

The Political Law Management Of The Sea And Coastal Area In Indonesia

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Abstract—Coastal regions and small islands has a diversity of natural resources potential is high, and it is very important for the development of social, economic, cultural, environmental, and buffer the sovereignty of Nations, therefore needs to be managed in a sustainable way and berwawasan global, having regard to the aspirations and community participation, and values of the nation which is based on the norms of national law. Waters that are within the sovereignty of the unitary State of Republic of Indonesia and the Indonesia exclusive economic zone and the high seas contain potential fish resources and fish cultivation is the land as a blessing from God Almighty which mandated to the people of Indonesia who have a life philosophy of Pancasila and the Constitution of the Republic of Indonesia Year 1945, having regard to existing support resources and preserved to be utilized for the welfare of and the prosperity of the people of Indonesia. Management of Coastal Regions and small islands is a process planning, utilisation, supervision, and control of the resources of coastal and small islands between sectors, between Government and local governments, between land and sea ecosystems, as well as between science and management to improve the welfare of society. Management of coastal regions and small islands is based on sustainability, consistency, integrity, legal certainty, partnership, equity, community participation, openness, decentralization, accountability and justice.

Keywords—*political law, management, government, marine, coastal*

I. INTRODUCTION

The sea and Coastal Regions and small islands has a diversity of natural resources potential is high, and it is very important for the development of social, economic, cultural, environmental, and buffer the sovereignty of Nations, therefore needs to be managed sustainable global and insightful, having regard to the aspirations and community participation, and values of the nation which is based on the norms of national law. Waters that are within the sovereignty of the unitary State of Republic of Indonesia and the Indonesia exclusive economic zone and the high seas contain potential fish resources and fish cultivation is the land as a blessing from God Almighty which mandated to the people of Indonesia who have a life philosophy of Pancasila and the Constitution of the Republic of Indonesia Year 1945 (hereinafter the Constitution year 1945), having regard to existing support

resources and preserved to be utilized registration for the welfare and prosperity of the people of Indonesia. The protected area is an area that should be retained its existence from environmental damage, whether caused by human action or caused by nature to keep the integrity of The Unitary State of the Republic of Indonesia.

II. RESEARCH METHODS

In the study that served as the main data is primary data, sourced from the primary legal materials, namely legal binding materials; secondary legal material, i.e. material law that gives a description of primary legal materials; and tertiary legal materials i.e. materials law gave the instructions or explanations against the law of primary and secondary legal materials. Approach to the method used in this research is the statute approach and conceptual approach. The collection of legal materials made through inventory identification procedures and materials of primary and secondary law. Then the legal materials collected was done systematically in accordance with the classification of the formulation of the problem and research objectives.

III. RESULT AND DISCUSSION

A. *The Political Law Management of Indonesian Sea.*

Two-thirds of the territory of Indonesia is the sea and is one of the countries with the longest coastline in the world. In addition, Indonesia is geographically located between two continents, namely Asia and Australia Continents and two Oceans, namely, the Indian Ocean and the Pacific Ocean is the most dynamic region in influential, both in economic and political. The strategic geographical layout makes Indonesia has advantages and high dependency against Naval. In addition to comparative advantages are based on geographical location, the potential of natural resources in the Sea areas contain biological resources or non biological that is very beneficial to the survival of the community. The potential can be obtained from the sea and the land underneath it, water column and sea level, including the coastal areas and small islands, very logical if the economic foundation of the marine beachhead for national economic

development. Therefore, Indonesia Sea should be managed, maintained, repaired, and taken advantage of by the people of Indonesia in accordance with mandated in Article 33 of The Constitutional of the Republic of Indonesia Year 1945. In addition to the wealth of existing comparative advantages need to be spelled out owned the wealth that the comparative.

Based on Law No. 32 Year 2014 about Marine, holding of marine implemented based on the principle of sustainability, consistency, integrity, legal certainty, partnership, equity, community participation, openness, decentralization, accountability, and fairness. The scope of the arrangements in implementing the marine covers an area of the sea, marine construction, marine, Marine Development Management, the management of ocean spaces and shield cover marine environment, defence, security, law enforcement, safety the sea, the governance and institutional, as well as the role of the community.

