
A LEGAL SYSTEM OF LEGAL PROTECTION OF THE LIFE ENVIRONMENT INTO THE USING OF FISHING RESOURCE OWNED COASTAL

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Abstract

A legal system of legal protection are more urgent, vital and strategic play role to defence, safe and sustain the life environment and its ecosystem from many more potencies disturbance and threat, destruction, pollution and high risks. The legal have more larger protected any more life sources potency of all life environment ecosystem include at coastal region and especially usage any fish resources it. But, its reality that essence of protection given by law tend so many change, bias and absurd, so that legal protection be not optimum yet. This study aimed to analyses legal system include legal substance, legal structure and legal culture in the legal protection of the life environment into using the fishing resource owned coastal region at the ones. A normative and empirical study as type of this research. Explorative used as design it. The purposive sampling used to taken 140 respondent and determine five regency/ city as sample, consist of two city namely Palopo and Makassar, and three regency include Bone, Pangkep and Bantaeng. Data taken from primary, secondary and tertier material of law and jurisprudence. A list questionnaires, interview by in depth, observation and documentation study are used to collect all data need it. A qualitative used to analyzed any data. The result of this study or research indicated that legal substance, legal structure and legal culture are determinant of factors influent it and weak. Most important are internalized *Sulapa' Eppa'e* and Pancasila (basic philosophy of Indonesia people) into legal policy and rules to overcame many problems in essential and urgent, and to be optimized legal protection it.

Keyword: *Legal substance, legal structure, legal culture, legal protection, life environment, fishing resources*

Introduction

The substance of the law is the values of justice and certainty that substantially contained in the policy law, especially laws that apply that may be used to streamline the legal protection of the environment and utilization of coastal fishery resources. The indicator used is the substance of the Act and regulations. The legal structure is the institutional structure (government and non-government) that the tasks and functions, powers and roles and responsibilities for planning, management, socialization, education, guidance, control, supervision, sanctions and evaluation in order to make effective legal protection of the environment in the utilization coastal fisheries resources.

Satjipto Rahardjo (2009: 86) argues that progressive law does not accept the law as an institution as well as the absolute final, but is largely determined by its ability to serve mankind. Law is an institution that continuously built and transform itself leads to a better degree of perfection. The quality of such perfection can be verified to the factors of justice, welfare, concern for other people and Iain. This is the essence of "the law that is always in the process of becoming" (law as a process, law in the making). The law does not exist for the law itself, but for humans. Santos (1995: 223) states that, "The law is for man" and not vice versa.

Indonesian is the largest archipelago in the world with 17,504 islands (Akhmad Fauzi, 2005) and the territorial area of 7.7 million km², have coastline reaching 95 181 km² and the longest in the world after Canada, the United States and Russia. 65% of the total 467 districts / cities in Indonesia is located on the coast (Marine Fisheries Statistics, 2011). In 2010, the population of Indonesia reached more than 237 million people (BPS, 2012), where more than 80% live in coastal areas (Burke et al., 2012). Indonesia has a tropical marine environment which is very spacious and beautiful and rich, has the biological resources and huge mineral which is a natural condition that has a comparative advantage for the lifeline and future well-being of the nation. The abundance and diversity of marine life are very high causing Indonesia is known as a "mega-biodiversity" (Parry D.E, 1996: 61). The problem is that, mega-biodiversity wealth of biological and mineral resources are slowly but surely tend towards poor condition-biodiversity due to the increase and expansion of ecosystem damage and destruction of the environment and marine resources and coastal fisheries.

Mangrove forests, coral reefs and sea grass beds, for example, which is the main support of environmental ecosystems and fisheries resources has experienced great destruction. In the 1980s there are mangrove forests covering an area of 936 million ha, but until the year 2013 only the remaining 330 million ha (or 28.8%) because it has been damaged area of 666 million ha (71.2%). Similarly, the original extent of coral reefs are now 23 141 85 707 km (or 27%) has suffered damage because the area of 62 566 km (73%). It is also common in sea grass beds, which was originally the extent of 19,540 km now remaining 6057 km (or 31%) has suffered damage because the area of 13 483 km (69%). The facts demonstrate that, within a period of thirty years, there has been a destruction of the ecosystem environment (LH) and coastal fishery resources (SDPP) the average of 69% - 73% (Supriharyono, 2012). If the same condition is comparable or calculated then the rest of the SDPP are classified as either an average of 27% - 31% that is now estimated to be extinct or depleted in fifteen years to come, or the year 2028 will be difficult to find a population of mangrove forests, coral corals and sea grass beds. That condition implies several things: first, the environmental ecosystem of coastal areas and fisheries resources is even more alarming if the condition is allowed to continue; second, the legal protection of the environment of coastal areas and better utilization of SDPP increasingly urgent in order to prevent and control the behavior of destruction and restore the damaged SDPP; Third, the legal protection is very important to optimize the control and sanctions as well as assessing the factors that cause or root causes.

The government, though it has taken the initiative to lead to conservation efforts, but most comprehensive marine ecosystems Indonesia is still under threat. According to the World Resources Institute, in the year 2011 there are 139,000 km² area of marine protected areas in Indonesia, and the Government is committed to increase it to 200,000 km² in 2020 (Burke et al., 2012). However, the wealth management and coastal biological resources of the protected area remains a formidable challenge. The latest data for 2012 Oseano Research Center shows that, 27.18% of coral Indonesia is in good condition, 37.25% were sufficient, and 30.45% were in bad condition (COREMAP Indonesia 2012), even Burke et al., (2012) mentions that in the last half century, the degradation of coral reefs in Indonesia increased from 10% to 50%. The cause damage to coral reefs include the construction in coastal areas, sewage of various activities on land and at sea, sedimentation caused damage to upstream and watersheds, destructive fishing cyanide and fishing gear prohibited, coral bleaching due to climate change, as well as mining of coral reefs.

