



Coastal Resilience and Administrative Dispute Resolution: A Sustainability Strategy for Coastal Cities in an Era of Environmental Risk

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Abstract. The purpose of this study is to analyse the strategy for resolving state administrative disputes in coastal areas as an effort to strengthen sustainable coastal resilience. The urgency of this research is that coastal areas in Indonesia face dual pressures: increasing environmental risks such as abrasion, sea level rise, tropical storms, and mangrove ecosystem degradation, as well as socio-administrative conflicts arising from spatial management, government authority, and administrative disputes. The approach used to address this problem is a juridical-normative approach with descriptive analytical research specifications. The data used are secondary data obtained through literature studies and qualitative data analysis. The results of the study indicate that in the context of sustainable coastal area resilience, administrative dispute resolution is not merely a legal matter but a fundamental part of fair, inclusive, and environmentally sound coastal governance. A strategy that combines non-litigation mechanisms, community participation, regulatory harmonization, and an integrated approach (ICZM) offers an ideal framework for building a coastline that is resilient to social, economic, and ecological pressures. However, this strategy requires serious implementation, political commitment, strengthening institutional capacity, and empowering local communities so that coastal resilience is not merely political jargon, but a reality experienced by the community.

Keywords: Regional Resilience, Coastal City Sustainability, Environmental Risks, State Administrative Dispute Resolution

1 Introduction

Coastal areas are transitional areas between land and sea ecosystems that are influenced by changes on land and sea [1]. Coastal regions and small islands represent a divine gift and state-controlled asset that must be preserved for the collective prosperity of current and future generations. Given their vast natural resource potential and critical role in socio-economic development and national sovereignty, these areas require sustainable management. This approach should integrate a global perspective while remaining firmly rooted in national legal norms and community participation [1].

Article 25A of the 1945 Constitution of the Republic of Indonesia states that Indonesia is an "archipelagic state with the characteristics of the archipelago," which emphasizes that all land and sea areas, including the sea, coast, small islands, and waters between islands, are an integral part of the national territory. Thus, the constitution recognizes that the sea and coast are the sovereign territory of the state, not just land. Because the constitution recognizes the sea/coast as part of the national territory (Article 25A) and gives the state the right to control and the obligation to regulate natural resources, including the sea/coast (Article 33 paragraph (3)), the state (central and/or

regional governments through regulations) has the constitutional legitimacy to determine governance, zoning, permits, conservation, and regulation of coastal/marine utilization. As a follow-up, the government issued Law of the Republic of Indonesia Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands [1].

Coastal areas in Indonesia, including coastal cities, are vulnerable to the impacts of climate change. Sea level rise, abrasion, seawater intrusion, extreme tides, coastal erosion, flooding, and extreme weather events are all contributing to these challenges. These ecological and physical vulnerabilities threaten coastal ecosystems (including mangroves and coastal buffer zones), the livelihoods of coastal communities, infrastructure, and coastal urban planning, thus threatening social, economic, and environmental sustainability. Therefore, efforts are needed to build "coastal resilience," encompassing not only environmental mitigation but also adaptive administrative and legal management of environmental and spatial risks [1].

Coastal and marine governance often faces serious challenges, ranging from overlapping authority, complex regulations, fragmented institutions, and weak environmental law enforcement. Many coastal management policies are formulated without minimal participation from local communities and marine stakeholders, reducing the legitimacy and effectiveness of regulatory implementation. This situation increases the potential for administrative conflicts, such as authority disputes, spatial planning disputes, reclamation, or coastal land conversion, which, if not properly managed, can exacerbate coastal vulnerability [1].

Poor coastal management, overlapping authority, and weak regulations and law enforcement create opportunities for administrative disputes: zoning disputes, management rights, reclamation, spatial planning permits, and conflicts between the government, coastal communities, and economic actors. Administrative disputes in coastal areas not only have legal implications but also impact environmental sustainability, the continuity of community livelihoods, and regional socio-economic resilience, especially amidst environmental pressures and climate change.

