs to reflect on the 1945 Constitution of the Republic of Indonesia, which originates from Pancasila values, especially those contained in the 5th precept of Pancasila, namely social justice for all Indonesian people. The deepest meaning of the fifth precept of Pancasila is so crucial to be considered by all state administrators, with the phrase social justice in the fifth precept of Pancasila the author interprets social justice as holistic and comprehensive justice for humans both in terms of justice to achieve health, justice to carry out trust, justice to enjoy public facilities and other substantial justice.

To guarantee the highest possible health for the community, which is based on law number 36 of 2009 concerning health, the government is given the responsibility as stated in article 15 of this law, which states that the government is responsible for the availability of environment, arrangements, facilities health, both physical and social for the community to achieve the highest degree of health. Public health that needs to be guaranteed by the state, in this case the government, cannot be separated from the attention of the state administrators themselves, because the law has emphasized that the state must guarantee public health as high as possible in order to realize quality human resources, one of the indicators for guaranteeing health. community is related to the availability of guarantees and fulfillment of clean water that can be felt comprehensively by the community, in this case the water distributed to the community in Kutai Kartanegara district to meet household and domestic needs still does not receive special attention from relevant stakeholders, because water Plumbing that flows to people's homes has not really been said to be proper based on the criteria for water that the community receives, as the author has previously described.

The many adverse impacts caused through the use of unclean water will have an impact on the health quality of human resources which will experience degradation, but if human resources have a good quality level of health through the use of clean water to meet their daily

needs, then it will be able to support progress of a region or even a country, with support from the state to realize people's welfare, the state also needs to take into account the level of quality of the main supporting facilities for people's lives, namely in the form of guarantees and continuous fulfillment of clean water.

Water resources managed by the government and the private sector need to prioritize the proper quality and quality standards, because the people who get the water will be used for both consumption and non-consumption purposes, which will have a crucial impact on the productivity of the people involved. Using that water, in addition to the water that is distributed to homes through plumbing sometimes has a very poor quality of hygiene, then this will have implications for the influence of the community's life cycle, using unclean water will certainly cause complaints both to minors, youth and adults. Even though it could threaten their health both in the short term and the long term, so if the public's health has been disrupted then this condition continues to occur and even tends to be left unchecked. Then this will have a major impact on the level of welfare of the community. Why is that? Because through good health the community will be able to carry out economic, social and cultural activities optimally. To live life well. Guarantees regarding the availability of clean water for the community, have been included as contained in Law Number 17 of 2019 concerning Water Resources, specifically contained in Article 6 The state guarantees people's rights to water to meet minimum daily basic needs for a healthy life. healthy and clean with sufficient quantity, good quality, safe, sustainable, and affordable. The existence of an overview in article 6, which contains indicators in the form of guarantees of good quality clean water, to provide optimal health for the community, should not become a paradox with the reality that occurs and is experienced by the community, especially those in Kutai Kartanegara district, in terms of This law that already exists and regulates clean water for the community needs to be implemented in order to realize legal certainty, as well as representative justice for all segments of society. Thanks to the existence of laws which are legal products of the state, in which these laws have authoritative characteristics in terms of administering the state, to provide guarantees, limits, certainty and justice that are equality in nature. So it is necessary to have comprehensive supervision over the functioning of all state administration functions in order to realize the guarantee of human rights, which is actually expected by the community.

The right to water is not regulated specifically in law number 39 of 1999 concerning human rights, but the fulfillment of guarantees and protection for the community related to water is absolute and cannot be reduced because water is the most important component in human life. . However, a series of instruments that apply internationally have also provided confirmation regarding water as part of human rights. On July 28, 2010, the UN General Assembly issued Resolution No. 64/292 which explicitly recognizes the right to water and sanitation as human rights. UN General Comment No. 15 emphasizes that the right to water entitles everyone to adequate, safe, acceptable, physically accessible and readily available water for personal and domestic use. Adequate quantities of clean water are necessary to prevent death from dehydration, to reduce the risk of water-related diseases, and to be used for consumption, cooking, and for personal and domestic hygienic needs.

