

# IDEAL CONSTRUCTION OF COMMUNITY-BASED COASTAL AND MARINE RESOURCE MANAGEMENT AT THE END OF MORODEMAK BONANG BEACH

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## Abstract

Budi Adhi Buono. Ideal construction of community-based coastal and marine resource management at the end of Morodemak Bonang Beach. The purpose of this study is to analyze the ideal construction of community-based coastal and marine resource management at the end of Morodemak Bonang beach. That coastal areas and small islands are new development areas that have enormous potential for improving the welfare of the community, especially coastal communities. This research method uses normative law with data collection techniques through, *and the* data source is primary data consisting of primary legal material, secondary legal material and tertiary legal material. The results showed that: this area in addition to having a conservation function, also has other functions very important for the provision of marine goods and services. This great potential needs to be managed with an integrated approach between sectors so that the overall function can be utilized properly and sustainably. For this reason, the Government issued Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands, which was later revised by Law No. 1 of 2014 on Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands on the grounds that it has not realized the Integrated Coastal Management approach, which is characterized by the absence of renewal of unequal control and exploitation and the existence of dissynchronization with regulations other legislation. This law is also considered to be more concerned with the investment aspect and more pro-business so that there is no room for the community, especially traditional fishing communities and indigenous peoples in proposing management plans for coastal areas and small islands. With the revision, it is expected that the rights of traditional communities, especially economic rights in general, will be accommodated since the process of planning, utilization and supervision and supervision related to WP3K management. Based on the description above, a conclusion can be drawn that normatively our laws and regulations have provided legal protection for WPPPK and have provided clear limits of authority between the authority of the central, provincial and district / city governments.

**Keywords:** Legal Protection Construction, Coastal Areas and Small Islands.

## INTRODUCTION

### Background

Morodemak is a coastal village and is located in Bonang District, Demak Regency. This village is directly facing the Java Sea. The original name was Morodemak village, but by the local people and surrounding areas it is more popular as Moro. It is said that according to the stories of the local people, the word Morodemak comes from the words "Muara" and "Demak".<sup>1</sup> Muara means the end of the river flow that delivers to the sea, while Demak indicates the place or area of Demak City. What is meant is the Tuntang Lama River, a river that empties directly

into the Java Sea. This river when traced upstream to Demak City, passes through several villages and ends in Morodemak Village.<sup>2</sup>

Morodemak is a fishing ground as community income. A fishing ground is a body of water where the fish targeted for fishing are expected to be caught optimally, but still within the limits of resource sustainability. Fishing *ground* is a water area used as a place for fishing activities or areas where there are suspected schools of fish.<sup>3</sup>

Indonesia is a Connecting Country of Two Oceans as the largest archipelagic country in the world. With a water area nearly four times larger than its land area, the country derives its tremendous economic, geopolitical, cultural and natural benefits from the sea. Located at the center of major maritime trade routes, the Indonesian sea is a gateway connecting Europe, the Middle East, Africa and South Asia. Its coastal and marine waters make Indonesia one of the most abundant fishing grounds in the world, even Indonesia is currently ranked second in the world as a fish producer after China.<sup>4</sup>

The Indonesian nation is blessed by God Almighty with wealth in the form of abundant natural resources, both on land, in the waters and in the air which is the basic capital of national development in all fields. Indonesia's land area ± 2,012,402 km<sup>2</sup> and its water area ± 5,877,879 km<sup>2</sup> 5 consists of 17,508 islands with a coastline of 81,000 km which makes Indonesia the largest archipelagic country in the world, and recognized by the international world.<sup>5</sup> Recognition of Island States through the *United Nations Convention of the Law of the Sea* 1982, followed up through Law Number 17 of 1985. This right is followed up in Amendment IV to the 1945 Constitution article 25A.

