


Safeguarding Fishermen's Livelihoods: A Human Rights Approach Against Coastal Reclamation

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Abstract

Introduction: Coastal reclamation has become a controversial issue with significant impacts on the lives of local fishermen. Reclamation activities aimed at regional and economic development often neglect the rights of traditional fishermen who depend on the sea for their livelihoods, leading to conflicts between development interests and the protection of human rights, particularly the rights of local fishermen.

Purposes of the Research: This study aims to analyze the legal protection of fishermen in the context of reclamation in North Sulawesi, focusing on a human rights perspective.

Methods of the Research: The research employs a normative juridical approach, examining relevant legislation related to reclamation and fishermen's rights, as well as analyzing the implementation of laws in practice.

Results of the Research: The findings reveal that reclamation in North Sulawesi presents two conflicting sides. On one hand, it offers significant economic benefits to the state, but on the other hand, it poses a risk of human rights violations, particularly for coastal fishermen. The negative impacts of reclamation are evident in the decline in fishermen's income and the increase in living costs since the project was implemented. Legal protection of fishermen's human rights must be enforced through strict sanctions, including substantial fines, against parties who fail to fulfill their obligations to the fishermen.

Keywords: Coastal Reclamation; Human Rights; Fishermen; Legal Protection.

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INTRODUCTION

Indonesia, as one of the largest archipelagic nations in the world, has a vast marine territory that far exceeds its land area, making it a country with immense marine resource potential. The Indonesian seas are rich in both biological and non-biological resources, which are vital for the economic sustainability of coastal communities, most of whom rely on the fisheries sector for their livelihoods.¹ However, this great potential also comes with serious challenges, particularly in maintaining a balance between development and environmental conservation, as well as the rights of communities living around the coastal areas. One of the biggest challenges faced is coastal reclamation, often undertaken to address land scarcity and support economic growth in coastal regions.

¹ Indrawati, Herdi Syam, and Fabiola Bulimasena Luturmas. "Perlindungan Hukum Terhadap Hak-Hak Masyarakat Pesisir Dalam Pengelolaan Sumber Daya Pesisir." *Jurnal Maritim* 13, no. 2 (2023): 43-55.

Coastal reclamation in Indonesia has become a complex and controversial issue, mainly due to its detrimental impact on the environment and the livelihoods of coastal communities. In many cases, reclamation not only significantly alters coastal ecosystems but also threatens the livelihoods of fishermen who lose access to the fishing grounds they rely on. A clear example of the negative impact of reclamation can be seen in Manado Bay, North Sulawesi, where reclamation for commercial area development has forced local fishermen to lose crucial boat mooring areas and fishing grounds essential for their survival.² Coastal reclamation, while aimed at addressing land scarcity and fostering regional economic growth, introduces several critical problems, especially for local fishermen. These issues range from environmental degradation to socio-economic displacements.³ Reclamation activities often disrupt marine ecosystems, leading to the loss of biodiversity and fish habitats. For fishermen, these changes result in reduced fish stocks and hindered access to traditional fishing grounds, significantly impacting their livelihoods. Socio-economically, reclamation projects increase living costs in affected areas due to urbanization and commercialization, while failing to provide adequate compensation or alternative means of livelihood for displaced fishermen. Hence, reclamation risks violating the fundamental rights of fishermen, challenging Indonesia's commitments to sustainable development and human rights.

In fact, coastal reclamation has significant implications for local fishermen, including diminished access to traditional fishing grounds, reduced availability of marine resources, and the destruction of marine habitats essential for sustaining livelihoods. Furthermore, reclamation projects often disrupt socio-economic stability in coastal communities, forcing fishermen to adapt to reduced income and higher living costs. The lack of equitable compensation and alternative livelihood opportunities exacerbates these challenges, potentially leading to heightened poverty levels and social conflicts.⁴ Such impacts not only threaten the sustainability of traditional fishing practices but also raise broader human rights concerns, particularly the right to a livelihood and an adequate standard of living for these vulnerable populations.