Sociological phenomena regarding administrative disputes can be seen in several regions. For example, in Jakarta, regarding the Reclamation of Island C (PIK 2) in the coastal/marine area around Jakarta. Disputes have arisen regarding the reclamation and utilization of coastal/marine zones, as well as conflicts of interest between developers, the government, and communities/property buyers regarding the legal status and spatial planning of the sea/coast. The main impacts and issues are the resulting legal uncertainty, including regulations and legal frameworks deemed inadequate to resolve disputes, environmental damage, and potential violations of the rights of coastal communities/fishermen and buyers. Furthermore, in Jakarta, particularly on the North Coast of Jakarta, disputes have also occurred, namely conflicts over land use and coastal space between squatters/fishermen/coastal communities and parties claiming ownership or use rights to coastal land. The main impacts and issues include the forced relocation or eviction of informal settlements, intimidation, violence against coastal communities, and unclear land/coastal rights, thus reflecting weaknesses in administrative protection.

Then, administrative disputes also occurred in the Bangka Belitung region, namely conflicts over access and utilization of marine space (marine zones, mining permits, fisheries, marine spatial planning) between local communities, the government, and the private sector; disputes over marine/coastal zoning regulations in the preparation of coastal/marine area zoning. The main impacts and issues are regulatory/zoning uncertainty, potential overlapping authority and administrative decisions, and conflicts of interest between environmental conservation, coastal community rights, and economic exploitation. Benoa Bay, Bali also experienced administrative disputes and policy conflicts, namely reclamation/infrastructure development in coastal/marine areas that conflict with conservation zoning patterns, permits, and the rights of coastal/traditional communities. The main impacts and issues are local community rejection, damage to coastal ecosystems, violations of traditional coastal community rights, and legal/administrative controversies related to permits and regulations [2].

Given the complexity and multidimensionality of coastal issues, from physical, ecological, social, to administrative law, an integrated governance approach is required that combines environmental adaptation, spatial and resource management, and legal certainty. This means that coastal resilience efforts cannot simply rely on physical mitigation (e.g., mangroves, embankments, coastal protection structures). Effective, transparent, and fair administrative dispute resolution mechanisms are also needed to ensure that spatial planning and management conflicts do not undermine sustainability efforts. In this context, research on strategies for resolving state administrative disputes in coastal areas is highly relevant as part of efforts to strengthen sustainable coastal resilience.

2 Method

As a consequence of selecting the problem topic to be studied in the research whose object is a legal problem (while law is all the means within the framework of science towards a unity of knowledge, without a scientific method

a science is not actually a science but a collection of knowledge only about various phenomena, without being able to realize the relationship between one phenomenon and another) [3], then the type of legal research used is normative legal research. Normative juridical research is a type of legal research based on literature, which is carried out by examining library sources or secondary data [4], related to the strategy for resolving state administrative disputes in coastal areas which is very relevant as part of efforts to strengthen the resilience of coastal areas in the long term. Descriptive analysis specifications, Soerjono Soekanto defines descriptive as describing the applicable laws and regulations by linking them to legal theories and the practice of implementing positive law related to the problems that have been formulated [5]. This research will describe the results of the analysis of the strategy for resolving state administrative disputes in coastal areas which is very relevant as part of efforts to strengthen the resilience of sustainable coastal areas. The data collected, both secondary and primary, are then analyzed qualitatively.

3 Result And Discussion

3.1 Regulations for Administrative Dispute Resolution in Coastal Areas

Administrative dispute resolution in coastal areas is regulated in Articles 64 to 67 of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands. Dispute resolution in the Management of Coastal Areas and Small Islands is pursued through the courts and/or outside the courts. Dispute resolution outside the courts does not apply to criminal acts in the Management of Coastal Areas and Small Islands as referred to in this Law. Out-of-court dispute resolution is carried out by the parties and constitutes an out-of-court agreement without reducing criminal liability. Dispute resolution can be achieved through compensation or other actions through negotiation, conciliation, arbitration, or local customary law.

