



Implementation of the Blue Economy Concept in Sustainable Development of Indonesian Oceans (International Law and National Law Perspectives)

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ABSTRACT- *Indonesia as an archipelagic country with the two-third of its territory is the ocean, which consists of 3,2 million km² and a territorial sea of 0,3 million km², building a sustainable ocean economy is important think. In addition, as a part of the international community, Indonesia must have regulations that support marine sustainability for humans in the future. Blue economy is one of the concepts offered by the United Nations to create a sustainable marine environment. The concept was then accepted by the world community through a long period and many international meetings. Therefore, it is interesting to see how international law is implemented in national law. This study looks at the regulation of the blue economy concept in international and national law, then looks at the implementation of the blue economy concept in Indonesia. The purpose of this study is to see how international law affects Indonesian national law in regulating the blue economy concept and how it is implemented. Based on the research results, international arrangements related to the blue economy cannot be separated from the SDGs, and the SDGs are the result of international meetings starting from the 1972 Stockholm Declaration, 1992 Earth Summit, Rio+20 2012, Changwon Declaration 2012, etc. Indonesia regulates it in the Maritime Law, Fisheries Law, Job Creation Law, and others. Regarding the implementation of the blue economy in Indonesia, the government makes comprehensive policies, one of which is by establishing Indonesia as the world's maritime axis and blue economy development framework.*

Keywords: blue economy, sustainable development, Indonesia ocean

I. INTRODUCTIONS

A. Background

Indonesia as an archipelagic country with the two-third of its territory is the ocean, which consists of 3,2 million km² and a territorial sea of 0,3 million km². Indonesia has the exclusive right to exploration and exploitation marine resources covering an area of 2.7 km² in the waters of the Exclusive Economic Zone (EEZ). The coastal area is inhabited by no less than 140 million people or 60% of the Indonesian population who live within a radius of 50 km from the coastline.[1] These large resources certainly require good governance to prosperity of the Indonesian people.

Good governance of Indonesia's marine resources is needed to be sustainably. The concept of sustainable development is a concept that is needed today. Where development is carried out to meet the needs of the present without neglecting the needs of future generations. Sustainable development is made to protect natural systems, reduce pollution and environmental damage, control the exploitation of natural resources, and be equal. The movement of the economic development paradigm starts from the red economy, green economy and blue economy. The blue economy paradigm emerged as a breakthrough in realizing zero-waste development, working according to natural principles in producing goods and services for the prosperity of the nation. Economic development that ignores the environment (the red economy) has begun to be abandoned, while the implementation of the green economy has begun to be realized is not an easy thing because its implementation requires large capital. Meanwhile, the blue economy paradigm raises the idea of utilizing nature without waste, and integrating economic, social, and environmental systems into a sustainable economic development system.[2] The Blue Economy is a concept that combines economic development and environmental conservation. The maritime economic development policy can be summarized as Marine Economic Development with the Blue Economy Model as an Accelerator for the Realization of Indonesia as an Archipelago State that is Independent,

Advanced, Strong and Based on National Interests, which is worthy of being the world's maritime axis.

Indonesia has basically been in a paradigm rule, where since the ratification of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), Indonesia has participated in realizing the preservation of the marine environment, and responsible.

The idea of a blue economy was drafted at the Rio+20 United Nations Conference on Sustainable Development, held in Rio de Janeiro in June 2012. The conference discussed two main themes: the further development and refinement of the Institutional Framework for Sustainable Development and the progress of the concept green economy. The results of the meeting reaffirmed eliminating poverty as a key challenge and focusing on a green economy as a tool for poverty alleviation and sustainable development.

During the preparation process for Rio+20, countries with coastlines were worried about the focus of the green economy and its implementation, that's why the concept of a blue economy emerged to address the concerns of countries with large coastlines or archipelagic state. Basically, this blue economy concept cannot be separated from the Sustainable Development Goals (SDGs). The SDGs are a world development agenda aimed at human welfare and the preservation of the earth/nature. The SDGs carry 5 fundamental principles that balance the economic, social, and environmental dimensions. Represent 17 Goals and 169 Goals that cannot be separated, connected, and integrated with one another in order to achieve a better human life.

Goal 14, the SDGs aim to conserve and sustainably utilize marine, oceanic and maritime resources for sustainable development. Although in reality each of the goals of the SDGs is an inseparable part of the others, the SDGs specifically state that the goal is to improve the welfare of the ocean ecosystem. This is certainly a very important element for archipelagic state.