It doesn't just end there, but there are still several types of provisions that are binding globally in regards to guaranteeing clean water for the community, including:

- a) Universal Declaration of Human Rights 1948; Article 25 confirms that everyone has the right to a standard of living that guarantees health and well-being for himself and his family, including food, clothing, housing and health care as well as necessary social services;

- b) The international convention on economic, social and cultural rights in articles 11 and 12 says that the right extends not only to timely health care but also to the factors that determine good health, this includes access to safe drinking water and adequate sanitation;
- c) UN Convention 1965 concerning the Elimination of All Forms of Racial Discrimination, All human beings are equal in dignity and rights: legal protection and any discrimination. In Article 5 the state parties prohibit, eliminate all forms of racial and discrimination and guarantee the right of everyone, especially to enjoy rights such as: the right to be treated equally before courts and judicial bodies; the right to be safe; political rights; civil rights; economic, socio-cultural rights: in particular the right to health, medical care, social security and social services, the right to education and training;
- d) Declaration of Alma - Ata 1978, concerning the Role of the State to Fulfill the Right to Health of Citizens; which includes the provision of basic health services, promotion of provision of good food and nutrition, provision of adequate clean water and sanitation, maternal and child care including family planning, immunization for dangerous infectious diseases, prevention and control of local endemic diseases, good treatment and common ailments and injuries, provision of essential medicines, setting up health education programs;
- e) 2000 People's Health Assembly Charter in Bangladesh; health as a human right, health reflects the community's commitment to equality and justice, invites support for the implementation of the right to health, demands the government and international organizations to implement policies and respect the right to health, builds community movements so that health and human rights are included in the law, fights exploitation of human rights people's health to take advantage;
- f) The ECOSOB Rights Committee provides its views on the Right to Water in General Comment No. 15; emphasized that there are three basic elements of the right to water that must be met, namely availability, quality and accessibility, including; easily accessible physically (physical accessibility); procurement capability (affordability), non-discrimination (non-discrimination) and ease of information (information accessibility).

Universal arrangements regarding the right to water which is a manifestation of human rights want to emphasize that the right to clean and healthy water is a very basic right. Water has a real impact on human existence. As a human right, the availability, ease of obtaining it and the quality of water are an integral part of human rights. Talking about the right to clean and healthy water, its scope is very broad, closely related to the health aspect. Health becomes an inseparable part of water which is a basic element and determines the sustainability of human life. Humans cannot live without water, but not all water can be consumed, because only clean and healthy water can be used by humans. The fact is that the availability of clean and healthy water for current conditions is very minimal. The lack of availability of clean and healthy water is triggered by various factors and this is of course very worrying. Higher population growth is marked by an increasing need for clean water, economic activity that requires water availability, this was warned by Kevin Watkins Director of the Human Development Report Office by revealing that nearly one-sixth of the world's population consumes dirty water every day, a thousand children aged five years die every day from diarrhea due to poor availability of clean water. This condition is greatly influenced by the State's policy to take important steps in fulfilling its obligations, because the right to enjoy clean water is a responsibility that must be carried out by the State as a positive right. In reality, many countries have failed to properly control the protection and fulfillment of water. It is alleged that the failure of the state to carry

out its responsibilities and obligations is more influenced by aspects of implementation, monitoring and enforcement of human rights over water. In fact, the accommodation of human rights legal provisions into the constitution of a country reflects the recognition and protection and guarantee of human rights, which in principle describes the characteristics of a country that adheres to the concept of a rule of law.

It is undeniable that the failure of the State to carry out its responsibilities and obligations to fulfill human rights for clean and healthy water has prompted pressure from world organizations such as WHO, the ECOSOB Rights Committee, the World Water Council, to issue warnings, appeals and even depictions of the existence of serious threat related to the availability of water for the future. This context is the legal ratio for each country moving forward and determining normatively juridically the issue of clean and healthy water including the various variables that influence and are affected. For example, the countries of Guatemala, South Africa, Zambia have stipulated in their country's constitution arrangements regarding human rights for clean and healthy water. A critical question that arises and needs to be jointly contemplated by the government and every related party, how about Indonesia's human right to clean and healthy water. The 1945 Constitution does not explicitly and explicitly explain human rights to clean and healthy water. Only implicitly and implicitly in one article namely article 28H paragraph (1) which reads; Everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy environment and to receive health services. It is from this provision that a broad meaning can be drawn that includes the fulfillment of the right to clean and healthy water. According to Majda El Muhtaj, it is true that there is a positive relationship between the right to a healthy environment in an effort to enforce the right to water.

