



## IMPLEMENTATION OF SANCTIONS FOR VIOLATIONS OF CORAL REEF ON PROTECTION LAWS

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### ARTICLE INFO

**Keywords:**

Coral; Protection; Reef; Sanctions; Violation

**DOI :**

10.26532/jh.v41i1.37362

### ABSTRACT

*This study aims to analyze law enforcement against coral reef destruction in the waters of Raja Ampat Regency, with a focus on improving the quality of law enforcement resources, especially the Water Police Unit. The approaches used include normative legal and empirical legal approaches with descriptive-analytical methods. The research data consists of primary data obtained through interviews and secondary data from literature reviews and documentation. The results of the study show that legal norms related to coral reef protection have strict sanctions for violations. Law enforcement efforts are carried out through supervision, application of sanctions, and socialization to the community regarding the impact of destroying marine ecosystems as a criminal act. This study highlights the importance of the active role of all elements of society, including parents, in supporting the development of public security and order. This study uses a collaborative approach between law enforcement officers and the community to create legal awareness and improve the effectiveness of marine ecosystem protection in the waters of Raja Ampat. This approach strengthens the role of local culture as a means of education and supervision, creating a more adaptive and sustainable law enforcement model.*

## 1. Introduction

Indonesia, as a country consisting of many islands, is famous for its wealth of natural resources, both on land and at sea. According to Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia<sup>1</sup>, the state has an important responsibility to manage these natural resources responsibly, not only

<sup>1</sup> Article 33 paragraph 3 of the 1945 Constitution States that The Earth, Water and Natural Resources Contained there in are Controlled By The State and Used for The Greatest Prosperity of The People.

for the benefit of the current generation but also for future generations. Indonesia's potential in the fields of marine, fisheries, mining, sea transportation, maritime industry, ecotourism, marine services, and mineral resource energy makes it a center of diverse natural wealth, as well as a life support for communities in coastal areas and small islands.<sup>2</sup> Coral reefs are one of several ecosystems in the sea, which are rich in biodiversity and have great benefits in the fisheries sector and other sectors.<sup>3</sup> Fisheries have an important and strategic role in national economic development, especially in increasing employment expansion, income equality, and improving the standard of living of the nation in general, small fishermen, small fish farmers, and business actors in the fisheries sector while maintaining the environment, sustainability and availability of fish resources.<sup>4</sup> Of course, there is a need for legal guarantees to maintain the security and sustainability of the marine environment in order to achieve sustainable benefits, while protecting the honor of the country from all domestic and international threats to its waters.<sup>5</sup>, especially Raja Ampat Regency. According to information published by Forestation FKT UGM, Raja Ampat has been recognized as part of the Maritime National Park. Located in the center of the Coral Triangle, the area covers 1,185,940 hectares and is protected by its status as a National Park.<sup>6</sup>

Humans and the environment are an inseparable system.<sup>7</sup>, but human activities have the potential to damage the balance of natural systems.<sup>8</sup> The basic idea of legal protection for the environment is needed as a result of human activities that harm the environment. Legal protection in this article is illustrated on legal protection by the government in taking action based on positive law and the theoretical aspects contained therein.<sup>9</sup> The main causes of coral reef ecosystem damage are generally caused by natural factors and human factors. Damage caused by natural factors, for example: changes in sea water temperature, typhoons, global climate change, earthquakes, volcanic eruptions, predators and diseases. The impact of coral reef ecosystem damage caused by humans is

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2 Nasution Marihot., Potential and Challenges of Blue Economy in Supporting Economic Growth in Indonesia: Literature Review, *Budget Journal: Issues and Problems of State Finance*, Vol.7 No.2, 2022, page. 340.

3 Nursita, L., Initiating the Development of Coral Reef Blue Economy; A Socio-Economic Approach. *EcceS: Economics Social and Development Studies*, Vol.7 No.1, 2020, page.62-86.

4 Yunitasari, D., Law Enforcement in Indonesian Maritime Areas Against Foreign Vessels Carrying Out Illegal Fishing Referring to the United Nations Convention On Law Of The Sea 1982. *Undiksha Citizenship Education Journal*, Vol.8 No.1, 2020, page.61-78.

5 Suyanto., *Legal Review of the Criminal Act of Using Fishing Gear (Medan District Court Decision No.05/Pid.Sus/PN.MDN)*, Doctoral dissertation, Medan Area University, 2016, page.12.

6 Sri Sendra Abdullah., Supervision of Coral Reef Damage in Regional Marine Conservation Areas (KKLD) in Olele Village, Kabila Bone District, Bone Bolango Regency, Faculty of Law, Gorontalo State University, Gorontalo, 2015, page.2.

7 M. Yunus Wahid, Introduction to Environmental Law, Jakarta, Kencana, 2018, page. 32.

8 Takdir Rahmadi, (2020), Environmental Law in Indonesia, 3rd Ed., Jakarta, Raja Grafindo, page. 6.

9 Damanik, K.G., Implementation of the Principle of State Responsibility as a Form of Legal Protection Against Coral Reef Damage (Case Study of the MV Caledonian Sky Ship Accident in Raja Ampat). *Law Review*, Vol.17 No.3, 2018, page.250-271.

more chronic and not temporary.<sup>10</sup>The ecological, social and economic value of coral reefs underlies the importance of coral reef conservation internationally. The success of marine conservation areas in restoring fish populations is also an indirect impact of the existence of coral reefs.<sup>11</sup>The outline of damage to coral reef ecosystems in Indonesian seas is due to several things done by fishermen or things due to nature or the global climate.<sup>12</sup>Fish bombing, exploitation of marine products with compressors, and ornamental fish fishing have resulted in damage to coral reefs. In fact, the damage was also caused by a collision with a cruise ship, the Bahamas-flagged MV. Caledonian Sky, which hit a coral reef at a depth of 5 meters around Kri Island on March 3, 2017.<sup>13</sup>A similar incident also occurred again on February 3, 2021, when KM. Perintis Sabuk Nusantara 62 ran aground in the waters of Raja Ampat, causing damage to coral reefs in the National Marine Conservation Area of the Marine Nature Reserve (KKPN SAP).

Environmental issues are still a big responsibility because they will affect the quality of life in the future. Exploitation of natural resources and the environment has caused the quality of the environment, especially natural resources, to deteriorate.<sup>14</sup>The sea has great benefits and roles for human life and is also part of the living environment.<sup>15</sup>Of course, to maintain the sustainability and security of the marine environment, strong legal guarantees are needed. This is not only to provide sustainable benefits, but also to protect the country's reputation from various threats, both internal and external, to its waters. The protection and management of coral reefs in Indonesia are expected to receive more attention from the central government and local governments.<sup>16</sup>One of the quite important activities in coral reef protection efforts is as carried out in Indonesia by COREMAP through various programs and activities.<sup>17</sup>The importance of implementing laws in protecting coral reefs has been regulated in various laws and regulations, such as Law No. 32 of 2009 concerning Environmental Management and Protection, Law No. 27 of 2007

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- 10 Uar, ND, Murti, SH, & Hadisusanto, S., Environmental damage due to human activities on coral reef ecosystems. *Indonesian Geography Magazine*, Vol.30 No.1, 2016, page.88-96.
  - 11 Cahyani, WS, Setyobudiandi, I., & Affandy, R., Condition and sustainability status of coral reef ecosystems in the Pulo Pasi Gusung marine conservation area, Selayar. *Journal of Tropical Marine Science and Technology*, Vol.10 No.1, 2018, page.153-166
  - 12 Trimirza, M., Ramlan, R., & Repindowaty, R.,Coral Reef Protection According to UNCLOS 1982 (Case Study of Coral Reef Damage by the Cruise Ship MV Caledonian Sky in Raja Ampat). *Uti Possidetis: Journal of International Law*, Vol.2 No.1, 2021, page.106-130.
  - 13 Ruben Sauyai., *Coral Reef Damage in Raja Ampat Greater Than 1,600m2*, BBC News Indonesia. 2017
  - 14 Nisa, ANM., Law Enforcement Against Environmental Problems to Realize Sustainable Development (Case Study Of Forest Fires In Indonesia). *Journal of Bina Mulia Hukum*, Vol.4 No.2, 2020, page. 294-312.
  - 15 Mangku, DGS., Protection and Preservation of the Marine Environment According to International Law. *Tanjungpura Law Journal*, Vol.4 No.2, 2020, page.161-177.
  - 16 Torano, B. E., Legal Review of the Protection and Management of Coral Reefs in Indonesia According to International Maritime Law. *Lex Administratum*, Vol.9 No.7, 2021, page. 9.
  - 17 Andreas Pramudianto., International and National Environmental Law Regulations in an Effort to Protect Coral Reef Ecosystems. *Journal of Basic Education and Social Humanities*, Vol.1 No.3, 2022, page. 453-464.

concerning Management of Coastal Areas and Small Islands, and Raja Ampat Regency Regional Regulation Number 8 of 2010 concerning Coral Reef Management. All parties involved are expected to have awareness and responsibility in preserving the coral reef ecosystem. Considering that the environment is an absolute necessity for the life of living things on earth, protection is needed for the environment so that it is not damaged or polluted.<sup>18</sup> To properly implement and enforce environmental law, competent, honest and public interest-oriented implementers and enforcers are required.