Sea space planning is a process to produce marine spatial plan and/or zoning plan to determine the structure of the ocean space and marine space pattern. Sea space structure is the arrangement of marine growth center and network infrastructure systems and sea serves as a means of supporting community economic social activities that are hierarchical functional relationship. The pattern of ocean spaces covering public utilization, conservation areas, sea groove, and certain national strategic areas. Sea space planning is used to determine the area to be used for the benefit of economic, social and cultural activities, for example, fisheries, marine transportation infrastructures, maritime industry, tourism, mining, and settlements; to protect the sustainability of marine resources; as well as to define the waters used for the groove cruise, pipe/cable under the sea, and the migration of sea life.

Therefore, the arrangements regarding marine aimed at affirming Indonesia as an archipelago with the archipelago and maritime; utilizing marine resources and/or activities in the area of the sea in accordance with the provisions of laws and regulations and international law of the sea in order to achieve the prosperity of the nation and State; realize the sustainable seas as well as safe as living space and space fighting nation Indonesia; utilizing marine resources on an ongoing basis for maximum well-being for the present generation without compromising the interests of future generations; advance the culture and knowledge of the marine community; developing human resources in the field of marine professional, ethical, dedicated, and is able to uphold the national interest in supporting the development of integrated and optimally marine; giving legal certainty and benefits for all community as an archipelago; and develop the role of the unitary State of the Republic of Indonesia in the global marine scene in accordance with the international law of the sea for the benefit of the Nation and the State.

B. The Political Law Management Of Indonesian Coastal.

1. Sea Area

Refuge fisheries is an area of particular waters either brackish or sea water with certain characteristics and conditions as a shelter or breed a certain kind of fish resources, which serves as the area's protection.

Groove cruise is part of the waters of the natural or artificial well in terms of depth, width, and other cruise barriers is considered safe to navigate. Port area includes the area of the working environment and the environmental interests of the port. The public beach is part of the general utilization was used among other things for the benefit of community activities social, cultural, recreational, sports, tourism and economics.

2. The Coastal Area

Management of Coastal Regions and small islands is a process planning, utilisation, supervision, and control of Coastal Resources and the small islands of antarsektor, between the Government and local governments, between land and sea ecosystems, as well as between science and management to improve the welfare of society. Management of coastal regions and small islands is based on sustainability, consistency, integrity, legal certainty, partnership, equity, community participation, openness, decentralization, accountability and justice.

Characteristics of the coastal area is the region that has biological productivity and high development intensity as well as having a dynamic ecological properties change. Small Islands is an integrated understanding of one another, both physical, ecological, social, cultural or economic, with the following characteristics:

- a. apart from the big island;
- b. very prone to changes due to natural and/or human induced;
- c. have endorses the power limitations of the island;
- d. when inhabited, the population has a condition typical social and cultural;
- e. the local economy is dependent on the economic development of the island, well outside the parent island or continent.

Management of coastal regions and small islands include planning activities, utilization, supervision, and control of human interaction in utilizing the resources of coastal and small islands as well as natural processes on an ongoing basis in an attempt to improve the welfare of society and maintain the integrity of the unitary State of the Republic of Indonesia. Input, feedback, suggestions, and improvements of various major stakeholders, government agencies, provincial governments, and the Government district/town in its region delivered effectively through the available communication lines. The provincial government is obligated to make

improvements and to publish the final planning document management of Coastal Regions and small islands based on the input, feedback, and improvement suggestions received from parties to the responder.

The protected area is an area that should be retained its existence from environmental damage, whether caused by human action or caused by nature to keep the integrity of the unitary State of the Republic of Indonesia. Management of Coastal Regions and small islands as referred to in Article 5 required by way of integrating activities:

- a. between the Government and local governments;
- b. Intergovernmental Areas;
- c. between sectors;
- d. between Government, business, and society;
- e. ecosystem between terrestrial and marine ecosystems; and
- f. between science and the principles of management

The Government and the local government is obliged to manage data and information on the coastal areas and small islands. Update information and data is done by the Government and local governments periodically and documented and published officially, as a public document, in accordance with the legislation. Data and information can be utilized by any person and/or major stakeholders by staying attentive to the interests of the Government and the local government. Legislation enacted in the coastal areas and small islands covering an area meeting between the influence of the waters and land, inland areas of administrative districts and towards the sea waters as far as the 12 (twelve) nautical miles measured from the the coastline towards the sea and/or towards the waters of the archipelago. The scope of this legislation setting generally consists of three parts namely, planning, management, and monitoring and control, with a blurb as follows:

Planning is done through Coastal Area Management approach and integrated small islands (Integrated Coastal Management) that integrate various planning drawn up by sector and region so harmony and mutual reinforcement of its utilization. Management of Coastal Regions and small islands is the integrated approach that provides direction for the utilization of the resources of coastal and small islands in a sustainable way by integrating various development planning from a variety of levels of Government, between land and sea ecosystems, as well as between science and management. Planning management of Coastal Regions and small islands is done in order to harmonize the interests of economic development with the preservation of coastal resources and small islands as well as paying attention to the characteristics and uniqueness of the region such. Integrated planning it is a gradual efforts and to take advantage of programmatic resources of coastal and small islands optimally in order to generate sustainable economic benefits for the prosperity of the community.

The incremental plan accompanied by efforts of controlling the impact of sectoral development that may arise and maintain the sustainability of its resources. The planning of the coastal areas and small islands divided into four stages: (i) strategic plan; (ii) the zoning plan; (iii) management plan; and (iv) action plan

The management of the management of the coastal areas and small islands include the stages of policy settings as follows:

1. Utilization and coastal waters of concessions and small islands implemented through the granting of concession rights of utilization permits and Coastal Waters . Permission granted utilisation in accordance with the legislation and authority of each agency concerned.
2. Concession rights to Coastal Waters provided in the area of the aquatic zone aquatic cultivation or public utilization unless that is set up individually.
3. Settings for the management of the coastal area and the small islands starts from planning, utilization, implementation, control, supervision, recognition of the rights and empowerment of community, authority, institutional, to prevention and settlement of conflicts
4. Management of small islands is conducted in a cluster of Islands or a cluster with attention to the ecological linkages, economic linkages, and socio-cultural linkages in one bioekoregion with the parent island or other islands as the Centre of growth economy

The resources of coastal and small islands are relatively rich in often became the center of economic and population growth of the population. However, most of the inhabitants are relatively poor and poverty sparked pressure on the coastal Resources and small islands that are a source of penghidupannya. When ignored, it will have implications for the increased damage to coastal Ecosystems and small islands. In addition, there is still a tendency that the industrialization and economic development in Coastal Regions and small islands often leaves the locals. Therefore, the required norms of community empowerment. Coastal regions and small islands are vulnerable to change need to be protected through stewardship to be utilized to meet the needs of life and livelihood of the community. Therefore, the required policy in the operations so as to balance the level of utilization of resources of coastal and small islands to economic interests without compromising the needs of future generations through the development Conservation areas and the border of the beach.

Monitoring and control monitoring and control is performed for:

1. aware of the irregularities of the implementation of the strategic plan, zoning plan, management plan, as well as the implications of such

- deviations to changes the quality of coastal ecosystems;
2. encourages the utilization of resources in the coastal areas and small islands in accordance with the coastal area management plan;
 3. provide sanctions against offenders, both in the form of administrative sanctions such as revocation of a permit or revocation of rights, the imposition of civil penalties such as fines or punitive damages; or criminal sanctions in the form of imprisonment or confinement

IV. CONCLUSION

The political law management of the sea and coastal area in Indonesia arranged by the issue of the management of the coastal areas and small island, as well as actual degradation of resources, communities, authorities and utilization conflicts, natural disasters in coastal regions and small islands, and guarantee legal certainty in order to achieve the goals set. The interests of the centre and the area is alignment in the field of management of coastal regions and small islands such as the defense of the country, the border region of the country, conservation areas, the flow of international shipping, the fish migration and the international treaties in the field of marine and fisheries.

Utilization of ocean space, among others, to the activities of the port, the fishing, aquaculture, tourism, industry and settlements. Characteristics of the coastal area is the region that has biological productivity and high development intensity as well as having a dynamic ecological properties change. Small Islands is an integrated understanding of one another, both physical, ecological, social, cultural or economic, with the following characteristics:

- a. Apart from the big island;
- b. very prone to changes due to natural and/or human induced
- c. have endorses the power limitations of the island;
- d. when uninhabited, its population has social and a typical culture

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