The phenomenon of crucial issues facing the world, including Indonesia today and the future is the scarcity of fish resources in marine and coastal waters. Worm et al., With international research launched a statement of "End of Fishing", which estimates that in the year 2048 there will be the destruction of the global fisheries (Fiorenza, M., Stephen

et al, 2006). Although the study has been criticized by other researchers, but the threat of scarcity of fisheries is something that should concern all of humanity. Production of world marine fish catches are now badly affected by overfishing, which reached its peak in 1996. In 2011, global production only reached 78.9 million tons, lower down the production figures of 2007, 80.4 million tons (FAO . 2010). The data indicate that the current world production of marine fish catches are declining, the fisheries sector in Indonesia is rising steadily since 1950 until 2010. The Ministry of Maritime Affairs and Fisheries is targeting an increase in production to 22.39 million tons in 2015, to become the largest fish producer in world (The Jakarta Post, 2011). Indonesia's rich marine resources as well as access to water territory islands that easily led to the development of the fishing industry. Indonesia is currently the world's third largest fishery producer, after China and Peru (FAO, 2010). The problem is, when the Indonesian fisheries production increased, which also occurs in all countries of the world, Indonesia experienced a decline due to the threat of a double crisis of the degradation of marine ecosystems and overfishing. Indonesia is considered most at risk of declining. According to research in 2012, compared with 27 other fish producing countries, the most vulnerable of Indonesian fishery management indicators were destroyed by coral reefs, fisheries and food security situation. (Hughes et al., 2012).

Fisheries management areas in Indonesia have faced exploitation symptom groups of essential commodities, such as large pelagics, small pelagics, shrimp and demersal fish. Ironically, small fishermen who feel the impact of the threat of scarcity of these fisheries. This causes them to be a greater expense for the components of the fuel (fuel oil), due to the location of the arrest away. The shortages were also seen from the reduction in the size of fish, the decline in the total catch, and the loss of some species which was once the main catch, as happened in the squid. This is further compounded by the condition of fishery continues to experience a classic threat illegal fishing, illegal equipment, and foreign fishermen with large fishing vessels. Other threats are mining in coastal areas and small islands ranging from digging to refining and pollution caused damage to coastal ecosystems and living resources in the vicinity (KKP, 2013).

Minister of Maritime Affairs and Fisheries (Decree No. KP) issued a decision on 3 August in 2011 in order to manage a fishery that KP Decree No. Kep. 45 / Men / 2011 Concerning Estimates of Potential of Fish Resources in WPP-NRI, which estimates the potential of fish at 6.5201 million tons / year, with a utilization rate in the year 2011 reached 5345.729 tons. Thus, the data showed production of marine catches already exceeded 82%, exceeding the optimum utilization of the required (maximum sustainable yield / MSY) 80%. This is compounded by the number illegal, unreported and unregulated (Illegal, Unreported and Unregulated Fishing - Fishing IUU), which is estimated to reach 4,326 local and foreign vessels. Indonesia stolen fish potential of 25% (CTF, 2013), so production exceeded 107%. In general, there are some aspects of the threat of IUU fishing, which are: destructive fishing, illegal fishing, unreported and unregulated (IUU fishing), overfishing and exceeds capacity. The scarcity of fish a huge impact for small fishermen. According to Law 45 of 2004, the small fishing is the use of fishing vessels up to five gross tons (GT) suspends the daily livelihood to fish. In 2011, the number of small fishing vessels amounted to 520 472 units or 89.45% of total fishing boats in Indonesia (CTF, 2013).

Indonesian faces the problem of IUU fishing that cause overfishing. The main perpetrators of IUU fishing in the waters of Indonesia and the Indonesian Exclusive Economic Zone (ZEEI) among others came from Malaysia, Vietnam, China, Myanmar, Thailand, and the Philippines. Although the routine patrol performed MMAF but IUU fishing is still rampant in Indonesia. Data were inspected vessel reached 4,326 units, both inside and outside the country. Of the vessel that caught it, just dozens of ships that made it into the courts. Originally offenders, namely Indonesia (317), Malaysia (10), Vietnam

(407 persons), Thailand (270), Philippines (266), Laos (1), Cambodia (1), Myanmar (56 people), and China (1) (PSDKP - CTF. 2013. Reflection 2012 and Outlook 2013).

Fisheries management or utilization of fish resources in Indonesia, has been basically divided into 11 (eleven) zone fishery management area (WPP) as determined by the Minister KP, namely: WPP-713 which includes the Makassar Strait, Gulf of Bone and Flores Sea, generally exceeded production potential and experiencing overfishing. Catching shrimp, for example, there are only three WPP (WPP namely 714, 716 and WPP WPP-718) that do not show symptoms of overexploitation. While demersal fish, two WPP (ie WPP WPP-713 and 718) have been overfishing and 5 WPP (ie WPP-571, WPP-572, WPP-711, WPP-712, and WPP-714) is already fully exploited. For small pelagic, the entire WPP fully exploited. For tuna, is generally not enough information. For squid, there is no over-exploitation (Subhat Nurhakim et al., 2007). The problem is, despite an increase in the total catch of fish, but of eleven Fishery Management Area (KPP) generally exceeded production potential. Observing further, the occurrence of overfishing and overexploitation, it is difficult released from the activity of fishing vessels and the use of fishing gears throughout WPP existing, ie 68% of fishing gear used in Indonesia is the Hook and line and gillnets, 18% in the form of Seine nets, Lift nets, purse seines, Trawl and Tuna Long Line, and 14% other gear. It shows an image that the type and quantity of fishing gear that is mostly nets encourage fish resource utilization rate is very high, intensive and extensive (KKP, 2013).

Indonesian as the largest archipelago country plays a major role in voicing and providing solutions to strengthen global and regional initiatives for the sake of world marine resource management that is responsible and sustainable, as well as the protection of biodiversity. The Government and people of Indonesia must recognize the power of collaboration to promote a shared vision of marine protection. Indonesia's Vision 2025 states that "Indonesia the Independent, Forward, Just and Prosperous" as stated in Law No. 17 Year 2007 concerning the Long Term Development Plan of the National, must be the foundation and the opportunity to increase the government's commitment, as well as bring attention and participation of all parties to restore conditions of the current crisis. Therefore, as part of the Vision Indonesia in 2025, Greenpeace together with all stakeholders declared a "Joint Vision 2025. For Indonesia Sea" Sea of Indonesia was an important center of marine biodiversity world and a place of very valuable fishing provide food and livelihood for millions of people , To be sure maintained for future generations is to recover and protect the marine ecosystem.