The next step taken by the Indonesia Government is to realize the SDGs in the development plan. As for the National Long-Term Development Plan (RPJPN) 2005-2025, it is stated that special attention is paid to the use of natural resources that still have great potential to be developed, such as marine resources, so that there is a balance in the utilization of existing natural resources, between land and sea. Utilization of marine resources must be followed by the support of national policies, technological innovation and improving the quality of human resources.

The RPJPN is implemented with frameworks of ministries and agencies. In this marine sector, then the Ministry of National Development Planning (Kementerian PPN) and BAPENAS designed a blue economic framework for Indonesia's economic transformation.

In reality, the implementation of the blue economy has not been fully implemented, this is evidenced by the increasing level of pollution of the sea, where according to data from the Ministry of Environment and Forestry (KLHK), in 2020 Indonesia's oceans have been polluted by around 1,772.7 grams of waste per year. square meters (g/m^2), the total area of Indonesia's oceans is 3.25 million km^2 , it can be estimated that the total amount of garbage in

the archipelago's seas has reached 5.75 million tons.[3] In addition, the condition of Indonesia's coral reefs is no longer good, where according to the Oceanographic Research Center-P2O of the Indonesian Institute of Sciences (LIPI), there are 2.52 million ha of coral reefs in Indonesia, only 29.52 percent are in good and very good condition, while 36.18 percent are in the bad category. On the other hand, only 48 percent of the mangroves covering an area of 3.62 million ha are natural coastal ecosystems in good condition, while the rest are in moderate or damaged condition. Small and traditional fishermen are increasingly difficult to make a profit amid the high risk of going to sea, the number of fishermen has decreased from 3.44 million in 2004 to only 2.24 million in 2017 (Ministry of Maritime Affairs and Fisheries, 2020). Data from the Central Statistics Agency shows that the number of fishery households (capture and marine fisheries) shrank by around 0.85 million over 18 years from 2.49 million to 1.64 million in 2018. In addition, the prevalence of IUU fishing (Illegal, Unreported, Unregulated Fishing), increasingly complicates the lives of fishermen.[4]

Based on the data above, the authors are interested in seeing the implementation of the blue economy concept designed by the Indonesian government from the perspective of national and international law.

B. Problems:

- 1) How is the regulation of blue economy concept in sustainable development seen from the perspective of international and national law!
- 2) How is the legal implementation of the principles for sustainable blue economy in the Indonesian seas!

2. Methode

The problem approach used in this research is normative legal approach. The normative legal approach is legal research carried out by examining library materials or secondary data.

3. Results

A. Regulations the Principles for Sustainable Blue Economy in Marine Management Seen from International Law

Regulations related to the concept of sustainable development are global issues of international concern. The role of the state as one of the stakeholders is very much needed. Issues regarding the environment and development are then regulated in international law, both soft law and hard law.

The United Nations first met in 1972, United Nations Conference on the Human Environment (UNCHE 1972) or commonly known as the Stockholm Declaration. The Stockholm Declaration consists of 26 principles. Where these principles make that getting a good environment is a human right. In the Stockholm Declaration, creating a good environment is a state responsibility that must be realized through development planning that pays attention to the environment. Besides that, international cooperation is also needed to create a good and proper environment.

Furthermore, Stockholm Declaration agreed on action plan which contained 109 recommendations and was accepted by consensus of 114 countries present in

Stockholm. The recommendation contains 6 main agendas concerning: (i) planning and management of human settlements for environmental quality (planning and management of human settlements for environmental quality), (ii) environmental aspects of natural resource management (environmental aspect of natural resource management), (iii) identification and control of pollutants and disturbances that have broad international significance (identification and control of pollutants and nuisances of broad international significance), (iv) educational, informational, social and cultural aspects of environmental issues (educational, informational, social and cultural aspects of environmental issues), (v) development and environment, and (vi) international organizational implications of action proposals (international organizational implications of action proposals).

Subsequently, an international meeting called the Ad Hoc Meeting of Senior Government Officials Experts in Environmental Law was held. The meeting discussed the environment, stating that environmental law is an important element in proper environmental management and for improving the quality of life. However, these efforts are only mere "rhetoric", because they are still far from what was expected.