Previous research conducted by Muharuddin<sup>19</sup> examines the problem of accountability of the Raja Ampat Regency government and obstacles in resolving the damage to coral reefs in Raja Ampat Regency, in his research it can be concluded that the Raja Ampat Regency Government is demanding compensation of IDR 6 trillion for the damage to 1,600 m<sup>2</sup> of coral reefs due to the cruise ship MV. Caledonian SKY from England. This claim was submitted to the British Embassy in Indonesia, with a process facilitated by the Indonesian government. In addition, the local government is rehabilitating the coral reefs damaged by the MV Caledonian SKY cruise ship incident, precisely in the waters of Wisata Mansuar, Misool Mansar District. The obstacle in resolving this case is that the British government has not yet conducted a location review. The Indonesian government is careful in acting because the perpetrator is of British citizenship, and considering Indonesia's economic dependence on England, the compensation proposed by the government has not been realized.

Strengthening legal protection for water areas is important considering that sea areas and the surrounding waters are currently a global concern. Violations against the marine environment, especially against coral reefs, have not been subject to adequate legal sanctions,<sup>20</sup> illustrates the ineffectiveness of law enforcement and has the potential to harm future law enforcement. International agreements and national regulations provide concrete steps to minimize negative impacts on the marine environment, promote sustainable management, and ensure the sustainability of marine ecosystems for the future.<sup>21</sup> Therefore, it is important to analyze the sanctions applied to violations of coral reef protection laws. This is because even though there are many violations of the law, fair law enforcement is not yet complete. The purpose of this paper is to analyze law enforcement against coral reef damage in Raja Ampat Regency with a legal and empirical approach, which integrates aspects of national law, international law, and the principles of marine ecosystem conservation. This study aims to identify the obstacles faced, both in

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18 Pitaloka, D., Implementation of International Environmental Law in Indonesian National Law. *Journal of Law Compilation*, Vol.6 No.2, 2021

19 Muharuddin and Wahab Aznul Hidayat., Local Government Responsibility for Coral Reef Damage in Raja Ampat Regency, *Justisi*, Vol.6 No.2, 2020, page. 66.

20 Masdin, Masdin., Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 on the Protection and Conservation of the Marine Environment in Indonesia. Diss. Tadulako University, 2016.

21 Rendra, A., & Juniarto, D., The Role of Law in Coral Reef Protection Policy. *Marine Science and Technology Research*, 2024, page.1-7.

coordination between agencies, the involvement of international parties, and efforts to hold perpetrators of damage accountable.

## **2. Research Methods**

This study analyzes the application of legal sanctions against coral reef destruction through normative and empirical legal approaches. The normative approach is used to evaluate the applicable legal aspects, while the empirical approach aims to examine the effectiveness of sanctions through primary data from interviews and secondary data from literature studies. The analysis is conducted descriptively qualitatively to describe the relationship between social, legal, and philosophical factors that influence law enforcement against marine environmental violations. This approach is designed to provide an in-depth understanding of the implementation of the law without ignoring the social contribution of the community.

## **3. Results and Discussion**

### **3.1. Legal Provisions Regarding Coral Reef Protection in Indonesia**

The legal policy of environmental management in Indonesia has undergone fundamental changes since the second and fourth amendments to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). These changes were made by including environmental legal norms in the Constitution, as stated in Article 28H paragraph (1)<sup>22</sup> and Article 33 paragraph (4) of the 1945 Constitution.<sup>23</sup> These changes include two important things, namely recognition of Human Rights to a decent and healthy environment and an emphasis on the principles of sustainable and environmentally aware development in the implementation of the national economy.<sup>24</sup> One of the main weaknesses is that there is still overlap and disharmony between laws and regulations governing coral reef protection and restoration. This can cause confusion and overlap in implementation in the field.<sup>25</sup>

The existence of a guarantee of environmental rights, which is regulated in the Constitution, shows the strong commitment of the founding leaders to the rights of citizens to the environment and is the state's obligation to prevent negative impacts such as pollution or environmental damage caused by national economic activities.<sup>26</sup> A good and healthy environment is a condition sine

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22 Article 28H paragraph (1) of the 1945 Constitution states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment as part of human rights.

23 Article 33 paragraph (4) of the 1945 Constitution states that the national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental awareness, independence, and maintaining a balance between progress and national economic unity.

24 Muhammad Akib., *Environmental Legal Politics: Dynamics and Reflections in Regional Autonomy Legal Products*, 2nd Edition, Jakarta, PT Raja Grafindo Persada, 2013, page. 75.

25 Rofiqoh., *AZ Saves Coral Reefs from Criminal Threats in Marine Ecosystem Protection and Restoration Efforts*

26 *Ibid.*

quanon for realizing a good and healthy human life.<sup>27</sup>In this context, there are actually two protection efforts at once, namely the interests of the environment so that it is not damaged or polluted and the interests of humans in the need for an environment that is not damaged or polluted.<sup>28</sup>These two interests complement each other and need to be balanced in order to maintain a sustainable environment.

Based on the Environmental Law No. 4 of 1982 in conjunction with Law No. 23 of 1997 in conjunction with Law No. 32 of 2009, several laws and regulations have been issued, the contents of which can be categorized as sectoral environmental regulations.<sup>29</sup>The existence of this law reflects the state's awareness of the importance of preserving biodiversity and its ecosystem.<sup>30</sup>As for the regulations for coral reef protection in Indonesia, although not included in a sectoral law, they have been strengthened through various laws and regulations related to environmental and natural resource management.

Indonesia, as an archipelagic country with very high biodiversity, faces a major challenge to preserve and manage natural resources and marine ecosystems sustainably. Various regulations have been outlined to ensure this sustainability, the international convention in question is the United Nations Convention on Biological Diversity which was later ratified by Indonesia through Law No. 5 of 1994 concerning the Ratification of the United Nations Convention on Biological Diversity.<sup>31</sup>This regulation emphasizes the importance of sustainable, harmonious, and balanced management of natural resources, which is not only for the welfare of the Indonesian people, but also for the welfare of humanity globally. The preservation of Indonesia's natural resources is not just a local need, but also part of an international commitment to maintaining the world's ecosystem.

Law No. 6 of 1996 concerning Indonesian Waters reflects Indonesia's stance to comply with international conventions on water and environmental management, including the UN Convention on Biological Diversity. Indonesia is committed to preserving the global environment through this convention. Indonesia's steps are further strengthened by the issuance of Government Regulation Number 19 of 1999 concerning Control of Marine Pollution and/or Destruction which was revoked by Government Regulation Number 22 of 2021 concerning Implementation of Environmental Protection and Management.<sup>32</sup>

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27 A'an Efendi, *Environmental Law: Economic Instruments and Environmental Management in Indonesia and Comparison with Several Countries*, 1st ed., Bandung, PT Citra Aditya Bakti, 2014), page. 185.

28 *Ibid.*, page. 199.