Recognizing the realities and dynamics of the potential problems of ecosystem environment in coastal areas and utilization of fisheries resources, encourages the Government establish legal policies for better legal protection legislation and related regulations, such as the Law (UU) No.32 2009 on the Protection and Environmental Management (UUPPLH), Law on Management of Coastal Areas and Small Islands No. 27 Year 2007 jo Law No. 1 of 2014 (called UUPWP-KDP), Fisheries Act (Act No.31 of 2004 in conjunction with Law No. 45 of 2009), Act No. 19 Year 2009 concerning the Ratification of Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention on Persistent Organic Pollutants), Law No. 21 Year 2009 on Ratification of Agreement for the Implementation of the Provisions of the United Nations Convention On the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of straddling Fish Stocks and Highly Migratory Fish Stocks (Agreement

Efforts to accelerate the implementation of legislation on protection of the law, the Government set a number of Government Regulation (PP) such as PP No.21 Year 2010 About the Maritime Environment Protection, PP 27 Year 2012 on Environmental Permits, PP No.60 Year 2007 on Conservation of Fish Resources, PP 38 Year 2007 concerning Division of Government Affairs between the Government, Provincial Government and the Government of Regency / City, PP 54 of 2002 on Fishery, PP No.19

of 1999 concerning Pollution Control and / or destruction of the Sea, the Government Regulation (PP) 62 of 2010 Concerning Utilization of Outer PPK, PP No.30 Year 2008 on the Implementation of Fisheries Research and Development, PP No. 24 Year 2006 on Procedures for appointment and dismissal of the Ad Hoc Court Judge Fisheries, PP 62 of 2002 on Tariff of Non-Tax Revenues Applicable within the Department of Marine and Fisheries, PP 36 of 2002 on the Rights and Obligations of Foreign Ships Undertaking innocent passage through Indonesian waters, PP 15 Year 2002 concerning Fish Quarantine, PP 141 Year 2000 Changes in PP 15 of 1990 About the fishery business, PP 15 Year 1984 concerning the Management of Natural Resources Conservation at Indonesia's EEZ.

On the level of the Ministry, also have enacted Regulation (Candy) and the Decree of the Minister (Candy), among others: Candy KP No. 18 / PERMEN-KP / 2013 About the Third Amendment Candy KP No. Per.02 / Men / 2011 on Fishing Line Fishing and Placement Tool and Tool Fishing, Candy KP 10 / PERMEN-KP / 2013 About Fishing Vessel Monitoring System, Candy KP # 4 / PERMEN-KP / 2013 Guidelines on Development of Fisheries Sector Enterprises Based Society, Candy KP 2 / PERMEN-KP / 2013 on Guidelines for the Implementation of PNPM Maritime Affairs and Fisheries, Candy KP No. PER.30 / MEN / 2012 on Business fisheries, and many more various other KP Candy.

Legal policy in the form of legislation (Act (the Act), the Regulation in Lieu of Law (decree), Government Regulation (PP), the Presidential Decree (Decree), Presidential Decree (Decree), Regulation (Candy), Decree (Decree)) which regulates the environment, maritime or marine, coastal areas and islands - a small island and utilization of fishery resources, is also supported by a number of treaties ratified international as Johannesburg Declaration 2002 on the Plan of Implementation of the World Summit on Sustainable Development, Agenda 21 Global Chapter 17 on Guidelines for Implementation of Integrated Coastal Management, the Bali Plan of Action in 2005, the Declaration of Bunaken 1998, the Jakarta Mandate 1995. thus the policy of environmental protection laws in the utilization of fishery resources in Indonesia is already very much.

Observing further, the existence of legal policies for the protection of environmental laws in the utilization of fishery resources are on the one hand very well as an instrument or means of legal protection (PH) to the ecosystem of the environment (LH) and resource utilization coastal fisheries (SDPP), but on the other hand they cause various problems such as the existence of a conflict of norms and policies and the authority, overlapping and ambiguous in implementation, not its full implementation, even not uncommon to have legislation that became kriminogen and viktimogen. Problems of legal policies in the form of legislation are: first, the substance of the law is still weak which led to a lot of provisions difficult to implement; second, its implementation is not optimal as evidenced by the emergence of various problems in PHLH and utilization of coastal fishery resources; The third, still occur disharmony and overlapping and ambiguous; Fourth, conflicts of authority, policies and norms; Fifth, legislation and regulations are very easy to change. In many coastal areas in various regions in Indonesia, including in South Sulawesi, tends more and more going over the coastal area into smaller plots and business premises, destruction and function shift mangrove areas (even by LIPI (2008) that the rate of alleged damage mangroves around 200,000 hectares per year in various regions, especially in Kalimantan, Sumatra, Sulawesi and Java) into embankment land, disposal of industrial waste and pollution in coastal areas, the destruction of coral reefs and sea grass beds by the various activities of fisheries and aquaculture, illegal fishing and fishing overcapacity. This suggests that LH legal protection in the use of ineffective SDPP / optimal and still far from the expected.

Based on the description, the main issue in these studies is 'a legal system of protection of environmental laws in the utilization of coastal fisheries resources.' On that basis, the main problems is the purpose of research is how the legal system of protection of environmental laws in the utilization of fishery resources coastal , The legal system in the form of legal substance, legal structure and legal culture (Friedmann W, 1993) became a strategic assessment on the legal protection of LH in the utilization of coastal fishery resources.

Research Methods

This type of research is a combination of normative legal and doctrinal research with empirical legal research and non doctrinal. The study design was exploratory - explanative. This type of data can be divided into two (2) is data obtained directly from the public (empirical data) and data obtained from library materials (secondary data). Primary is legal materials in the form of its constitution (Constitution NRI 1945), the basic State (Pancasila) and the relevant legislation. Secondary law derived from Lontarak version Latoa, literature (scientific books), writing scientific papers, research results of the legal scholars and scientific journals in the field of law. Tertiary legal is materials in the form of legal dictionaries, dictionaries environment, and other materials relevant to the needs of this research.