A significant issue related to reclamation in North Sulawesi Province has occurred in the waters of Manado Bay, particularly in Malalayang Village, carried out by PT TJ Silfanus. This reclamation plan covers an area of approximately 5.3 hectares, which will be filled in to create land for the development of commercial infrastructure, including a five-star hotel, exhibition center, mall, outdoor theater, and water sports facilities. However, this project has faced strong opposition from the community, especially local fishermen, because the reclamation directly impacts their livelihoods. Fishermen have lost access to vital boat mooring areas, with only about 40x50 meters of mooring space remaining, which is insufficient to sustain their fishing activities.⁵ Resistance to reclamation is not new in Manado City. Previously, reclamation in the Boulevard Area also faced similar protests. The development of business districts in Boulevard directly affected the lives of fishermen by displacing or even eliminating important boat mooring areas.⁶ Another example is the

² Miswanto, "Dampak Sosial Ekonomi Reklamasi Terhadap Nelayan di Sulawesi Utara," *Jurnal Kebijakan Pesisir* 7, no. 1 (2021): 98-102

³ Tegnan, Hilaire, Lego Karjoko, Jaco Barkhuizen, and H. Bajrektarevic Anis. "Mining corruption and environmental degradation in Indonesia: Critical legal issues." *Bestuur* 9, no. 2 (2021): 90.

⁴ Tans, Ryan. "Social Movements and Climate Adaptation: The Provincial Politics of Coastal Reclamation in Indonesia." *Perspectives on Politics* (2024): 1-25.

⁵ Anderson, T., "Dampak Reklamasi di Teluk Manado terhadap Kehidupan Nelayan," *Jurnal Ekologi Laut* 22, no. 3 (2020): 110-115.

⁶ Pratiwi, A., "Konflik Reklamasi di Manado: Perspektif Sosial dan Ekonomi," *Jurnal Pembangunan Wilayah* 15, no. 1 (2019): 45-52

construction of Mantos 3, where developers had to face fishermen in Daseng, Sario District, who fought to maintain their boat mooring areas.⁷

Coastal communities view these reclamation projects as policies that favor developers over local communities, particularly fishermen, who are at risk of losing their livelihoods. This situation is seen as contradictory to the constitution and various existing laws, such as Law No. 1 of 2014, Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, and the Minister of Marine Affairs and Fisheries Regulation No. 25/PERMEN-KP/2019, which are supposed to protect the rights of fishermen to achieve well-being. Moreover, reclamation in coastal areas also raises several other crucial issues, such as the degradation of coastal biophysical environments, land conflicts, and jurisdictional authority over coastal areas, as well as uncertainty due to ambiguities in land ownership and control. Based on these issues, this research aims to further examine the protection of fishermen's rights in the implementation of reclamation, particularly from a human rights perspective.⁸ Although the government has issued various regulations, such as Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, later amended by Law No. 1 of 2014, which aims to protect coastal resources and fishermen, implementation in the field is often ineffective.⁹ The conflict between development interests and the rights of coastal communities highlights a significant gap in the enforcement of policies that should guarantee human rights protection for fishermen. In many cases, economic interests are prioritized, while the rights of fishermen, as a vulnerable group, are neglected.

There is a lack of comprehensive studies linking the aspect of legal protection for fishermen with a human rights approach in coastal reclamation activities in Indonesia. Most existing research, such as that conducted by Pratiwi and Abdurrahman,¹⁰ focuses more on the environmental impact of reclamation or policy analysis in the context of natural resource management, without giving sufficient attention to the socio-economic impacts experienced by fishermen, particularly from a human rights perspective. Additionally, research by Rukmana and Yuliana,¹¹ only slightly touches on legal protection for fishermen, while the main focus is on the technical and economic aspects of reclamation. This study aims to bridge this gap by deeply examining how laws and policies can be more effectively implemented to protect the rights of fishermen in facing reclamation activities, especially in the North Sulawesi region. Thus, this research is expected to provide significant contributions to the development of fairer and more sustainable policies in the management of coastal areas in Indonesia.