29 Andi Hamzah, *Environmental Law Enforcement*, 1st ed., Bandung, PT Alumni, 2016, page. 57.

30 Zulkifli Aspan, Legal Protection of Coral Reefs in Taka Bonerate National Park (TNT), *Journal of Environmental Law*, Vol.2 No.2, 2015, page. 79.

31 Budianto, Anto Ismu., Harmonization and Synchronization of Regulations Related to Genetic Engineering After the Ratification of the United Nations Convention on Biological Diversity 1992 (UNCBD 1992). *Jurnal Hukum Prioris*, Vol.9 No.2, 2021, page. 119-143.

32 *Ibid.*, page. 80.

The policy not only focuses on mitigating damage, but also on prevention so that the marine ecosystem remains well maintained.

Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands shows an increasing awareness of the importance of managing coastal areas and small islands. These areas have enormous natural resource wealth and play an important role in the social, economic, and cultural life of the community. This law emphasizes the need for conservation in coastal areas to maintain coastal ecosystems and protect marine biota habitats, including fish migration routes. The increased awareness of the importance of protecting coastal areas is further strengthened by the revision of Law No. 1 of 2014 which regulates the involvement of the central government in managing coastal areas. Law No. 32 of 2009 concerning Protection and Management of the Environment provides a comprehensive legal basis for environmental protection in Indonesia. This law regulates important principles that include biodiversity, good governance, and the precautionary principle in environmental management. These principles are significant progress in protecting the environment, especially related to biodiversity in coastal areas and small islands.<sup>33</sup>

Protection of marine ecosystems is also regulated in the Decree of the Minister of State for the Environment Number 4 of 2001 concerning Standard Criteria for Coral Reef Damage. This decision is important considering the damage to coral reefs that occurs due to development activities and exploitation of natural resources. Coral reefs have a vital function as a habitat and breeding ground for various types of marine biota. The application of standard criteria for coral reef damage is a strategic step in controlling damage and to ensure the sustainability of marine ecosystems that function as life supports.

These regulations demonstrate Indonesia's commitment to preserving and sustainably managing natural resources and marine ecosystems. From laws governing natural resource conservation to regulations governing coastal area management, all of these provide a solid legal framework for environmental protection in Indonesia. Proper and effective implementation of these regulations is essential to ensure that Indonesia's natural wealth is maintained for future generations and for the sustainability of the global ecosystem.

The standard criteria for coral reef damage according to the regulations in Indonesia<sup>34</sup>, with its rich biodiversity, faces the challenge of preserving and managing its natural resources and marine ecosystems sustainably. Law No. 5 of 1990 emphasizes the need for sustainable management of natural resources for the welfare of both Indonesia and humanity. This is reinforced by Law No. 6 of 1996 on Indonesian Waters, which aligns Indonesia with international conventions such as the United Nations Convention on Biological Diversity. Further, Government Regulation no. 19 of 1999, updated by No. 22 of 2021, focuses on preventing marine pollution. Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands highlights the importance of

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33 *Ibid.*, page. 87.

34 Appendix I of the Decree of the Minister of State for the Environment Number 4 of 2001 concerning Standard Criteria for Coral Reef Damage, page. 5.

preserving coastal ecosystems and marine habitats. The revision in 2014 increased central government involvement in management efforts. Law No. 32 of 2009 provides a comprehensive legal framework for environmental protection, including principles of biodiversity and sustainable resource use. Additionally, the Ministerial Decree No. 4 of 2001 sets criteria for coral reef damage to address the growing degradation caused by development. These regulations collectively form a robust legal foundation for preserving Indonesia's marine and coastal ecosystems, ensuring their sustainability for future generations.

Coral reef damage is caused by various factors that damage marine ecosystems, such as sedimentation, the use of explosives in fishing, polluted drainage flows, the use of cyanide, dredging activities, water pollution, management of recreational areas that are not environmentally friendly, to the impact of global warming. All of these factors not only destroy the physical structure of coral reefs, but also threaten the sustainability of marine life that depends on the ecosystem. The many uses and misuses of coastal and marine spaces in various ongoing activities have caused various negative impacts.<sup>35</sup> That the use of coastal space can damage the function of coral reefs is unsustainable management, considering that the amount used cannot be restored in the same time as the time of use, namely coral reefs with a long growth period,<sup>36</sup> Therefore, comprehensive steps are needed to prevent, mitigate and restore this damage.

Protection and management of coral reefs includes the use of small islands and waters.<sup>37</sup> Prevention and control of coral reef damage can be started by increasing public awareness and participation. Education about the importance of coral reefs must begin at an early age so that people understand the ecological and economic benefits of the sustainability of this ecosystem.<sup>38</sup> In addition, community-based management can be implemented by encouraging communities to engage in alternative environmentally friendly activities, such as cultivation, ecotourism, and handicrafts, accompanied by financial support that does not burden them. This step must be complemented by the application of modern technology and knowledge for more effective management.

Protection for damaged corals is essential for coral reef ecosystems to be at the maximum recovery level. This protection must include reducing human impacts that can cause damage or be damaged by bleaching to coral reef ecosystems.<sup>39</sup> Institutional development is also a key factor in coral reef

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35 Willem, R., Equitable Utilization of Coastal and Marine Space. *Environmental Law Development*, Vol.2 No.2, 2018, page.154-166

36 Zulkarnain, CSA, Sukarsa, DE, & Priyanta, M., Coastal Spatial Planning Regulation Through Strategic Environmental Assessment (KLHS) Approach For Coral Reefs Protection In Indonesia. *LITRA: Journal of Environmental, Spatial, and Agrarian Law*, Vol.1 No.2, 2022, page.205-228

37 Pertiwi, MJ, & Waha, CJ., Government Responsibility In Protecting And Maintaining Coral Reefs As Marine Resources. *Lex Privatum*, Vol.13 No.1, 2024

38 Andriani, Ayu., I am Indonesia, a Maritime Nation, My Country's Identity. CV Jejak Jejak Publisher), 2018.

39 Salim, D., Management of Coral Reef Ecosystems due to Bleaching and Damage. *Marine*



management. Coordination between related agencies must be strengthened, while human resource capacity must be improved through technical training in coral reef rehabilitation. In addition, research, monitoring, and evaluation are needed to monitor community activities that impact coral reefs. Coral reef environmental monitoring aims to provide coastal communities with insights related to management practices, monitoring, and preventive actions.<sup>40</sup> Rehabilitation activities in the form of coral reef transplantation, fish apartments and other instruments that can be used as artificial coral reefs such as used tires are expected to be an alternative solution to problems that occur in coral reef ecosystems.<sup>41</sup> In this case, a monitoring network system must be built, and direct supervision can be carried out by scientific institutions such as LIPI which have experience in this field. Law enforcement also plays a central role in coral reef protection efforts. Law enforcement officers need to be supported by the community as local supervisors who are tasked with reporting violations related to marine ecosystems. This component not only creates a deterrent effect for perpetrators, but also builds a culture of legal awareness in coastal communities.

Reef damage recovery efforts are the biggest challenge because they require large costs and a long time. Recovery strategies can be carried out through zoning, namely dividing coastal areas into conservation zones, fishing zones, and buffer zones to prioritize natural ecosystem recovery. The natural wealth found in this sea includes the waters and the seabed and the land beneath. The wealth found in the waters consists of various types of fish, from very small fish (anchovies) to very large fish (whales and sharks), from fish with moderate economic value to fish with high economic value (bluefin tuna and yellowfin tuna).<sup>42</sup> Efforts to restore environmental conditions and functions require environmental recovery costs. If the party responsible for the business and/or activity and/or individual causing environmental pollution and/or damage feels unable to carry out environmental recovery obligations, they are required to pay recovery costs to the government with the provision that the Government or regional government will carry out the task of restoring environmental conditions to their original state before environmental pollution and/or damage occurred.<sup>43</sup> In addition, active rehabilitation is needed to accelerate recovery by

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*Journal: Indonesian Journal of Marine Science and Technology*, Vol.5 No.2, 2012, page. 142-155

40 Sulfa, AMF, Zahirah, NRP, & Assidiq, FM., The Impact Of Coral Bleaching On Local Communities In The Bunaken Marine Park Area. *Marine Science and Technology Research*, 2024, page.22-27

41 Salsabiela, M., Anggoro, S., & Purnaweni, H., Study of the Effectiveness of Coral Reef Management (Case Study: Regional Marine Conservation Area (KKLD) of Biawak Island and Surrounding Areas, Indramayu Regency). *Journal of Fisheries Science and Technology*, Vol.10 No.1, 2014, page.13-18.

