

PROTECTION OF COASTAL AREAS : INCREASING VALUE BASED LOCAL LAW COMPLIANCE

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Abstract:

This article is intended to explain the importance of the protection of coastal areas is done with strategies to improve law-abiding behavior with based on local values embraced by the community. The type of this research is the socio-juridical, with the method of data collection was done through interviews and focus discussion. The results showed the tendency of decreasing the environmental functions in many respects is caused by human behavior that is not environmentally friendly. Various factors cause, their poverty, human resources, information technology leading to the use of fishing technology tends to destructive and damaging to the environment. The existing condition will impact negatively environmental degradation Awareness of the importance of environment conservation in the realization is not accompanied by the behavior of the rule of law. It thus provides a negative impact on the sustainability of environmental functions. Hence the importance of enhancing the rule of law society through efforts to maintain local values.

Keyword: legal compliance, local values , protection

Introduction

The sea is one of Indonesian wealth. Most of Indonesia territories consist of the sea. Talking about the sea is really related to the coastal areas as one of its parts. Coastal areas have the strategic roles in human life, it is because the coastal areas are life support. Normatively the environment, protecting policy has written in Article 33 part (3) Constitution of Indonesia (Undang-Undan Dasar Negara Republik Indonesia tahun 1945), and has been translated into the lower regulations. The commitments in written law would not be enough, if it would not carry into the implementation and become legal aware.

As an illustration of mangrove forest in the district of Gorontalo (one districts in Gorontalo Province) has an area of 25.688.09 ha . Of the area severely damaged 14.017.58

ha , ha 7.546.89 damaged and not damaged 4.123.62 ha. It showed that 70 percent of the mangrove forest area indicated damage. Based on these results the area is regarded as one of the areas in Indonesia that have high levels of damage to mangrove forests worst, cause damage to the mangrove due to the use of uncontrolled, the dependence of society occupies coastal areas was very high, the conversion of mangrove forests for a variety of interests without considering the sustainability of the functions of the sustainability of the function of the surrounding environment.

The facts above illustrated environmental damages which inflicted as the impacts of mangrove forest destruction. It is not included pollution and organism and fish habitat destruction which caused of disobedient human behavior toward environment exists as one of life support. On the other sides, the government efforts programs related to the environment, but in other side the trend of environmental degradation keeps happening and feared would threaten the ecosystem. Therefore the solutions are in need.

Material And Methods

This research held in Bajo Community, Province of Gorontalo, Indonesia. This is a socio-legal research which observed conditions of people and arranged based on descriptive analysis. Data collection techniques are interviewing and focus discussion.

Results And Discussion

Legal Instruments of Protecting The Coastal Areas

One of the legal instruments related to the protection of coastal areas (Intergrated Coastal Management) has been appointed in Chapter 17th Agenda 21 Johannesburg Declaration in 2002, plan of implementation of the World Summit on Sustainable Developments 2002 and Bali Plan of Action 2005. In the 1995 has arranged Agenda 21. In Chapter 18th Agenda 21 has been arranged that the development of coastal and marine areas include aspects of integration and institutional development, with the hope will be a superior product in the future.

Rule of Interational Law, which regulate the marine areas has been written in United Nation Convention On The Law of The Sea (UNCLOS) 1982. A United Nation convention about the law of the sea has been signed by 117 nations include Indonesia. This provision was ratified through Law No 17 1985 of UNCLOS 1982 ratification. For Indonesia, this Convention means a lot, because for the first time Indonesian has been recognized as an archipelagic country which be under obligation to respect traditional rights of fishing and the other legal activities of neighboring countries which directly adjoin.

Indonesia as a country based on laws already regulates natural resources management in Article 33 part (33) Constitution of Indonesia that earth, water, and the natural wealth inside controlled by the state and used for the greatest prosperity of the people. As the implementing regulation, Law No. 27 2007 which regulates Coastal Areas and Small Islands Management. In this provision mentioned the coastal areas are transitional between terrestrial ecosystems and marine ecosystems are affected by changes in oceans land. In Article 35 of this Law is banned utilize coastal areas of mining the coral reef that damaged the ecosystem of coral, making coral reefs in protected areas, the uses explosives, use of toxic substance that destroy the coral reef ecosystems, or use of equipment or other methods as well as the ban on the use of methods that are considered damaging Mangrove. Besides this provision gives the right for people to engage in coastal resources management and small islands based on customary law and not contrary to national law (Article 60 part (1) C point). Here trash appears to improve compliance in order to protect resources in coastal area needs to be done based on local values prevailing by involving people residing in coastal areas.

Local Values as One Factor Supporting the Legal Compliance

Bajo people known as a superior sailor have a lot of knowledge about natural behavior, traditional knowledge about sea indicate the closeness of the people to the sea. People of Bajo usually live in coastal areas. Therefore, their local values heavily influenced by living conditions in the community and as well behavior that grows which are done repeatedly until become customary law in that community.

