

## Coastal Area Management and Environmental Law Enforcement Against Marine Debris Polling

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### Abstract

*In the implementation of coastal and marine resource management, it is essentially aimed at empowering the socio-economic community, so the community should have great power to regulate itself in managing coastal and marine resources in this era of autonomy. The process of transferring authority from the government to the community must be realized. Law enforcement against coastal areas is very complex, as intended by Law Number 32 of 2009, namely through several instruments, namely administration, civil and criminal, but first the community must understand the legal awareness itself. In an effort to foster legal awareness, repressive, preventive and persuasive actions can be taken.*

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## 1. INTRODUCTION

The environment is a continuous unity between space and all objects, power, conditions and living things and all their behaviors that can affect nature [1]. In the global scope, WCED stated that there is a "Three-Face Environmental Crisis" that has hit the world, where the three global crises are interrelated, united, and interlocked and invite the impact of interactions between population problems, the environment. Indonesia is experiencing quite serious problems regarding environmental pollution and damage [2]. The negative impacts of the decline in environmental function and quality are the emergence of threats and negative impacts on health, decreased aesthetic value, economic losses ( *economic costs* ), and disruption of the natural system ( *natural system* ). and development. This problem is still an emergency problem because it concerns the continuity of the Indonesian population and the survival of the next generation of the nation. One of the crucial issues of environmental pollution is the problem of marine environmental pollution. The crucial issue regarding the problem of marine pollution or environmental destruction in Indonesia is that there are several types of marine pollution, including oil spill pollution, hazardous waste disposal, dumping, marine debris and ship accidents carrying non-oil mines at sea as well as household waste in coastal settlements and marine debris in coastal areas.

Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, marine pollution is defined as the entry or introduction of living things, substances, energy, and/or other components into the marine environment by human activities so that its quality decreases to a certain level, which causes the marine environment to no longer comply with Sea Water Quality Standards [3]. Marine pollution can have an impact on humans and their environment. Any waste carried by rivers, lakes, beaches, or seas will have a major impact on marine pollution caused by

hazardous materials from the waste. Waste such as plastic waste can be fragmented into small sizes that can be consumed by marine biota. This impact can affect the survival of biota around the sea such as coastal and marine ecosystems, and fishery resources which lead to a decrease in the income of coastal communities who depend on biological productivity in coastal and marine areas. preserving coastal and marine functions needs to be done by wisely managing the quality and controlling seawater pollution. Utilization of coastal or ocean areas for economic purposes can cause several problems. These problems can be a) dispossession, displacement and ocean grabbing; b) pollution and waste that cause environmental justice issues; c) the emergence of environmental degradation and reduced ecosystem services; d) impacts on the livelihoods of small fishermen; e) loss of access to marine resources; f) inequality in the distribution of economic benefits; g) the emergence of socio-cultural impacts; h) marginalization of women; i) violations of local community rights and human rights; and j) exclusion from governance.

The regulation of coastal and marine area management (Integrated coastal management) is based on Chapter 17 Agenda 21, the Johannesburg Declaration 2002, the Plan of Implementation of the World Summit on Sustainable Development, 2002, and the Bali Plan of Action 2005. Integrated coastal management is a guideline in regulating the use and management of natural resources in coastal and marine areas by taking the environment into account. The implementation of integrated coastal management is carried out as an effort to overcome conflicts in the use of resources in coastal and marine areas, and overlapping authorities and conflicts of interest between sectors.

## 2. RESEARCH METHODS

The research method used in this writing is done by literature study. The type of research is legal research. The definition of legal research in this case is research conducted by reviewing and analyzing the substance of laws and regulations on the main problem. With legal research, legal prescriptions will be obtained that can be scientifically accounted for. In addition, this writing is compiled using a statute approach. The statute approach is carried out by reviewing all laws and all regulations related to the issue of writing this article.

## 3. RESULTS AND DISCUSSION

### 3.1 Coastal Area Management

Coastal and marine areas have a strategic and important meaning for the future of Indonesia considering that as the largest archipelagic state in the world, this area dominates the total area of Indonesia. The length of Indonesia's coastline is 81,000 km, the second longest after Canada or the first in the world in terms of productive coastline length (note: the length of Canada's coastline is dominated by the length of Greenland's coastline which is less productive land because it is desert). In addition, with Indonesia's recorded territorial area of 7.1 million km<sup>2</sup>, the sea area dominates with an area of approximately 5.4 million km<sup>2</sup> [4]. With this large physical potential, Indonesia has large fisheries and marine resources. In terms of biodiversity, Indonesia is known as a country with the largest marine biodiversity. In terms of ecosystems, coral reefs, Indonesia is known as one of the largest contributors to coral reef biodiversity in the world (Muhamad Agil Aufa Afinnas, 2023) . Integrated Coastal Zone Management is a new branch of science not only in Indonesia, but also at the world level [6]. In this context, although substantially the same, several terms related to coastal and marine area management have emerged, such as Coastal Management (CM), Integrated Coastal Management (ICM), Integrated Coastal Area Management (ICAM), Integrated Coastal and River Basin Management (ICRBM), Integrated

Coastal Zone Planning and Management (ICZPM), and so on. Coastal areas are not only identified based on ecological properties alone, but must also include an administrative definition as a management area [7].

