

MODEL FOR LEGAL SETTLEMENT ON DAMAGE TO THE TANJUNG PANJANG NATURE RESERVE IN POHUWATO REGENCY

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MODEL FOR LEGAL SETTLEMENT ON DAMAGE TO THE TANJUNG PANJANG NATURE RESERVE IN POHUWATO REGENCY

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Abstract - This paper aims to identify and analyze, as well as formulate a settlement model for damage to the conservation forest of the Tanjung Panjang Nature Reserve in Pohuwato Regency. It uses statutory approach, conceptual approach, and case approach. An offer of model for law enforcement against damage to the Tanjung Panjang nature reserve in Pohuwato Regency can be built using a preventive, repressive and persuasive approach. A preventive approach will help prevent damage to the environment and natural resources in the Tanjung Panjang nature reserve. A repressive approach will provide strict sanctions for perpetrators of activities that damage nature reserves, so as to reduce the frequency of violations. Meanwhile, a persuasive approach will help build awareness and cooperation with the community around the nature reserve, so as to increase community participation in protecting and preserving the nature reserve. In practice, this model can be implemented through close coordination between law enforcement officials, local governments, stakeholders and the community.

Keywords: Law enforcement; Nature Reserve; Preventive; Repressive; Persuasive.

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1. INTRODUCTION

Indonesia is one of the largest archipelagic countries in the world¹ and also one of the countries that has the longest coastline in the world which reaches 99,083 kilometers.² One of the blessings of the long coastline is the dispersal of forests along the coastline, which is mangrove forests as a coastal ecosystem that must be sustainable. Therefore, in order to protect these forests, the Indonesian government regulates several locations as conservation forests. This is intended to ensure basic functions such as ecology, hydrology, economy and social, tackling formidable challenges, which is based on statistics that the forest area is 132,397. 729 Ha (approximately 71% of the land area), a portion of which has been designated as a Conservation Area covering an area of 27,190,992.91 ha (14.88%).³ However, based on a report by Forest Watch Indonesia published in 2009, that forest area covering 88.17 million ha or 46.33% of the total land area is no longer covered with forest. This denotes an indication that most forest areas in Indonesia are no longer functioning optimally as life support.⁴

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¹Andi Iqbal Burhanuddin and Natsir Nessa, *Pengantar Ilmu Kelautan dan Perikanan* (Yogyakarta: Deepublish, 2018), 33.

²Gempita Surya, "Negara dengan Garis Pantai Terpanjang, Indonesia Nomor Berapa?," KOMPAS.tv, July 14, 2021, <https://www.kompas.tv/article/192277/negara-dengan-garis-pantai-terpanjang-indonesia-nomor-berapa>.

³Fatma Ulfatun Najicha, "Dampak Kebijakan Alih Fungsi Kawasan Hutan Lindung Menjadi Areal Pertambangan Berakibat Pada Degradasi Hutan," in *Proceeding of Conference on Law and Social Studies* (Dinamika dan Tantangan Cyber Law di Indonesia, Madiun: Fakultas Hukum Universitas PGRI Madiun, 2021), 3, <http://prosiding.unipma.ac.id/index.php/COLaS/article/view/1868>.

⁴Soedarto Kartodihardjo, *Model Eco-Pesantren dalam Perspektif Konservasi Hutan: Studi Kasus Pondok Pesantren Al-Ittifaq* (Penerbit A-Empat, 2015), 41.

In line with the not optimal function of forests, including mangrove forests, Indonesia is a country with the fastest ¹⁰ of mangrove destruction in the world. This is based on data from the Directorate of Reforestation of the Ministry of Environment and Forestry, that the remaining mangrove forests are around 3.7 million hectares, of which around 2.5 million hectares are in good condition while 1.2 million hectares are in damaged condition,⁵ including the damaged mangrove forests, which have been designated as conservation sites.