Customary law started from behavior which done repeatedly in a community. That behavior, then adhered to by the local community, so that any violations of this behavior perceived as ethics violations. Violation of the habitual considered harassment against prevailing norms, the existence of this habit still maintained in the community. In that condition, it appears that the existence of the law is a recognition of cultural values, thus law development would follow that development of the community. Legal materials as part sourced from within the community, so it hopes were effective in implementation.

Legal awareness as values sources inside human minds. Paul Scholten said that legal awareness inside people could not guarantee the legal compliance to implement such provisions. If it associated with Krabbe and Paul Scholtens opinions, then the unavoidable recognition of local values highly dependent on communities view of life about something that is considered should and should not.

The need to maintain the local values and public participation in efforts to improve compliance with the law. Relevant to the above description, there are 4 indicators of legal awareness, they are knowledge of the law, understanding of the law, attitude about the law, and the behavior of the law. Based on the indicators it can be said that a person's legal awareness is not only determined by the person's knowledge and understanding of the law, but must be implemented in attitudes and behavior. If it is associated with local values of Bajo Community, so recognition of community's local values, not only can be realized on community's knowledge about their local values, but also must be implemented in attitude and behavior to implement without coercion. Attitude of obedience is a manifestation of the growing behavior in everyone.

Based on this research result, in some ways Bajo Community still retains the values which have positive impacts on the environment, for example to preserve Mangrove in residential areas, comply with a number of restrictions in the sea. But in some aspects, there are social changes in people's lives in Bajo of the life in the days before. There is no doubt there are a number of factors behind. First, the level of family income is not sufficient. Second, the level of education that really influenced's attitude and behavior. Third, the uncertain climate change impact on decreasing the amount of catches of the fishermen, which most of Bajo's people are working as the fishermen. Forth, low legal awareness.

These factors also influenced the changes in Bajo Community. Require legal awareness of the Bajo Community in order to realize the preservation of the coastal areas. The other thing that the problems in the preservation of coastal areas, that is weak control/supervision. Supervision could be done in two ways they are, enforcement of preventive, done through the efforts of monitoring and supervision that are repressive, done through law enforcement efforts by the law enforcement agencies involving Police, Courts, and Attorney. Supervision can be done government or directly in the community. The control that is done by the community is more effective than controlling that is done by the government. Supervision by the government should be implemented on an ongoing basis. Community supervision can be achieved through efforts to build awareness of the public not to break the rules, so that will grow and develop within their respective.

Offer Solution to Improve Compliance with the Law

In an effort to improve the adherence to the environment of coastal areas can be done through some ways, they are first, the need to provide basic knowledge of law related to

environmental problems for communities in coastal areas. Second, develop pioneering community by building collective consciousness. Third, involving the community in controlling the behaviors that impact on the environment. Fourth, in order to preserve local values will require the introduction of local values to the younger generation. Fifth, need government to intervention in regulating and supervising guided by the values prevailing in society.

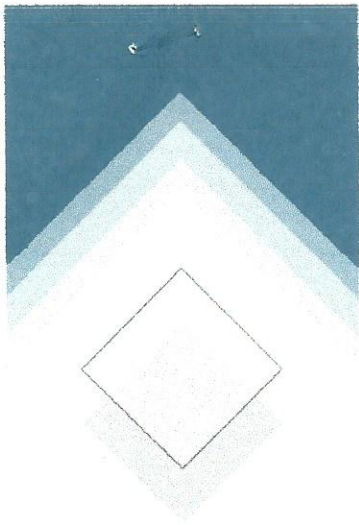
Conclusion

1. Development of information and technology affect the ability and skills even lead to destructive things that have a negative impacts on the environment.
2. Theoretically build obedience through local value easily implemented because of legal grow and develop through customs in the society.
3. The erosion of traditional values embraced by the community.
4. Strengthen the existence of local values to the efforts to socialize and regeneration.
5. Involve the community in the social monitoring of the coastal areas.

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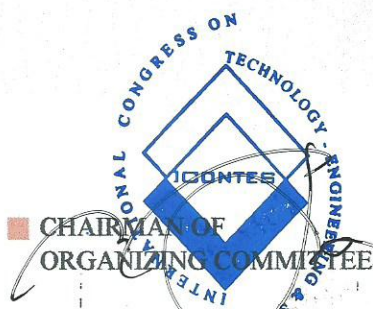
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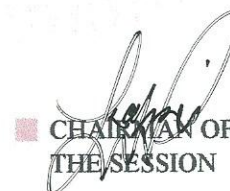
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SOCIAL SCIENCES, ARTS AND HUMANITIES (ICEMSAH), on 28-29 July 2016 Kuala Lumpur,
MALAYSIA by **POSTER** presenting a paper entitled:

Protection of Coastal Area: Increase Legal Compliance Based on Local Values

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