METHODS OF THE RESEARCH

This research is conducted in North Sulawesi Province, a region at the center of controversy regarding coastal reclamation activities, which have sparked strong opposition from local communities, particularly fishermen. This study is descriptive with a socio-legal

⁷ Yuliana, M., "Perlawanan Nelayan Terhadap Reklamasi di Manado: Studi Kasus Mantos 3," *Jurnal Hukum Lingkungan* 10, no. 2 (2021): 77-84

⁸ Iskandar, M., "Hak Asasi Manusia dan Perlindungan Nelayan dalam Reklamasi Pantai di Indonesia," *Jurnal HAM dan Pembangunan* 5, no. 4 (2022): 115-123

⁹ Muhammad Iskandar, "Kepentingan Ekonomi vs Hak Nelayan: Studi Kasus Reklamasi Pantai di Indonesia," *Jurnal Hukum dan Pembangunan* 35, no. 2 (2021): 128-130

¹⁰ Pratiwi, A., dan Abdurrahman, A., "Dampak Lingkungan dan Sosial Reklamasi Pantai di Indonesia: Studi Kasus Teluk Jakarta," *Jurnal Lingkungan dan Pembangunan* 14, no. 1 (2019): 35-50

¹¹ Rukmana, D., dan Yuliana, M., "Analisis Ekonomi dan Teknis Reklamasi Pantai di Indonesia: Implikasi bagi Pengelolaan Wilayah Pesisir," *Jurnal Ilmu Kelautan* 20, no. 3 (2020): 120-135.

approach, aiming to identify and analyze the issues arising from coastal reclamation, particularly its impact on fishermen's lives and the role of law in protecting their rights. The data used includes primary data obtained directly from respondents through structured interviews and questionnaires, as well as secondary data derived from official documents, literature, and relevant previous research reports. The research population includes local government officials, the National Land Agency, and coastal communities affected by reclamation, with purposive sampling selected based on direct relevance to reclamation issues and the protection of fishermen's rights. This study is expected to reveal the existing problems in depth and offer solutions based on legal and human rights protection.

RESULTS AND DISCUSSION

Coastal reclamation projects in Indonesia often prioritize economic development over the rights and welfare of local communities, particularly fishermen. While these projects aim to enhance regional infrastructure and boost tourism or industrial activities, their execution frequently leads to conflicts with human rights principles. For fishermen, reclamation disrupts access to traditional fishing grounds, leading to reduced income and heightened economic insecurity. The destruction of marine habitats forces fish populations to migrate, compounding the challenges faced by fishermen. Additionally, reclamation projects often neglect adequate compensation for lost livelihoods, leaving affected communities without the resources needed to adapt to their new circumstances.

From the developers' perspective, reclamation offers opportunities for urban expansion, increased regional revenues, and enhanced economic competitiveness. However, these benefits are often realized at the expense of environmental sustainability and social equity. The legal framework – though robust on paper – fails to address the asymmetry of power between developers and local communities. This imbalance undermines fishermen's ability to assert their rights effectively.

Human rights concerns in reclamation are further amplified by the lack of inclusive planning. Failure to involve fishermen in decision-making processes violates their right to participate in matters affecting their lives, as guaranteed under international and national human rights laws. To reconcile development objectives with human rights obligations, it is essential to enforce stricter regulatory compliance, enhance transparency, and implement robust compensation and rehabilitation programs.¹² The main substance of human rights is freedom and the right to privacy. Freedom represents an individual's capacity to make choices. Philosophically, human freedom lies in the ability of individuals to determine their own actions. This freedom is existential because it is inherent in human nature. Protection of human rights not only involves proactive state measures to safeguard human rights through various regulatory policies but also reactive legal actions in case of human rights violations, indicating a rule-of-law state. If human rights are neglected or intentionally violated, causing unaddressed suffering, the state cannot be considered a rule-of-law state in the true sense.