Concerns about the continued decline in the condition of mangrove forests also occur in forest areas in Gorontalo Province, most of which are due to the conversion of forest areas. The peak of the activity of changing the function of this mangrove forest area occurred in the 2000s with the opening of large-scale ponds in Pohuwato Regency.⁶ It is one of the regencies in Gorontalo Province which has the largest mangrove forest with an area of 15,600 hectares. According to the Decree of the Ministry of Forestry No. 325/Menhut-II/2010 on Designation of Forest Areas in Gorontalo Province, Pohuwato owns 473,273 hectares of forest area and 15,600 hectares of which are mangrove forests.⁷ But the fact is, in the last 30 years, Pohuwato Regency has lost 7,546 hectares of mangrove forest or nearly half of the designated area.⁸

¹ The Tanjung Panjang Nature Reserve Area was designated as a permanent forest area with a nature reserve function based on the Decree of the Ministry of Forestry Number 250/Kpts-II/1984 dated December 20, 1984 with an area of $\pm 3,000$ Ha. The delimitation of area borders was carried out in 1992 with a border length of 35.53 km. The number of planted borders was 271 (from no. 0 to no. 270), starting from point 0 in the north and point 270 in the southern part of the area. The Minutes of Borders Demarcation were signed by the Minister of Forestry on October 27, 1995. The process of establishing the area was completed with the designation of this area as CA Tanjung Panjang in 1995 based on the Decree of the Ministry of Forestry Number 573/Kpts-II/1995 dated October 30, 1995.⁹

³¹ On May 25 2010, the Decree of the Ministry of Forestry No. 325/Menhut-II/2010 regarding the designation of forest area in Gorontalo Province. This designation is dissimilar from previous ones as previously Gorontalo was still part of North Sulawesi Province. In 2000, Gorontalo became a distinct province, separated from its main province, North Sulawesi through Law Number 38 of 2000 on the Establishment of the ⁸ province of Gorontalo. In 2015, the Tanjung Panjang Nature Reserve was re-established through the Decree of the Ministry of Environment and Forestry No. 4612 MENLHK-PKTL/KUH/2015 on the Designation of the Tanjung Panjang Nature Reserve Forest Area covering 3,174.10 Ha in Pohuwato Regency, Gorontalo Province. Furthermore, in December 2016, the government carried out the arrangement of the Tanjung Panjang Nature Reserve block.¹⁰ Here's Figure 1 - Map of the Situation of the CA Tanjung Panjang Area as the Results of the October 2014 Borders Demarcation:

²² Dul Djalil Hakim, "Laju Kerusakan Hutan Mangrove Di Indonesia Tercepat Di Dunia," Tempo, October 13, 2016, <https://nasional.tempo.co/read/811899/laju-kerusakan-hutan-mangrove-di-indonesia-tercepat-di-dunia>.

⁴ Ridha Damanik, Rignolda Djamaludin, and Rita Lindayati, *Atlas Mangrove Teluk Tomini* (Gorontalo: Program Teluk Tomini - SUSCLAM (Sustainable Coastal Livelihoods And Management), 2012), 3.

⁷ Ervina Yulianti Mohamad, "Penegakan Hukum Administrasi terhadap Alih Fungsi Hutan Mangrove di Kabupaten Pohuwato dalam Mewujudkan Pembangunan Berwawasan Lingkungan" (Thesis, UNS (Sebelas Maret University), 2017), 88, <https://digilib.uns.ac.id/dokumen/68725/Penegakan-Hukum-Administrasi-terhadap-Alih-Fungsi-Hutan-Mangrove-di-Kabupaten-Pohuwato-dalam-Mewujudkan-Pembangunan-Berwawasan-Lingkungan>.

⁸ Mirawati Thalib, Dewi Wahyuni Kyai Baderan, and Abubakar Sidik Katili, "Produksi Dan Laju Dekomposisi Serasah Ceriops Tagal Di Cagar Alam Tanjung Panjang (The Production and Decomposition Rate of Ceriops Tagal Litter in Tanjung Panjang Nature Reserve)," *Jurnal Sylva Lestari* 9, no. 1 (January 29, 2021): 151-60, <https://doi.org/10.23960/jsl19151-160> See also in; Debby Hariyanti Mano, "80 Persen Cagar Alam Tanjung Panjang Di Pohuwato Berubah Jadi Tambak," Antara News, March 28, 2016, <https://www.antarajava.com/berita/552064/80-persen-cagar-alam-tanjung-panjang-di-pohuwato-berubah-jadi-tambak>.

⁹ Basri Amin et al., *Konflik Ruang Di Tanjung Panjang: Dinamika Pengelolaan Ekosistem Mangrove Di Provinsi Gorontalo*, ed. Rahman Dako and Christopel Paino (Gorontalo: Ideas Publishing, 2018), 32.