42 Wiliawati, Y., Danial, D., & Muin, F., The Existence of UNCLOS 1982 in Efforts to Enforce International Maritime Law in Coastal State Waters. *Sultan Jurisprudence: Journal of Legal Research*, Vol.2 No.2, 2022, page.286-298.

43 Marbun, B., The Concept of Recovery in Environmental Pollution (Study on the Decision of the North Jakarta District Court Number 735/PDT. GLH/2018/PN. Jkt. Utr). *LITRA: Journal of Environmental, Spatial Planning, and Agrarian Law*, Vol.1 No.1, 2021, page.91-100

increasing coral and fish populations, and reducing the amount of algae that disrupts the balance of the ecosystem. These steps, although complex, must be a priority in maintaining the sustainability of the coral reef ecosystem that is becoming.

### **3.2. The Criminal Law Enforcement related to Coral Reef Protection**

The beauty of Indonesia's marine ecosystem is increasingly threatened, caused by human activities that do not pay attention to legal impacts or impacts on the underwater ecosystem.<sup>44</sup> Increasingly serious and complex environmental problems require effective enforcement of environmental law.<sup>45</sup> The term law enforcement in Indonesian brings us to the idea that law enforcement is always by force so that some argue that law enforcement is only concerned with criminal law. Law enforcement has a very broad meaning including preventive and repressive aspects, suitable for the conditions of Indonesia where government elements are actively involved in increasing public legal awareness.<sup>46</sup> Problems in the development of law enforcement include the gap between normative law and sociological law, between legal facts and existing legal rules, the gap between legal behavior in society which should not be in accordance with the lives of society in reality.<sup>47</sup> The aim of environmental law enforcement is to regulate the values of protecting the carrying capacity of ecosystems and environmental functions, which are generally stated in statutory regulations.<sup>48</sup> Designing good environmental requirements to produce effective and efficient law enforcement and regulation can be done by using a regulate and supervise approach.<sup>49</sup> Every existing law contains provisions on criminal sanctions which aim to provide legal consequences for every perpetrator of a crime.<sup>50</sup> Environmental law enforcement covers several areas of law such as administrative law, civil law and criminal law. Environmental law enforcement prioritizes the principle of *ultimum remedium*, in other words criminal law is the last resort and prioritizes administrative law facilities.<sup>51</sup> When understanding the concept of environmental criminal law, it is not only a matter of understanding criminal law alone, but also of understanding the aspects of

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44 Siti Afifa Fadillah., Criminal Law Review of Sanctions on Damaged Coral Reefs, *Lex Scientia Law Review*, Vol.3 No.2, November 2019, page. 220.

45 Joni., *Environmental Crimes, First Edition*, Yogyakarta, Pustaka Pelajar, 2016, page. 4.

46 Akhmaddhian, S., & Adhyaksa, G., Implementation of Environmental Law Enforcement in the Regions (Study in Kuningan Regency). *UNIFIKASI: Journal of Legal Studies*, Vol.3 No.1, 2016

47 Yusuf, M., & Siregar, WA., (2023). Development of Law Enforcement Theory in the Realization of Norm Functions in Society. *Sultra Research of Law*, Vol.5 No.2, 2023, page.58-65.

48 *Ibid.*, page. 11.

49 Husin, S., *Environmental Law Enforcement: Revised Edition*. Sinar Grafika (Bumi Aksara). 2020

50 Masrudi Muchtar., *Environmental Criminal Law*, Yogyakarta, Thema Publishing, 2017, page. 48.

51 Anwar, M., Holistic Paradigm Contradiction of the Ultimate Principle of Remedy Against the Principle of Legality in Environmental Criminal Law Enforcement. *Administrative and Environmental Law Review*, Vol.1 No.1, 2020, page.43-52.

environmental law that form the basis of its application.<sup>52</sup> The substance regulated in environmental laws is not only related to criminal law but is also related to aspects of civil law and state administrative law.<sup>53</sup> Enforcement of administrative sanctions is at the forefront of coastal environmental law enforcement.<sup>54</sup>

When criminal law is placed in a position before other laws, then the enforcement of criminal law is *primum remedium*.<sup>55</sup> On the other hand, when criminal law is placed behind other laws, then the enforcement of criminal law is the *ultimum remedium*.<sup>56</sup> *Ultimum remedium* criminal law enforcement is not aimed at improving the polluted environment, but it can create a very effective deterrent effect.<sup>57</sup> The application of the *Ultimum Remedium* principle in the enforcement of environmental criminal law gives rise to many interpretations and limits the scope of law enforcers to provide a deterrent effect on violators of wastewater quality standards, emissions and disturbances.<sup>58</sup>

The position of criminal law as *primum remedium* or *ultimum remedium* depends on the form of interconnection between criminal law and administrative law.<sup>59</sup> Administrative violations, which are included in administrative dependent crimes, which are followed by criminal threats, which are intended to strengthen the effectiveness of enforcing administrative sanctions, so criminal law is positioned as the *ultimum remedium*.<sup>60</sup> The new criminal law is placed as *primum remedium* if the violation in question concerns administrative independent crimes.<sup>61</sup>

There are two types of criminal acts regulated in Law No. 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as UUPPLH), namely material crimes and formal crimes.<sup>62</sup> Material crimes are unlawful acts that result in environmental pollution or damage and do not need to be linked to violations of administrative law, so material crimes are also referred to as administrative independent crimes.<sup>63</sup> Formal crimes are defined as

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52 Mahrus Ali., *Environmental Criminal Law, 1st Ed., 1st Printing*, Depok, Rajawali Pers, 2020, page. 1.

53 *Ibid.*, page. 5.

54 Fattah, I., & Rosul, FP., Legal Analysis of Environmental Law Enforcement Against Marine Pollution in the Coastal Area of Lakessi Beach, Parepare City. *Madani Legal Review*, Vol.3 No.2, 2019

55 Deni Bram., *Environmental Law*, Bekasi, Gratama Publishing, 2014, page. 47.

56 *Ibid.*

57 Sukanda Husin., *Enforcement of Indonesian Environmental Law, 1st Ed., 1st Printing*, Jakarta, Sinar Grafika, 2009), page. 121.

58 Lisdiyono, E., & Rumbadi, R., Application of the Premium Remedium Principle in Environmental Pollution Cases Due to B3 Waste in Batam. *Environmental Law Development*, Vol.3 No.1, 2018, page.1-12.

59 Thomas, Jonathan., Legal Review of Corporate Responsibility for Environmental Crimes According to Law Number 32 Of 2009 Concerning Environmental Protection And Management. *Lex Crimen*, Vol.8 No.2, 2019

60 Mahrus Ali, *Op.Cit.*, p. 31.

61 *Ibid.*

62 Sukanda Husin, *Op.Cit.*, page. 122.

63 *Ibid.*

acts that are contrary to the provisions of administrative law, so they are often also referred to as administrative dependent crimes.<sup>64</sup>for example, violations of environmental quality standards.<sup>65</sup>According to General Explanation number 6 of UUPPLH, it is stated that Environmental criminal law enforcement still observes 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 criminal acts, namely criminal penalties for violations of wastewater quality standards, emissions, and disturbances.