Essentially, negotiation, consolidation, and arbitration are different concepts. According to Huala Adolf, negotiation is a joint effort by the parties to reach a mutually agreed resolution by managing the conflicting views of the parties [6]. Consolidation, on the other hand, is a dispute resolution method carried out by a third party or a conciliation commission formed by the parties [6]. Arbitration is the voluntary submission of a dispute to a neutral third party, and the resulting decision is final and binding. Furthermore, the division of authority between the central and regional governments, as well as their roles in dispute resolution, needs to be further elaborated. The complaint, reporting, and dispute resolution systems, the mechanisms for expert/mediator assistance, and the dispute resolution monitoring and funding systems also need to be reviewed [6].

So the findings from the concept of resolving disputes regarding spatial planning in coastal areas are appropriate and still have relevance through Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, considering that in this law the regional government still has the broadest rights and obligations to be able to resolve disputes regarding spatial planning in coastal areas based on decentralization, not centralization [7]. This is due to a conflict of authority between the central and regional government sectors that has not yet achieved equitable results. Based on this, the government is attempting to provide a formulation through the implementation of dispute resolution for the management of coastal areas and small islands as stipulated in Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 28/Permen-Kp/2020 concerning Procedures for Dispute Resolution in the Management of Coastal Areas and Small Islands [7]. Moreover, if this dispute cannot be resolved progressively, it will impact the sustainable development of coastal spatial planning. Essentially, sustainable development must prioritize the planning process in a preventative manner. Spatial planning, as the basis for determining the location of all activities within a space, can be the starting point for any activity, provided the spatial suitability permits are granted by the government [7].

Prevention can also be implemented through efforts to resolve disputes in coastal areas and small islands in Indonesia through non-judicial channels, which prevents the conflict from escalating. These dispute resolution stages can be carried out through negotiation, mediation, conciliation, and customary law. In the case where the government or regional government is the party filing the dispute as referred to in Article 5 paragraph (3), the director general or head of the agency can assign a dispute resolution team to represent the government or regional government in every dispute resolution process [7].

However, if the dispute resolution process outside the court cannot find a solution, it can be done through the courts, on the basis of the terms and conditions of evidence that the results of the dispute resolution outside the court do not reach an agreement. Meanwhile, the settlement of disputes regarding the management of coastal areas and small islands in Indonesia can involve agencies responsible for the environment and forestry, according to the damage, coastal pollution and/or losses that are the object of the dispute related to aspects of environmental protection and

management and forestry. Litigation for environmental conflicts commences when the injured party submits a formal claim against the party held responsible for the environmental harm, seeking redress through the court of law [7].

The basic concept of resolving disputes over the management of coastal areas and small islands in Indonesia is certainly based on the application of environmental law, which functions as an instrument of sustainable development policy. One of the instruments for enforcing environmental law is a declaration, agreement, or protocol at the national level implemented through national legislation. Therefore, in practice, theories of compliance with national law are also relevant to compliance with international law in many respects. Compliance with both international and national environmental law can be explained through two main theories: the rational theory, which emphasizes compliance with the law through law enforcement and deterrence. Second, the cooperative theory, which emphasizes compliance through a collaborative process between the government and the business sector to encourage compliance [7].

Basically, regional autonomy has provided opportunities for regions to be able to manage and enjoy the results of natural resource management and environmental protection [8]. Decentralization is one of the concepts initiated by the nation's founders, this concept of decentralization is a manifestation of democracy in the Indonesian government system [8]. Considering, decentralization has the goal of equalizing sustainable development that is oriented towards equalizing welfare, one of which is in the economic and environmental fields (sea, land and air). The regional autonomy policy on the management of marine or coastal areas has an effect on the emergence of problems or conflicts of authority involving district/city regional governments regarding management, utilization and including the resolution of disputes over their authority [8].

However, in its development, it has placed a political will that changes the environmental management of coastal areas and islands from decentralization to centralization. The assumption that the district/city government has failed to prevent abuse of power and abuse of rights is one of the strongest reasons for changing the management of coastal areas. The impact of this assumption is the elimination of the authority of the district/city government's role in the implementation of authority in the maritime sector and the management of coastal areas and small islands in Indonesia which is transferred to the central government (Centralization) [8].