¹⁰ Sijmasudin Hadju, "Peran Kelompok Kerja Mangrove Nasional (KKMN) Dalam Mendorong Sinergi Pengelolaan Ekosistem Mangrove.," Presentation, *Rapat Koordinasi Kelompok Kerja Mangrove Nasional (KKMN)*, December 14, 2010.



Massive conversion of functions in the mangrove forest area occurred in the Tanjung Panjang Nature Reserve area. Even though it is clear in Law Number 41 of 1999 on Forestry it is stated that forest areas according to their functions are categorized as protected areas and cultivation areas, but in fact the Tanjung Panjang Nature Reserve area has changed its function to become a pond business area. Data from the Environmental Service for the 3,000 ha Nature Reserve area, only 15 percent remains intact, while 85 percent has been damaged. In addition, another factor that also causes further damage to the mangrove forest area is the conversion of the function of the forest area which is used as a fishpond business by the community and does not have an environmental permit.¹¹

Even though various laws and regulations have been established both at the central and regional levels (Pohuwato Regency) as mentioned above, aquaculture activities without permits still occur. The fact indicates that there are around 2,800 hectares of mangrove forest in the Tanjung Panjang Nature Reserve Area which has been converted into salt ponds, shrimp ponds, and milkfish ponds. The function transfer is in Patuhu and Siduwange Villages, Randangan District.¹²

The problem as explained above is certainly contrary to Article 24 of Law Number 41 of 1999 on forestry, which is that the use of forest areas can be carried out in all forest areas except for nature reserve forest areas as well as core zones and forest zones in national parks, and are also very clearly contradictory with Article 35 letters (f) and (g), which is, it is prohibited to convert mangrove ecosystems in cultivation areas or zones that do not take into account the sustainability of coastal and small island ecological functions, and it is prohibited to cut down mangroves in conservation areas for industrial, residential and other activities, and/or other activities. Sanctions for violations of the above Articles shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 10 (ten) years and a minimum fine of Rp. 2,000,000,000.00 (two billion rupiahs) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah).

In addition to Law Number 41 of 1999 on Forestry, provisions related to the regulation of the protection of the Tanjung Panjang Nature Reserve are regulated in several statutory regulations, as follows:

- 1) Law Number 5 of 1990 on Conservation of Biological Natural Resources and their Ecosystems, there are several articles that can be used as a reference for activities in area with the status of nature reserve, one of which is Article 19 paragraph (1): Anyone is prohibited from carrying out activities that may result in changes to the integrity of the nature reserve area.
- 2) Government Regulation Number 28 of 2011 on Management of Nature Reserve Areas and Nature Conservation Areas, which relate to restoration activities.

¹¹Mohamad, "Penegakan Hukum Administrasi terhadap Alih Fungsi Hutan Mangrove di Kabupaten Pohuwato dalam Mewujudkan Pembangunan Berwawasan Lingkungan," 63.

¹²Erik Kalaha, "Alih Fungsi Hutan Mangrove Dalam Kawasan Cagar Alam Tanjung Panjang Di Kabupaten Pohuwato" (Tesis, Makassar, Universitas Hasanuddin, 2015), 5, http://digilib.unhas.ac.id/uploaded_files/temporary/DigitalCollection/OTE4NDgxZTA2NTlkYThINjgyYzRlODVhMmMhZjY2NDIxOGJlMGQ2OA==.pdf.

