The Effectiveness of Political Law on the Development of Coastal Reclamation in Indonesia

Ratna Anggraini1, I Gusti Ayu Ketut Rachmi Handayani2 Adi Sulistiyono3
1, 2, 3 Universitas Sebelas Maret, Surakarta - Indonesia
ratnaanggraini@gmail.com

Abstract-In the implementation of the construction of coastal reclamation, formal regulations must be preceded because the law will regulate and fortify all activities from the implementation of the construction of reclamation and management. Juridically, the specific arrangement regarding the construction of coastal reclamation in Indonesia has not been compiled but judicially there are government policies that regulate the development of coastal / sea reclamation in Indonesia, namely legislation that has to do with the development of coastal, namely the 1945 Constitution, Law No. 5 of 1960 concerning Agrarian Principles, Law Number 6 of 1996 concerning Indonesian Waters, Law Number 26 of 2007 concerning Spatial Planning, Law Number 32 of 2004 concerning Regional Government, Law Number 27 of 2007 concerning Management Coastal Areas and Small Islands. Some of these laws and regulations constitute Indonesian legal policy or politics in the field of regulating the construction of coastal / marine reclamation.

Keywords-Sea Reclamation, Legal Politics, Violations, Effectiveness

I. INTRODUCTION

Along with the development and increasing growth of population and land requirements for economic activities and residences, especially in coastal areas, the reclamation development is an alternative as meeting the demands of the land needs. In connection with this problem there needs to be a clear legal arrangement governing the construction of coastal / sea reclamation.[1]

In legal jurisdiction, Indonesian legal politics requires that all laws and regulations in force in Indonesia must refer to and based on the 1945 constitution as well as the Pancasila State foundation to be in accordance with the State's goal of protecting the whole nation, achieving social justice and public welfare. Likewise regarding the regulation of Reclamation Development. Politics of Law according to Satjipto Rahardjo, 2000,1) is an activity to determine a choice about goals and ways to be used to achieve goals in society. [2]

Coastal/marine reclamation development in Indonesia has not been specifically and specifically regulated, but there are several laws and government regulations that govern or should be used as a basis in the regulation of reclamation development in Indonesia. Some of the laws and regulations include: Law Number 26 Year 2007 concerning Spatial Planning, Law Number 1 Year 20014 concerning Management of Coastal Areas and Small Islands, (amendment to Law Number 27 Year 2007), Law Number 5 Year 1960 on Agrarian Principles; Law Number 32 of 2009 concerning Protection and Empowerment of Fish and Salt Farmer Cultivation, Presidential Regulation Number 112 of 2012 concerning Reclamation in Coastal Areas and Small Islands, Regulation of the Minister of Public Works, Minister Regulation Number 40 / PRT / M / 2007.

It is hoped that with these various rules, the implementation of the reclamation development can be in an orderly manner and in accordance with the objectives of the State and the constitution to achieve community welfare and social justice. However, in fact there were violations such as the reclamation case in Jakarta or in other regions or cities in Indonesia, these problems include the issue of licensing violations committed by the executors of the reclamation development developer or memorandum bene from the investor / private sector or from the policy makers themselves, namely the existence of bribery or corruption so that the authorities in fact give licenses that violate the law, or allow violations to be committed by private parties / developers. [3]

Therefore the law becomes ineffective as Anthony Allot's opinion on the effectiveness of the law, that the law will to be effective if the purpose of the existence of its implementation funds can prevent undesirable actions that can be realized, if a failure occurs, it is possible to rectify easily if there is a need to implement to apply the law in a different new atmosphere. I'm able to finish. Success factors include the legal substance, structure, culture and facilities. Factors affecting failure include vague or unclear legal norms, corrupt officials, people who are not aware or are law abiding.

