

Coastal and Small Islands Management: Commitment and Practising in South Sulawesi

¹Maskun, ²Farida Patittingi, ³Naswar, ⁴Achmad, ⁵Hasbi Assidiq

ABSTRACT--- *The Provincial Government of South Sulawesi has enacted a regional regulation related to the zoning plan of the Coastal and Small Islands Areas (WP3K) which is the basis for the management of the WP3K spatial plan in South Sulawesi. This paper will analyze the commitment of the Government of South Sulawesi in managing of sustainability of WP3K. This study uses a normative approach to analysis some relevant regulations in order to provide a scientific argumentation for the government to evaluate the existed regulations and to guarantee a fair and sustainable WP3K spatial plan. The results of the study show that although the South Sulawesi region already has regulations related to WP3K, there are still some weaknesses that result in inequality in WP3K space management and threaten the preservation of marine ecosystems in South Sulawesi.*

Keywords--- *Coastal and Small Islands; Commitment; Management; South Sulawesi*

I. INTRODUCTION

Indonesia basically has 17 (seventeen) laws on natural resources management in accordance with coastal and marine management (Patlis et al., 2001). Regarding to Coastal and Small Islands Management The Law No. 27 of 2007 on Coastal and Small Islands Management and The Law No. 23 of 2014 on Regional Government, both Laws has connection to the Regional Government to govern the issue of coastal and small islands management. The concretization of the derivation of both Laws as mentioned before, the Provincial Government of South Sulawesi has passed a Regional Regulation relating to the zoning plan of the Coastal and Small Islands Areas (RZWP3K) which becomes the basic legal instrument for managing coastal and small islands areas in South Sulawesi. In this regional Regulation, the Management of Coastal and Small Islands Areas is defined as the management of the area of planning, utilization, supervision and control of resources and small islands resources carried out by the Government and Regional Governments, amongst sectors, between land and marine ecosystems, and between science and management to improve people's welfare. So the legal ratio of this rule is an effort to manage coastal resources which is realized to improve the welfare of the community.

Regarding to equitable and sustainable management of coastal and small islands, starting from a variety of zoning in charge in the regulation RZWP3K of South Sulawesi, there are 2 (two) key things that reap polemic in the community especially those directly affected from management policies conducted by the government, namely the determination of the reclamation zone and zoning of sea sand mining. Both of these policies are interrelated

¹ Faculty of Law, Universitas Hasanuddin, Indonesia, maskunmaskun31@gmail.com

² Faculty of Law, Universitas Hasanuddin, Indonesia, farida.pada@unhas.ac.id

³ Faculty of Law, Universitas Hasanuddin, Indonesia, naswar@unhas.ac.id

⁴ Faculty of Law, Universitas Hasanuddin, Indonesia, achmad@unhas.ac.id

⁵ Faculty of Law, Universitas Hasanuddin, Indonesia, assidiqhasbi97@gmail.com

because the reclamation policy certainly requires hard material such as sands to pile the coastal (Farhan & Lim, 2012). This policy then is followed by the zoning policy of the sea sand mining area. These reclamation zone and zoning of sea sand mining policies are rejected by coastal community groups due to they are affected directly by this policy. To strengthen the community efforts to fight the policy, they then consolidate with civil society organizations called the Coastal Saving Alliance (CSA).

The RZWP3K management policy actually aims to improve the welfare of the community. Each zoning policy as a derivative of this regulation must make the goal to reach people's welfare and to evaluate various development policies that negatively impact certain community groups. For this situation, it can be said that it is beneficial for certain groups of people but it causes also harm to other communities. It means that if the development only benefits certain groups and has a negative impact on other groups, it is better that development does not exist at all. The focus of this paper, therefore, is to analyse the commitment of the Government of South Sulawesi in the management of RZWP3K in a fair and sustainable manner so that it can provide argumentation to the government to evaluate policies that are considered to have a negative impact on coastal communities. Management of natural resources, especially zoning of coastal and small islands areas, is important to provide guaranteed access to the management of equitable and sustainable marine resources.