- 3) Regional Regulation Number 4 of 2011 on Spatial Plans for the Gorontalo Province Region for 2010-2030, that the Tanjung Panjang Nature Reserve in Pohuwato Regency is a National Protected Area.
- 4) Regional Regulation of Pohuwato Regency Number 8 of 2012 on Spatial Plans for Pohuwato Regency, explicitly in Article 18 of the RTRW regional regulation stipulates that protected forest areas are like in article 17 letter a, which is protected forest areas in Buntulia District, Dengilo, Duhiadaa, Lemito, Paguat, Patilanggio, West Popayato, East Popayato, Randangan, Taluditi and Wanggarasi.
- 5) Regional Regulation Number 13 of 2013 on Mangrove Ecosystem Management in Pohuwato Regency, where in terms of opening a fish pond business in a restricted protected forest area and cultivation area as stated in Article 11 of this Regional Regulation, mangroves must obtain permission from the government. In fact, based on data from the Environmental Service, all pond businesses in mangrove forest areas, both in Protected Forest, Nature Reserve, Production Forest and APL areas, have no business permits or environmental permits.
- 6) Pohuwato Regent's Instruction No. 522/PEM/1057/X/2010 dated October 8, 2010 on the Prohibition of Clearing Ponds in Mangrove Forest Areas.
- 7) The 2nd Instruction of Regent No. 1 of 2012 on the Prohibition of Clearing Pond Land in Mangrove Forest Areas, enclosed with data collection on pond farmers.
- 8) The 3rd Instruction of Regent No. 522/PEM/742/X/2014 on Affirmation and Prohibition of Opening/Renovating Ponds in Mangrove Forest Areas.

The various laws and regulations above as described by the writer are the basis of reference in law enforcement. However, the current problem is that the damage to the Tanjung Panjang Nature Reserve in Pohuwato Regency is not only a matter of law enforcement, but a very complex problem, especially related to social problems that confront law enforcement officials, the government, and society simultaneously, so that in handling the problem to this date, there has not been any light. The impact is social conflict that could arise if massive law enforcement is enforced,¹³ even though the local government is then given the authority to take action on various violations in forest areas that have no environmental permits, including illegal land seizure in the Tanjung Panjang Nature Reserve area.

There is a strong desire from the regional government to be able to return (restore) the area according to its initial function as a mangrove ecosystem, it needs to be addressed carefully and a policy from the central government is required as a guide for technical implementers in the regions to move quickly. Restoration needs to be done immediately considering the impact of the damage can pose a threat to the community, especially those around the area, whereas until now the process of destruction is still ongoing and the rate of degradation of environmental quality is increasing. Here's Figure 2 - The Existing Condition of the Tanjung Panjang Nature Reserve Conservation Forest Area:



¹³Yayan Hanapi and Leni Dwi Nurmala, "Legal Liability Of Shipping Service Companies For Packaged Goods Owned By Consumers," *JURNAL LEGALITAS* 15, no. 2 (October 30, 2022): 170-84, <https://doi.org/10.33756/jelta.v15i2.15923>.

An alternative change in function is an option in solving the problem of the Tanjung Panjang Nature Reserve. However, considering that the Decree of the Ministry of Forestry Number SK. 325/Menhut-II/2010 on Designation of Forest Areas for the Province of Gorontalo was ratified on May 25, 2010 and the issuance of Regional Regulation Number 4 of 2011 on Spatial Plans for the Province of Gorontalo for 2010-2030, which again strengthens the function and importance of the existence of mangrove areas for Gorontalo Province. In Regional Regulation No. 4 of 2011 the Tanjung Panjang Nature Reserve in Pohuwato Regency is a National Protected Area, so the option of changing its function partially is indeed possible even though it is an inappropriate choice. It is feared that changes in the status of the area through a change in function mechanism will have a significant impact on the ecology, social and economy of the people of Gorontalo, especially around the Tanjung Panjang Nature Reserve area. Although it still requires further study and research, the process of resolving changes in function, both provincial and partial, apart from requiring time and money, will set a bad precedent for the process of resolving encroachment on forest areas in Gorontalo Province.

Therefore, the writer through this paper intends to describe the problems and solutions to these problems in this article, in which it will focus on the aspects of the settlement model for the Damage to the Tanjung Panjang Nature Reserve in Pohuwato Regency.

2. RESEARCH METHOD

The type of writing uses normative legal writing.¹⁴ The approach used by the author in compiling this writing is, among others: statutory approach to see the regulatory framework related to the context of this writing; historical approach is aimed at the historical aspect, in the sense of looking at the historical aspect of the reason mangrove land tenure is used, and the conceptual approach is used to see the possibility of using solutions to solve law enforcement problems in mangrove conservation areas.¹⁵ Furthermore, the analysis technique uses prescriptive analysis technique.

3. DISCUSSION

Forests as a life support system need to be maintained and preserved. It is in line with the basic principle contained in Article 33 paragraph (3) of the 1945 Constitution which reads "The land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people."¹⁶ However, what is stated in Article 33 paragraph (3) of the 1945 Constitution does not work as it should in reality.¹⁷ This is caused by forest exploitation carried out by irresponsible persons who are increasingly widespread.¹⁸ Considering the present reality, it indicates that law enforcement has not been able to accommodate the development of crimes in the forestry sector, including forest encroachment or pond clearing.