Indonesia, as a state that upholds Pancasila and the Constitution as its national philosophy, is tasked with protecting all Indonesians and the country's entire territory, promoting general welfare, advancing national education, and achieving social justice for

¹² Wicaksono, Muhammad Bagus Adi, and Wiwit Rahmawati. "Ecological Justice-Based Reclamation and Post-Mining Regulations in Indonesia: Legal Uncertainty and Solutions." *Journal of Law, Environmental and Justice* 2, no. 2 (2024): 109-136.

all citizens. This means that protecting and ensuring the welfare of all Indonesians, including fishermen, is a constitutional duty and responsibility of the state. This mandate is also outlined in Article 28I of the 1945 Constitution, which states that the protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, primarily the government.

Every Indonesian citizen must be a primary reference when the government undertakes its state responsibilities, ensuring that Indonesia, as envisioned at its founding, does not discriminate against individuals or groups in fulfilling its responsibilities. This principle arises from the awareness that the people hold the highest sovereignty in a state, while the state exists to protect all its citizens without discrimination based on religion, ethnicity, political views, geographical location, etc. This includes communities living in coastal areas. Recognizing that the state's role in enforcing human rights for coastal communities involves providing legal protection for these communities, as mandated by the constitution.

The fulfillment of human rights as fundamental public rights is expressed in the International Covenant on Economic, Social, and Cultural Rights (ICESC) (Law No. 12 of 2005). This law specifies six state obligations: meeting basic needs for education, health, food, adequate housing, employment opportunities, and social security. Nearly five years after Indonesia ratified the ICESC, it is time to report on its implementation to the international community (UN). Various studies indicate that the welfare of small fishermen is severely compromised as they struggle to survive, living in conditions that are far from ideal. Most coastal villages face dire conditions across various aspects of life due to barriers such as mental attitudes, traditions that do not support innovation, slow development, and isolation. Socio-economic problems, backwardness, and lack of specific skills significantly affect small-scale fishing communities.

As it turns out into practice, North Sulawesi Province is renowned for its abundant natural resources, positioning it as one of Indonesia's rapidly developing regions, particularly in the tourism sector. However, this development faces challenges due to the province's limited land area, which is further constrained by a growing population. To address these issues, one alternative being pursued is coastal reclamation. Coastal reclamation serves as a strategy to support regional progress and provide benefits to local communities by accelerating development. According to Article 34 of Law No. 27 of 2007 on Coastal Zone and Small Islands Management, reclamation projects in Indonesia are permitted only when their social and economic advantages outweigh the associated costs at the regional, community, and national levels. Such benefits may include increased regional income, expanded housing areas, improved environmental safety, and enhanced support for local social and economic activities.¹³ Manado's growth is now oriented more toward the sea, making areas like the Boulevard region increasingly open to the sea, becoming a prominent part of the city's coastal development. Some reclamation areas in Manado include Bahu Mall, Manado Town Square, Megamas, M-Walking, and Marina Plaza. Coastal reclamation in North Sulawesi is regulated through the Governor's Regulation of North Sulawesi Province No. 42 of 2020, which amends Governor's Regulation No. 16 of 2018 on Reclamation. An interview with the North Sulawesi Provincial Government revealed that since 1998, 19 reclamation permits have been issued, as detailed in Table 1.

¹³ Satria, Arif, and Risti Permana. "Fisheries, Reclamation, and Livelihoods: Balancing Development and Tradition in Coastal Areas." *Asian Fisheries Science* 28, no. 2 (2015): 163-177.

Table 1. Number of Reclamation Permits in North Sulawesi, Indonesia

No.	Region	Number of Permits	Area (ha)
1	Manado	8	114
2	Minahasa	11	36
Total		19	150

Source: The North Sulawesi Provincial Government, 2024.

Reclamation is typically pursued by developed regions, given its high costs, suitable areas, and strong public demand. In Indonesia, especially in coastal areas, major cities have increasingly engaged in coastal reclamation to expand their territory and enhance regional revenues. Manado is an example of a city undertaking coastal reclamation. Coastal reclamation in Manado has led to the development of an industrial area with a superblock pattern, forming a Central Business District (CBD) that indirectly affects the urban environment along the coast. Reclamation is generally aimed at expanding land for regional development; however, it affects the lives of fishermen in the reclamation areas (Chart 1).