Indonesia is a state of law, normatively the wealth of these resources is controlled by the State to be managed in such a way as to realize public welfare (Article 33 paragraph 3 of the 1945 Indonesian State Constitution<sup>6</sup>). The coastal *zone* is a transitional area between land and sea ecosystems that interact with each other, where towards the sea 12 miles from the coastline for the province and one-third of the sea area for the district / city, and towards land the administrative boundary of the district / city.<sup>7</sup> Coastal areas have strategic significance because they are transition areas (*interfaces*) between terrestrial and marine ecosystems, and have very rich potential natural resources and environmental services.

Management of coastal areas and small islands is the activity of planning, organizing, controlling and implementing all activities in coastal areas and small islands while the spatial planning element itself is included in the management section because spatial planning has the meaning of "something that includes the process of planning, utilization, and control or utilization of space that must be related to each other".<sup>8</sup>

Natural resource management, especially in coastal areas, in addition to other resource management, is the main activity in the Institutional Arrangement and Law Enforcement program for Natural Resources Management and Environmental Conservation.<sup>9</sup> Coastal management has been regulated in Law 1 of 2014 concerning Amendments to Law 27 of 2007 concerning Management of Coastal Areas and Small Islands , Regulation of the Minister of Marine Affairs and Fisheries No 40 / PERMEN-KP / 2014 concerning Community

Participation and Empowerment in the Management of Coastal Areas and Small Islands. This arrangement gives direction in developing and managing coastal areas in accordance with the local wisdom of the local community.

The ideal model of community-based coastal area management is carried out with synergy and appropriate interaction between the government, the community and the value of local wisdom. Empowering coastal communities in building coastal area management models is also very important to do with a view to encouraging their independence. The use of this model has advantages because the active participation of coastal communities can increase income, preserve the coastal environment, and provide flexibility for coastal communities in developing and managing marine resources in accordance with the potential, characteristics and socio-culture of their communities. The active participation of coastal communities also gives hope for the alleviation of poverty problems which leads to the realization of justice and welfare of coastal communities.<sup>10</sup>

With regard to the existence of communities in coastal areas and as communities that depend on marine ecosystems based on their customary law, it is necessary to carry out environmental management in marine and coastal areas in an integrated manner. Integrated environmental management has an impact on effective management to balance economic use and environmental preservation with other forms of management that are more *applicable* and adaptive (*acceptable*) *community-based management*.<sup>11</sup> Integration in community-based marine and coastal area management is needed in coastal area management. In addition to helping and facilitating coastal communities in their livelihoods, the integrated coastal area management system also facilitates management in terms of local wisdom as an added tourism attraction.

### **Problem Statement**

1. Why is the management of coastal and marine resources at the end of Morodemak Bonang beach not yet ideal community-based?
2. What is the ideal construction of community-based coastal and marine resource management at the end of Morodemak Bonang beach?

### **Theoretical Framework**

The management of coastal areas is regulated in Law 27 of 2007 concerning the Management of Coastal Areas and Small Islands which has been amended by Law 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands. Regarding community participation in managing coastal areas, it is regulated by the Regulation of the Minister of Marine Affairs and Fisheries Number 40 / PERMEN-KP / 2014 concerning Community Participation and Empowerment in the Management of Coastal Areas and Small Islands. The existence of regulations regarding coastal area management provides a basis for active participation in coastal area management.

In the protection and management of coastal areas, the role of Regional and Regency / City Governments is very large, so regional legal products are needed that regulate the protection and management of coastal areas. The basis for determining this regional legal product is to support the spirit of regional autonomy by utilizing the potential that exists in each region. However, the formation of regional legal products is inseparable from the basics stipulated in Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, which in principle shows:

- 1) There must be authority from the makers of laws and regulations;
- 2) The necessity of conformity of the form or type of legislation with the regulated material;
- 3) Must follow certain formation procedures;
- 4) Necessity does not conflict with higher laws and regulations.