II. FINDING AND DISCUSSION

1. Legal Basis for Coastal Reclamation Development

According to Article 1 of Law Number 1 of 2014, Reclamation is an activity carried out by each person in order to increase land resources from an environmental and socio-economic point of view by irrigation, drainage or drainage.
TABLE 1. INDONESIAN LAWS RELATING WITH RECLAMATION

<table>
<thead>
<tr>
<th>No.</th>
<th>Law</th>
<th>Regulation Regarding</th>
<th>Relevance with Reclamation Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Law No. 26/2007</td>
<td>Spatial Planning</td>
<td>Regulates the use of land in accordance with the National, regional and municipal / regional spatial planning</td>
</tr>
<tr>
<td>2</td>
<td>Law Number 1 of 2014 (amendment to Law Number 27 of 2007)</td>
<td>Concerning Management of Coastal Areas and Small Islands</td>
<td>Regulations regulating land status, land rights, land ownership permits, land area etc.</td>
</tr>
<tr>
<td>3</td>
<td>Pasal 5 Tahun 1960</td>
<td>concerning Basic Agrarian</td>
<td>Regulates the rights and authority of Regional Governments in granting development permits in their territories, including regulating spatial planning through regional regulations</td>
</tr>
<tr>
<td>4</td>
<td>Law Number 32 of 2009</td>
<td>concerning Environmental Protection and Management</td>
<td>Regulates the implementation of the law related to the protection and management of the environment</td>
</tr>
<tr>
<td>5</td>
<td>Law Number 23 of 2014</td>
<td>concerning Regional Government</td>
<td>Regulates the rights and authority of Regional Governments in granting development permits in their territories, including regulating spatial planning through regional regulations</td>
</tr>
<tr>
<td>6</td>
<td>Law Number 7 of 2016</td>
<td>concerning Protection and Empowerment of Salt and Fish Farmer Cultivation</td>
<td>Regulates the implementation of the law related to the protection and empowerment of salt and fish farmers</td>
</tr>
<tr>
<td>7</td>
<td>Presidential Regulation Number 122 of 2012</td>
<td>concerning Reclamation in Coastal Areas and Small Island Islands</td>
<td>Regulates the implementation of the law related to reclamation in coastal areas and small island islands</td>
</tr>
</tbody>
</table>

Welfare is a picture of good society which is the vision of the community, the success of social development can be seen with an increase in welfare conditions compared to the beginning of the process and more and more needs can be met both socially and physically and physically. That the law will be effective if the purpose of its existence and application can prevent unwanted acts and eliminate chaos, it is said to be successful or effective if the law is obeyed by the public or law enforcement. Factors that influence the success of the law are clear legal structures, facilities that are fulfilled; it is said to be a failure if the norm is blurred or unclear, the apparatus is corrupt, the community is not aware, there are minimal facilities for the implementation of the law. [4]

2. The Effectiveness of Political Law for the Development of Coastal Reclamation

Based on the description above, answering the land needs of the community for community development by the government has been regulated through a number of rules that are used as a legal basis, although it has not specifically regulated reclamation development but is based on several existing rules, but due to the fact it cannot be said effective due to violations namely specifically against violations of location permits, building permits, not in accordance with the rules of the agrarian principal, violating spatial plans, causing physical and social environmental impacts, some of these are forms of violations. According to Anthony Allot the failure of the implementation of the law caused the law to be ineffective. Even though politically the law aimed to achieve harmony of rules in order to achieve the State's goals in accordance with the constitution and the 1945 Constitution. [5]

The corrupt and fraudulent mentality found in the apparatus and policy makers and licensors cooperates with the developer to build reclamation that is not in accordance with laws and regulations causing violations and consequently adversely affecting the physical and social environment. Causing the goal of achieving community welfare is also hampered.

III. CONCLUSION

Due to the specific laws and regulations regarding reclamation development that do not yet exist, it causes confusion and overlapping, causing the implementation to be ambiguous and causes opportunities to be violated, and corrupt mental factors of law enforcement officials, decision makers and licensors that damage the law enforcement itself and matters this must have strict sanctions against those who break the law and indirectly contribute to causing environmental damage.

REFERENCES