This means that environmental crimes, outside of formal crimes, can be enforced using criminal law as a primum remedium.<sup>66</sup> Environmental crimes are not only limited to criminal provisions regulated in the UUPPLH, but also criminal provisions regulated in various other laws and regulations, as long as the formulation of these provisions is intended to protect the environment as a whole or parts thereof.<sup>67</sup>In my opinion, the selection of sanctions for acts of intent and negligence in the destruction of coral reefs contributes to weakening law enforcement against perpetrators of coral reef destruction.<sup>68</sup>Environmental crimes can be held accountable if several conditions are met, namely the existence of a criminal act, the existence of a perpetrator who is capable of being responsible, the existence of an element of intent or negligence, and there is no excuse.<sup>69</sup>Environmental law enforcement is the final stage in the regulatory chain of environmental policy planning, which begins with legislation, standard setting, licensing, implementation and law enforcement.<sup>70</sup>If the government and society wish to strengthen and encourage environmental law enforcement, both preventive and persuasive, adequate education and training are needed for law enforcers, administrative officials, and the wider community to become more aware of the importance of the environment.<sup>71</sup>Furthermore, it is necessary to undertake preventive law enforcement efforts or legal arrangements as part of increasing public legal awareness.<sup>72</sup>

Criminal provisions related to perpetrators of coral reef destruction have been regulated in several laws, as follows. Law No. 32 of 2009 concerning Environmental Protection and Management According to the UUPPLH, if there is an activity, whether carried out by an individual or a business entity that is a

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64 *Ibid.*, page. 123.

65 Mahrus Ali, *Op.Cit.*, page. 6.

66 Muhammad Akib, *Environmental Law: Global and National Perspectives*, Revised Ed., 1st Printing, Jakarta, Rajawali Pers, 2014, page. 221.

67 Joni, *Op.Cit.*, page. 12.

68 Feli, AP, Fitriati, F., & Kana, PA., *Application of Criminal Sanctions Against Defendants in Coral Reef Mining Crimes in Conservation Areas. UNES Law Review*, Vol.6 No.2, 2023, page. 5.

69 *Ibid.*, page. 127.

70 Andi Hamzah., *Environmental Law Enforcement, First Edition*, Jakarta, Sinar Grafika, 2005, page. 52.

71 *Ibid.*, page. 56.

72 *Ibid.*

legal entity or not, which results in exceeding the standard criteria for coral reef damage, then the perpetrator can be punished. Article 98 paragraph (1) of the UUPPLH states that any person who intentionally commits an act that results in exceeding ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria, shall be punished with imprisonment for a minimum of 3 years and a maximum of 10 years and a fine of at least IDR 3,000,000,000 (three billion rupiah) and a maximum of IDR 10,000,000,000 (ten billion rupiah).

The phrase committing an act that results in exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria is an objective element in the a quo article.<sup>73</sup>The word act, in this phrase, can be interpreted as any form of action, as long as the action causes the emergence of consequences in the form of exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria.<sup>74</sup>The subjective element in the a quo article is the phrase every person, which is interpreted as an individual or a business entity, whether with legal entity status or not.<sup>75</sup>The next element of the crime is the element of intent which is stated through the word intentionally. Intention does not only apply to actions but also to the consequences that arise which are violations of the law, so that the formulation of the a quo article is a material crime.<sup>76</sup>

If the consequences that arise, in the form of exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria, originate from acts resulting from negligence, then the perpetrator shall be punished with imprisonment for a minimum of 1 year and a maximum of 3 years and a fine of at least IDR 1,000,000,000 (one billion rupiah) and a maximum of IDR 3,000,000,000 (three billion rupiah), in accordance with with Article 99 paragraph (1) of the UUPPLH. The main difference between the two articles lies in the elements of intent and negligence, where Article 99 paragraph (1) uses the word negligence. There are no differences in other elements of the crime, including the matter of material crimes.<sup>77</sup>

Although the 2 articles do not explicitly mention the standard criteria for coral reef damage, Article 21 of the UUPPLH clearly states it. The standard criteria for environmental damage include the standard criteria for ecosystem damage and the standard criteria for damage due to climate change. The standard criteria for ecosystem damage include, among others, the standard criteria for coral reef damage. It can be concluded that Article 98 paragraph (1) and Article 99 paragraph (1) of the UUPPLH apply to acts of coral reef damage.<sup>78</sup>

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73 Mahrus Ali, *Op.Cit.*, page. 45.

74 *Ibid.*

75 *Ibid.*, page. 46.

76 *Ibid.*

77 *Ibid.*, page. 48.

78 Samad, Erland Junior., Principle Of Ultimium Remedy Against Perpetrators Of Environmental Destruction And Pollution. *Lex Crimen*, Vol.11 No.6, 2022

Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands. Every form of utilization in coastal areas and small islands, whether carried out by individuals or legal entities, has the potential to be subject to criminal sanctions, including those resulting in damage to coral reef ecosystems. Based on Article 73 paragraph (1) letter a UUWP3K, it is stated that : Anyone who intentionally carries out coral reef mining activities, takes coral reefs in Conservation Areas, uses explosives and toxic materials, and/or other methods that result in damage to the coral reef ecosystem shall be punished with imprisonment of at least 2 years and a maximum fine of at least IDR 2,000,000,000 (two billion rupiah) and a maximum fine of IDR 10,000,000,000 (ten billion rupiah).

According to the a quo article, damage to coral reef ecosystems can result from activities such as coral reef mining;<sup>79</sup> taking of coral reefs in Conservation Areas; use of explosives, toxic materials, and/or other damaging materials; and use of equipment, methods, and other methods that are damaging<sup>80</sup>, either directly or indirectly.<sup>81</sup> If damage to the coral reef ecosystem is caused by negligence, then the perpetrator of the damage can be subject to the provisions of Article 73 paragraph (2) of the UUWP3K, namely being punished with a maximum prison sentence of 5 years and a maximum fine of IDR 1,000,000,000 (one billion rupiah).

Raja Ampat Regency Regional Regulation Number 8 of 2010 concerning Coral Reef Management. Based on the Decree of the Minister of Maritime Affairs and Fisheries Number 36/KEPMEN-KP/2014 concerning the Conservation of the Waters of the Raja Ampat Islands in West Papua Province, according to the law, the Raja Ampat Islands have been designated as a conservation area.<sup>82</sup> It is hoped that with this determination, it can maintain the sustainability of marine natural resources in a sustainable manner. Long-term benefits for environmentally conscious development in Indonesia are the main goal.

The Raja Ampat Regency Government has taken preventive measures to protect the coral reef ecosystem, through a legal instrument in the form of Regional Regulation Number 8 of 2010 concerning Coral Reef Management (hereinafter referred to as Regional Regulation Number 8 of 2010), long before the issuance of the Decree of the Minister of Marine Affairs and Fisheries Number 36/KEPMEN-KP/2014. That coral reef management in the form of utilization, development, and preservation of resources and ecosystems needs to be carried out in a harmonious, balanced, and balanced manner by empowering local communities. This is important to maintain the sustainability of the marine environment, especially coral reefs, while at the same time improving the welfare of coastal communities. There is a need to be

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79 According to the explanation of Article 35 letter a of the WP3K Law, What Is Meant By Coral Reef Mining Is The Deliberate Taking Of Coral Reefs To Be Used As Building Materials, Aquarium Ornaments, Handicrafts, Coral Flowers, Industry, And Other Interests So That The Living Coral Cover Is Less Than 50% In The Area Taken.

80 Article 73 paragraph (1) letter a of the WP3K Law.

81 Article 35 of the WP3K Law.

82 Muharuddin, *Op.Cit*, page. 66.

cooperative from all parties including the government, business world, NGOs, and surrounding communities to realize sustainable coral reef management.

Raja Ampat Regency Regional Regulation Number 8 of 2010 provides protection for coral reefs in the form of criminal sanctions for perpetrators who violate the law, which are subject to imprisonment and/or fines of varying amounts, depending on the level of violation. The heaviest penalty is a maximum of 6 months imprisonment and/or a fine of Rp. 50,000,000. While the lightest penalty is a 30-day imprisonment and/or a fine of Rp. 5,000,000. This provision shows that the Raja Ampat regional government has set strict sanctions to prevent and overcome damage to coral reefs. However, its effectiveness depends on consistent law enforcement and public and stakeholder awareness in preserving the marine environment. Therefore, in addition to legal sanctions, an educational approach and increased supervision are needed to create optimal ecosystem protection.