These principles in the process of forming legal products are very important to note, considering that a regional legal product must contain the spirit of regulation in accordance with the procedures for the formation of laws and regulations that can be obeyed by the community and provide happiness and welfare to the community. Thus, it is very appropriate in the protection and management of coastal areas, encouraging and supporting regional autonomy through the formation of regional legal products that are responsive and in accordance with regional potential.<sup>12</sup>

In this study, using the theory of legal protection is the obligation of the state in providing legal protection to every citizen. Legal protection can also be described as a function of law both as a function of regulating and as a function of enforcing the law to achieve justice and legal expediency. Legal protection is defined as providing protection to human rights and such protection is given to the community so that they can enjoy legal rights.<sup>13</sup>

In examining the authority of local governments to regulate the protection and management of community-based coastal areas, it is necessary to consider the philosophical aspects, namely the purpose and direction of regulation of a regulation formed (community-based protection and management of coastal areas). Furthermore, the sociological aspect is seen from the aspect of the needs of coastal communities which do require arrangements related to the participation of coastal communities in coastal area management as regulated in higher standards.

## RESEARCH METHODOLOGY

### 1. Types of Research

This research is included in the type of collaborative research, where the approach method used is normative as well as empirical, namely normative juridical and empirical juridical collaboration. Normative legal research method, which is a study conducted by reviewing laws and regulations that apply or are applied to a particular legal problem. Normative research is often referred to as doctrinal research, which is research whose object of study is statutory documents and library materials.

This research uses various approaches, with the aim of obtaining information from various aspects of the issue under study. Therefore, to solve the problems that are the subject of discussion in this study, the following approaches are used:

1. Statute approach is an approach taken by reviewing laws and regulations related to the legal issue being raised.<sup>14</sup>
2. The conceptual approach *is* an approach that departs from the views and doctrines that develop in the science of law.<sup>15</sup> Philosophically, a concept is a mental integration of two or more units isolated according to characteristics

The case study approach is used with regard to legal cases that discuss community-based management of coastal and marine resources at the end of Morodemak Bonang Beach.

## 2. Research Data Sources

The data source of a study is primary data and secondary data. Because this research is empirical and normative legal research, the sources studied are primary data sources, secondary data, and tertiary data.<sup>16</sup>

Primary legal materials are data that are materials in binding legal research sorted based on the hierarchy of legislation.<sup>17</sup>

Secondary legal materials, namely legal materials that can provide explanations to legal materials that can provide explanations to primary legal materials, which can be in the form of draft legislation, research results, textbooks, scientific journals, newspapers (newspapers), *pamphlets*, *leflats*, *brochures*, and *internet news*.<sup>18</sup>

Tertiary legal material, also is a legal material that can explain both primary legal material and secondary legal material, in the form of dictionaries, encyclopedias, lexicons and others related to the problem under study.<sup>19</sup>

## 3. Data Collection Techniques

The studies conducted are field studies (*field research*) and literature studies (*library research*) which use primary data and secondary data. Perimer data through field studies, secondary data in this study were obtained through literature studies, by finding information as complete and as much as possible with journal literature, newspapers, articles, scientific papers and laws and regulations related to the research theme.

## 4. Data Analysis

The research technique in this study is descriptive analytical, where the analysis is carried out critically. The data collected in this study will be analyzed descriptively with a *qualitative approach*, namely by providing a thorough and in-depth explanation and explanation (*holistic / verstellen*).<sup>2</sup>

## RESEARCH RESULTS

### Coastal Area Management Management

Management can be interpreted as the activity of managing resources by working together with others through certain processes to achieve organizational goals effectively and efficiently.<sup>21</sup> According to Sulistyorini, management is a person's activities in managing organizations or institutions that are human or non-human, so that the goals of the organization, institution or organization can be achieved effectively and efficiently.<sup>22</sup>

Based on the explanation above, in this study management is a management process that is held, implemented or planned by an organization or institution. Meanwhile, coastal area management is carried out with the aim of improving community welfare by strengthening the participation of the community and government institutions to increase the social, economic, and cultural values of the community and encourage community initiatives in coastal resource management in order to achieve justice, balance, and sustainability.