Based on the obtained data, the total area of the pond area which was carried out by acquiring pond land within the Tanjung Panjang Nature Reserve Area is presented in the table below. Based on the obtained data, the total area of pond area which was carried out by acquiring pond land within the Tanjung Panjang Nature Reserve Area is presented in the Table 1 - Total Area of Ponds and Methods of Obtaining Added Land in the Tanjung Panjang Nature Reserve Area in 2022, below:¹⁹

¹⁴Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010), 40.

¹⁵Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2014), 9.

¹⁶Henna Kurniasih and Tundjung Herning Sitabuana, "Perlindungan Hukum Hutan Adat Ditinjau Dari Hak Masyarakat Hukum Adat," *PROSIDING SERINA* 2, no. 1 (August 17, 2022): 765-70, <https://doi.org/10.24912/pserina.v2i1.19801>.

¹⁷Nabilah Rezkyana, Pupung Faisal, and Purnama Trisnamansyah, "Legal Analysis Of The Implementation Of Risk Allocation In Cooperation Schemes With The Government And Business Entities In Infrastructure Provision In Indonesia," *JURNAL LEGALITAS* 14, no. 2 (October 29, 2021): 162-78, <https://doi.org/10.33756/jelta.v14i2.11828>.

¹⁸Yokotani Yokotani, "Perbuatan Melawan Hukum yang dilakukan Pemerintah Terkait Penyalahgunaan Izin Pertambangan oleh Para Penerima Izin di Provinsi Bangka Belitung," *Jurnal Ius Constituendum* 4, no. 2 (September 15, 2019): 160-80, <https://doi.org/10.26623/jic.v4i2.1655>.

¹⁹ Data is processed based on inventory and verification results as well as field observations

No.	Regional Support Village	The pond area(Ha)	Methods of Pond Land Acquisition
1	Siduwonge	1592,33	Ownership, Grant/Inheritance
2	Patuhu	786,26	Purchase, Ownership, Grant/Inheritance
3	Palambane	101,27	Purchase, Ownership, Grant/Inheritance
Total		2.479,86	

Based on the data in the table above, it is noted that the area of land clearing for ponds in the Tanjung Panjang Nature Reserve area of 2479.86 Ha (78.67%) underwent a change in the function of the area to become an area for aquaculture. Hence, the remaining area of the Tanjung Panjang Nature Reserve is currently 694.24 Ha (21.33%).

With the current forest problems, it is a challenge for law enforcement officials to carry out restoration of damaged forest areas due to land encroachment/clearing for aquaculture. This is because the practice of forest encroachment is increasingly being carried out, causing the increasing forest damage.²⁰ Efforts made by the government to restore forest areas that have gone through deforestation and degradation are quite a lot. It is regarding forests as the lungs of the world is very important to be preserved.²¹ Therefore, in order to anticipate further forest damage due to pond clearing, the area manager along with related multi-stakeholder elements certainly need to make efforts to overcome the current forest damage.²²

Based on the matters above, law enforcement officers, in this case the Civil Servant Investigators (PPNS) and the Gorontalo Regional National Police (Polda), as institutions that carry out the function of forest protection and security as well as investigations are expected to be able to contribute in the context of participate in supporting the efforts of the government, both area managers and local governments to anticipate forest damage caused by forest encroachment practices in the form of clearing ponds in the Tanjung Panjang Nature Reserve Area.

Efforts to overcome the practice of forest destruction in the form of clearing ponds can be carried out through preventive efforts, repressive efforts, and persuasive awareness efforts.²³ In order to tackle the practice of forest encroachment in the form of clearing ponds that occur in the Tanjung Panjang Nature Reserve conservation area, there are 3 (three) approaches taken by the Area Manager along with the local government, as follows (1) A preventive approach; and (2) Repressive Approach.