Utilization of marine and coastal resources of the same type or the same coastal and marine areas, especially in areas with rapid development [8]. Each interested party holds the legal basis, regulations and policies of the authorized central agency. The policy contains the intent, objectives and targets in utilizing marine and coastal resources. The era of regional autonomy has encouraged district governments to explore economic potential optimally to finance regional development activities. However, it must be noted that the policy for the management, supervision and utilization of coastal and marine resource potential remains based on public interests and environmental sustainability. So that supervision and control of the coast and sea are carried out to: (1) Find out any deviations in the implementation of strategic plans, zoning plans, management plans, and the implications of these deviations on changes in the quality of coastal ecosystems; (2) Encourage the utilization of coastal and marine resources in accordance with the supervision and management plan; (3) provide sanctions against violators, either in the form of administrative sanctions such as cancellation of permits or revocation of rights, civil sanctions such as imposing fines or compensation; or criminal sanctions in the form of detention or imprisonment; (4) The legal basis for Coastal and Marine Area Management is the basis for adjustments to the provisions contained in other laws and regulations.

To achieve the policy, each agency prepares its own planning, in accordance with the duties and functions of its sector. However, it does not accommodate the interests of other sectors, regions and local communities and their environment. Differences in goals, targets and plans trigger competition for utilization and overlapping management. Overlapping planning and competition for utilization trigger conflicts of utilization. The sectoral planning cannot be coordinated by the Regional Government because it has authority in sea waters. The Law on Coastal Area and Small Islands Management aims to protect, conserve, rehabilitate, and enrich coastal and marine resources in a sustainable manner and increase the social, economic, and cultural values of the community through community participation in the utilization of coastal resources and small islands .

### **3.2 Environmental Law Enforcement against Marine Debris Pollution**

Government Regulation No. 22 of 2001 concerning the Implementation of Environmental Protection and Management, the definition of Marine Pollution is the entry or introduction of living things, energy substances, and/or other components into the marine environment (Basri, 2021) . Regarding law enforcement against marine pollution in coastal areas, it can refer to Law 32 of 2009 concerning Environmental Protection and Management, environmental law enforcement related to marine pollution in coastal areas can be carried out with 3 (three) instruments, namely [10]: (a) Administrative Law Enforcement, Law enforcement in the administrative field is one of the business instruments to protect and manage the environment through supervision and application of administrative sanctions. Supervision is carried out to determine the level of compliance of those responsible for businesses and/or activities, while the implementation of administrative sanctions applies to every perpetrator of damage to the marine environment or the environment which has stages for legal certainty to take place and can be given to each perpetrator through administrative responsibility. According to Article 78 (UUPH) administrative sanctions do not

exempt the person in charge of a business and/or activity from responsibility for recovery and criminal penalties. Administrative sanctions consist of written warnings, government coercion, freezing of environmental permits or revocation of environmental permits; (b) Civil Law Enforcement, this Law regulates the application of the principle of absolute responsibility and states that civil procedural law remains in effect as a reference in the procedure for filing in environmental law matters; (c) Criminal Law Enforcement, the criminal provisions here include provisions on imprisonment and fines, provisions on material and formal offenses, provisions on corporate responsibility and provisions on the principle of subsidiarity in the application of criminal sanctions. Law 32 of 2009 point 6 states that criminal law enforcement in this Law introduces the threat of minimum penalties in addition to maximum, expansion of evidence, criminalization for violations of quality standards, integration of criminal law enforcement, and regulation of corporate crimes. Environmental criminal law enforcement still pays attention to the principle of *ultimum remedium* which requires the application of criminal law enforcement as a last resort after the application of administrative law enforcement is deemed unsuccessful. The application of this *ultimum remedium* principle only applies to certain formal crimes, namely criminalization of violations of wastewater quality standards, emissions, and disturbances [11].

In addition to the three conditions for the validity of the above legal rules, there are also factors that influence the functioning of law enforcement, namely: (a) The legal factor itself, the practice of law enforcement in the field often results in conflict between legal certainty and justice. This is caused by the abstract concept of justice, while legal certainty is a procedure that has been determined normatively; (b) Law enforcement factors, namely the parties who form and implement the law. One of the keys to success in law enforcement efforts is the mentality of law enforcers themselves; (c) Facilities and infrastructure factors; (d) Community factors; (e) Cultural factors. Of the five factors, there must be a cause for each other to be interrelated, if only one of the five factors is inadequate, then law enforcement will also experience obstacles.