II. METHODOLOGY

This research is a normative study, which is the data used are primary legal materials obtained from relevant legislation and secondary legal materials are obtained from various literatures. Those legal material collected are analysed descriptively related to the occurring problems and prescriptively related to the norms that must be enforced to create sustainability of the coastal and small islands areas in South Sulawesi.

III. RESULTS

The results will be discussed in two parts. The first part would discuss the principles of equitable and sustainable management of areas and small islands, including the concrete manifestation in the form of regulation RZWP3K nationally and also specifically in the South Sulawesi Province. In the second part, the impact of the policies set out in South Sulawesi RZWP3K will be discussed, specifically on the issue of reclamation and the seizure of the livelihoods of coastal communities and sea sand mining which are derived from reclamation issues.

Principles of Management of Coastal and Small Islands Areas

In the management of RZWP3K, the term local area management (PLK) is known as the concept of management of coastal land and sea waters managed by local communities and if possible, management can be carried out jointly with the government or non-governmental organizations (Gombos et al., 2013). This concept is expected to enhance environmental sustainability in order to directly have an impact on people's welfare. This local area management design is also explained that there are 4 (four) main principles that need to be considered so that resources remain sustainable and abundant. The four principles are:

- 1) Healthy habitat. The main factors are determined, as followings:
 - (a) each species needs a variety of healthy habitats to eat, live, develop and reproduce;

- (b) several species need different habitats during their lifetime; and
 - (c) some areas can retain and recover faster than others.
- 2) Extensive enough areas for habitat, which is the main factor is determined by:
- (a) some species require a larger area than others when they grow up to eat, live and reproduce; and
 - (b) many fish larvae will be close to the nest to reproduce.
- 3) Reproduction. This principle is determined by 3 main factors namely:
- (a) species can reproduce depending on location, body size and time;
 - (b) large female fish produce more children; and
 - (c) some endurance species are lower and recover more slowly than other species.
- 4) An effective community-based management. This determines with an effective community-based management that provide a lot of benefits to the community (Aspan et al., 2019).

Management of coastal and small islands areas rests on 3 (three) main approaches that must be considered by the government in accordance with the principle of sustainability, namely; (1) a sustainable economy. It is characterized if an area is able to produce goods and services on an ongoing basis; (2) ecologically sustainable. It is marked if an area of natural resource availability can be sustainably maintained in a stable manner with no excessive exploitation of natural resources and waste disposal that goes beyond the capacity of environmental assimilation to reduce the carrying capacity of the environment, and efforts are made to develop substitution materials adequately; (3) socially sustainable. It is characterized by the fulfilment of the needs of the surrounding community's adequate life or fair distribution of income and business opportunities.

RZWP3K Analysis

The existence of the Management Law for Coastal and Small Islands Areas is motivated by the awareness that RZWP3K is a part of natural resources bestowed by God Almighty and is a wealth that is controlled by the state, which needs to be preserved and utilized for the greatest prosperity of the people, both for the current generation and for future generations. This is clearly explained in consideration of these regulations. It is also realized that this RZWP3K has a high diversity of natural resource potential and is very important for the development of social, economic, cultural, environmental, and buffering national sovereignty. Therefore it needs to be managed in a sustainable and global manner by taking into account the aspirations and participation of the people, and the nation's values based on national legal norms. Based on these considerations, the natural resource management must naturally prioritize environmental sustainability and be used as much as possible for the prosperity of the people, not the prosperity of a small group of investors.