The lack of authority of district/city governments in managing or even resolving coastal and island disputes has led to widespread conflict. In fact, to address marine and coastal environmental issues, the role of district/city governments is essential [8]. Considering that environmental disputes are often located in regions, where, from a territorial perspective, the regional or district/city government has jurisdiction and understands the conditions and appropriate solutions for resolving these issues [9].

The change in the authority or regulatory regime clearly impacts the role of district/city governments in addressing the lack of responsiveness in handling damage to coastal areas and small islands in the region. The enactment of the regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 28/permen-kg/2020 concerning procedures for resolving disputes in the management of coastal areas and small islands is a response to the authority of the role of regional governments in resolving problems or disputes in coastal areas and small islands [10].

However, the presence of this Ministerial Regulation raises new issues regarding its inconsistency with the higher regulation, namely Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law (UUCK). Where, in this regulation, the authority of the district/city regional government limits the authority of local governments in the management or even utilization of coastal areas and small islands. Therefore, the implications of this Ministerial Regulation are still seeking formulation and procedures for synchronizing how these regulations can be implemented [10].

The UUCK and ministerial regulations do not share the same norms and principles that are regulated to ensure institutional alignment, particularly among district/city governments. Referring to the content and substance of the ministerial regulations, there should at least be a similarity in the alignment of norms and legal principles between higher and lower laws in the regulations to be implemented. Therefore, the ministerial regulations share a similar perspective and legal policy [11].

Therefore, the ministerial regulation which originally had the aim of resolving disputes in the management of coastal areas and small islands for the government and regional governments with disputing parties in this centralized regime, still has not had effectiveness in its implementation. This is because some regulations are not yet harmonized and the level of understanding of the implementation, especially the district/city regional governments, is still not adequate. In addition, the ineffectiveness of this ministerial regulation is influenced by social conditions where a regulation must be able to apply legal norms that will be a validity of the suitability of the expected legal conditions (Das Sollen) and the law in reality (Das Sein) [12].

3.2 Strategy for Resolving State Administrative Disputes in Coastal Areas as an Effort to Strengthen Sustainable Coastal Area Resilience

Before discussing strategies, it is necessary to understand the characteristics of disputes in coastal areas so that strategies can be targeted. First, in many coastal areas, especially in Indonesia, there is disharmony between land spatial planning regulations, marine/coastal regulations, and regulations of other sectors (fisheries, environment, permits, coastal utilization, reclamation, development) [13]. This leads to overlapping authority and unclear rights and obligations for the government, investors, and local/coastal communities. The case of sea fences (for example in areas with reclamation/coastal use by private parties) shows that the granting of land or property rights can occur without synchronizing with marine/coastal zoning, this opens up space for conflict and injustice towards coastal/traditional communities. Second, coastal use conflicts often arise when public access or traditional rights of local communities are ignored, for example the rights of fishermen or indigenous communities to access the sea, beaches, coastal resources, while commercial/private projects obtain development permits without considering social, environmental, and sustainability aspects. Third, as a result of regulatory disharmony and governance violations, coastal environmental damage, loss of community access, and social conflicts arise which ultimately weaken the “social, economic, and ecological resilience” of coastal areas [13].

In the context of national law, there are regulations governing the resolution of disputes and management of coastal areas: The Law on the Management of Coastal Areas and Small Islands (and its implementing regulations) stipulates that the resolution of coastal management disputes can be carried out through litigation or non-litigation channels. Non-litigation mechanisms (alternative settlements such as mediation, negotiation, conciliation, arbitration, local community involvement) are gaining ground in the law as a dispute resolution channel, especially in administrative/spatial management disputes and coastal utilization, because the court process is often long, expensive, and less responsive to social/community conflicts. The law also mandates community empowerment, transparency, and public participation in coastal management, for example in spatial planning, permits, utilization, and supervision [14].