The preventive approach is a forward-looking approach that is strategic in nature and is a medium and long-term action plan, but must be viewed as an urgent action to be implemented immediately. A preventive approach can be taken through:

- 1) Reinforcement of the area management through efforts to re-arrange the borders of the Tanjung Panjang Nature Reserve area in order to clarify the borders of areas that have been lost in the field through the BPKH Wil XV Gorontalo. At the same time accommodating one of the points in the special committee's recommendation on June 28, 2011 on Mangrove in Gorontalo Province.
- 2) Routine patrols, outreach, coordination meetings and other technical activities in the form of block arrangement, inventory of potential, inventory of pond farmers (encroachers), potential surveys, and maintenance of area borders involving stakeholders.

¹⁵ Masruroh, "Membentuk Karakter Peduli Lingkungan dengan Pendidikan," *Jurnal Geografi Gea* 18, no. 2 (October 31, 2018): 130-34, <https://doi.org/10.17509/gea.v18i2.13461>.

²¹ Nirwan Junus, "Efektivitas Penegakan Hukum Dalam Menanggulangi Illegal Logging Di Provinsi Gorontalo," *Penelitian Unggulan Fakultas (Gorontalo: UNG Repository, February 17, 2014)*, <https://repository.ung.ac.id/riset/show/1/909/efektivitas-penegakan-hukum-dalam-menanggulangi-illegal-logging-di-provinsi-gorontalo.html>.

²² Dwi Oktafia Ariyan, Muhammad Ramadhan, and J. S. Murdomo, "Penegakan Hukum Pidana Terhadap Pelaku Penambangan Pasir Secara Ilegal," *Jambura Law Review* 2, no. 1 (January 28, 2020): 30-47, <https://doi.org/10.33756/jalrev.v2i1.4376>.

⁴³ Wari Akhmadhian, "Implementasi Penegakan Hukum Lingkungan Pada Sektor Pertambangan Di Kabupaten Kuningan," *UNIFIKASI: Jurnal Ilmu Hukum* 4, no. 1 (February 4, 2017): 43-53, <https://doi.org/10.25134/unifikasi.v4i1.505>.

- 3) Establishment of the 2011 Gorontalo Provincial DPRD Special Committee on Mangroves in Gorontalo Province which produced a recommendation document.
- 4) Coordination meeting of the parties on July 6, 2012 which also resulted in the formulation of coordination meeting for the settlement of the CA case, Tanjung Panjang.
- 5) Coordination meeting on October 7, 2015 which resulted in an agreement to coordinate handling of mangrove encroachment in Pohuwato District, Gorontalo Province.
- 6) Coordination meeting in the context of solving the problem of protected mangrove forest and CA. Tanjung Panjang at the Gorontalo Provincial LHK Office on February 21, 2017 attended by the Head of the Gorontalo Provincial LHK Service, Head of the Sulawesi Regional Law Enforcement Center, Head of the North Sulawesi KSDA Office, Head of BPDAS - HL Gorontalo Province, Head of BPKH Wil XV Gorontalo Center, Head of the Conservation Section Region II Gorontalo, Head of the Legal Section for Region III Sulawesi, Head of the KPHL for the Pohuwato Regency area who formulated the proposed plan for carrying out the Repressive operations.

Repressive Approaches taken to eradicate forest damage (clearing ponds within the area) need to be carried out in order to create business certainty and law enforcement. Actions carried out in tackling the practice of forest destruction include:

- 1) Operational activities both combined and repressive in 2017 which resulted in the handling of cases which have not been completed and have had no permanent legal decision yet (inkrah) to this date.
- 2) Tanjung Panjang Nature Reserve Repressive Operation on October 25-26, 2017 which involved elements of the police, TNI, Attorney, DPRD Pohuwato Regency, Pohuwato Regency Government at the district and village levels, as well as NGOs and journalists.

The results of the implementation of the Repressive Operations resulted in protests from the fish farmers and complained about the implementation of these operations to the National Commission on Human Rights of the Republic of Indonesia who inquired for clarification from the Regent of Pohuwato with a series of complaints. The Pohuwato regency government has responded to the request for clarification through letter No. 80/SEK/75/1/2018 addressed to the Chairperson of the Commission on January 22, 2018. Previously, the replies to the clarification letter had been brought to her by the agency and answered based on the point of function of each agency according to the National Commission on Human Rights (KOMNAS HAM) letter.

