

## Legal Counseling on the Determination of Coastal Area Rehabilitation Regulations and Environmental Responsibility

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### Abstract

**Introduction:** The importance of community service activities is that the academic world is obliged to provide education and legal understanding for the community. As a form of protection for citizens from all forms of discriminatory acts, it is the implementation of constitutional rights.

**Purposes of The Devotion:** Coastal communities, especially those in Kampung Seri, Negeri Urimessing, understand the authority of institutions in regulating the determination of coastal area rehabilitation regulations and responsibility for the environment as well as to obtain suggestions and inputs from coastal communities directly that can be studied by the Government.

**Method of The Devotion:** Community service activities through legal counseling are considered important to be carried out in order to provide legal understanding that legal tools in the form of regulations are very important to be held to ensure the protection of the environment and as a legal basis in rehabilitating areas that have experienced environmental damage, especially in coastal areas.

**Results Main Findings of the Devotion:** Through this Community Service program, it is how to build legal awareness related to the importance of establishing regulations related to the rehabilitation of coastal areas as an effort to restore the environment as the responsibility of the community and the government. This activity involves the community and the government in the Urimessing Country, Ambon City. The problems examined in Community Service activities are closely related to the problems faced by the community today, with this community service activity it is expected to provide legal awareness and solutions about the importance of legal tools that function as an initial protection for the community and its environment to ensure sustainable environmental benefits.

**Keywords:** Legal Counseling; Coastal Rehabilitation Regulations; Environmental Responsibility.

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## INTRODUCTION

Community service is one of the tri dharama activities of higher education that must be fulfilled by the academic community in higher education. This activity is important because with community service activities, the academic community can take advantage of the science and technology that has been developed in the world of higher education. On the other hand, the community also benefits and encourages increased public awareness and knowledge. The importance of community service activities as educational advice and legal understanding for the community, the community service team conducted legal counseling activities for the community in Kampung Seri Negeri Urimessing, Ambon City, in order to strengthen the community and the state government related to the determination of coastal rehabilitation regulations and responsibility for the coastal environment.

The coastal area is an interface between land and sea. At the same time, it is an area that is very vulnerable to the impact of human activities both directly and indirectly.<sup>1</sup> The function of coastal and marine areas as places of recreation and tourism, transportation and communication media, industry, energy sources, educational and research facilities, defense and security, final waste storage, climate regulator of protected areas and life support systems and other physiological functions.<sup>2</sup>

The potential of these coastal areas and islands in general provides an idea of how complex the economic and ecological activities that occur in this region are. Such a large pressure, if not managed properly, will reduce the quality and quantity of resources in coastal areas. Given the importance of the role of coastal areas and islands, the management of coastal areas must be carried out based on principles; sustainability, consistency, integration, legal certainty, partnership, community participation, openness, decentralization, accountability and justice.

Coastal areas as a transition area between land and marine ecosystems in their management and protection are administratively under the authority of the provinces and districts/city areas as contained in Article 18 Paragraph (4) of Law Number 23 of 2014 concerning Regional Government, with the enactment of the law on Regional Autonomy, the law on the Management of Coastal Areas and Small Islands, Law 32 of 2009 concerning the Protection and Protection of Small Islands. Environmental Management, as well as Presidential Regulation Number 121 of 2012 concerning the Rehabilitation of Coastal Areas and Small Islands, as *umbrella acts*. The above laws and regulations have provided space for the region to manage and utilize its potential while protecting and rehabilitating coastal areas within its administrative area optimally without ignoring the principles of sustainable development in the context of environmental conservation. On the other hand, the state government as the smallest government structure is obliged to provide protection for its people, especially protection from the impact of environmental damage caused by community activities, both industrial and mining.

Based on the results of previous research, it shows that the social readiness of coastal communities and small islands is still relatively lacking, due to the existence of conflicts between interests and the absence of a sustainable management process and the limitations of legal tools made to provide protection and limit community activities that are detrimental to the environment, in the Determination of Maluku Provincial Regional Regulation Number 1 of 2018 concerning Zoning plans The Coastal Areas and Small Islands of Maluku Province in 2018-2038 and the umbrella law related to environmental protection and management, as well as regional preparedness to prepare legal instruments related to the rehabilitation of coastal areas are expected to be used gradually and sustainably in their management by using the principle of prudence to manage mining areas and forest ecosystem areas and marine products in coastal areas can be stunned. Based on the description above, the community service team wants to conduct legal counseling on the importance of implementing regulations related to the rehabilitation of coastal areas as a form of responsibility for the restoration of the coastal environment.