On June 3-14, 1992, the United Nations Conference on Environment and Development (UNCED) or also known as the Earth Summit was held. The Earth Summit has an impact on the world community to be more concerned about the environment. This is evidenced by the increasing number of international meetings discussing environmental issues, such as Earth Summit+5 in 1997 in New York, United States. The discussion resulted in the Millennium Development Goals. At the 1992 Earth Summit, there were 3 things that became the main points of the conference: (1) Developed countries are required to pay attention to the environment in carrying out their development, (2) Developing countries can continue their development by implementing a green development model, (3) Developed countries are obliged to assist developing countries to implement environmentally friendly development. This assistance can be in the form of financial assistance or technology transfer.

However, it is unfortunate that the commitments at the Earth Summit are only on paper, because in fact it is developed countries that are sponsors of the Earth Summit that carry out massive development by ignoring environmental impacts. Then the United Nations Conference on Sustainable Development (Rio+20) hereinafter referred to as Rio +20 was held based on UN General Assembly Resolution A/RES/64/236 on December 24, 2009. This conference create a development concept that pays attention to the environment becomes imperative. The objectives of implementing Rio +20 are: (1) Renewal of political commitment to sustainable development, (2) Identify gaps between progress and implementation in achieving the agreed old commitments, and, (3) Overcoming new challenges that continue to grow.

With the concept of "The Future We Want", the Rio +20 Conference wants the gap between developed and developing countries to be minimized. Where this concept makes responsibility for all countries, because the environment will have impact to human life. This concept

is hereinafter known as the green economy. Green Economy was inaugurated in 2008 by the United Nations Environment Program (UNEP).

In the development of international relations, as mentioned above, green theory has emerged as a significant political force since the 1970s until now, as a spirit that provides environmental sensitivity in aspects of law and international relations. Philosophers who contributed to environmental concepts were Rousseau from France and Henry David Thoreau from America. They began to intensify environmental aspects, which eventually gave rise to the term green politics. Green politics means political ideology, which is very thick with ecological nuances, environmental sustainability, and emancipatory democracy.

Then in 2013 the UN General Assembly prepared a working group to develop proposals on the Sustainable Development Goals (SDGs). And in 2015 the United Nations finally launched the SDGs program. The objectives of the Sustainable Development Goals (SDGs) are development that maintains sustainable improvement in the economic welfare of the community, development that maintains the sustainability of community social life, development that maintains the quality of the environment and development that ensures justice and the implementation of governance that is able to maintain the improvement of the quality of life of one community. generation to the next generation. The SDGs are global and national commitments in an effort to improve the welfare of society, including 17 goals, namely (1) No Poverty; (2) No Hunger; (3) Healthy and Prosperous Life; (4) Quality Education; (5) Gender Equality; (6) Clean Water and Proper Sanitation; (7) Clean and Affordable Energy; (8) Decent Work and Economic Growth; (9) Industry, Innovation and Infrastructure; (10) Reducing Gaps; (11) Sustainable Cities and Settlements; (12) Responsible Consumption and Production; (13) Climate Change Management; (14) Ocean Ecosystems; (15) Land Ecosystems; (16) Peace, Justice and Strong Institutions; (17) Partnership to Achieve Goals.

In the 14th goal of the SDGs, it is to ensure the preservation and sustainability of the sea and include marine resources that are beneficial for the development of sustainable development. With this goal 14, coastal countries are increasingly "enthusiastic" to create the concept of sustainable marine use. But previously, in the preparation of Rio +20, countries with large marine resources had already made the concept of a blue economy. This blue economy concept is still being carried out to this day, including in UN meetings that focus on the environment, as well as countries and international and national institutions that care about the sustainability of the sea as one of the resources that must be preserved, because we "borrow it from our children and grandchildren".

In 2012, East Asian countries initiated the Changwon Declaration on Sustainable Development Strategy in Partnerships In Environmental Management For The Seas Of East Asia (PEMSEA). Where the partnership was formed by 12 countries (Cambodia, China, North Korea, Indonesia, Japan, Laos, Philippines, South Korea, Singapore Thailand, Timor-Leste and Vietnam). Then, more and more countries in the world have conducted meetings discussing the blue economy, including existing

international organizations. Until now, there are no more international meetings, both bilateral and multilateral and even universal that discuss the implementation of the blue economy concept which is part of the SDGs.

The relations between the blue economy and economic growth has been recognized in a number of international forums in recent years. From international meetings, each country translates it into its national law. However, the joint targets have been set until 2030, and the steps to create a sustainable marine environment are clearly outlined in the framework of international institutions and countries. An annual report that will be able to assess the performance of each country in implementing it. So that although many of the international agreements created are soft law, it does not make countries easily ignore the contents of existing agreements.