Over time, the completion of the KOMNAS HAM letter, the North Sulawesi BKSDA received information that the Tanjung Panjang Nature Reserve which is located in Pohuwato Regency according to the Decree of the Ministry of Environment and Forestry No SK. 8716/Menlhk-PKTL/KUH/PLA.2/12/2018 on Indicative Map of Allocation of Forest Areas for Provision of Land Resources for Objects of Agrarian Reform (TORA) Revision III, CA. Tanjung Panjang is included in the indicative TORA area of $\pm 2,479.89$ hectares with the criteria for arable land in the form of rice fields and community ponds.

The Decree of the Ministry of Environment and Forestry regarding the Indicative Map of Forest Area Allocation for TORA again received protests from the community who called their organization the Civil Society Alliance to save the Tanjung Panjang Nature Reserve, Pohuwato Regency, Gorontalo Province. In principle, the mass organization objected to the determination of the TORA Indicative Map in the Tanjung Panjang Nature Reserve Area. Differences in understanding about TORA between the Civil Society Alliance Party and the BPKH Area XV Gorontalo actually have been mediated several times by the Gorontalo Provincial LHK Service but have reached a stalemate.

Civil Society Alliance Party for saving CA. Tanjung Panjang took the step of conveying their objections by submitting a letter to the Ministry of Environment and Forestry of the Republic of Indonesia regarding their objections to the establishment of the TORA Indicative Map in the CA. Tanjung Panjang Area based on letter NO. 001/AMSP-CATP/III/2019. Meanwhile, the BPKH Wil XV Gorontalo has sent a letter addressed to the Director of Forest Area Consolidation and Stewardship in Jakarta regarding an explanation of CA. Tanjung Panjang in Pohuwato Regency, Gorontalo Province as

well as a request as a resource person in the context of a letter of refusal by the Civil Society Alliance to save CA. Tanjung Panjang which until now has not been realized. TORA activities for the CA. Tanjung Pajang is currently at the inventory and verification stage.

The persuasive approach taken to invite and change the mindset of the community around the buffer zone of the Nature Reserve is not intended to expand the cleared ponds and to restore the ecosystem within the Tanjung Panjang Nature Reserve area.²⁴ This effort is carried out in the form of outreach to the community regarding laws and regulations, which has often been carried out by the North Sulawesi Natural Resources Conservation Agency, in this case as the Regional Stakeholder. Not only the laws and regulations that were conveyed, but also an invitation to the public to jointly protect the ecosystem in the Tanjung Panjang Nature Reserve which we all know that the Tanjung Panjang Nature Reserve used to be overgrown with mangrove ecosystems. Mangroves specifically function to prevent coastal abrasion and seawater intrusion as well as protecting coastal areas.

Community involvement is very important in law enforcement against damage to the Tanjung Panjang nature reserve in Pohuwato Regency. This is because the community has a very important role in maintaining and preserving the sustainability of function and existence of the nature reserve.

Several ways of community involvement that can be done in law enforcement against damage to the Tanjung Panjang nature reserve in Pohuwato Regency include:

- 1) Increasing Public Awareness
The community needs to be given with an understanding of the importance of nature reserves and the impact if the nature reserves are damaged. Increasing public awareness can be done through counseling, outreach, and campaigns to invite the public to participate in protecting and preserving the nature reserve.
- 2) Community Participation in Supervision
The community needs to be involved in monitoring the Tanjung Panjang nature reserve. This can be done through the establishment of a nature reserve supervisory group (KMPA) or an environmental activist community that operates independently to supervise the Tanjung Panjang nature reserve.
- 3) Empowerment of Local Communities
Local communities need to be empowered to participate in law enforcement against damage to the Tanjung Panjang nature reserve. Communities can be involved as volunteers to assist officers in maintaining and caring for nature reserves, as well as reporting violations committed by parties that damage the nature reserve.
- 4) Involvement of Non-Governmental Organizations (NGOs)
Non-governmental organizations (NGOs) can also be involved in law enforcement against damage to the Tanjung Panjang nature reserve. NGOs can assist in gathering community support and provide understanding to the community about the importance of maintaining the continuity of the function and existence of the nature reserve.
- 5) Collaboration with Authorities
Collaboration with authorities such as the police, prosecutors and other related parties can also be carried out to strengthen law enforcement against damage to the Tanjung Panjang nature reserve. They can assist in providing support and protection to the public who report violations committed by certain parties.