The population in this study is the coastal area in 19 districts / cities, 718 638 people (108 988 inhabitants made up of fishermen, fish farmers 283 915 inhabitants and 325 735 inhabitants processors and marketers of fishery products). The sampling technique used is purposive sampling. Samples region selected five districts / cities coast as a location for research, namely Palopo, Pangkep, Bone regency, Bantaeng and Makassar. The choice of location research based on the premise consideration that: first, the intensity of use of fishery resources in the coastal region is quite high, a second, ecosystem degradation of the environment and fisheries resources of coastal quite spacious happen, thirdly, many cases of violations of the law LH in resource utilization coastal fisheries. The sample from the coastal communities and fishermen is 140 people. Data was gathered from questionnaires, interviews, observation, and documentation. The data analysis technique is qualitative. The collected data is then processed, analyzed and constructed thoroughly, systematically describes the relationship between different types of data. Furthermore, all data will be selected and processed, and then analyzed descriptively (M. Syamsudin, 2007: 133). It also made the content analysis using the teachings of the preference values of local wisdom, legal policy in the form of legislation and theory - the theory of law that the previous classification, analysis and assessment. The review is done by carefully analyzing and interpretation and depth. In conclusion, use the deductive method (from particulars to the general) - inductive (from general to specific terms) (Bambang Sunggono, 2001: 114-115).

Discussion

Based on the research results, the community of 140 respondents, 34.29% state the substance of legal policies and legislation for the protection of environmental laws (PHLH) in the utilization of coastal fishery resources (SDPP) is good, and 65.71% said very weak. This means that the policy of law in the form of legislation related to LH, fisheries, PWP-KDP influence on PHLH in the utilization of SDPP. The condition is implicated in the onset of various problems such as decay, pollution, functional shift, conflict or dispute.

In general, refers to the theory put forward by Friedmann, there are three factors that affect the protection of the law and legal functions, they are substances law (legal substance), legal structures (legal structure) and the culture of law (legal culture). All

three of these factors also apply to the legal protection of LH in the utilization of coastal fishery resources.

a. Substance Law Factors

Legal substances (legal substance) is basically about the nature or essence contained in the legal policies and regulations that apply specifically related to the legal protection of LH in the utilization of SDPP. Results of research and analysis suggest that problems in the legal policies and legislation related to the legal protection of LH in the utilization of SDPP. Legal policies and legislations such as PPLH Act No.32 of 2009, Fisheries Act No.31 of 2004 in conjunction with Law 45 of 2009, Act PWP-KDP 27, 2007 in conjunction with Law 1 of 2014 and the various regulations others (such as PP, Candy KP), in addition to many overlapping, disparities also exist ambiguous or multiple interpretations that are kriminogen and viktimogen. A number of weaknesses in the legal substance of the legislation related to the legal protection of LH and utilization of coastal fishery resources, among others: LH legal policies and legislation are not fully touch nature and utilization PHLH SDPP, harmonization of legislation governing the needs of dif- different, legal policy ignores the status of legal subjects LH and conversely the more dominant side with human interests, monotonous on technical matters, setting rights and obligations disproportionately, licensing policies are weak, the mechanism for settling disputes or conflicts are absurd, conflicting policies and authority and norms, surveillance and sanction policies are ambiguous and multiple, weak substance of the laws governing public participation in the legal protection of the Environment.

b. Legal Structure Factors

The legal structure (legal structure) is basically a legal institutional aspects that can play a role in the implementation of legal policies and regulations that apply specifically related to the environment and utilization of coastal fishery resources. Institutional Role of Government - Local Government Role of Government and Local Government along with the ranks both institutional agencies and law enforcement agencies is still quite weak in implementing LH legal protection and utilization of coastal fishery resources. The lack of institutional role of the implications of ineffective implementation of laws and regulations (particularly UUPPLH, UU, UUPWP-KDP) and the emergence of various problems in the legal protection of LH and utilization of coastal fishery resources such as damage, pollution, function shift, conflict or dispute.

LH legal protection especially in the utilization SDPP demanding broader role of government, especially local government, which basically has been set out in Article 62 UUPPLH related roles in information systems, Article 63 paragraph (2) UUPPLH on role in running a certain authority. Observing further, particularly in the case of South Sulawesi, the duties and authority of the Provincial Government in setting policy PHLH in the utilization of SDPP, basically has been shown in several activities such as Coral Reservation Map (COREMAP), the establishment of a National Marine Park Taka Bonerate in Selayar, determination Kapoposang as an island that is part of a cluster of islands Sangkarang (Spermonde) that serves as a Marine Tourism Park (in South Sulawesi integration of these maps as the waters with an area of 50,000 ha). The Role of Local Government also indicated in the determination of regional regulation on the Environment who also claimed to be the first in Indonesian local regulation LH. The problem is that, the Role of Local Government is still often problematic in the implementation of the SEA, EIA and UKLUPL, resource inventories coastal fisheries, cooperation and partnership, coordination and implementation of pollution control and environmental damage across districts / cities, guidance and supervision of the implementation of the policy, local regulations, and regulations heads of district / city. The Role of Local Government has not fully encouraging the guidance and supervision of the observance responsible for a business and / or activities on environmental licensing

requirements and legislation in the field of environmental protection and management. While there has yet PERDA LH enable function behavior of coastal areas and their environment ecosystem destruction is still rife. In terms of the development and application of LH instruments, the role of Local Government has not entirely encouraging. This is reflected in the lack of measures of prevention, mitigation and recovery LH ecosystems in coastal zones and utilization of fishery resources that have experienced destruction and pollution.

The coordination and facilitation of cooperation in the settlement of disputes and environmental disputes, especially in coastal areas and fisheries resource utilization is still often ignored by the local government, on the contrary are not infrequent conflict veiled or open conflict between the Provincial Government and the Government of Regency / City. Coaching, technical assistance and supervision to districts / cities in the field of law programs and activities of environmental protection, especially in coastal areas and utilization of fishery resources other than rarely implemented also not infrequently lead to a conflict of interest. The conception of the implementation of minimum service standards is particularly unclear in the legal protection of the environment, especially in coastal areas and utilization of fishery resources.