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<sup>1</sup> Dahuri, R, rais, Y., S.G., Sitepu, M. J., 2001 *Pengelolaan Sumberdaya Wilayah Pesisir dan Lautan Secara Terpadu*, Jakarta: Pradya Paramita, p. 4

<sup>2</sup> Latama et al. 2002. *Pengelolaan Wilayah Pesisir Berbasis Masyarakat di Indonesia*. Makalah Falsafah Sains (PPs 702). Program Pasca Sarjana Institut Pertanian Bogor.

## METHOD OF THE DEVOTION

The importance of community service activities that have an impact on improving the quality of higher education, as well as the results or outputs of Community Service can be applied in people's lives. For this reason, community service activities through legal counseling are considered important to be carried out in order to provide legal understanding that legal tools in the form of regulations are very important to be held to ensure the protection of the environment and as a legal basis in rehabilitating areas that have experienced environmental damage, especially in coastal areas. The stages of activities carried out in this legal counseling activity are: 1) Coordinating with the relevant Government in Kampung Seri Negeri Urimeasing, Ambon City to be able to prepare various things needed in Community Service activities; 2) Prepare material in the form of powerpoint material related to the issues to be studied in this Community Service activity; 3) This legal counseling also involves two (2) students of the Faculty of Law, Pattimura University to assist in Community Service activities; 4) Prepare the location to be used for Community Service activities with the help of the community. Carrying out legal counseling activities through panel discussions where the presenter delivers material in turn then continues with questions and answers between the speaker and the community.

## RESULTS AND DISCUSSION

The management of coastal areas and small islands is a process of planning, utilizing, supervising, and controlling coastal resources and small islands between sectors, between governments and local governments, between terrestrial and marine ecosystems, and between science and management to improve the welfare of the community as contained in the Law of the Republic of Indonesia Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands. Coastal and marine resources are subject to considerable vulnerability. This is because many parties use the area without considering conservation aspects, but its use tends to be destructive, with the increase in the number of people in coastal areas resulting in increased degradation and conversion of land into residential areas. Meanwhile, coastal areas also have various important roles for the preservation of the function of natural ecosystems and human life.

Coastal areas are transitional areas between terrestrial and marine ecosystems that are affected by changes on land and sea. According to Law Number 1 of 2014 concerning amendments to Law Number 7 of 2007 concerning the Management of Coastal Areas and Small Island Islands, the scope of regulation of Coastal Areas and Small Islands includes the transition area between land and sea ecosystems affected by changes in land and sea, towards land covering the administrative area of the sub-district and towards the sea as far as 12 (twelve) nautical miles measured from the coastline at the time of the highest tide towards the open sea and/or towards the waters of the archipelago. The regulation of space utilization in the terrestrial area of coastal areas is regulated in the applicable Regional Spatial Plan and/or Detailed Spatial Plan, while what is meant by the management of coastal areas and small islands is a coordination of planning, utilization, supervision, and control of coastal resources and small islands carried out by the Government and Regional Governments, intersectoral, between land and marine ecosystems, as well as between science and management to improve people's welfare. Related to that, the existence of village communities around the coast needs to be considered in order to improve their welfare, and good management of coastal areas is needed to create legal order.

Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands that coastal areas and small islands are controlled by the state and used for the greatest possible prosperity of the people as mandated in the Constitution of the Republic of Indonesia in 1945. The management of coastal areas and small islands at the district/city level is carried out in an integrated manner coordinated by the agency in charge of marine and fisheries. Article 55, Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands that the types of activities coordinated include: a. Assessment of each proposed activity plan of each stakeholder in accordance with the integrated Coastal Area and Small Islands Management plan; b. Inter-agency planning, the business world, and the community; c. Regency/city scale accreditation program; d. Recommendation for activity permits in accordance with the authority of each autonomous agency or regional agency; e. Provision of data and information for the Management of Coastal Areas and Small Islands at the district/city scale. The implementation of activities is regulated by the regent/mayor. The utilization of the bay and coastal areas as carried out through coordination and cooperation between stakeholders with their rights and obligations as well as their respective authorities in accordance with applicable laws and regulations.

Spatial planning and spatial planning regarding the Zoning Plan for Coastal Areas and Small Islands is a plan that determines the direction of resource use accompanied by the determination of space allocation in the planning area which contains activities that can and cannot be carried out after obtaining a permit (Government Regulation Number 21 of 2021).<sup>3</sup> The readiness of the people of coastal areas and small islands in the Ambon island area, especially in the Kampung Seri area, is still relatively lacking, due to the limitations made and the conflict between interests and the absence of a sustainable management process. The stipulation of Maluku Provincial Regulation Number 1 of 2018 concerning the Zoning Plan for Coastal Areas and Small Islands of Maluku Province for 2018-2038 is expected to be used gradually and sustainably in its management by using the principle of prudence to manage forest ecosystems and marine products in coastal areas.