If it is related to the positive environmental law that is temporarily in force, namely the Environmental Protection and Management Law, Law No. 32 of 2009 in Chapter I Article point (1) explains that what is meant by the environment is the unity of space with all objects, natural resources and living things. including humans and their behavior that affect the continuity of life and welfare of humans and other living things. This describes that the environment consists of various ecosystems including human beings, plants, animals but also inherent in all things; groundwater, air, seasons, natural resources and others which constitute a single ecosystem that influences and is influenced by one another for the sake of and for the continuation of human life. Therefore it is not surprising that there is a positive and mutually reinforcing relationship between a healthy environment and the implementation of the right to clean and healthy water which is a component of the environment as a whole. "Good and Healthy Living Environment", implies an environment that can enable humans to develop optimally, in harmony, harmony and balance. To achieve this goal requires a commitment and even a guarantee that allows everyone to sue the government so that "good and healthy" environment needs to be considered and continuously improved and it is an obligation for the state to always create a good and healthy living environment for its citizens and continuously continuously carry out efforts to improve and improve the environment. It is also necessary to emphasize that a clean and healthy environment is not only the obligation and responsibility of the government, but includes the involvement or participation of citizens, related parties and the community. Only the State has a bigger and wider responsibility in terms of taking maximum action and steps if it has to be done as a form of carrying out the responsibility for protection, respect and fulfillment as mandated in the Covenant and the World Human Rights Declaration.

Related to the explanation regarding a good and healthy environment which is positively correlated with the right to water which is a real human right in Law no. 36 of 2009 concerning Health in the consideration points it is explained (1) that health is a human right and one of the elements of well-being that must be realized in accordance with the ideals of the Indonesian nation in Pancasila and the 1945 Constitution of the Republic of Indonesia; (2) that every activity in an effort to maintain and improve the highest degree of social welfare is carried out based on non-discriminatory and participatory and sustainable principles in the framework of forming Indonesian human resources and increasing the nation's resilience and competitiveness for national development; (3) that every thing that causes health problems in the Indonesian people will cause a big economic loss for the country and every effort to increase the degree of public health also means investment for the development of the country; (4) that every development effort must be based on health insights in the sense that national development must pay attention to public health and is the responsibility of all parties, both government and society. If you look closely at the points of consideration of Law No. 36 of 2009, there are several very important elements whose essence can be stated, including:

- a. Health is a human right as one of the elements to achieve prosperity
- b. To achieve this prosperity, it should be based on non-discriminatory, participatory and sustainable principles
- c. Public health is an investment for the nation and state
- d. Health development is the responsibility of the government and society.

Based on these elements, it should be emphasized that public health is one of the basic assets of development, because a healthy and strong people will make the country strong in carrying out national development in a sustainable manner. Thus health is meant not only limited to physical health but spiritual health becomes a whole and comprehensive part. Holistically it is closely related to the means to health such as; food, clothing and boards. Therefore, explicitly in the ICESCR water is stated as a human right and it is also stated that water is an integral part of the agreed rights, namely the right to life, the right to a decent life, the right to health and therefore water is a right whose scope is comprehensive and broad in nature to all sides of human life. The right to water is a prerequisite for other rights, for example the right to food, the right to be healthy and others.

The right to water is then stated in Law No. 36 of 2009 concerning health, which sets out in a normative juridical manner in articles by laying out the legal foundations for everyone's position with their right to enjoy clean and healthy water. How the position of the government's rights and obligations in fulfilling these rights has been stated explicitly and firmly. In fact, the regulation of the rights and obligations of everyone, even the rights and obligations of the government in fulfilling human rights, is very clear and firm in the provisions in Law No. 36 of 2009 concerning Health. However, it seems that there is something very paradoxical as if moving away from the moral commitment that must be carried out by the State. Even though it is known that as a rule of law, one of the main characteristics is the recognition of human rights, the limitations of which do not only include recognition, but must be followed up in the form of fulfilling these human rights. In fact, if it is felt to be very urgent because of pressure, threats, denial and other things that are negative, then there must be enforcement of human rights as an illustration of respect for human dignity and status as creatures of God Almighty.