Wide phenomenon which is still quite problematic of the role of Local Government is in terms of establishing policies regarding the procedures for the recognition of customary law communities, local knowledge, and the rights of indigenous people. Customary rights of indigenous peoples are blurred or unclear. The values of local wisdom faded even ignored by the local government / ranks. Other crucial issues a permit or license is conservation of fisheries - aquaculture in addition to the more abused are also not able to control a variety of behaviors enable function coastal areas, pollution and ecosystem destruction of the environment, especially in the use of fishery resources in the coastal region. Role in carrying out the duties and functions of law enforcement in the utilization SDPP LH especially in coastal areas are often inconsistent, discriminatory, and acted with conflicts of interest, including the implementation of the MOU.

The Role of Law Enforcement Agencies in Action Preventive and Repressive Enforcement is an important aspect in the nature PHLH in the utilization of SDPP. The aim is to prevent (preventive action) and simultaneously controlling behavior (repression) injustice, violations and crimes in the coastal region. In connection with this, the Law Enforcement Institutions such as the police, prosecutors, investigators and officials from relevant government institutions including the supervision of the Navy is very important to play a role in preventive and repressive law enforcement.

Observing further, the problems that occur in many coastal areas in South Sulawesi as elaborated at length previously, namely the increasing acts of destruction of ecosystems LH in coastal areas and in the utilization of SDPP, either by enable function coastal areas that are not its designation, destruction of forests mangroves and coral reefs, the use of a bomb or toxic chemicals in fishing and aquaculture, illegal sand mining, industrial waste disposal, pollution, pollution, and more. Measures LH ecosystem destruction live in coastal areas and in the utilization of SDPP whether done individually or in groups and companies, including due to the unilateral policies of individual decision makers - policy makers, tends to be done in a systematic, organized and sustainable. On the other hand, violations, crimes and acts ecosystem destruction LH in the utilization of SDPP likely to only a limited number were touched by the legal process that is also not the maximum, while the number of violations, crimes, acts of vandalism, the conversion of coastal areas that are not its designation, destruction of mangrove forests and coral reefs, the use of a bomb or toxic chemicals in fishing and aquaculture, illegal sand mining, industrial waste disposal, pollution, pollution, and more precisely the legal proceedings are not touched at all.

Many impacts is arising as if allowed to continue over time. Phenomenon, after the effects of raised significantly, the new officers is frantically coordinating-coordination, cooperation-cooperation with law enforcement agencies, created an agency, new busy making plans and budgets that ends well for-for profit , After a lapse of some time, they no longer think or as if he had forgotten catastrophe or disaster that has occurred. It shows that the ways or the status quo in the lawless behavior that is not encouraging, ambiguous, opportunists, inconsistent and does not reflect the nature of legal protection. In addition, there is still a lack of understanding of the nature PHLH in the utilization of SDPP. In South Sulawesi, in addition there is the Institute of Justice as the State Administrative Court (Administrative Court), the High Court (PT), the High Court, there are also institutions Judicial Fisheries, to investigate and prosecute a case related disputes and violations in the field of maritime affairs and fisheries, resource utilization fisheries. The problem, law enforcement both preventive and repressive tend not optimal. In Makassar, for example, developing case function shift or accumulation of coastal areas in Losari and Tanjung Bunga, but the legal process seem convoluted, even there is a person who has been named as a suspect then changed its status to a witness, then because of public pressure and new media re-named as a suspect. In that regard, no suspects claimed to own various types of licenses either IMB, HO, Amdal - Andal, which also means officers is the licensor should be prosecuted, but in reality no one person acting licensors touched by the legal process. Until now, the case is less clear legal settlement.

HR Competence consists essentially of knowledge, experience and expertise is always required in the nature of legal protection of the environment and use of fishery resources. The required competencies include technical competence, strategic competence, social competence, managerial competence and spiritual competence. Actors authorities, for example, not a few functionaries, bureaucrats, officials and legislators especially those with field duties, functions and responsibilities related to the environment and resource utilization coastal fisheries, which is only (maybe) memorize regulations specific legislation but do not know / understand properly the paradigm, the philosophy, principles and values of nature protection practice methods of environmental laws in the utilization of coastal fishery resources.

Actors judicator or law enforcement officers, for example, tend to be more focused on law enforcement rather than protection of the law. That is, the investigator, prosecutor, judge more thinking how to know the Criminal Code, Criminal Procedure Code, the Civil Code, and the Law on the other, including the Law on Environment, Law on Fisheries and others, then enacting clauses in the process of investigation, investigation, inspection and settling disputes. However, the actors judicator or law enforcement officials were never really understand properly the nature of environmental protection in the utilization of coastal fishery resources.

HR competence is also still quite problematic among businesses and stakeholders mainly engaged in the fishery business and management - utilization of natural resources, which mostly only know about how to manage the business, process natural resources and the environment, as well as how to gain as much as possible , However, they never really understood well the nature of environmental protection in the utilization of coastal fishery resources. In various cases and events, is considered not infrequently there is a conspiracy between unscrupulous actors in authority, unscrupulous yudikator or law enforcement officials, and unscrupulous business operators and stakeholders to manipulate a rule of law in order to gain personal and group / class / cronies in environmental management in utilization of coastal fishery resources. This has become one of the indications of weakness in the competence of their personnel. Weak or lack of HR competencies that lead to the nature of legal protection in resource utilization coastal fishing is still always a problem, and instead encourage caused mind-thoughts and deeds to damage the ecosystem environment, practicing manipulation function shift coastal area

be developed and undeveloped land through reclamation policy or license is hoarding the beach, dispose of industrial waste anywhere that pollute coastal areas, the use of toxic substances in fishing activity, do overfishing, and more. Society many still do not have good knowledge about the effect or impact of its activities in coastal areas, such as driving a boat with the use of bamboo can damage corals and seagrass beds, cutting of mangrove on a large scale can cause coastal erosion and the threat of storm surges of the sea, to cultivate seaweed can damage the environment in coastal ecosystems due to the use of certain chemical substances, fishing with explosives damaging coral reefs and marine life, excessive fishing threatens the subsistence patterns, and more. Accumulation of weakness HR competencies among actors authorities (both functionaries, bureaucrats, officials and legislators), yudikator and law enforcement officials, businessmen or entrepreneurs, as well as stakeholder and community elements, causing the essence of the protection of LH in the utilization of SDPP became neglected and faded from time to time.