The discourse on sustainable marine governance took place on December 3, 2020, when a marine panel formed by 14 countries issued a document entitled "Transformation for a Sustainable Ocean Economy".

International regulations related to the blue economy cannot be separated from the development of international environmental law. Likewise, the relationship between the blue economy and the SDGs, where the SDGs are the basic concept of sustainable environmental use, one of the focuses of which is to create a sustainable sea with natural resources that can be used sustainably. Furthermore, this environmental conservation policy has become a global issue which is then realized by regulation, cooperation of all stakeholders, a system built globally, frameworks made by relevant international institutions, and support all countries. In addition, the implementation of the SDGs, specially blue economy principles, will be evaluated annually by the United Nations.

B. Regulation the Principles of Blue Economy in Indonesia

Blue economy is a new concept recently, but in fact this kind of condition is a practice that has traditionally been used by fishermen in North Suawesi. Traditional practices that are adaptive, responsive, and sensitive to the environment such as harvest restrictions or seasons closed, has become a cultural value of the local community who has considered environmental risks and ecological damage that will affect fish habitat.[5]

In the perspective of Indonesian law, related to the use of the sea has been regulated in Article 33 paragraph (3) of the 1945 Constitution, where the article states that:

"Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people"

The Constitutional Court, interpret Article 33 paragraph (3):

"The concept of control by the state is a conception of public law relating to the principle of popular sovereignty espoused in the 1945 Constitution, both in the fields of politics (political democracy) and economics (economic democracy). In the understanding of popular sovereignty, it is the people who are recognized as the source, owner and at the same time the holder of the highest power in the life of the state, in accordance with the doctrine "of the people, by the people, and for the people".

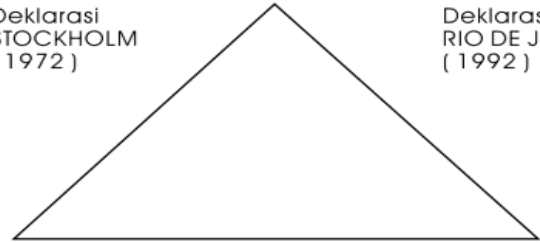
So in terms of utilizing Indonesia's marine resources as much as possible, it is used for the benefit of the Indonesian people.

Regarding the management and utilization of Indonesia's marine environment, it is influenced by existing international agreements. According to Koesnadi Hardjosemitro, that Indonesian environmental law is influenced by the Stockholms Declaration and Rio +20.

SEGITIGA LATAR BELAKANG PEMBENTUKAN HUKUM LINGKUNGAN DI INDONESIA

Deklarasi
STOCKHOLM
(1972)

Deklarasi
RIO DE JENEIRO
(1992)



UUD 1945
GBHN 1073, GBHN 1993

UUNo. 4 Tahun 1082 (UULH)
UU No. 23 Tahun 1997 (UUPLH)

Sumber: Modul Perkuliahan Koesnadi Hardjaseomiro

In implementation, not only the Environmental Law is influenced by international agreements but Law Number 9 of 2009 concerning Fisheries, Law Number 32 of 2014 concerning Marine Affairs, Law Number 11 of 2020 concerning Job Creation and Presidential Regulation Number 16 of 2017 concerning Indonesian Maritime Policy are influenced by other international declarations and agreements. So that currently the Government of Indonesia is focused on realizing a sustainable environment, especially in this case the marine environment by implementing the blue economy concept.

Blue Economy has become a part of marine development in Indonesia because it has been regulated in Article 14 paragraph (1) of Law Number 32 of 2014 concerning Marine Affairs.

"The Government and Regional Governments in accordance with their authority shall carry out Marine Management for the greatest prosperity of the people through the utilization and exploitation of Marine Resources using the blue economy principle".

In paragraph 2 of the article, it regulates the utilization of marine resources, including fisheries, energy and mineral resources, coastal resources and small islands, and non-conventional resources. Then in paragraph (3) it is stated that the forms of empowerment can be in the form of marine industry, marine tourism, sea transportation, and marine buildings.