### **3.3. Implementation of Sanctions for Violations of Coral Reef Protection Law in Raja Ampat Regency**

The Republic of Indonesia is a country based on law. Every country is required to have laws and regulations on immediate and adequate compensation for damage caused by marine environmental pollution carried out by natural persons or legal entities within its jurisdiction.<sup>83</sup> The 1945 Constitution of the Republic of Indonesia has clearly stated that the Republic of Indonesia is based on law (*rechtstaat*), not on mere power (*machtstaat*). Kant distinguishes between law and morality; morality is in the content, while law is in the form.<sup>84</sup> The law determines what must be done or what is allowed and what is prohibited. The targets of the law are not only people who clearly act against the law but also legal acts that may occur and the state's complementary apparatus to act according to the law. Law enforcement includes the implementation of regulations

legislation by government institutions that have the authority to regulate the use of Indonesian waters, including the use of adequate facilities and infrastructure to support law enforcement.<sup>85</sup> The working system of the law in this way is a form of law enforcement. Law enforcement is essentially the enforcement of ideas or concepts and efforts to realize ideas from the hopes of the community to become reality. Law enforcement refers to efforts to ensure that legal norms are implemented effectively as a guide. Criminal law recognizes the terms criminal act and criminal sanctions, a criminal act is an act committed by any person which act is an act that violates or is contrary to statutory regulations which from the act causes losses, whether material or physical and

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83 Lestari, F., Level of Marine Damage in Indonesia and State Responsibility for Marine Ecosystem Damage Related to Government Regulation of the Republic of Indonesia Number 19 of 1999 Concerning Control of Marine Pollution and/or Destruction and the 1982 Law of the Sea Convention. *Echoes of Justice*, Vol.4 No.1, 2017, page.73-85

84 Yakindo, T., Evarianti, A., Aisy, NRR, Nursyifa, RR, & Sapriwa, AA., Morality and Law in Immanuel Kant's View. *Praxis: Journal of Applied Philosophy*, Vol.1 No.01, 2022;

85 Gerungan, L. K., Law Enforcement in Indonesian Waters. *Lex et Societatis*, Vol.4 No.5, 2016

psychological.<sup>86</sup> The working system of the law is one form of law enforcement. The criminal justice system is defined as the police, prosecutors, courts, and correctional institutions which are component parts of the criminal justice procedure structure and are described as a continuity of things that run regularly.<sup>87</sup> for behavior. This law enforcement is the task of law enforcement officers to guarantee and ensure the upholding of the law.

Administrative environmental law enforcement aims to stop environmental pollution and damage at the source by implementing administrative supervision and sanctions.<sup>88</sup> Law enforcement that currently needs to be implemented is law enforcement in the maritime sector. The development of technology in the field of development has led to an increase in human movement not only in the domestic sphere but also internationally. The increase in the flow of people by ships entering and leaving Indonesia is due to Indonesia's strategic position and also because of the potential of natural resources and human resources available. The increase in the flow of sea transportation in Indonesia can have positive and negative impacts. Positive impacts include modernization of society and encouraging the country's economic growth. The negative impact is when the flow of sea transportation by ship is carried out illegally, it will encourage the development of crimes such as illegal immigrants, people smuggling, child and women trafficking with international dimensions and also drug syndicates, terrorism, money laundering and others.

Law enforcement against people and acts that occur in a country international law provides jurisdiction in that country. This means that law enforcement against the traffic of people and their acts is determined by the laws in that country. Regulations on traffic between countries involving foreign ships in a country's territory are related to the immigration aspects that apply in a country that are universal or specific to each country in accordance with the values and needs of the country. Indonesia, in order to guarantee benefits and protect various national interests, needs to establish a principle, a system of supervision of the service system for the entry and exit of foreign ships and people to and from Indonesian territory that is in accordance with the values of Pancasila and the 1945 Constitution of the Republic of Indonesia. Based on this foundation, Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration was formed. Services and supervision of foreign citizens entering or leaving Indonesia are carried out by considering the selective principle. Based on this principle, only foreigners who can provide benefits for the welfare of the people, nation and state of the Republic of Indonesia and do not endanger security and order and are not hostile to the people or the unitary

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86 Putra, INRC, Sugiarta, ING, & Suryani, LP., Criminal Sanctions Against Illegal Fishing in Indonesian Seas Carried Out by Foreign Vessels. *Journal of Legal Preferences*, Vol.2 No.3, 2021, page.603-608.

87 Kadir, NA, & Nufus, C., Protection of State Confiscated Goods and State Confiscated Goods in Criminal Justice Processes. *Lex Jurnalica*, Vol.9 No.1, 2012, page.18006.

88 Tifanni, T., & Djajaputra, G., Environmental law Enforcement with Administrative Sanctions for Perpetrators of Environmental Pollution Caused by Mining Activities. *Unes Law Review*, Vol.6 No.1, 2023, page.4039-4045.



state of the Republic of Indonesia, do not damage things protected by the state by law are permitted to enter or leave the territory of Indonesia.

Legal responsibility must be given by foreigners who, due to their negligence, captained the British cruise ship MV. Caledonian Sky, Captain Keith Michael Taylor, a British citizen carrying 102 tourists and 79 crew members, causing damage to 1,600 M2 of coral reefs on Mios Mansuar Island, Raja Ampat Regency, which is one of the regions in the Unitary State of the Republic of Indonesia. Based on the consequences that arise, legal steps should be taken to resolve this problem. Until now, there has been no serious action from the British government to deal with violations of the law committed by its citizens.

The use of explosives and chemicals such as bombs with materials in the form of fertilizers (sun cap, bear, torch), anesthetics (calium cyanide KCN) and tuba (tuba roots), the use of explosives such as bombs can destroy biota and damage the environment, the use of explosives in fishing around coral reef areas causes very large side effects. The weakening effectiveness of national law enforcement is marked by the weak legal awareness of the community to reduce the potential for fishing using fish bombs.<sup>89</sup>The use of bombs or destructive fishing with cyanide poison, anesthesia, toxic materials that are often used in fishing, such as sodium or potassium cyanide. Fishing in this way can cause the extinction of coral fish species, such as ornamental fish, Napoleon grouper fish and all types of fish that live in coral reef waters. The poison can cause large and small fish to become drunk and die, the fish that are there still have residual poison so that it has a negative impact on the life of coral reefs, which is marked by changes in the color of the coral from colorful to white which over time the coral dies. Fish anesthesia on coral reefs is generally especially in areas that have a fairly high number of coral reefs because fish tend to hide or breed in coral reef holes. The anesthetizer sends or sprays drugs into the holes. As a result, the fish becomes stressed, faint, and eventually dies after some time. There is also fishing using nets or nylon ropes, namely fishing activities using coastal net fishing gear, trammel nets, gillnets, these fishing gear are used to catch types of coral fish catches.

Based on the results of the interview with Julkipli, as the Staff of the Raja Ampat Fisheries Service, has explained various ways to ask for legal accountability for the damage to coral reefs in Raja Ampat Regency, by the village community and be prosecuted according to applicable law, other cases, we leave it to the central government to oversee or directly communicate with the British government. The demands related to the demands requested by the community have also been conveyed and until now the Regent has been communicating intensively with the Minister of Marine Affairs and Fisheries. Reportedly waiting for a team from the British government to come to see the

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89 Mordekhai, J., Actualization of the Good Coral Governance Concept through Ovipar: One Village One Apartment Fish in Realizing Integrated and Sustainable Marine and Coastal Resources Conservation: A Case Study of the Ecological Crisis in Torosiaje Laut Village. In *Conference on Public Administration and Society*, Vol.1 No.01, November 2019

location of the damaged coral reefs directly, and after that the compensation claim can be resolved.<sup>90</sup>

Interview with Mr. Frans A. Prawar, SH, Head of Legal Section of the Regional Secretariat of Raja Ampat Regency, that the obstacle that occurred in resolving the coral reef damage was the absence of representatives of the British government who came to see the location of the damaged coral reef in Raja Ampat Regency. Regarding the amount of compensation claims, it has been agreed that it will be paid, only that there must be a re-check of the scene first. The information we received from the Regent, the British party in March 2018 has arrived in Sorong, and will also plant coral reefs in the damaged area. The Raja Ampat party can currently only be patient, leaving everything to the Indonesian government to follow up, considering that this is a problem between two countries, so there is a mechanism that must be carried out before the compensation payment is submitted.<sup>91</sup>