Other phenomena are still strong behavioral status quo in ways arbitrate or behave the law is still quite thick and not hard to find either in government or in the community. The status quo behavior is evident from the various decisions or policies enable function coastal area into smaller plots for the benefit of the owners of big capital. Similarly, in the licensing policy to permit the utilization of coastal areas precisely harm the interests of the environment, coastal communities and fishermen. The strengthening of the status quo behavior which raises primordial behavior and opportunism, LH causes the nature protection in the use SDPP became neglected and faded over time. Legal protection is only a means to encourage transactions that benefit the interests of a handful of people, and otherwise compromising the wider interests of the rights of LH, SDPP and coastal communities / fishermen and the protection of coastal areas.

Coordination and officials in the Legal Protection Coordination and cooperation among institutions and the authorities in LH legal protection and utilization of SDP are very important in the structure of the law. Coordination and cooperation is essential and urgent and strategic because it is impossible only certain institutions or certain groups of officials who have to work alone, but need the support, assistance and cooperation to optimize the protection of the law. Observing further, the conflict was caused by the growing strength of regional or ego locality egoism and selfishness agency called ego sektoral also increased. Ego sektoral ego locality conflict and is especially increased after a change in the system of governance of a centralized system - the concentration becomes decentralized system - deconcentration, which became the basis of the birth of regional autonomy.

Conflict ego locality and egosektoral tend more and more to appear, as happened in the city of Makassar, which is between the Provincial Government and the Government of Makassar. Makassar City Government policies have been reclaiming Losari Beach and Tanjung Bunga become a regional master plan for the acceleration of economic expansion (MPE), the expansion of investment and the development of tourism. As if not to compete, then the provincial government is also delivering mega projects Centre Point of Indonesia (CPI) is used as the grandest business center in East Indonesia. The CPI mega project built 600 hectares of land above sea level is backfilled. This project has destroyed the livelihoods of traditional fishing catcher "tude". The project has also made thousands of traditional fishermen switched professions as construction laborers, rickshaw drivers hinga. Similarly, in other areas as well as do not want to fall behind in alihfungsi coastal areas and beaches, such as reclamation conducted by the District Government Bantaeng 1 hectare above sea level Turkish Chrysanthemum with a depth of 3 meters. The reclamation plans for the construction of hotels, supermarkets, to places of entertainment.

The phenomenon of conflict egosektoral also increasingly occur between relevant agencies such as the Regional Development Planning Board (Bappeda), the Environmental Management Agency (BPLH), Environmental Impact Management Agency (Bapedalda), Department of Marine and Fisheries, Tourism and Culture Department, Agency or Land Office, Public Works Department, the Forest Service, and others, including the person in the legislature. Among these institutions, there are elements that are not infrequently involved mutual action and conflict intervention in getting the project, each claiming rights and authority to manage a project in the coastal area.

Various damage to ecosystem damage the environment, encouraging South Sulawesi Provincial Government through the Environmental Impact Management Agency of Sulawesi establish Complaint Post Environment, which was established by Decree of the Head of the Environmental Impact Management Agency of Sulawesi Selatan No. 660/441 / IV / BAPEDALDA May 15 2006. Besides South Sulawesi Provincial Government has also established the Institute for Dispute Resolution Service Provider Environment (LPJP2SLH) as determined by the Governor of South Sulawesi No. 19 of 2003 On 9 April 2003. But the Environmental Complaint Post does not have the legal power clear and unclear performance, even regency / municipal government as particularly relevant agencies ignore.

South Sulawesi Provincial Government also made momerandum of understanding (MOU) with the Regional Police (Polda) of South Sulawesi and the High Court of South Sulawesi and West (Attorney Sulselbar) to improve and optimize the law enforcement in the field of Environment (LH) in South Sulawesi and forge understanding on handling environmental cases through the establishment of an integrated team of enforcement of environmental laws. However, the MOU also does not mean much even unclear follow-up. In addition, the establishment of Environmental Complaint Post and procurement MOU through the establishment of the Integrated Team also created new problems that conflict and overlapping interest between the duties and functions of investigators with the police investigation. As a result of the stronger egolokalitas and egosektoral, creating many implications, including the weakening of coordination and cooperation among the various parties, institutions, agencies or government units. Lack of coordination and cooperation almost occur evenly between the Provincial Government and the Government of the City and County, between agencies, between the executive and legislative institution, an executive agency with the judiciary, inter legislature with the judiciary, as well as between government agencies and the community.

Weakening coordination and cooperation among the various parties, institutions, agencies or government units in the legal protection of the environment and resource utilization coastal fisheries such, is difficult to remove from a variety of factors, such as conflict of interest in the fight over the project and part of the profit materially / financially and economically, the arrogance of power, weak human resource competency that causes lack of understanding about the importance of a co-ordination and co-operation, there are still mental and behavior to marginalize and exploit each other, the strength of the status quo and primordial behavior and opportunism, as well as the increasing distrust of each other. Coordination and cooperation tend to be considered less / unimportant by many parties, agencies, institutions or government units, even rarely looked just a waste of time and energy. The description indicates the strength of mentalities egolokalitas and egosektoral, as well as the mind-thoughts and deeds do poorly on the individual holders of political office, unscrupulous bureaucrats, unscrupulous judicator lead to lack of coordination and cooperation in the legal protection of the environment and use of fishery resources coastal, It is clear that the legal structure factors that affect the protection of environmental laws in the utilization of coastal fishery resources is the weak role of government institutions, weak law enforcement LH

preventive and repressive, human resource competencies, and lack of coordination and cooperation.

c. Factors Legal Culture

Culture law (legal culture) essentially concerns the cultural aspects and legal awareness of the public in environmental law protection and utilization of coastal fishery resources. Legal Awareness that includes knowledge, attitudes and behaviors is one of the important and fundamental aspects of the legal system as well as the strategic environmental legal protection and utilization of coastal fishery resources. With awareness of the law, allowing the law can still be commander in regulating the various rights and interests SDPP LH and utilization, as well as human rights. Low legal awareness LH causes the nature of legal protection and utilization of SDPP be absurd or blurred, overlapping. Lack of knowledge about the nature of legal protection is not just happening in the community and fisheries business but also among the organizers of State and government (such as political office holders, bureaucrats, officials, legislators). As a result of lack of knowledge of the causes of behavior and actions - actions in LH legal protection and utilization of coastal fishery resources are relatively very less. It also has implications for the lack of awareness in the PHLH.

