



Law Enforcement on Coral Reef Protection in Raja Ampat Regency

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Abstract

Massive exploitation of coral reefs and their surrounding ecosystems often occurs without considering conservation and sustainability, especially in tourist destinations, as seen in Raja Ampat Regency. The research employed both normative juridical and empirical juridical approaches with a descriptive-analytical approach. The types of data used were primary data, obtained directly from respondents, and secondary data, obtained from literature studies, documentation, and interviews. The research findings indicate that the legal norms governing law enforcement for coral reef protection in Raja Ampat Regency constitute violations of norms with strict sanctions, providing education to combat theft and/or destruction of marine ecosystems, with the aim of raising awareness among the public that such actions are criminal offenses. The enforcement of sanctions for legal violations against coral reefs in Raja Ampat Regency takes the form of patrols to monitor criminal acts of ecosystem destruction and also conducts socialization to help the community understand the consequences of damaging marine ecosystems. The concept presented by the author in the research reaffirms the importance of the role of parents and all elements of society in maintaining public order and security, particularly community development. It emphasizes that it is not solely the responsibility of the police, as without the functioning and involvement of parents and community elements, the police cannot effectively and efficiently carry out their duties in fostering the community.

Keywords: Law Enforcement, Coral Reefs, Raja Ampat

Introduction

Indonesia, with its status as an archipelagic country, is known for its abundant natural resources both on land and at sea. Article 33, paragraph 3 of the 1945 Constitution of the Republic of Indonesia emphasizes the important role of the state in ensuring the sustainable management of its natural wealth responsibly (Sukmana et al., 2015). The aim is not only to meet the needs of the current generation but also to ensure that future generations can benefit from these resources. The potential of marine and fisheries, mining, marine transportation, maritime industry, ecotourism, marine services, and abundant mineral resources make Indonesia a Center of Excellence for biodiversity and also support the life of the nation, especially communities in coastal areas and small islands (NIM, 2019).

Humans and the environment form an inseparable system; however, human activities can alter natural ecosystems. One of the most vulnerable and easily damaged ecosystems is coral reefs and their surrounding environments. Coral reefs are habitats for about 25% of all marine species. Large-scale exploitation of coral reefs and their ecosystems often occurs without considering their conservation and sustainability, particularly in tourist destinations such as Raja Ampat Regency (Damanik, 2018). Activities like fish bombing, exploiting marine resources with compressors, and catching ornamental fish result in coral reef damage. This damage is also caused by ship collisions, such as the MV Caledonian Sky, flagged by the Bahamas, which struck coral reefs at a depth of 5 meters around Kri Island on March 3, 2017. A similar incident occurred again on February 3, 2021, when the KM Perintis Sabuk Nusantara 62 ran aground in Raja Ampat waters, causing damage to the coral reefs in the National Marine Conservation Area of the Aquatic Nature Reserve (KKPN SAP).

There is a need for legal guarantees for the safety and sustainability of marine ecosystems to provide ongoing benefits and safeguard the nation's dignity against threats from within and outside its waters (Trimirza et al., 2021). Implementing law enforcement on coral reef protection is crucial, as emphasized in Law Number 32 of 2009 on Environmental Protection and Management and Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands, along with Regional Regulation of Raja Ampat Regency Number 8 of 2010 on Coral Reef Management (referred to as Regional Regulation No. 27 of 2007). All involved parties are expected to have awareness and responsibility in preserving coral reef ecosystems. Effective environmental law enforcement requires skilled, honest, and public-interest-oriented law enforcers who prioritize the future over short-term gains (Andreas Pramudianto & SI, 2022).

In the journal titled "Local Government Responsibility for Coral Reef Damage in Raja Ampat Regency," the local government of Raja Ampat has taken steps to address coral reef damage caused by a British cruise ship. They demanded compensation of Rp. 6,000,000,000,000 from the British Embassy in Indonesia and

coordinated this process with the Indonesian Government. Additionally, they have made efforts to rehabilitate the damaged coral reefs by replanting corals in the Mansuar District of Misos Mansar, where the MV Caledonian Sky caused damage (Muharuddin & Hidayat, 2020).