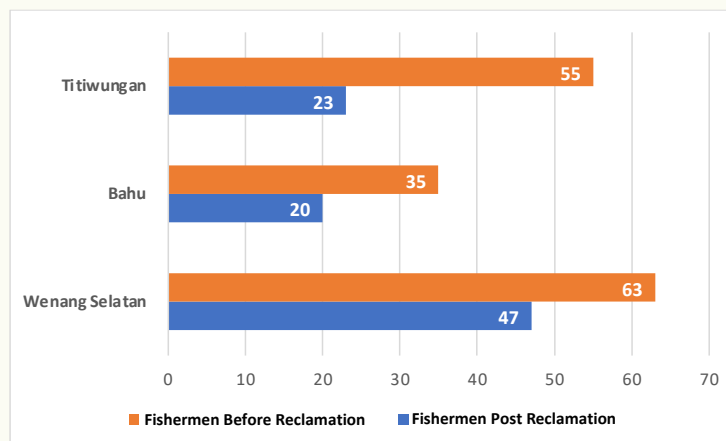


Chart 1. Comparison of the Number of Fishermen

Source: The North Sulawesi Provincial Government, 2024 (processed).

The above phenomenon shows that after reclamation, the number of fishermen decreased from 153 to 90. Besides impacting the number of fishermen, reclamation also affects their income, as shown in Table 2.

Table 2. Comparison of Fishermen's Income

No.	Region	Income (IDR)		Decrease (%)
		Before Reclamation (per year)	After Reclamation (per year)	
1	Wenang Selatan	6,506,500	2,904,000	55.37
2	Bahu	7,304,000	3,444,000	52.85
3	Titiwungan	8,943,000	3,283,500	63.28

Total	22,763,500	9,631,500	57.67
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Source: The North Sulawesi Provincial Government, 2024 (processed).

It is undeniable that there is a significant decline in fishermen's income following reclamation. The decrease in income is related to the reduced fishing capacity after reclamation. An interview with the Fisheries Department of the North Sulawesi Provincial Government revealed that changes in the coastal environment due to reclamation alter fish habitats in fishing areas and push fish further away.

Reclamation affects the consumption expenditure of fishermen around the reclamation area, resulting in a situation where their income decreases while their expenses increase, creating a potential for increased poverty among fishermen post-reclamation. Research findings indicate that most fishermen respondents, 25 (or 84%), oppose reclamation, while 5 respondents (or 16%) support it. The primary reason for opposition is the decrease in income due to reduced fishing areas and increased living costs because the area around the reclamation site becomes a business zone. Those in favor believe reclamation creates more job opportunities. Other concerns include environmental changes around the coast and increased pollution due to higher population density near the shore.

Reclamation acts like a double-edged sword because it can generate substantial benefits for the country but also poses the risk of human rights violations against coastal communities, especially fishermen. The state is potentially the strongest protector of human rights but simultaneously holds the potential to be the greatest violator of human rights.¹⁴ In implementing reclamation in Manado City, investors have a responsibility to provide boat mooring areas for fishermen, but this does not entirely resolve community issues. The impacts felt by the community are not limited to mooring spaces but also include the shrinking areas available for their survival.

Legal protection is closely related to two resource aspects: human resources and natural resources. The coexistence of humans and natural resources creates a reciprocal relationship, making regulations essential to maintain harmony between the two. Reclamation, which links human and natural resources, is vulnerable to creating weak positions for humans, especially fishermen, in coastal areas, necessitating state protection through Law No. 7 of 2016. The following regulations guarantee human rights in reclamation implementation (Table 3). In legal protection theory, according to Philipus, legal protection for the public consists of preventive and repressive governmental actions. Preventive actions mean the government takes cautious steps in decision-making, focusing on prevention, while repressive actions require decisive government action in decision-making regarding violations that have occurred. Preventive legal protection allows legal subjects to raise objections and express opinions before the government issues a final decision.

¹⁴ Santoso, Budi, and Nurhayati. "Legal Framework for Protecting Fishermen's Rights in Coastal Reclamation Areas." *Journal of Maritime Law* 15, no. 2 (2019): 150-168.