By involving the community and related parties in law enforcement against the damage to the Tanjung Panjang nature reserve in Pohuwato Regency as a conservation area, it is expected that the existence of the nature reserve can be maintained and preserve biodiversity and the surrounding environment.

²⁴Nurul Miqat et al., "Local Wisdom of Customary Law Community to Realize Food Sovereignty in Central Sulawesi," *Jambura Law Review* 3, no. 2 (July 30, 2021): 277-94, <https://doi.org/10.33756/jlr.v3i2.10167>.



Based on the writer describes above, the writer offers a Construction model for solving the damage to the Tanjung Panjang Nature Reserve in Pohuwato Regency as a middle ground (convergence) for settlement that can be built using preventive, repressive and persuasive approach. The following describes each approach and how the three approaches can be combined to form an effective settlement model:

1) Preventive Approach

The preventive approach aims to prevent violations of the Tanjung Panjang nature reserve. It can be carried out by increasing public awareness about the importance of preserving nature reserves, as well as by implementing preventive measures such as surveillance and patrols.

2) Repressive Approach

The repressive approach aims to take firm action against violators who have caused damage to the Tanjung Panjang nature reserve. It can be carried out by imposing strict sanctions and ensuring fair and transparent law enforcement.

3) Persuasive Approach

The persuasive approach aims to change people's behavior so they care more about and pay attention to preserving the Tanjung Panjang nature reserve. It can be carried out by educating the public about the importance of preserving the environment, as well as providing incentives and rewards for those who have contributed to preserving nature reserves.

In building an effective legal settlement model, these three approaches can be combined synergistically. Following [7](#) are the steps for constructing a settlement model that can be applied to resolve spatial conflicts in the Tanjung Panjang Nature Reserve Area in Pohuwato Regency using a preventive, repressive and persuasive approach:

1) Increasing Public Awareness

The first step to take is to increase public awareness about the importance of preserving the Tanjung Panjang nature reserve. It can be done through outreach campaigns, training and environmental education.

2) Improve Surveillance and Patrol

In addition to increasing public awareness, supervision and patrols must also be increased to prevent damage to the Tanjung Panjang nature reserve. It can be done by installing CCTV cameras and using satellite technology to monitor the area of the nature reserve.

3) Providing Incentives

Providing incentives for people who have contributed to protecting and preserving the Tanjung Panjang nature reserve can also be part of a persuasive approach. These incentives can be in the form of awards, assistance or subsidies.

4) Take firm action against violators

Firm action against violators of the Tanjung Panjang nature reserve also needs to be taken. Violators must be subject to strict sanctions, such as fines and imprisonment, as part of repressive approach as regulated in several laws and regulations.

5) Evaluation and Improvement

Finally, a law enforcement model for damage to the Tanjung Panjang nature reserve in Pohuwato Regency with a preventive, repressive and persuasive approach was built, evaluation and periodic improvement needs to be carried out to ensure that the model is effective in preventing damage to the nature reserve and taking action against violators.

Applying preventive, repressive and persuasive approaches in an integrated and sustainable manner, it is expected that law enforcement against damage to the Tanjung Panjang nature reserve in Pohuwato Regency can be more effective and sustainable. A preventive approach will help prevent damage to the environment and natural resources in the Tanjung Panjang nature reserve. A repressive approach will provide strict sanctions for perpetrators of activities that damage nature reserves, so as to reduce the frequency of violations. Meanwhile, a persuasive approach will help build awareness and cooperation with the community around the nature reserve, so as to increase community participation in protecting and preserving the nature reserve. In practice, this model can be implemented through

close coordination between law enforcement officials, local governments, stakeholders and the community.

4. CONCLUSION

A law enforcement model for damage to the Tanjung Panjang nature reserve in Pohuwato Regency requires a comprehensive and coordinated approach. The preventive approach is carried out with prevention efforts before damage occurs, through strict supervision, education and outreach to the public and businessmen. The repressive approach is carried out by taking firm action against law violators through a fair and effective law enforcement process. Meanwhile, a persuasive approach is carried out by means of dialogue and negotiation with related parties to reach agreements and joint solutions in preserving nature reserves. With a comprehensive and integrated approach, it is expected that the Tanjung Panjang nature reserve will be protected and sustainable for future generations.

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