Andi Abu Dzar Nuzul et al. explain the importance of prioritizing environmental restoration over relying on criminal penalties such as imprisonment for environmental polluters or destroyers. Criminal sanctions should only be applied if administrative law, civil law, and alternative dispute resolution outside the court are ineffective. This principle is known in criminal law as the subsidiarity principle or the "ultima ratio" principle, meaning it is the last resort (Nuzul & Benuf, 2021).

Violations causing damage to the marine environment, particularly coral reef ecosystems, have not yet received adequate legal sanctions to create a deterrent effect, highlighting ineffective law enforcement that can negatively impact future legal proceedings. Thus, how law enforcement against coral reef destruction is implemented and what sanctions are applied for legal violations of coral reef protection in Raja Ampat Regency become relevant issues. Given the numerous legal violations occurring without truly fair law enforcement, these considerations are crucial.

Methods

This research is a normative legal study supported by in-depth interviews examining law enforcement on coral reefs in the Raja Ampat Regency. The approach used in this research is tailored to the existing problems, namely a legal and philosophical approach to addressing legal norms governing law enforcement on coral reefs in the Raja Ampat Regency with existing philosophical values (Ashari, 2020). As for addressing the second issue, an empirical approach is used to determine the effect of sanctions application on legal violations concerning coral reefs in the Raja Ampat Regency and a conceptual approach to providing a concept of law enforcement on coral reefs in the Raja Ampat Regency, to ensure alignment with local wisdom in Southwest Papua (Ginting, 2019).

The type and source of data used are primary data, which uses legislation consisting of Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, Law of the Republic of Indonesia Number 2 of 2015 concerning Regional Government, Ministerial Regulation Number P.2/MENHUT-II/2007 dated February 1, 2007, concerning the Organization of Technical Implementation Units for Natural Resource Conservation and secondary data obtained through literature review. The data obtained are then processed and analyzed qualitatively aimed at finding relationships that explain the causes of social facts that occur. The aim is to obtain information that must be concluded and to understand the research problem (Herlina, 2017).

Discussion and Result

Indonesia's geographical location as an archipelago greatly influences the mechanisms of the Indonesian government. This archipelagic geographical condition causes the government to face difficulties in coordinating governance in the regions (Wiratraman, 2013). To facilitate governance arrangements, various governance systems are needed that can operate efficiently and independently, but still under the supervision of the central government. In this reform era, a governance system that allows for the rapid delivery of people's aspirations in the regions is highly needed, while still being under the supervision of the central government so that all local government policies consistently reflect the nation's ideals. In this context, regional autonomy for all regions in Indonesia and special autonomy for certain regions was introduced (Hasibuan, 2018).

Regional autonomy has led to a paradigm shift from a centralized government system to a decentralized one, providing regions with the freedom to create broad and responsible autonomous areas, manage and address local community interests according to their conditions and potential. The granting of autonomy to regions is fundamentally aimed at increasing the efficiency and effectiveness of local government administration, particularly in implementing development and providing services to the community, as well as enhancing the political unity and cohesion of the nation (Hamadi, A, 2011). According to the Law of the Republic of Indonesia Number 2 of 2015 on Regional Government, the broadest possible autonomy for Regional Governments is both an opportunity and a challenge.

Regional governments have opportunities and sufficient natural resources to manage these potentials independently, while for regional governments with less adequate natural resources, this poses a challenge (Anugrah, 2021). To implement the mandate of Regional Autonomy and Special Autonomy for the Provinces of West Papua and Southwest Papua, the Raja Ampat Regional Government is developing various natural resources to benefit the welfare of the community by maximizing all marine resources (Sukanto, 2017). To maximize marine resources, the Raja Ampat Regional Government collaborates with traditional institutions and communities to preserve marine life, particularly coral reefs, which have long been an iconic tourist attraction in Raja Ampat Regency. Tourism is a source of income for Raja Ampat in the service sector; therefore, the Raja Ampat Regional Government must play an important role in maintaining tourist areas to compete with other regions in Indonesia.