Based on the characteristics of the conflict and the legal framework above, the following are relevant administrative dispute resolution strategies on the coast to strengthen coastal area resilience [15]:

a. Use of Non-Litigation and Participatory Mechanisms

Prioritize mediation, conciliation, arbitration, or settlement through local and/or customary communities as the primary options, as these mechanisms are more flexible, responsive to local conditions, faster, and can take into account social, cultural, and environmental aspects, not just formal legal ones. The active involvement of coastal communities, indigenous communities, fishermen, and local residents in the dispute resolution process provides a space for them to complain about rights violations, maintain access, and advocate for environmental sustainability. This also helps restore trust and build democratic coastal governance.

b. Harmonization of Land-Sea Spatial Planning (Zoning & RZWP3K / RTRW) and Regulation Synchronization.

Aligning land spatial planning regulations (RTRW/RTBL) with marine/coastal zoning (RZWP3K) to avoid overlapping rights/permits, so that when changes in utilization occur, land rights/property owners do not violate marine/coastal access rights and vice versa. Ensuring that every development, reclamation, and coastal utilization permit must undergo an integrated study, considering environmental, social, public access, and community rights aspects, and involving public and affected community participation before permit issuance.

c. Empowerment of Local Communities and Coastal Communities in Governance and Monitoring

Involve local communities in the planning, monitoring, and evaluation of coastal management, for example in mapping marine/coastal access, determining public coastal zones, reclamation permits, and monitoring environmental impacts. Provide space and legal recognition for the traditional rights of coastal/indigenous communities (sea, beach, resource access) so that they are not marginalized by investors/private parties or top-down policies, strengthen social justice and management legitimacy.

d. Implementation of Integrated Coastal Zone Management (ICZM) Principles.

Implementing the ICZM approach: integrating environmental, spatial, social, economic, legal, and stakeholder participation policies, so that coastal management is not sectoral, but holistic and oriented towards long-term sustainability. In terms of dispute resolution, ICZM provides an institutional platform for consultation, participation, and conflict resolution before they escalate to litigation, minimizing the likelihood of major conflicts and environmental degradation.

e. Law Enforcement, Transparency, and Access to Public Information

Equitable coastal management requires transparency in permits, zoning, licensing, and administrative decisions, so that communities understand their rights and obligations and can monitor implementation. If violations or conflicts occur, legal mechanisms must be in place: administrative, litigation, and non-litigation channels, as a form of sustainability and protection of community and environmental rights.

If the above strategy for resolving administrative disputes on the coast is implemented consistently and comprehensively, the impact on coastal resilience can be significant [15]: First, Reduction of conflict and disputes: With clear zoning, harmonious regulations, and community participation, the potential for conflict over permits, access, or coastal use can be reduced; Second, Protection of local community rights and social justice: Coastal/traditional communities have their rights recognized and maintained, preventing marginalization due to top-down investments or policies; Third, Sustainable environmental management: An integrated approach (ICZM) ensures that ecological aspects are taken into account, conservation is carried out, and the use of coastal resources does not damage the ecosystem, supporting long-term sustainability; Fourth, Social and economic stability of coastal communities: With legal certainty, access, and participation, coastal communities can rely on the coast as a basis for life, fishermen, traditional communities, without fear of losing rights or access due to conflict; and Fifth, Public trust and legitimacy of coastal governance: Transparency and participation strengthen the legitimacy of government, minimize resistance, and increase cooperation between government, the private sector, and the community.

4 Conclusion

Based on the research results and discussion, it can be concluded that in the context of sustainable coastal area resilience, administrative dispute resolution is not merely a legal matter but a fundamental part of just, inclusive, and environmentally sound coastal governance. A strategy that combines non-litigation mechanisms, community participation, regulatory harmonization, and an integrated approach (ICZM) offers an ideal framework for building a coastline that is resilient to social, economic, and ecological pressures. However, this strategy requires serious implementation, political commitment, strengthening institutional capacity, and empowering local communities so that coastal resilience becomes more than just political jargon, but a reality experienced by the community.

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