C. Implementation of Principles For Sustainable Blue Economy in Sustainable Development of Indonesian Seas.

Blue Economy is a sustainable development framework in which marine resources are the basis of development by considering the integration of conservation in spatial planning, sustainability, extraction of oil and mineral wealth, bio-finding, sustainable energy production, and marine transportation. Blue economy has the potential to change and transform the Indonesian economy. The blue economy is also a solution for the synergy between the

economy and the impact on climate change in the marine sector. Meanwhile, Indonesia's way to implement the Principles for Sustainable Blue Economy are;

a. Indonesia become the World Maritime Axis.

President Joko Widodo prepared and launched Indonesia's new development agenda, starting from the World Maritime Axis policy. This policy reveals Indonesia's emphasis on developing the marine sector in various aspects during its reign in the 2015-2019 period.[6] The World Maritime Axis was campaigned as a government policy, by making the maritime sector guide or determinant, as well as the goal of building its working cabinet. It can be said that the achievement of the nine work agendas of his government (Nawacita) is related to the implementation of the importance of the maritime sector for Indonesia, to achieve the country's goals, both in the short, medium and long term.

Indonesia's World Maritime Axis was realized by Presidential Regulation Number 2 of 2015 concerning the 2015-2019 National Medium-Term Development Plan. Indonesia as the world's maritime axis is supported by five main pillars, namely: first, rebuilding Indonesian maritime culture; second, the commitment to maintain and manage marine resources with a focus on building seafood sovereignty through the development of the fishing industry by placing fishermen as the main pillar; third, the commitment to encourage the development of maritime infrastructure and connectivity by building sea highways, seaports, logistics and shipping industries, as well as maritime tourism; fourth, maritime diplomacy which invites all Indonesian partners to work together in the maritime sector; and fifth, building a maritime defense force.[7]

b. Create a Blue Economy Development Framework

Indonesia's effort in realizing the blue economy concept is to create a Blue Economy Development Framework. This framework was developed by the Ministry of National Development Planning/Bappenas with the assistance of the Organization for Economic Cooperation and Development (OECD). Within the framework it is said that Indonesia can utilize marine resources to develop renewable energy, bio-economy and biotechnology, research, and education. The development of these sectors requires a more enabling environment that provides new opportunities for the investment sector. This framework lays the foundation for Indonesia's transition to developing Indonesia's maritime sector. In addition, it also functions as a policy to create social, environmental, and marine-based Indonesian economic sustainability. Indonesia's further efforts should be directed towards developing guidelines for implementing this blue economy framework.

For Indonesia, the transition to a blue economy is expected to reduce economic dependence on extractive activities by becoming a model for developing a sustainable marine-based industry. This framework can also be used to guide policies and programs to achieve Indonesia's Vision 2045. In addition, Indonesia's blue economy development framework will contribute to enriching global efforts in the transition to a more sustainable blue economy through the conservation and responsible use of marine resources. and coastal areas that are beneficial to humans and future

generations.[8] This framework then becomes a reference for the RPJMP and RPM.

c. Transformation for a Sustainable Ocean Economy resulting from the High Level Panel meeting for Sustainable Ocean Economy.

The High Level Panel for Sustainable Ocean Economy is a global initiative led by heads of state and government from around the world that builds momentum for a sustainable marine economy. Achieving a sustainable ocean economy where effective protection, sustainable production and equitable prosperity go hand in hand, requires a major shift from 'business as usual' practices and transformation in five critical areas – ocean wealth, ocean health, ocean equity, ocean knowledge and ocean finance.[9] Transformation for a sustainable ocean economy has a vision for protection, production and prosperity is the culmination of efforts to chart a course towards a sustainable ocean economy. Transformation is developed through a broad and diverse collaborative engagement and consultation and an unprecedented scientific knowledge base.

d. Establish an Action Plan for Indonesia's Marine Policy 2021-2025

This is the implementation of the Presidential Regulation Number 34 of 2022 concerning the Indonesian Marine Policy Action Plan for 2021-2025.



Pilar Kebijakan Kelautan Indonesia. Sumber: Kementerian Koordinator Kemaritiman RI, www.maritim.go.id

The priority programs carried out by the government 2020-2024 are:

1. improvement of human resources
2. regulatory arrangement
3. Simplify bureaucracy
4. build infrastructure
5. economic transformation



Sumber: KKP

1. Conclusions

- a. *The concept of the blue economy is part of sustainable development goals. Indonesia applies the regulations that support of a blue economy concept, establishing international cooperation and create good governance.*
- b. *The implementation of the blue economy concept is by supportive policies, such as establishing Indonesia as the world's maritime axis, create good governance and realizing it in government work programs.*

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