Utilization of Autonomic Rights for Regions in Managing the Sea or Beach Area in Jakarta, Indonesia

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Abstract
An attempt to utilize marine areas based on Law no. 32 in 2004, it concerns about the Regional Government which contains the regional authority to manage their marine areas. Such authority is as stated in Article 18 paragraph (1), “they are; exploration, exploitation, conservation and marine management”. In order for regional autonomy to have a positive impact on the management of coastal/marine areas, it requires a commitment from the local government and the community in managing the marine sector in their jurisdiction to gain added value or a strategic role on an ongoing basis. Law No. 32 in 2004 has been changed to Law no. 23 in 2014, Article 14 paragraph (6).

Keywords: law, authority, reclamation, added value.

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INTRODUCTION

Since the Law Number 32 in 2004 was made on the authority of Regional Government to manage marine areas, it is stated in Article 18 about Regional Government which reads: First, The areas that have marine areas, they are given the authority to manage marine resources. Second, for the management of natural resources at the bottom and/or under the sea, the Regional Government will get a profit sharing as stated in the law which states (UU no. 23/2014 Article 14 paragraph (6):

1. The area will be given the authority to manage natural resources in the sea contained in the marine area.
2. The area obtains profit sharing from the management of natural resources on the bottom and/or under the sea in accordance with what is stated in the law.
3. The authority of local governments in managing marine resources as stated in Article 18 paragraph 1 includes: A marine management, exploitation, exploration and conservation; Administrative arrangements; Spatial planning;
4. The authority is delegated by the government or legal defense of regulations issued by the regions;
5. Participate in security protection;
6. Participate in defending the country’s independence.

Third, the authority of resource management at sea is as referred to in Law Number 32 in 2004 about Local Government in Article 18 paragraph (3) for “provinces is measured from the coastline of at most 12 (twelve) miles to the high seas and/or to the island and 1/3 (one-third) of the jurisdictional province area for the city/district”:

1. The authority to manage marine resources is measured or divided equally in accordance with the principle of the regional median line between 2 (two) provinces and for the city/regency to get 1/3 (one third) of the area of the province authority concerned if the sea area is between 2 province less than 24 miles.
2. For fishing by small fishermen, the regulations in Article 18 paragraphs (4) and (5) do not apply.
3. Regional autonomy as stipulated in the Law Number 32 in 2004 about Regional Government in implementing the provisions referred to in paragraphs (1), (3), (4), and (5) is “a strong basis for the Regional Government in carrying out the development of marine areas starting from from the elements of utilization, planning, control, and supervision”.


4. Direct involvement of laws and regulations is the transfer of authority in determining development and management policies in the regions.

Therefore, the increase of the regional government authority gives promising hope and becomes an opportunity for the region to regulate its own territory. On the other hand, the local governments have special authority in terms of obtaining additional value for marine energy sources, non-biological and biological natural resources, and also seaside resources that are very likely to be extracted, optimized, and utilized.

1. Freedom in the development of improving facilities in the inter-provincial border areas, in assisting the development and advancement of the region both internally and externally, which means that “across regions between regencies/cities and provinces, there will be more authority for structuring which in the end will provide added value and role strategic for the region”. In order, for regional autonomy have to a positive impact on the management of coastal areas, it requires the engagement of the community with the local government to manage the sea in their territory in a sustainable manner.

2. Development is a conscious effort to manage and use resources to improve people’s quality of life. Although the availability of resources is limited in terms of quantity and quality, the need for resources is increasing along with the increase in population and needs. Environmental aspects need to be included in development activities to anticipate these limitations.

The sustainable resource management is development that ensures the sustainable use of resources, both now and in the future. In achieving this goal, development should be carefully designed, it includes involving all stakeholders in carrying out reclamation development.

Reclamation is the process of creating new land on beaches, oceans, rivers, or bodies that hold water. This reclamation process is carried out by stockpiling large amounts of soil / sand / rock in a place that holds water to form new land. Generally, the “reclamation is carried out in coastal areas to expand land but can also be carried out in seas, rivers, and lakes”. (Presidential Decree Number 52/1995)

Reclamation certainly has many benefits for the community, but it is also necessary to consider the disadvantages and negative impacts. One of the disadvantages of “reclamation is:

1. The time and cost to complete this process, the costs and materials required of course have a considerable value.

2. This reclamation process also changes the ecosystem of an environment due to hoarding on the beach / at sea so that it becomes new land and there is also land / sand taken for the reclamation process.

There is no national regulation considering that Indonesia, most of its territory is on the coast, the possibility of carrying out reclamation in Indonesia is very large, which intends to expand urban areas due to the rapid increase in population. National regulations that accommodate all requirements by agencies related to reclamation are needed to avoid overlapping authorities between relevant agencies and avoid negative impacts from reclamation in the future”.

RESEARCH METHODE

The type of research used is rationalistic qualitative with descriptive method, descriptive method aims to find out things related to the state of something. According to Mohair (2002), the descriptive method is carried out by collecting data from the results of field observations, documentation/sketches and literature studies related to the object of study. Observations/observations on the relinquishment or revocation of land rights (reclamation of the North Coast of Jakarta) in the coastal area of North Jakarta, is carried out by observing and evaluating reclamation and revitalization projects on the north coast of Jakarta aimed at developing the area into an area for business, economic and social activities. Settlement. Documentation is carried out in the first way, in terms of natural population growth and population growth due to migration. Second, the welfare side of the poor encourages people who originally lived in the city to choose to move to the city coast or to a new place to start a business in order to improve their welfare. Third, in terms of the distribution of urban crowds, initially all
activities were centered in the city, so a new space was needed to accommodate all activities that could not be facilitated in the city. Literature study was carried out by examining writings and various concepts and various theories related to the city. The development of the Oantai Reclamation, urban layout, so that data are obtained to analyze the style and character of the right reclamation on the North Coast of Jakarta.