From this description, it can be concluded that coastal area management can be interpreted as a process of planning, utilizing, supervising, and controlling coastal resources carried out by the Government and Regional Governments with the aim of improving community welfare.

The matters contained in the management of coastal areas are planning, utilization, supervision, and control. Planning is a programmatic and gradual effort to utilize coastal resources optimally so as to generate sustainable economic benefits for the prosperity of the community.

Coastal area management is carried out with careful planning because there are important ecosystems found in coastal areas in the form of: estuaries, mangroves, seagrass beds and coral reefs, as follows;

- a. Estuary Ecosystems Estuary ecosystems are closed waters that are still influenced by sea water. Estuaries are important ecosystems because they provide a wide range of services aesthetically, economically and recreationally, coastal protection, nutrient cycling, species diversity, and tourism.
- b. Mangrove ecosystems provide important benefits such as timber and food, including fisheries production, water purification, coastal protection, erosion control, recreation, aesthetic value, nutrient flow, as well as providing services to millions of coastal residents in tropical and subtropical latitudes around the world.
- c. Seagrass meadows are a small part of a coastal ecosystem, but have the potential for greater ecological influence than ecosystems on the surface.
- d. Coral Reef Ecosystem Coral reefs are composed of limestone substances found on the seabed that are strong enough to withstand the waves of sea water. Coral reefs are one of the marine ecosystems that are most vulnerable to the impacts of changes both locally and globally such as climate change, local threats also cause significant decline.

In coastal resource management, in addition to government, communities are also empowered to have participation from planning, implementation and evaluation. The objectives of the empowerment include:

- 1) Fulfillment of basic human needs
- 2) Availability of production facilities and infrastructure locally
- 3) Increasing the institutional role of society to achieve goals
- 4) Creation of productive economic activities
- 5) The creation of a relationship between sport and communication
- 6) The realization of Indonesia's economic structure based on economic activities in coastal and marine areas as a form of utilization of marine resources.

### **Legal and Institutional Issues Related to the Management of Marine Coastal Areas and Small Islands at the End of Morodemak Bonang Beach**

In the management of coastal marine resources and small islands with rapid development, conflicts often arise between various interested parties. Sectoral regulations often conflict of interest between institutions in managing coastal marine resources and small islands. In fact, along with the era of regional autonomy, there is a tendency for local governments to make regional regulations based on their importance in increasing local original income (PAD). Therefore, it is feared that this will cause legal uncertainty in development in coastal areas and small islands which can lead to damage to resources and the environment.

Planning is carried out through an integrated Coastal *Management* approach that integrates various plans prepared by sectors and regions so that there is harmony and mutual strengthening of their utilization. Integrated Coastal Area and Small Island Management is an approach that provides direction for the sustainable use of Coastal Resources and Small Islands by integrating various development plans from various levels of government, between terrestrial and marine ecosystems, and between science and management. Management Planning for Coastal Areas and Small Islands is carried out in order to harmonize the interests of economic development with the preservation of Coastal Resources and Small Islands and pay attention to the characteristics and uniqueness of the area.

Integrated planning is a gradual and programmatic effort to optimally utilize Coastal Resources and Small Islands in order to generate sustainable economic benefits for the prosperity of the community. The phased plan is accompanied by efforts to control the impact of sectoral development that may arise and maintain the sustainability of its resources. Coastal Area and Small Islands Planning is divided into four stages: (i) strategic plan; (ii) zoning plans; (iii) management plans; and (iv) Action plans.

In accordance with the mandate of the Constitution of the Republic of Indonesia Year 1945, local governments are authorized to regulate and manage their own government affairs according to the principle of autonomy and assistance duties. Granting broad autonomy to regions is directed to accelerate the realization of community welfare through service

improvement, empowerment and community participation. In addition, through broad autonomy, regions are expected to be able to increase competitiveness by taking into account the principles of democracy, equity, justice, privileges and specificities as well as regional potential and diversity in the Unitary State system of the Republic of Indonesia.