Table 3. Regulations Ensuring Human Rights in the Implementation of Reclamation in Indonesia

No.	Law	Article	Human Rights Protection
1	Law No. 27 of 2007	Article 34, paragraph 2	Reclamation must consider the sustainability of people's lives and livelihoods, as well as the preservation of coastal ecosystems.
		Article 60, letter i	Right to compensation
		Article 63, paragraph 1	The government and local authorities must empower communities to improve their welfare.
2	Presidential Regulation No. 122 of 2012	Article 26, letter a	Reclamation must consider the sustainability of people's lives and livelihoods.
3	Presidential Regulation No. 51 of 2016	Article 4, letter b	Establishing coastal boundary limits to protect communities in WP3K from natural disasters.

Source: Primary data,, 2024 (processed).

As results, this legal protection is outlined in regulations containing guidelines and limitations on certain actions. Such protection is provided by the government to prevent violations or disputes before they occur. Given its preventive nature, the government tends to act cautiously in implementation.¹⁵ There is currently no specific regulation in Indonesia that addresses legal protection more comprehensively. Repressive legal protection has different provisions and characteristics compared to preventive legal protection. In repressive law, legal subjects have no opportunity to raise objections as cases are directly handled by administrative and general courts. Repressive protection is the final measure, involving sanctions such as imprisonment, fines, and other additional penalties. This type of legal protection is intended to resolve violations or disputes that have already occurred, based on the concept of legal protection theory, which centers on recognizing and protecting human rights while imposing restrictions on both society and the government.¹⁶

Legal development in Indonesia, which began with the establishment of the 1945 Constitution, cannot be separated from the foundations and goals set out by the Indonesian people, as articulated in the Preamble to the Constitution: "to protect the entire Indonesian nation and to promote the general welfare based on Pancasila." In this context, legal development for the protection of fishermen requires the state to ensure the provision of basic rights as per the constitution. The government's obligation is articulated in Article 34, paragraph 2, letter a of the WP3K Law, which states that reclamation must safeguard and ensure the sustainability of people's lives and livelihoods.

¹⁵ Green, Duncan, and Pablo Mendez. "Livelihood and Environmental Impacts of Coastal Reclamation: Insights from Southeast Asia." *Development and Change* 50, no. 5 (2019): 1090-1105.

¹⁶ Jamin, Mohammad, Abdul Kadir Jaelani, Mulyanto Mulyanto, Reza Octavia Kusumaningtyas, and Duc Quang Ly. "The Impact of Indonesia's Mining Industry Regulation on the Protection of Indigenous Peoples." *Hasanuddin Law Review* 9, no. 1 (2023): 88-105.

Based on these regulations, human rights protection for fishermen in reclamation is already regulated. However, this protection should not be limited to regulations. The concept of human rights protection is to provide protection for human rights violated by others, ensuring that society can enjoy all rights granted by the law. In other words, legal protection involves various legal efforts by law enforcement officials to provide security, both mentally and physically, from threats and disruptions by any party. In the implementation of reclamation, the government has established measures for human rights protection, including sanctions that may be applied if an individual or legal entity fails to fulfill reclamation obligations as stipulated in Article 34, paragraph 2 of the WP3K Law. Violations may be subject to penalties under Article 74, including a maximum imprisonment of six months or a maximum fine of Rp. 300,000,000 (three hundred million rupiahs). The sufficiency of these sanctions in addressing significant human rights violations against the community is questionable. The primary goal of law is justice; as the saying goes, if the law is not just, it is not truly law. Based on this principle, the penalties imposed for failing to meet reclamation obligations, encompassing five key aspects, do not equate to the losses suffered by the community. Consequently, the community becomes the victim of reclamation. Therefore, there is a need to amend the substance of laws concerning fines for parties responsible for social, economic, and ecological damage resulting from reclamation.