There are still several villages in the Kutai Kartanegara district that the author met, where the people use river water to support their activities such as bathing, washing and even for daily consumption. Meanwhile, there are many risks that arise if these people continue to use river

water in their daily lives, if this behavior continues to be allowed by the relevant government, an example of a fatal impact that often occurs is when there are people such as small children or adults who carry out activities on the outskirts of the river. rivers, such things have a very high risk to their safety because someone could drift away, resulting in the loss of that person's life. However, the facts that the authors found in the field indicate that the reason is that people still use river water to support their daily lives, because there are reasons such as the high cost of registering in order to apply for PDAM installation in their homes. This needs to be homework by relevant stakeholders, to provide and guarantee the community's right to obtain a proper sanitation system and adequate clean water, especially for middle to lower class people who cannot access clean water optimally, in the form of quality water to support his life. Communities that are so dependent on the availability of water that has good quality, where according to the author the need for clean water by the community needs to be placed at a superior level, which means that the guarantee and fulfillment of clean water for the community cannot be bargained anymore but it absolutely must be guaranteed. existence by the state, in this case both the central government and provincial, district and city governments. To achieve the goals of the state, one of which is to provide welfare to the community, it is necessary to collaborate with the government and/ or the private sector to provide maximum public services in realizing human rights guarantees.

In the use of water as a primary need, it is also necessary to pay attention to the source of water that is clean and guaranteed safe, the conditions that are the criteria for clean and safe water include, free from contamination of germs and germs, free from chemical substances or toxins that sourced from waste, and can meet the standards set by WHO and the standards of the Republic of Indonesia's Ministry of Health. There are terms and conditions that indicate clean water quality standards according to the Regulation of the Minister of Health of the Republic of Indonesia No.416/Menkes/per/IX/1990 which are set forth in the form of statements or numbers indicating the requirements that must be met so that the water does not cause health problems, disease disturbances, technical disturbances, and disturbances in terms of aesthetics.

Such is the urgency of real action by the government of Kutai Kartanegara district, regarding the management of water resources using a controlled management system, so as to be able to optimize the distribution of clean water that is evenly distributed in all villages and sub-districts in Kutai Kartanegara district. So that with that, all interests related to the benefit of the community, especially their constitutional rights, can be fulfilled by the state.

CONCLUSION

Communities in Kutai Kartanegara district, East Kalimantan province, have not been able to enjoy a representative distribution of clean water, the uneven development of PDAMs is accompanied by an inadequate sanitation system which has implications for water quality that cannot be said to be clean, water distributed to people's homes through pipes too. also not clean because there is still silt in the shelter and an unpleasant smell, on the other hand there are still many people on the coast of the Mahakam river who use river water directly to meet their household and domestic needs.

Meanwhile, the state, through the constitution and other implementing regulations, has provided firmness to guarantee the fulfillment of clean water for the community in terms of meeting household and domestic needs. well then they can also carry out productive activities to support their lives in realizing prosperity as the goal of the state. However, it is not only the

national constitution that requires the state to guarantee clean water to its people, but there are also many conventions on an international scale that are echoed by international organizations aimed at all of its member countries, to provide and guarantee the fulfillment of human rights in the form of clean water. for the sake of running and fulfilling all elements of human benefit where clean water is a source of basic needs that cannot be separated from the existence of life.