Enforcement Values Culture and Local Wisdom In South Sulawesi, cultural values and local wisdom that comes from the teachings of *sulapa 'Eppa'e and Siri' na passé* (Bugis) or *Siri' na pacce* (Makassar) has long been the law for customary law and guidelines for behavior law on the legal protection of the environment and utilization of coastal fishery resources. South Sulawesi community with the guidance of ideology or doctrine "*sulapa 'Eppa'e*" as set out in *Lontarak Latoa* (Mattulada, 1995) makes Law as the center of the paradigm, based on the philosophy, ideology, value-value, principled and methodical practice of law, then develop subsystem - subsystem values: design, organization of life, unity, order, certainty, order, justice, balance, obedience - obedience, usefulness, usability, aesthetics, accountability, productivity, innovation, progressiveness, efficiency, effectiveness, proportionality, professionalism, participative, harmony, harmony and protection. The values are very basic in understanding or doctrine "*sulapa 'Eppa'e*" as revealed in one dialogue between *Mangkau'e* (King Bone) with *Kajao Laliddong* (Lamellong) is *kecendekiawan* or ingenuity that comes from honesty, intelligence evidence is deed, and proof of honesty is a call. This essentially implies that the main characteristics and properties of the people of South Sulawesi is knowledge, and the only words with deeds, as well as the values of honesty and kindness. The influence of the culture of legal values from the outside, especially the under by the Dutch which began since the seventeenth century, significantly shifted the paradigm, philosophy, ideology and cultural values of the original people of South Sulawesi in legal protection of the environment included in the utilization of resources coastal fishery resources. It has implications or impact on the blurring of the values contained in the teachings of "*sulapa 'Eppa'e*". As a result of the influence of the culture of the legal values of these external causes subsystems values form of regularity, predictability, order, justice, balance, obedience - obedience, usefulness, usability, aesthetics, accountability, productivity, innovation, progressiveness, efficiency, effectiveness, proportionality, professionalism, participation, harmony, harmony and protection, more and more shifted to the culture of legal values from outside.

Ideology or doctrine Western world has become the basis of paradigms, philosophies, ideologies and cultural values of the Positive Law with the concept of rule of law Rule of Law and *Rechtsstaats* and mission values of materialism, capitalism, secularism, liberalism - neo-liberalism, primordial, colonialism, feudalism and opportunism, now dominating ways protection law in Indonesia, including in South Sulawesi. The dominance of the influence of the legal values of the real outside have

penetrated the mind-thoughts and good deeds decision makers - policy makers and businesses, stakeholders and the public. It is evident from the variety of patterns, concepts and methods of practice and behavior in the management and utilization of resources especially in the utilization LH SDPP. A variety of patterns, concepts and methods of practice and behavior that seems on the surface in the form of enable function coastal areas through a series of policy master plan of economic development and the expansion of investment, the action reclaiming the coast for the construction of various facilities of economic and trade and industry, the use of coastal areas for the development of the tourism industry with landfill or reclamation of coastal areas. In various locations of coastal areas, increasingly difficult to find area of mangrove forests, coral reefs, seagrass beds, estuaries and marine life; ways of fishing that use technology not only have an impact in the form of illegal fishing and overcapacity but also more damaging and destroying the ecosystem environment of the forest area of mangroves, coral reefs, seagrass beds, estuaries and marine biota. In addition, many actions occur sand mining is not only done illegally by unscrupulous individuals and companies but not least legitimized by the policy-making legally; even less so in emerging policies that legalize action LH ecosystem destruction and mass exploitation utilization SDPP. The dominance of the influence of legal values from the outside is not only reinforces the mind-thoughts and deeds are all means by the individual decision maker - policy makers as well as individual businesses and stakeholders, but also raises a variety of legal issues were new and environmental problems the new and the impact of a new form of threat of catastrophe and natural disasters - the environment.

Finally that, the dominant influence of the legal values of the outside caused the protection system of environmental law in the utilization of fishery resources becomes absurd, overlapping and ambiguous, so that the function of the law is no longer fully create order, certainty, order, justice, balance, obedience - obedience, usefulness, usability, aesthetics, accountability, productivity, innovation, progressiveness, efficiency, effectiveness, proportionality, professionalism, participation, harmony, harmony and protection, but more to produce mind-thoughts and deeds of all the methods, conflicts of interest, injustice, abuse, manipulation, commercialization; no longer the preserve of environmental and legal protection but rather to preserve the values of materialism, capitalism, secularism, liberalism - neo-liberalism, primordial, colonialism, feudalism and opportunism. The findings of the research and analysis shows that governments and communities in South Sulawesi are more likely the far left or more to ignore or neglect the values and principles of law in the doctrine "sulapa 'Eppa'e", and instead reinforces the recognition of values and legal principles from outside mainly based doctrine of Darwinism. Reality indicates that among decision-makers - policy makers and business operators and stakeholders and the public tends to be transformed from the values and principles of law teachings "sulapa 'Eppa'e" and the legal concept of the universality of the doctrine of Darwinism, the values of materialism, capitalism, secularism, liberalism - neo-liberalism, primordial, colonialism, feudalism and opportunism. The existence of such a transformation caused subsystems value of the nature of the legal protection of LH-based law the highest (such as the regularity, certainty, order, justice, balance, obedience - obedience, usefulness, usability, aesthetics, accountability, productivity, innovation, progressiveness, efficiency, effectiveness, proportionality, professionalism, participation, harmony, harmony and protection), tends to change into the values of materialism, capitalism, secularism, liberalism - neo-liberalism, primordial, colonialism, feudalism and opportunism.