Reclamation often leads to changes in coastal ecosystems, ultimately reducing fish resources and disrupting fishing activities. Additionally, fishermen's access to the sea is often obstructed by reclamation projects that narrow or even block their traditional routes.¹⁷ Other impacts include deteriorating seawater quality, loss of marine habitats, and potential social conflicts between fishermen and developers. To provide optimal protection for fishermen affected by reclamation, the following ideal concepts can be applied: a) Active Participation of Fishermen: Fishermen must be involved in every stage of planning and implementing reclamation projects. This participation is crucial to ensure their interests are considered and protected. Active participation of fishermen in reclamation planning and implementation is a legal obligation. Without such participation, reclamation projects may be deemed to violate fishermen's rights, particularly the right to live in a healthy environment and access natural resources; b) Fair and Adequate Compensation: If reclamation is unavoidable, affected fishermen should receive fair and adequate compensation. This could include financial compensation, access to new resources, or training for new skills. Providing fair and adequate compensation to fishermen affected by reclamation is a legal obligation. Failure to provide compensation could allow fishermen to sue developers or the government for violating land rights and resource access; c) Ecosystem Rehabilitation: The government and developers must commit to rehabilitating ecosystems affected by reclamation. This includes efforts to restore fish habitats and maintain seawater quality. Ecosystem rehabilitation is a legal requirement. Failure to rehabilitate can be considered a violation of environmental laws, subject to administrative, civil, or criminal sanctions; d) Supporting Infrastructure Development: Building infrastructure such as fishing ports, fish markets, and modern fish storage facilities can help fishermen remain productive despite reclamation. Providing supporting infrastructure for fishermen is a governmental responsibility to protect their livelihoods and ensure they can

¹⁷ Hillmann, Felicitas, and Usha Ziegelmayer. "Environmental change and migration in coastal regions: examples from Ghana and Indonesia." *DIE ERDE-Journal of the Geographical Society of Berlin* 147, no. 2 (2016): 119-138.

remain productive even if reclamation occurs. Without this infrastructure, the government may be seen as neglecting its duty to protect fishermen's economic rights; e) Monitoring and Law Enforcement: Monitoring the impact of reclamation should be intensified, and violations of environmental protection regulations must be strictly enforced. Consistent law enforcement will provide more effective protection for fishermen. Strict monitoring and enforcement of reclamation violations are essential to minimize negative impacts on fishermen. Failure in this area may have legal consequences for both the government and developers; f) Development of Alternative Livelihoods: The government should develop alternative livelihoods for fishermen affected by reclamation. Training and skill development programs should be offered to help fishermen adapt to changing conditions. Developing alternative livelihoods for fishermen affected by reclamation is a legal obligation to ensure the economic impacts do not harm coastal communities in the long term. Failure to provide alternatives may be considered a violation of fishermen's rights to work and welfare.

Reclamation that disregards fishermen's rights may violate various legal provisions in Indonesia, including environmental, human rights, and land laws. Therefore, both the government and developers must commit to involving fishermen in every stage of reclamation projects, providing fair compensation, rehabilitating damaged ecosystems, providing supporting infrastructure, ensuring strict law enforcement, and developing alternative livelihoods for affected fishermen.¹⁸ In the context of legal protection for fishermen affected by reclamation activities in Indonesia, several important aspects need to be considered. The main regulation governing reclamation in Indonesia is Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, which was later amended by Law No. 1 of 2014 (WP3K Law). This law outlines the responsibilities of both the government and private entities involved in reclamation projects to ensure the sustainability of local communities' lives and livelihoods, including fishermen. Article 34, paragraph 2 of the WP3K Law specifically mandates that reclamation activities must protect the sustainability of people's lives and livelihoods.