Interview with researcher Mrs. Ellen Risamasu, ST, MT Head of Tourism Office of Raja Ampat Regency Government, that the problem of coral reef damage that occurred in Raja Ampat Regency is the responsibility of the Indonesian government. Raja Ampat is not the only problem, the damage to the coral reefs is done by British citizens.<sup>92</sup> The delay that always occurs in compensation is because the British government has not come to directly review the damaged coral reefs. The problem of damaged coral reefs is not just a national problem but an international problem, because the marine wealth of Raja Ampat Regency has been named by UNESCO as one of the world's heritages. Marine ecosystem pollution and damage needs to be controlled because it uses seawater pollution that can reduce water utilization. Marine pollution cannot be viewed only as a problem that occurs in the sea, because the ocean and land are one ecosystem that cannot be separated and are affected by each other. Human activities that are mostly carried out on land, the ecosystem in the ocean, whether realized or not, directly or indirectly have an impact on. Collaboration is needed between the community, government and related stakeholders in reducing, managing and using materials that have the potential to become marine pollutants in everyday life, considering that there is a wealth of marine natural resources that need to be considered for their sustainability.

Law enforcement against perpetrators of marine ecosystem destruction in the Raja Ampat jurisdiction, that perpetrators who damage the marine ecosystem in the Raja Ampat waters always coordinate with related agencies, in this case the Natural Resources Conservation Agency (BKSDA). Coordination of law enforcement in the marine area is basically all related agencies have the same

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90 Interview with Julkipli., as a staff of the Raja Ampat Fisheries Service, Interview of researchers with sources on the date, January 20, 2024, at 10.00 WIT. Raja Ampat Fisheries Service Office

91 Interview with Mr. Frans A. Prawar, SH., Head of Legal Section of the Regional Secretariat of Raja Ampat Regency, on January 22, 2024 at 10:00 WIT. Raja Ampat Regency Regent's Office.

92 Interview with Ellen Risamasu, ST, MT., Head of the Raja Ampat Regency Tourism Office, on January 25, 2024, at 13.00 WIT. Raja Ampat Regency Regent's Office

authority and all agencies state that there has been coordination in the implementation of law enforcement in the Indonesian sea area and additional zones.<sup>93</sup> Coordination has not yet existed to take action against perpetrators who take and/or damage the marine ecosystem in the Raja Ampat waters. The Polair Unit will take legal action related to the destruction of the marine ecosystem based on Law No. 7 of 2007 concerning Management of Coastal Areas and Small Islands, Law No. 32 of 2009 concerning Environmental Management. This study prioritizes legal and empirical analysis to identify structural and implementation constraints in law enforcement, including coordination between institutions, involvement of international parties, and challenges in holding perpetrators accountable. This study enriches the environmental law literature by revealing the dynamics of the relationship between domestic regulations, principles of international law, and diplomatic interests. The Polair Unit will take action against perpetrators who damage the marine ecosystem in the Raja Ampat area. The Polair Unit will take legal steps if there have been reports from related agencies or the community.<sup>94</sup> The novelty of this journal lies in its holistic approach to addressing the legal challenges surrounding coral reef damage in Raja Ampat Regency, integrating both national and international legal frameworks with marine ecosystem conservation principles. By focusing on the coordination gaps between various stakeholders including government agencies, local communities, and international parties it sheds light on the structural and implementation obstacles in law enforcement, particularly in cases involving foreign perpetrators. The study emphasizes the need for enhanced collaboration among multi-level stakeholders, including the government, local populations, and global actors, to ensure the sustainability of marine ecosystems. This interdisciplinary analysis contributes to the growing literature on environmental law by providing fresh insights into the interplay of national, international, and local efforts to manage marine pollution and ecosystem degradation.

#### **4. Conclusion**

Based on the findings, law enforcement efforts still face a number of obstacles, such as lack of coordination between related agencies, late response from international parties, and less than optimal law enforcement against perpetrators of marine ecosystem destruction. However, there is an agreement in principle regarding demands for compensation and commitment to environmental restoration by various parties. The results of this paper underline the importance of multi-stakeholder collaboration - between the government, the community, and international parties - to ensure fair law enforcement, sustainable environmental restoration, and protection of Raja Ampat's marine wealth as a world heritage. The purpose of this paper is to analyze the dynamics of law enforcement and structural obstacles in dealing with marine ecosystem damage, especially in the Raja Ampat region. To realize effective law

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93 Bormasa, A., Pasalbessy, JD, & Ubwarin, E., Law Enforcement in Maritime Areas in State Border Areas. *Pattimura Legal Journal*, Vol.1 No.1, 2022, page.30-43.

94 Interview with Ellen Risamasu, ST, MT., Head of the Raja Ampat Regency Tourism Office, on January 25, 2024, at 13.00 WIT. Raja Ampat Regency Regent's Office

enforcement, competent, honest, and public interest-oriented law enforcers and enforcers are needed. In addition, awareness and responsibility from all parties involved also play an important role in efforts to preserve coral reef ecosystems.

## **BLIBLIOGRAPHY**

### **Books**

- Ali, Mahrus., 2020, *Environmental Criminal Law*. 1st ed. 1st printing. Rajawali Pers, Depok;
- Andriani, A., 2018, *I am Indonesia, a Maritime Nation, the Identity of My Country*. CV Jejak (Jejak Publisher);
- Akib, Muhammad., 2013, *Environmental Legal Politics: Dynamics and Reflections in Regional Autonomy Legal Products*. 2nd ed. PT RajaGrafindo Persada, Jakarta;
- \_\_\_\_\_. , 2014, *Environmental Law: Global and National Perspectives*. Revised ed. 1st ed. Rajawali Press, Jakarta;
- Bram, Deni., 2014, *Environmental Law*. Gratama Publishing, Bekasi;
- Efendi, A'an., 2014, *Environmental Law: Economic Instruments and Environmental Management in Indonesia and Comparison with Several Countries*. 1st ed. Bandung: PT Citra Aditya Bakti.
- Muchtar, Masrudi., 2017, *Environmental Criminal Law*. Thema Publishing, Yogyakarta;
- Rahmadi, Takdir., 2020, *Environmental Law in Indonesia*. 3rd ed. PT Raja Grafindo Persada, Jakarta;
- Husin, S., 2020, *Environmental Law Enforcement: Revised Edition*. Sinar Grafika (Bumi Aksara);

### **Journals:**

- Abdullah, Sri Sendra., Supervision of Coral Reef Damage in the Regional Marine Conservation Area (KKLD) in Olele Village, Kabila Bone District, Bone Bolango Regency. *Faculty of Law. State University of Gorontalo*. 2015;
- Akhmaddhian, S., & Adhyaksa, G., Implementation of Environmental Law Enforcement in the Regions (Study in Kuningan Regency). *UNIFIKASI: Journal of Legal Studies*, Vol.3 No.1, 2016;
- Andreas Pramudianto., International and National Environmental Law Regulations in an Effort to Protect the Karaandring Reef Ecosystem. *Journal of Basic Education and Social Humanities*, Vol.1 No.3, 2022;
- Anwar, M., Holistic Paradigm Contradiction of the Ultimate Principle of Remedy Against the Principle of Legality in Environmental Criminal Law Enforcement. *Administrative and Environmental Law Review*, Vol.1 No.1, 2020;
- Aspan, Zulkifli., Legal Protection of Coral Reefs in Taka Bonerate National Park