According to Bagir Manan, regional autonomy can be intended to be autonomy based on territorial (territorial autonomy) and autonomy based on *functional (functional authority)*. Of these two forms of autonomy, the 1945 Constitution contains (regulates) territorial autonomy as referred to in Chapter VI, article 18, article 18A and article 18B. Meanwhile, government units that carry out laws in the field of regional autonomy according to the law are referred to as regional government laws.<sup>23</sup>

This territorial-based autonomy is implemented in the management of coastal areas and small islands including national sea areas. Regions that have sea areas and small islands are given the authority to manage and plan the use of their resources. Regions get revenue sharing for the management of natural resources below the bottom and/or on the seabed in accordance with laws and regulations. The principle of real autonomy is a principle that to handle government affairs is carried out based on duties, authorities, and obligations that actually exist and have the potential to grow, live and develop in accordance with the potential and distinctiveness of the region. Thus, the content and type of autonomy for each region is not always the same as for other regions. As for what is meant by responsible autonomy is autonomy which in its implementation must be strictly in line with the goals and intentions of granting autonomy, which is basically to empower regions including improving people's welfare which is a major part of national goals.

The implementation of decentralization requires the division of government affairs between the Government and local governments. Government affairs consist of government affairs that are fully under the authority of the Government and government affairs that are managed jointly between levels and structures of government or concurrently. Government affairs that can be managed jointly between levels and government structures or concurrent are government affairs other than government affairs which are entirely government affairs.

### **Sustainable Coastal Management**

An activity is said to be sustainability, if economic, ecological and socio-political development activities are sustainable. Economically sustainable means that a development activity must be able to produce economic growth, *capital maintenance*, and efficient use of resources and investment. Ecologically sustainable means that the activity must be able to maintain ecosystem integrity, maintain the carrying capacity of the environment, and conserve natural resources including biodiversity, *so that it* is expected that the use of resources can be sustainable. Meanwhile, socio-political sustainability requires that a development activity should be able to create equitable distribution of development outcomes, social mobility, social cohesion, community participation, community empowerment (decentralization), social identity, and institutional development.<sup>24</sup>



## Integrated Coastal Management

To be able to realize the sustainable development of coastal areas, integrated coastal *zone management is needed*. This choice is based on:

- (1) Coastal areas are multiple use zones where there are more than two kinds of natural resources and environmental services and there are more than two kinds of coastal area uses;
- (2) Characteristics and natural dynamics of the nature of coastal and marine resources that are ecologically interrelated with each other including upper land ecosystems;
- (3) Coastal areas are inhabited by more than one ethnic group that has different livelihood preferences.<sup>25</sup>

Coastal management can be carried out by government institutions, private sector, community organizations involved in daily activities that occur in coastal areas. The entire process above must be carried out continuously and dynamically by considering all social, economic, cultural aspects and aspirations of coastal and marine area user communities as well as resource use conflicts and conflicts over the use of coastal and marine areas that may exist. The integration of coastal and marine resource management includes four aspects: (1) ecological integration; (2) sectoral cohesiveness; (3) integration of disciplines; and (4) integration of stakeholders.<sup>26</sup>

Ecological integration: ecologically coastal areas have a relationship between the upper land (land) and the ocean. This is because coastal areas are meeting areas between land and sea. With the interrelation of these areas, coastal area management cannot be separated from environmental management in the two regions.<sup>27</sup>

Various environmental impacts that occur in coastal areas are impacts caused by development activities carried out on upper land such as the oil drilling industry, settlements, agriculture and so on. Similarly, activities carried out on the high seas such as offshore oil drilling activities, sea transportation. Mitigation of pollution and sedimentation caused by industrial waste cannot be done only in coastal areas but must be done starting from the source of impact.<sup>28</sup>