The uniqueness of Raja Ampat in its still pristine tourism appeal attracts foreign visitors, and the locals' hospitality adds to the charm of the area (Andreas Pramudianto & SI, 2022). The comfort in enjoying the exotic natural beauty is partly due to the local community's attitude towards enhancing tourism. Therefore, the Regional Government and Traditional Institutions can socialize the benefits and uses

of tourism development to the community so they understand that tourism is a regional asset that must be enhanced and preserved. With more tourists visiting Raja Ampat, economic growth will improve based on the economic turnover from local and domestic tourists (Noby Stilles, 2016).

Tourists come to Raja Ampat because of its mesmerizing marine environment, with beautiful fish and coral reefs. This situation changed when the British ship MV. Caledonian Sky damaged 1,600 square meters of coral reefs on Mios Mansuar Island, Raja Ampat. In response, the local government took various measures to restore the damaged coral reefs and held the perpetrators accountable as part of their responsibility to preserve the marine area and prosecute anyone who intentionally damages the marine ecosystem, recognized as a world heritage (Ginting, 2019).

Based on the researcher's interview with Mr. La Muhamad Fajrin at the Raja Ampat Police Headquarters in Waisai, regarding the damage to coral reefs in Raja Ampat, the Regional Government continues to cooperate with the legislative body (DPRD) and traditional institutions to advocate legal sanctions against those who damage coral reefs. The Regional Government plans to take legal action to seek compensation and apply criminal sanctions, including detention, against the captain of the British cruise ship MV Caledonian Sky. The Regional Government will ensure this case is followed through to completion as a sign of their commitment to protecting Raja Ampat's coral reefs, which are a significant asset to marine tourism and have become a global trend.

An interview with Mr. Frans A. Prawar, S.H., revealed that the Regional Government asks law enforcement officials to act firmly, even against foreign nationals. Indonesian criminal law applies to foreigners who violate laws within the Republic of Indonesia. The British cruise ship Caledonian Sky entering shallow waters should have been anticipated by its captain. Therefore, the Regional Government demands compensation for the damage amounting to IDR 6,000,000,000,000 (six trillion rupiah).

Based on an interview with Mrs. Ellen Risamasu, S.T., M.T., a researcher, the local government's demand to the Indonesian Republic's government is to assist in seeking compensation and taking action against the MV. Caledonian Sky cruise ship, which damaged 1,600 square meters of coral reefs in Raja Ampat, Papua, on March 4, 2017. Coral reefs are an asset that must be protected and preserved, as their growth rate is only 1 cm per year. Consequently, this incident serves as a memorable experience for the local government, ensuring that such damage does not recur in the future. According to the interview, the responsibility of the local government of Raja Ampat Regency in addressing the coral reef damage includes reporting the incident to the British Ambassador in Jakarta and presenting the issue to the Minister of Marine Affairs in Jakarta.

The demand for compensation resulted in the captain of the ship being blacklisted and a compensation claim of IDR 6,000,000,000,000 (six trillion rupiahs) being filed for the destruction of the coral reefs. The damage caused by the MV. *Caledonian Sky*, a British government-owned cruise ship, has attracted serious attention from the Indonesian government, considering that the marine biodiversity of Raja Ampat Regency is a globally recognized heritage. Coral reef growth takes hundreds of years, and their destruction has severe consequences for marine life and the livelihoods of fishermen residing on Mios Mansuar Island, where the damage occurred. Given the critical role of coral reefs in the marine ecosystem and the lengthy recovery process needed to restore the reefs to their original condition, it is essential to apply various legal measures to balance the severity of the impact. Building on this notion, researchers conducted interviews with 55 residents of Mios Mansuar Island to understand the methods employed by the Raja Ampat Regency Government in addressing and following up on the issue as part of their responsibility..