REFERENCES

- Adeyanju, O. D. (2012). *An assessment of the impact of corporate social responsibility on Nigerian society: The examples of banking and communication industries.*
- Ashutosh, I., & Mountz, A. (2011). Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration. *Citizenship Studies*, 15(01), 21–38.
- Asmarudin, I. (2021). *Building Human Rights Legal Institutions And Justice During The Management Of The Covid-19 Pandemic In Indonesia.*
- Balfour, D. L., & Adams, G. B. (2014). *Unmasking administrative evil.* Routledge.
- Chowdhury, N., Mustu, B., Haley, S. D., & Melanie, Y. (2011). *The Human Right to Water and the Responsibilities of Businesses: An Analysis of Legal Issues.*
- Cruz, L. (2010). Responsible governance of land tenure: An essential factor for the realization of the right to food. *Land Tenure Working Group Discussion Paper*, 15.
- Geovani, I., Nurkhotijah, S., Kurniawan, H., Milanie, F., & Ilham, R. N. (2021). Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects: Research Study At The Office of Social and Community Empowerment In Batam City. *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 1(1), 45–52.
- Heldeweg, M. A., & Saintier, S. (2020). Renewable energy communities as ‘socio-legal institutions’: A normative frame for energy decentralization? *Renewable and Sustainable Energy Reviews*, 119, 109518.
- Hong, S. (2017). What are the areas of competence for central and local governments? Accountability mechanisms in multi-level governance. *Journal of Public Administration Research and Theory*, 27(1), 120–134.
- Hoppe, T., Graf, A., Warbroek, B., Lammers, I., & Lepping, I. (2015). Local governments supporting local energy initiatives: Lessons from the best practices of Saerbeck (Germany)

- and Lochem (The Netherlands). *Sustainability*, 7(2), 1900–1931.
- Lowitzsch, J., Hoicka, C. E., & van Tulder, F. J. (2020). Renewable energy communities under the 2019 European Clean Energy Package—Governance model for the energy clusters of the future? *Renewable and Sustainable Energy Reviews*, 122, 109489.
- McManus, P., Walmsley, J., Argent, N., Baum, S., Bourke, L., Martin, J., Pritchard, B., & Sorensen, T. (2012). Rural Community and Rural Resilience: What is important to farmers in keeping their country towns alive? *Journal of Rural Studies*, 28(1), 20–29.
- Mungmachon, M. R. (2012). Knowledge and local wisdom: Community treasure. *International Journal of Humanities and Social Science*, 2(13), 174–181.
- Negara, T. A. S. (2023). Normative Legal Research in Indonesia: Its Originis and Approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1), 1–9.
- Neta, Y., Budiyo, B., & Firmansyah, A. A. (2021). The Model of Local Regulation of the Human Rights Fulfillment Based on Progressive Law. *Jambura Law Review*, 3, 18–34.
- Schlæger, J., & Jiang, M. (2014). Official microblogging and social management by local governments in China. *China Information*, 28(2), 189–213.
- Sutawa, G. K. (2012). Issues on Bali tourism development and community empowerment to support sustainable tourism development. *Procedia Economics and Finance*, 4, 413–422.
- Suwandoko, S., & Rihardi, S. A. (2020). Legal Reform for the Fulfilment of Disabilities Human Rights. *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang*, 6(2), 217–224.
- Wilkinson, K. P. (2023). *The community in rural America*. University Press of Colorado.
- Yin, J., Gao, Y., & Xu, H. (2014). Survey and analysis of consumers' behaviour of waste mobile phone recycling in China. *Journal of Cleaner Production*, 65, 517–525.
- Yuliantini, N. P. R., Dewi, A. A. I. A., & Darmawan, N. K. S. (2021). Implementation of Convention on The Rights of Persons with Disabilities in Providing Legal Protection for Persons with Disabilities in Indonesia. *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*, 6(1), 129–137.
- Yuliyanto, E., Alatiqoh, M. M., & Alfaruq, A. H. (2022). Inter-correlation between Human Rights and Environmental Justice: A Discourse of Right to a Good and Healthy Environment in Indonesia. *Indonesian Journal of Environmental Law and Sustainable*

Development, 1(2).

Zhou, X. (2010). The institutional logic of collusion among local governments in China. *Modern China, 36(1)*, 47–78.

Zulyadi, R. (2020). Judge's Role in Court to Eradicate Corruption According to Law Number 20 in 2001 (Study of Decision 16/PID. SUS. K/2011/PN. MDN). *Budapest International Research and Critics Institute-Journal (BIRCI-Journal), 3(2)*, 1280–1288.