Therefore, the management of this area must be integrated with the management of land and sea areas. Sector integration: as a consequence of the large and diverse natural resources in coastal areas is the number of agencies or sectors of the development sector engaged in the utilization of coastal resources. As a result, there is often overlapping use of coastal resources between one sector and another.<sup>29</sup>

The activities of one sector are not allowed to interfere with let alone to the point of shutting down the activities of other sectors. Spatial planning and coastal area development guidelines are very necessary to avoid collisions between one activity and other development activities. Therefore, the management of this region in its planning must integrate the interests of all sectors.<sup>30</sup> The integration of scientific disciplines in this case coastal areas have unique and specific properties and characteristics, both the nature and characteristics of coastal ecosystems and the nature and socio-cultural characteristics of their communities. Therefore, it requires

integration of scientific disciplines in coastal area management, following the ecosystem and socio-cultural characteristics of the community.

Integration of stakeholders, all of the above integration will be successfully applied if supported by the integration of actors and managers of development in coastal areas. As is known that development actors and coastal resource managers consist of the government, communities, the private sector, and also non-governmental organizations, each of which has an interest in the use of coastal resources.<sup>31</sup>

The preparation of integrated management planning must be able to accommodate all the interests of coastal development actors. Therefore, development management planning must use a two-pronged approach, namely a top down approach and a bottom up approach. With the background of the above thinking, a sustainable development model known as sustainable development will emerge which contains three main elements covering economic, ecological and social dimensions.<sup>32</sup>

A coastal development, first economically considered sustainable (*economic growth*) if the area is able to produce goods and services sustainably; second ecologically considered sustainable (*ecological sustainability*) when the basis of the availability of natural resources can be maintained stably, there is no overexploitation of renewable natural resources, there is no waste disposal beyond environmental assimilation capacity that can result in polluted conditions, as well as the use of non-renewable resources accompanied by adequate development of substitute materials, and thirdly socially considered sustainable (*social equity*) if the basic needs of the entire population are met; there is a fair distribution of income and business opportunities.

Optimal and sustainable development of coastal and marine resources is realized if it meets three ecological requirements:

- (1) Utilization of coastal and marine resources in accordance with their carrying capacity;
- (2) Harmonious utilization of coastal and marine space; and;
- (3) Utilization of assimilation capacity of coastal areas in accordance with the carrying capacity of the environment.

## CONCLUSION

The results showed that;

Coastal and marine resources are very strategic ecosystems for national development, so in determining programs and policies, efforts must be made to make efficiency in the use of coastal space and resources, increase income/welfare of coastal communities, empower coastal communities, and enrich and improve the quality of natural resources. Decentralization of coastal resource management is a Government policy to streamline and bring natural resource management closer to local governments and communities. The implementation of decentralization is carried out in the attributes and work corridors of the Unitary State of the Republic of Indonesia, oriented to the welfare of the wider community, completed in the format

of the rule of law and with the support of knowledge and intellectuality.

The implications and consequences of decentralization must be realized and anticipated by all parties, both central and regional. Decentralization of coastal resources management is one of the Government's policies to streamline and bring government services closer to communities and clients. Decentralization of authority to regions should be seen as granting rights and obligations to carry it out responsibly and in the interests of the community, not granting sovereignty so that sea fishing occurs.

The above problems cause legal uncertainty, disturb the sense of justice of the community, excessive burden on the regional budget because they have to make two different local regulations, protracted institutional transfer conflicts will lead to ineffectiveness and inefficiency of the organization. In addition, recognition of the existence of customary law communities can be further eroded if they are not given proper arrangements. If further arrangements related to licensing and licensing facilitation are not immediately determined, it can result in unclear licensing procedures, unclear division of authority between the central and regional governments and will hinder investment. Forms of community facilitation/empowerment that do not pay attention to community needs can harm the interests/existence of local communities.

#### Footnotes

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