Coastal law enforcement is intended to be repressive and preventive enforcement of coastal environmental violations, so that in this case it involves all law enforcement officers, including increasing public awareness that includes outreach activities, dissemination of information, formal and non-formal education about law and the environment as well as facilities that are expected to support the implementation of environmental law principles. Preventive efforts in order to control the impact of the coastal environment need to be implemented by maximally utilizing monitoring and licensing instruments. In the case of marine pollution and environmental damage to coastal areas that have occurred, repressive efforts need to be made in the form of effective, consequential and consistent law enforcement against marine pollution and environmental damage to coastal areas that have occurred. Therefore, it is necessary to develop a clear, firm and comprehensive coastal environmental protection and management legal system in order to ensure legal certainty as a basis for the protection and management of coastal areas and other development activities.

#### 4. CONCLUSION

In the implementation of coastal and marine resource management, it is essentially aimed at empowering the socio-economic community, so the community should have great power to regulate itself in managing coastal and marine resources in this era of autonomy. The process of transferring authority from the government to the community must be realized. Law enforcement against coastal areas is very complex, as intended by Law Number 32 of 2009, namely through several instruments, namely administration, civil and criminal, but first the community must understand the legal awareness itself. In an effort to foster legal awareness, repressive, preventive and persuasive actions can be taken.

## 5. BIBLIOGRAPHY

- [1] E. D. Kartika and S. Laitupa, "Government Responsibilities in Fulfilling Victims' Rights During the Rehabilitation and Reconstruction Phase After the Earthquake in Sulai Village, Ulumanda District, Majene Regency," *Musamus Law Rev.*, vol. 5, no. 1, pp. 61–71, 2022, doi: 10.35724/mularev.v5i1.4593.
- [2] D. Indrasari, "Identifikasi Masalah Dan Model Pengelolaan Wilayah Pesisir: Studi Kasus Provinsi Dki Jakarta," *J. Kaji. Tek. Sipil*, vol. 5, no. 1, pp. 43–56, 2020, doi: 10.52447/jkts.v5i1.4114.
- [3] F. Unsulbar, "1 , 2 , 3 \*," 2023.
- [4] R. Amri, C. Kholifiyanti, E. S. Wijayanti, S. Bayan, R. R. Hidayat, and N. V. Hidayati, "Komposisi dan Distribusi Sampah Laut di Pantai Pasir Putih Losari, Brebes, Jawa Tengah," *J. Kelaut. Trop.*, vol. 26, no. 1, pp. 135–147, 2023, doi: 10.14710/jkt.v26i1.15770.
- [5] Muhamad Agil Aufa Afinnas, "Problematika Ketidakadilan Lingkungan Dalam Pengelolaan Wilayah Pesisir Di Indonesia," *Mimb. Huk.*, vol. 35, no. 1, pp. 1–28, 2023, doi: 10.22146/mh.v35i1.6005.
- [6] I. Wardhana, "Ruang Kawasan Industri Oleochemical Maloy Kutai Timur ; ( Sebuah Telaah Kritis )," *J. Renaiss.*, vol. 5, no. 01, pp. 599–609, 2020.
- [7] W. J. Wetangamarang *et al.*, "Dampak Pembuangan Sampah di Pesisir Pantai Terhadap Lingkungan," *Mhs. Kreat.*, vol. 1, no. 5, pp. 141–145, 2023.
- [8] T. Palijama, "Perlindungan Hukum Wilayah Pesisir dalam Pengendalian Pencemaran dan Perusakan Laut Pesisir di Negeri Batumerah Damer, Kabupaten Maluku Barat Daya," *Balobe Law J.*, vol. 1, no. 1, p. 33, 2021, doi: 10.47268/balobe.v1i1.500.
- [9] H. Basri, "Pengelolaan, Pengawasan Kawasan Pesisir dan Laut di Indonesia," *REUSAM J. Ilmu Huk.*, vol. 8, no. 2, p. 1, 2021, doi: 10.29103/reusam.v8i2.3713.
- [10] F. Fiona and W. Fitri, "Efektivitas Hukum Lingkungan Dalam Mengurangi Sampah Plastik Di Lautan Indonesia Pada Era Globalisasi," *Gorontalo Law Rev.*, vol. 6, no. 1, p. 155, 2023, doi: 10.32662/golrev.v6i1.2636.
- [11] M. Mutawalli, "Tanggung Jawab Negara Terhadap Pencemaran Laut dari Limbah Buangan Pltu Dikawasan Pesisir Pantai," *YUDISIA J. Pemikir. Huk. dan Huk. Islam*, vol. 12, no. 1, p. 1, 2021, doi: 10.21043/yudisia.v12i1.9341.