In addition, the purpose of RZWP3K in this regulation is also clearly explained to (a) protecting, conserving, rehabilitating, utilizing, and enriching Coastal and Small Islands Resources and their ecological systems in a sustainable manner; (b) creating harmony and synergy between the Government and Regional Governments in the management of Coastal and Small Islands Resources ; (c) strengthening the role of society and governmental institutions and encouraging public participation in resource management of Coastal and Small Islands areas in order to achieve fairness, balance, and sustainability; and (d) enhancing the social, economic and cultural value of the Community through the participation of the Community in the use of Coastal and Small Islands Resources (Safa'at & Yono, 2017). Indeed, the management of RZWP3K must be an objective formulated in this regulation

as a breath in determining its policies. The most important purpose is to protect the interests of coastal communities that are vulnerable to the negative impacts of development policies implemented (Dahuri & Dutton, 2000).

The existence of Law on RZWP3K also ignores the rights of coastal communities to manage the natural resources around them. It is judged based on the politics of law as stipulated in the Academic Paper the Law No. 27 of 2007 that its spirit is not merely to provide protection and regulation management of coastal areas, but further highlight the potential in the form of economic (investment) obtained from the management of coastal areas. In addition, RZWP3K management with a modern system is considered not a solution in the development of RZWP3K management especially for communities who still maintain the values of local wisdom.

In the context regional, the Regional Regulations South Sulawesi on RZWP3K as derivative of the Law No. 27 of 2007 has been agreed upon by the Provincial Government and the Regional House of Representative at 11 January 2019. However, this regulation reap polemic in the community because it does not accommodate the aspirations of the affected fishermen of reclamation directly and the coastal communities affected by the sea sand mine which is legalized through this regional regulation.

Issues of Reclamation and Competition for Community Livelihoods

Reclamation in RZWP3K regulations is defined as an activity carried out by a person in the context of increasing the benefits of land resources from an environmental and socio-economic point of view by irrigation or drainage. Indeed, the existence of reclamation in certain conditions is needed, for example in the Long-term Makassar Development Planning (RPJPD) 2005-2025, it is explained that several areas planned for Reclamation are in some districts such as Biringkanaya, Tamalanrea, Tallo, Ujung Tanah, Ujung Pandang Mariso, and Tamalate.

In the spatial plan of Makassar City 2015-2034, it is stated that the activities of reclamation Makassar is part of an integrated coastal zone management and an integral part of mitigation efforts against climate change which is part of a strategy to strengthen environmental mitigation and adaptation activities in the coastal areas and rivers in the city of Makassar. Of course, mitigation efforts on climate change are also important, but they certainly cannot ignore the rights of coastal communities affected by reclamation development.

In the year-end notes of the Makassar Legal Aid Institute (LBH) in 2016, it was explained that the various impacts of the Reclamation in Makassar City which became legal after being included in the RZWP3K. An example of it can be seen when 43 family heads had to be displaced due to reclamation construction and without being given compensation by the government. So, the consequences of this is that the fishermen lost their settlements and management areas of fishermen. They then have turned professions into plastic waste collectors because they have no expertise other than fishing and some who were still single choose to migrate and become mining workers in Kalimantan, and the most concerning children affected by evictions must be dropped out of school because parents were no longer able to pay for their education (Suharno et al, 2016).

Considering to impact caused by the reclamation as mentioned above, the important note of RZWP3K can be seen in article 27 paragraph 2 of the Law of RZWP3K that states that the reclamation zone in South Sulawesi which will be developed in 12 regions, namely Parepare City will be 4 areas as the most reclamation area, Makassar will be 2 areas, Bantaeng will be 2 areas, Bone, East Luwu, Bulukumba, and Palopo will be 1 area (WALHI,

2018). Therefore, the impact of reclamation that occurs in Makassar needs to be a concern so it does not occur in other areas.

Sea Sand Mining Issues

The zoning of the sea sand mining has been accommodated in South Sulawesi RZWP3K. It becomes important to be able to legalize the area that is the source for the needs of the reclaimed sand in the Reclamation project. For sea sand mining itself is regulated in article 19 paragraph 2 of the RZWP3K Law which sets the sea sand mining zone in 3 areas, namely the Spermonde Block, the Flores Block, and the Palopo Block. Although prior to the ratification of the Zoning regulation, the reclamation in Makassar and the Sea Sand Mining in the Spermonde Block in Takalar have been operating. In addition, the project activities have caused losses to the coastal communities.