- (TNT). *Journal of Environmental Law*. Vol.2 No.2, 2015;
- Basri, H., Management, supervision of coastal and marine areas in Indonesia. *REUSAM: Journal of Legal Science*, Vol.8 No.2, 2020;
- Bormasa, A., Pasalbessy, J.D., & Ubwarin, E., Law Enforcement in the Sea Area in the State Border Area. *Pattimura Legal Journal*, Vol.1 No.1, 2022;
- Budianto, AI., Harmonization And Synchronization of Regulations Related to Genetic Engineering After Ratification of The United Nations Convention on Biological Diversity 1992 (UNCBD 1992). *Prioris Law Journal*, Vol.9 No.2, 2021;
- Cahyani, WS, Setyobudiandi, I., & Affandy, R., Condition and sustainability status of coral reef ecosystems in the Pulo Pasi Gusung marine conservation area, Selayar. *Journal of Tropical Marine Science and Technology*, Vol.10 No.1, 2018;
- Damanik, K.G., Implementation of the Principle of State Responsibility as a Form of Legal Protection Against Coral Reef Damage (Case Study of the MV Caledonian Sky Ship Accident in Raja Ampat). *Law Review*, Vol.17 No.3, 2018;
- Fadillah, Siti Afifa., Criminal Law Review of Sanctions on Damaged Coral Reefs. *Lex Scientia Law Review*. Vol.3 No.2, 2019;
- Fattah, I., & Rosul, FP., Legal Analysis of Environmental Law Enforcement Against Marine Pollution in the Coastal Area of Lakessi Beach, Parepare City. *Madani Legal Review*, Vol.3 No.2, 2019;
- Feli, AP, Fitriati, F., & Kana, PA., Application of Criminal Sanctions Against Defendants in Coral Reef Mining Crimes in Conservation Areas. *Unes Law Review*, Vol.6 No.2, 2023;
- Gerungan, L. K., Law Enforcement in Indonesian Waters. *Lex et Societatis*, Vol.4 No.5, 2016;
- Kadir, NA, & Nufus, C., Protection of State Confiscated Goods and State Confiscated Goods in the Criminal Justice Process. *Lex Journalica*, Vol.9 No.1, 2012;
- Lisdiyono, E., & Rumbadi, R., Application of the Premium Remedium Principle in Environmental Pollution Cases Due to B3 Waste in Batam. *Environmental Law Development*, Vol.3 No.1, 2018;
- Mangku, DGS., Protection and Preservation of the Marine Environment According to International Law. *Tanjungpura Law Journal*, Vol.4 No.2, 2020;
- Marbun, B., The Concept of Recovery in Environmental Pollution (Study on the Decision of the North Jakarta District Court Number 735/PDT. GLH/2018/PN. Jkt. Utr). *LITRA: Journal of Environmental, Spatial Planning, and Agrarian Law*, Vol.1 No.1, 2021;
- Marihot, Nasution., Potential and Challenges of Blue Economy in Supporting

- Economic Growth in Indonesia: Literature Review. *Budget Journal: Issues and Problems of State Finance*. Vol.7 No.2, 2022;
- MASDIN, M., Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 on the Protection and Conservation of the Marine Environment in Indonesia (Doctoral dissertation, Tadulako University), 2016;
- Mordekhai, J., Actualization of the Good Coral Governance Concept through Ovipar: One Village One Apartment Fish in Realizing Integrated and Sustainable Marine and Coastal Resources Conservation: A Case Study of the Ecological Crisis in Torosiaje Laut Village. In *Conference on Public Administration and Society*, Vol.1 No.01, November 2019;
- Muharuddin and Wahab Aznul Hidaya., Local Government Responsibility for Coral Reef Damage in Raja Ampat Regency. *Justisi*. Vol.6 No.2, 2020;
- Nisa, ANM (2020). Law enforcement Against Environmental Problems to Realize Sustainable Development (Case Study of Forest Fires in Indonesia). *Journal of Bina Mulia Hukum*, 4(2), 294-312.
- Nursita, L. (2020). Initiating the Development of Coral Reef Blue Economy; A Socio-Economic Approach. *EcceS: Economics Social and Development Studies*, 7(1), 62-86.
- Pitaloka, D., Implementation of International Environmental Law in Indonesian National Law. *Journal Of Law Compilation*, Vol.6 No.2, 2021;
- Pratiwi, KT, Kotijah, S., & Apriyani, R., Application of the Principle of Primum Remedium in Environmental Crimes. *Sasi*, Vol.27 No.3, 2021;
- Putra, INRC, Sugiarta, ING, & Suryani, LP., Criminal Sanctions Against Illegal Fishing in Indonesian Seas Carried Out by Foreign Vessels. *Journal of Legal Preferences*, Vol.2 No.3, 2021;
- Rendra, A., & Juniarto, D., The Role of Law in Coral Reef Protection Policy. *Marine Science and Technology Research*, Vol.1 No.7, 2024;
- Salim, D. (2012). Management of Coral Reef Ecosystems due to Bleaching and Damage. *Marine Journal: Indonesian Journal of Marine Science and Technology*, Vol.5 No.2, 2024;
- Salsabiela, M., Anggoro, S., & Purnaweni, H., Study of the Effectiveness of Coral Reef Management (Case Study: Regional Marine Conservation Area (KKLD) of Biawak Island and Surrounding Areas, Indramayu Regency). *Journal of Fisheries Science and Technology*, Vol.10 No.1, 2014;
- Samad, E. J., Principle of Ultimum Remedium Against Perpetrators of Environmental Damage and Pollution. Vol.11 No.6, 2022;
- Sauyai, Reuben., Coral Reef Damage In Raja Ampat Is Greater Than 1,600m2. *BBC News Indonesia*, 2017;
- Setiawan, I., Various Maritime Crimes in Indonesian Criminal Law. *Galuh Justisi*

- Scientific Journal*, Vol.4 No.1, 2016;
- Sulfa, AMF, Zahirah, NRP, & Assidiq, FM., The Impact of Coral Bleaching on Local Communities in The Bunaken Marine Park Area. *Marine Science and Technology Research*, 2024;
- Suyanto., Legal Review of the Criminal Act of Using Fishing Gear (Medan District Court Decision No.05/Pid.Sus/PN.MDN). *Doctoral dissertation. Medan Area University*, 2016;
- Thomas, J., Legal Review of Corporate Responsibility for Environmental Crimes According to Law No. 32 Of 2009 Concerning Environmental Protection and Management. *Lex crimen*, Vol.8 No.2, 2019;
- Tifanni, T., & Djajaputra, G., Environmental Law Enforcement with Administrative Sanctions for Perpetrators of Environmental Pollution Caused by Mining Activities. *Unes Law Review*, Vol.6 No.1, 2023;
- Torano, B. E., Legal Review of the Protection and Management of Coral Reefs in Indonesia According to International Maritime Law. *Lex Administratum*, Vol.9 No.7, 2021;
- Trimirza, M., Ramlan, R., & Repindowaty, R., Coral Reef Protection According to UNCLOS 1982 (Case Study of Coral Reef Damage by the Cruise Ship MV Caledonian Sky in Raja Ampat). *Uti Possidetis: Journal of International Law*, Vol.2 No.1, 2021;
- Uar, ND, Murti, SH, & Hadisusanto, S., Environmental damage due to human activities on coral reef ecosystems. *Indonesian Geography Magazine*, Vol.30 No.1, 2016;
- Willem, R., Equitable Utilization of Coastal and Marine Space. *Environmental Law Development*, Vol.2 No.2, 2018;
- Yakindo, T., Evarianti, A., Aisy, NRR, Nursyifa, RR, & Sapriwa, AA., Morality and Law in the View of Immanuel Kant. *Praxis: Journal of Applied Philosophy*, Vol.1 No.01, 2022;
- Yunitasari, D., Law Enforcement in the Indonesian Sea Area Against Foreign Vessels Carrying Out Illegal Fishing Referring to the United Nations Convention On Law Of The Sea 1982. *Undiksha Citizenship Education Journal*, Vol.8 No.1, 2020;
- Yusuf, M., & Siregar, W.A., Development of Law Enforcement Theory in the Realization of Norm Functions in Society. *Southeast Sulawesi Research of Law*, Vol.5 No.2, 2023;
- Zulkarnain, CSA, Sukarsa, DE, & Priyanta, M., Coastal Spatial Planning Regulation Through Strategic Environmental Assessment (Klhs) Approach For Coral Reefs Protection In Indonesia. *Litra: Journal of Environmental, Spatial, and Agrarian Law*, Vol.1 No.2, 2022;