RESULTS AND DISCUSSION

Results

There are legal aspects of state administration that will be studied in the implementation of reclamation development on the coast / at sea, starting from the right to control the state which comes from the authority regulated in the Basic Agrarian Law (UUPA) in 1960 Number 5 (State sheet No. 104/ 1960.

Supplement to the State sheet No. 2034 Article 2 paragraph (2) letters a and b which reads “The authority is by the State in regulating and administering, the use, designation, availability and maintenance of water, earth and also space regulating and determining the legal relationship between humans and water, earth and space”. This article is related to the Basic Agrarian Law (UUPA) in 1960 Number 5 Article 2 Paragraph (4). These authorities include the state’s authority in the implementation of land acquisition for the development of public interests as regulated in Law in 2012 Number 2 that concerns about “The Land Procurement for Development of Public Interests” (it is continued by Government Policy in 2012 Number 71 and The Head of BPN in 2012 Number 5 that concerns about “the Guidelines for Actualization (Juklak) Land Procurement for Development in the Public Interest”. It is further stated that “the land acquisition is by the Government or Regional Government to carry out development in the public interest is carried out by means of surrender or relinquishment of land rights. Land acquisition in addition to carrying out development in the public interest by the Government or the Government Regions are carried out by exchanging, buying and selling, or other methods agreed voluntarily by the stakeholders”.

These methods can be applied to land rights holders, both individuals and legal entities. It is done because the state land that will be used for development, it is no longer available, so land rights must be available.

Discussion

The relinquishment or revocation of land rights. But what if there is no state land or land that is already owned by individuals or individuals? To anticipate it, the Provincial Government of DKI Jakarta has reorganized the existing coastal land by revitalizing /reclamation.

For example, the Reclamation of the North Coast of Jakarta, is a regional government plan that intends to expand the city area and to fulfill the development needs carried out in Jakarta due to rapid population growth. In addition, the reclamation and revitalization project on the north coast of Jakarta is aimed at developing the area into an area for business, economic and residential activities. With the same idea, the Provincial Government DKI Jakarta and several partners want to make Jakarta a “Sea City”.

The capital city of Jakarta is intended as a service city. Realizing the development of facilities and infrastructure that supports Jakarta as a service city. The Provincial Government of DKI Jakarta needs adequate land. Due to the expansion of development to the south of Jakarta, such as Bogor and Sukabumi, it is considered impossible because the Bop Launch area (Bogor-Puncak-Cianjur) functions as a water catchment area for Jakarta, it is necessary to develop the area to the West, East and North. The DKI Jakarta Provincial Government then saw the reclamation/revalorization of the north coast (Pantura) of Jakarta along the 32 kilometers (2,700 Ha) as the most possible solution to obtain adequate land.

The implementation of idea has been ratified through Presidential Regulation of Number 54 in 2008, it concerns about the Spatial Planning for the Jabodetabek-Punjur National Strategic Area. It is as an alternative to the Presidential Decree No. 52 in 1995, it regards “Reclamation of
the North Coast of Jakarta” which gave the authority and responsibility to the Governor of the Capital Region of Jakarta in carrying out “Reclamation of the North Coast of Jakarta”.

In addition, because of reclamation is an activity that has a large impact, an environmental impact analysis must be attached to the application for a permit to carry out reclamation activities. So, based on this licensing system (Law Number 23/1997 Article 18 paragraph 3, 1997):

1. Activities and/or businesses that have the most important and greatest impact on the environment always carry out an analysis of environmental impacts to obtain an activity and/or business permit.
2. An activity and/or business permits as referred to in paragraph 1 is issued by an authorized official in accordance with the provisions of laws and regulations.
3. Approval under paragraph (1) must include “obligations and requirements in managing environmental impacts”. Reclamation can have a positive or negative impact on ecosystems or coastal or marine people. This impact can be long-term or short-term, depending on the characteristics of the impact and the condition of the ecosystem and the community in article 18 paragraph (1) it includes “the reclamation location”.

**CONCLUSION**

1. Indonesia, which has a coastline of approximately 95,000 km, it is not only rich in natural resources, but also has various functions such as industrial and agro-industrial areas, transportation and ports, recreation, tourism and environmental services and settlements. The major cities in Indonesia are large coastal cities, densely populated and economically active, but the availability of land often does not support urban growth and development. The land will be very small to fulfill the city’s needs for offices, industrial land, settlements, ports and other social facilities such as commercial, tourism and entertainment centers. The most districts/cities in Indonesia are located in coastal areas.
2. The areas with coastal areas in Indonesia until 2001 were recorded about 283 districts / cities. In relation to the area of the sub district, there are 1,129 sub districts out of 4,028 sub-districts that are topographically located in coastal areas, and about 5,479 of the 62,472 villages are coastal villages. The waterfront areas that are the authority of regional management often motivate the government to create new spaces for various activities.
3. The Urban development is main reason for reclamation, so the alternative coastal reclamation is carried out for various reasons: First, the natural population growth and the population growth due to migration. Second, the welfare of poor encourages people who originally lived in the city to choose moving the coast of city or a new place to start a business in order to improve their welfare. Third, the spread of urban crowds, originally all activities were centered in the city, so a new space was needed to accommodate all activities that could not be facilitated in the city. This reality encourages coastal areas to continue to look for new alternatives as a place to accommodate urban activities.

**REFERENCES**


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