In the year-end notes of the Environment Forum (WALHI, 2018), it was explained the impact of the sea sand mining that took place on the Takalar coastal conducted by PT Boskalis for the Center Point of Indonesia (CPI / Reclamation of Makassar) project which resulted in 250 fishermen turning professions into informal workers such as artisans stones and scavengers. In addition, the income of 6,474 fishermen declined by 80%. Then, another impact is beach abrasion. Almost all villages have abrasions of 10 to 20 meters. As a result, 20 houses were heavily destroyed and 2 public cemeteries were also severely damaged. According to Bahar Pabe D. Muntu, one of the fishermen from Galesong Takalar who owns a 4 GT boat, the impact of the sea sand mining made him and the fishermen difficult to get fish in Takalar waters. He stated further that the sea sand mining also caused abrasion along the Galesong coastal.

IV. CONCLUSION

The RZWP3K management policy actually aims to improve the welfare of the community. Every zoning policy that is derived from this regulation must make the people's welfare prosperity the goal. Development must be done but it is no negative impact to the particular community. The ignorance of the community interests of course only increases social inequalities in society. The enact of the South Sulawesi RZWP3K has create 2 major problems namely reclamation and sea sand mining that have threatened the living space of coastal communities. Therefore, the South Sulawesi RZWP3K must be evaluated in order to fulfil the responsibility of the state in fulfilling their community rights.

REFERENCES

1. Patlis, J.M., Dahuri, R., Knight, M., and Tuelegen, J. (2001). "Integrated Coastal management in a Decentralized in Indonesia: How it can work", *Pesisir and Lautan*, 4 (1).
2. Farhan, A. R., & Lim, S. (2012). Vulnerability assessment of ecological conditions in Seribu Islands, Indonesia. *Ocean & coastal management*, 65, 1-14.
3. Gombos, M., Atkinson, S., Green, A., and Flower, K. (Eds). (2013). "Designing Local Management of Resilient Areas in the Tropical Sea Environment: A Guide for Community-Based Managers", Jakarta: USAID Coral Triangle Support Partnership.

4. Aspan, A., Arifin, A., Ilyas, A., and Yunus, A. (2019). Perizinan Pengelolaan Wilayah Pesisir sebagai Kewenangan yang Diderivasi dari Hak Menguasai Negara, *Al-Azhar Islamic Law Review* 1 (1): 9-25.
5. Safa'at, R., and Yono, D. (2017). "Disregard for the Rights of Traditional Fishermen in the Customary Law Community in the Politics of Coastal Resource Management", *Legal Arena*, 10 (1): 23.
6. Makassar City Regulation No. 3 of 2017 concerning Amendments to the Makassar City Regulation Number 13 of 2006 concerning the Regional Long-Term Development Plan (RPJPD of Makassar City 2005-2025 annexes).
7. Dahuri, R., & Dutton, I. M. (2000). Integrated coastal and marine management enters a new era in Indonesia. *Integrated Coastal Zone Management*, 1(1), 1-16.
8. Makassar City Regulation Number 4 of 2015 concerning Makassar City Area Spatial Planning 2015 – 2034.
9. Suharno et al. (2016). "State Justice & Democracy Behind the Law Enforcement", *Human Rights & Democracy Reflection Board in South Sulawesi*, LBH Makassar.
10. Regional Regulation of South Sulawesi Province No. 2 of 2019 Concerning Zoning Plans for Coastal Areas and Small Islands of South Sulawesi Province in 2019-2039.
11. WALHI. (2018). "Environmental Degradation and People Living Space Continues to Increase Safety Threatened People", Makassar: Walhi.