Additionally, the Indonesian Constitution, through Articles 28A to 28J, guarantees human rights, including the right to work, the right to an adequate standard of living, and the right to a healthy environment. These constitutional provisions are reinforced by Indonesia's commitment to international human rights treaties, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which Indonesia ratified in 2005. The ICESCR mandates the protection of the right to work and the right to an adequate standard of living, which reclamation activities must not infringe upon.¹⁹ Preventive legal protections aim to proactively safeguard fishermen's rights through regulatory frameworks, public participation, and environmental impact assessments. However, these protections are often implemented with caution, creating gaps that may not fully address the complexities of reclamation impacts. Repressive legal protections, on the other hand, apply after violations occur and involve sanctions such as fines and imprisonment. Under Article 74 of the WP3K Law, sanctions for non-compliance include imprisonment of up to six months or fines up to Rp. 300,000,000. However, these sanctions are often considered

¹⁸ Mohd Razif, Khalil, and Nurul Syafiqah. "Impact of Reclamation on Traditional Fishing Communities: A Legal and Social Perspective." *Ocean & Coastal Management* 185 (2020): 105-117.

¹⁹ Indonesia, *Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands*; United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 1966.

insufficient given the potential magnitude of environmental and social harm caused by reclamation activities.

Although the legal framework outlines protective measures, there is a notable absence of specific, comprehensive regulations addressing the nuanced challenges posed by reclamation projects. The existing sanctions may not adequately deter violations or address the full extent of harm caused to fishermen and their communities. The lack of specific mechanisms for compensation, rehabilitation, and alternative livelihoods further exacerbates the vulnerability of fishermen, who may suffer economically and socially as a result of reclamation. Under international human rights norms and national laws, the participation of affected communities, including fishermen, is a critical component of environmental governance.²⁰ The absence of such participation can lead to human rights violations, particularly concerning the right to a healthy environment and the right to livelihood.

Fishermen affected by reclamation have the right to seek judicial recourse through administrative and general courts to address their grievances. Legal accountability mechanisms must ensure that developers and government bodies adhere to legal standards, and any failure in implementation should be met with strict legal action.²¹ The judiciary plays a critical role in interpreting and enforcing these legal protections, ensuring that justice is served and that the rights of fishermen are upheld.

To ensure effective legal protection, there should be an increase in sanctions for violations, with penalties proportional to the environmental and social harm caused.²² Strengthening oversight and consistent enforcement of environmental and human rights laws are crucial to safeguarding the rights of communities affected by reclamation. Moreover, there is a need for comprehensive legislation specifically tailored to address the rights of fishermen in the context of reclamation, including compensation mechanisms, public participation requirements, and rehabilitation obligations.

CONCLUSION

Coastal reclamation in Indonesia exemplifies the tension between economic development and human rights protection. While it offers substantial benefits, such as urban expansion and increased regional revenues, it simultaneously imposes significant costs on vulnerable communities, particularly fishermen. The findings highlight critical gaps in the implementation of legal protections, resulting in economic displacement, environmental degradation, and social inequities. Reclamation in North Sulawesi presents two opposing sides. On one hand, it provides significant economic benefits for the country, but on the other, it poses potential violations of human rights, especially for coastal fishing communities. The negative impacts of reclamation are evident from the decline in fishermen's income and increased living costs since these projects were initiated. Legal protection of fishermen's human rights should be enforced through strict sanctions, including substantial fines, against parties failing to meet their obligations toward

²⁰ United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 1966; Dewi Soemarmi, "Legal Protection of Fishermen in Reclamation Activities," *Journal of Coastal Management* 12, no. 3 (2020): 150-162.

²¹ Komisi Nasional Hak Asasi Manusia, *Laporan Tahunan Perlindungan Hak Asasi Manusia di Wilayah Pesisir* (Jakarta: Komnas HAM, 2019).

²² Aspan, Zulkifli, and Ahsan Yunus. "The right to a good and healthy environment: Revitalizing green constitution." In *IOP Conference Series: Earth and Environmental Science*, vol. 343, no. 1, p. 012067. IOP Publishing, 2019.

fishermen. Moreover, respect for human rights in coastal reclamation should be realized through strategic steps: comprehensively understanding the impact of reclamation, involving the community in planning, evaluation, and environmental impact assessment; developing effective mitigation and rehabilitation programs; enhancing capacity and providing social support; consistent monitoring and law enforcement; building sustainable infrastructure; and developing alternative livelihoods for affected fishermen. By adopting these measures, Indonesia can strike a balance between development and human rights, fostering sustainable coastal management that respects the livelihoods and dignity of all stakeholders

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