Due or broader implications of the existence of the transformation is the dominant mind-thoughts and deeds of all the methods, conflicts of interest, injustice, abuse, manipulation, commercialization, ambition pursue economic goals and revenue at the expense of the rights of the environment, rights of creatures and marine life in coastal

areas, the expense of the rights and interests of coastal communities and fishermen, and the widespread threat of plagues and natural disasters / environment in coastal areas. A growing phenomenon, the law tends to be regarded by the public only to resolve disputes, disputes, violation and a criminal act as well as other issues. Similarly, in environmental management, especially in the utilization of coastal fishery resources, the law appears to be merely seen as a place for litigants in court if there are parties who feel aggrieved interests of an LH damage, waste disposal, pollution, and more. Law appears to be merely interpreted as a place to report a crime against LH including permit deviations in the utilization of coastal fishery resources. Conversely, material values and the economy are considered far more important than the law.

Strong encouragement or motivation to obtain sources of capital and income as much as possible, as well as material gain as much as possible, the power, position, class, business contacts and business networks as a unified find interests to approve the project planning and investment in coastal areas, so complete and perfected the practice of collusion to modify or enable function coastal areas into the economic and business district, the area of investment. It is also common in a coastal communities and fishermen, namely the emergence of encouragement or motivation to have a fishing fleet technology and create large ship large capacity in order to more easily obtain the catch as much as possible, in order to have more income and material wealth, but on the side No other fishermen who still can not afford a machine 10 GT, 30 GT, 60 GT so difficult to obtain the desired catches. Encouragement or motivation economic advantages likewise not infrequently lead to unscrupulous coastal communities or individual fishermen or unscrupulous managers of fisheries or persons other do the ways fishing using bombs or other types of other explosives, which not only pollute the water with toxic chemicals but also damage and destroy coral reefs that become breeding grounds for many species of fish. Motivation to gain substantial economic returns also encourage the various actors both in government as well as businesses and people to manipulate permit sand mining activities in coastal areas. On the one hand, government officials want to obtain an increase in local revenue (PAD) of the mining sector, and on the other hand, unscrupulous businessmen also want to earn huge profits from their business. The meeting of two of the same economic interests that lead to value - the economic value is more advanced than the values of the legal protection of the environment in coastal areas.

Factors other forces are political interests of certain governing and controlling the decisions and policies to enable function coastal area into smaller plots, became the economic area of trade and industry and tourism, and others, which not only pollute the water with toxic chemicals but also damage and destroy coral reefs that become breeding grounds for many species of fish. Forces and certain political interests tend to be more widely used to meet the power ambitions of personal and group / cronies so that policy and environmental governance arrangements in coastal areas and use of fishery resources are always oriented towards short-term interests. As a result, the need to protect the environment and the utilization of SDPP into a side business. Law that serves to maintain order, balance and fairness, but the function of such a law as ruled out. Another problem in the legal culture in South Sulawesi is socialization and education related to the nature of legal protection and utilization SDPP LH is still relatively limited and inadequate. Among the coastal communities and fishermen, who generally still less educated, are still much or largely unfamiliar with the legal protection of LH in the utilization of SDPP. They just run a regular habit or activity of catching fish but less or do not know the boundaries of legal protection. Due to lack of socialization and education, causing nature PHLH especially in the utilization SDPP undergone many misperceptions, misorientasi, miscommunication, even the not infrequent practice of manipulation. Another implication is the lack of legal awareness on the practice nature PHLH especially in the utilization SDPP. that cultural factors affecting PHLH law in SDPP is the low utilization of public

awareness in the implementation of the legislation in force (in particular PPLH Act, Fisheries Act, UUPWP-KDP), and lack of application of cultural values and local wisdom (due to the dominant influence of legal culture from the outside, the shifting values of LH legal protection to economic values, dominant LH legal submission by political interests, as well as the lack of socialization and education).

Conclusions and Suggestion

Substance Law (Legal Substances) environmental legal protection against utilization of coastal fishery resources is still quite weak due to policy conflicts and authority, conflict norms, lack of legal policies and legislation regarding the protection of environmental laws (UUPPLH No.32 of 2009), fisheries (fisheries Act No.31 of 2004 in conjunction with Law 45 of 2009), management of coastal areas and small islands (PWP-KDP Act No.27 of 2007 in conjunction with Act 1 of 2014) that influence the emergence of various problems LH in the legal protection and utilization of SDPP such damage, pollution, functional shift, conflict or dispute. Legal Structure (Legal Structure) protection of environmental laws against the use of fishery resources coastal areas is still quite weak due to weak institutional role of government and local government, weak law enforcement LH preventive and repressive, human resource competency apparatus, and a lack of coordination and cooperation (conflict egolokalitas and egosektoral). culture Law (Legal Culture) protection of environmental laws against the use of fishery resources coastal areas is still quite weak due to lack of public awareness in carrying out the applicable legal rules (in particular Law PPLH, the Law on Fisheries, UUPWP-KDP), and the lack of implementation of cultural values and local knowledge (due to the dominant influence of legal culture from the outside, shifted (transformation) - its values LH legal protection to economic values, dominant LH legal submission by political interests, as well as the lack of socialization and education).

Recommendations from the study that the need to implement strategies to address all three factors (the substance of the law, the legal structure and legal culture) that affect the legal protection of LH in the utilization of SDPP as well as to optimize the PHLH SDPP are: (1) Internalization of the nature of HLH and PHLH based on Pancasila, (2) implementation of legal values based on Pancasila into policy products HLH, (3) the implementation of autonomy HLH / PHL by law habits in each region, (4) implementation of the law of habit HLH / PHLH national, (5) the implementation of democratic law in PHLH, (5) Set the state of the environment as a subject of law, (6) Establish the boundaries of the values of the legal protection of LH to economic values, (7) Establish the limits of the law with politics in HLH and PHLH, (8) Variation legal means - legal protection, (9) Increased awareness of the law, (10) Optimizing the performance of law enforcement, (11) Increased socialization and education in the field of law LH, (12) Competence Enhancement of human resources in the field of HLH and PHLH, (13) Changes in the behavior of the lawless and PHLH - SDPP, (14) Control egolokalitas - egosektoral and conflict, (15) Improved coordination and cooperation, (16) harmonization of policy and authority, (17) Internalization and practice of legal norms of Pancasila, (18) Development of legal norms of the State and the harmonization of regulations - Act, (19) Internalization of collective responsibility, (20) Implementation of spatial planning policies.