The impact of development in coastal areas such as in Kampung Seri in utilization becomes an obstacle and conflicts occur:<sup>4</sup> a) Autonomous regions bordering each other; b) Inter-sector (tourism, settlement, infrastructure, fisheries, etc.) and between private and public domains; c) Between upstream and downstream areas; d) Between the vision and mission of the center and the regions that do not pay attention to the relationship between terrestrial and marine ecosystems in regional spatial planning; e) Between urban culture and local culture, it causes low community participation in efforts to manage coastal and marine resources in a sustainable manner;<sup>5</sup> f) Reducing the space for indigenous peoples' access to enjoy forest products and the management of coastal areas to utilize forest and marine products and others is increasingly limited.

So it is hoped that this research, with the initiative or formation of the Regional Regulation, will actually bring fresh air to the Regional Government, with special demands and attention to the problems in the Kampung Seri area in the Urimessing Country can be

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<sup>3</sup> Willy dan Sarif, tentang Tata Ruang Laut, Rencana Zonasi Wilayah Pesisir dan Pulau-pulau Kecil (RZWP3K)

<sup>4</sup> Direktur Penataan Ruang Nasional, Makalah Perencanaan Batas Wilayah Laut Dan Darat Dalam Kontes Otonomi Daerah, Sebagai Masukan Untuk Perencanaan Wilayah Pesisir, Departemen KIMPRASWIL, Jakarta, 2001

<sup>5</sup> Popi Tuhulele, Urgensi Penetapan Peraturan Daerah Rehabilitasi Wilayah Pesisir sebagai Upaya pemulihan Lingkungan di Kota Ambon, Makalah Seminar Nasional dan Penyelenggaraan Kongres Pembina Mata Kuliah Hukum Lingkungan, Universitas Padjajaran Bandung, 2013.

touched and rehabilitated for the allocation of natural resources that can be managed properly and structured. Before going directly to the community to provide counseling, the Community Service team consulted to discuss the scope of the material to be presented. The Community Service Team also read several references related to the theme of counseling and then compiled materials to be presented in this Community Service activity. Community Service Activities with the activity title for our Community Service group is Legal Counseling on the Determination of Coastal Area Rehabilitation Regulations and Environmental Responsibility in Kampung Seri, Urimessing Country. This Community Service activity began by opening the activity by reading a prayer, then continued by introducing the members of the Community Service team. The presentation of the material began by introducing to the community related to the determination of coastal area rehabilitation regulations and the responsibility of environmental management and its impact on the community in the Kampung Seri area.

Referring to the stipulation of Government Regulation Number 32 of 2019 concerning Marine Spatial Planning, which indicates that there has been a reference in the use of national marine space, both in the waters and jurisdictional areas in stages,<sup>6</sup> In the implementation of the new regulations, the process of coastal resource development is still sectoral and not an archipelagic state. So if the coastal area development process is not carried out in a sustainable and structured manner. Then the resource will be damaged and will no longer be used or the resource will be lost. In accordance with the reference to local governments to make regional regulations to implement the authority of the region so that it can be controlled and provide responsibility for the region to manage and rehabilitate coastal areas and small islands, which is mandated in Law 27 of 2007 and Presidential Regulation 121 of 2012, it is necessary to issue regional regulations on the rehabilitation of coastal areas and small islands to ensure the implementation of sustainable development. Sustainable.

## CONCLUSION

The coastal area in the Kampung Seri area is related to the importance of establishing regulations related to the rehabilitation of coastal areas as an effort to restore the environment as the responsibility of the community and the government, in this case involving the community and the government in the Urimessing Country, Ambon City, which has been carried out in a good and sustainable manner to maintain the ecosystem of natural resources and provide legal awareness and solutions about the importance of legal tools that function as initial protection for the community and their environment to ensure sustainable environmental benefits, with the enactment of the law on Regional Autonomy, the law on the Management of Coastal Areas and Small Islands, Law 32 of 2009 on Environmental Protection and Management, and Presidential Regulation Number 121 of 2012 on Regional Rehabilitation Coast and Small Islands, as *umbrella acts*. The above laws and regulations have provided space for the region to manage and utilize its potential while protecting and rehabilitating coastal areas within its administrative area optimally without ignoring the principles of sustainable development in the context of environmental conservation. On the other hand, the state government as the smallest government structure is obliged to provide protection for the community.

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<sup>6</sup> Deputi Sumber Daya Maritim Kementerian Koordinator Bidang Kemaritiman dan Investasi Republik Indonesia, Tentang Integrasi Ruang Darat dan Laut Satu Rencana, Satu tata Kelola, 2021

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