In an interview with Mr. Kompol Achmad Rumalean, Deputy Chief of Police of Raja Ampat, it was revealed that there are several challenges related to law enforcement against marine ecosystem destruction: (1) Law Enforcement Factors: The police force's lack of firmness due to insufficient knowledge results in weak enforcement against perpetrators of marine ecosystem destruction. The humane approach of law enforcers towards those responsible for environmental damage. (2) Community Factors: The community's lack of awareness about the importance of preserving the environment, particularly in waste management and the beauty of marine ecosystems in coastal and marine areas. Law enforcers' understanding of regulations, especially the Law on the Management of Coastal Areas and Small Islands, remains limited to written laws and specific articles. Although law enforcers recognize that marine ecosystem destruction is a violation of the Conservation of Biological Resources and Their Ecosystems, a comprehensive understanding of the law among law enforcers, particularly in the Water Police, is still inadequate. As a result, the enforcement of Law Number 7 of 2007 concerning the Management of Coastal Areas and Small Islands against perpetrators of marine ecosystem destruction in the jurisdiction of the Raja Ampat Water Police Unit has not been effectively implemented (Lukman, 2022).

Law enforcement officers must be meticulous in applying legal regulations when addressing criminal acts that damage marine ecosystems in the jurisdiction of the Satuan Polair Raja Ampat (Salmudin, 2019). Coordination among law enforcement agencies is still suboptimal. Effective law enforcement requires coordination between law enforcement agencies and support from other institutions, in this case, the Natural Resources Conservation Agency (BKSDA). It is reiterated that law enforcement by the police must be thoroughly observed and enforced. The enforcement of the law by the Satuan Polair Raja Ampat remains weak in implementing Law No. 27 of 2007

concerning the Management of Coastal Areas and Small Islands, which entails the following :

1. Improving the quality of law enforcement personnel.

Enhancing the quality of law enforcement personnel, including officers of the Satuan Polair in the Raja Ampat area, is crucial to addressing marine ecosystem damage. One way to improve their quality is through providing training and knowledge related to marine environmental protection through socialization. It is expected that law enforcement officers will better understand the complexities of marine environmental issues and effective law enforcement methods after undergoing training. Increasing the number of law enforcement personnel is also necessary to enhance the effectiveness of investigations into marine environmental violations. With more personnel, law enforcement can be carried out more intensively and comprehensively, preventing and addressing marine ecosystem damage more efficiently (Sholahuddin, 2024). These steps are important to ensure that the Raja Ampat area can be protected and the sustainability of its marine ecosystem can be maintained for future generations.

2. Providing education to the community.

The community must be educated to address criminal acts of marine ecosystem damage in the conservation areas of natural resources. It is intended to raise awareness that such actions constitute a criminal offense (Hendri, 2020). This education aims to increase awareness among perpetrators and the community about the importance of preserving the marine and coastal environment, particularly in tourist areas like the Raja Ampat nature reserve, for the sustainability of its ecosystem and to maintain its beauty as a tourist destination (Damanik, 2018).

Based on the legal fiction principle, every regulation enacted by the state should be known by its citizens. The issue is the extent to which citizens are aware of these regulations, and whether all law enforcement officers related to the law are also knowledgeable about them (Nuzul & Benuf, 2021). For this reason, there is a need for socialization of the legal rules to both the community and law enforcement officers. The challenges faced in enforcing Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands within the jurisdiction of the Satuan Polair Raja Ampat are as follows:

a. Police Apparatus Factor

The lack of firmness in the police apparatus in handling marine ecosystem destruction is due to the limited knowledge of the police force in enforcing the law (Wahyudi, 2020). The police often deflect an issue by stating that it should be resolved by other agencies, both of which have their respective tasks and functions that are interrelated. The Police and the BKSDA (Natural Resources Conservation Agency) have primary tasks and functions in enforcing the law as

stipulated in Law Number 2 of 2002 concerning the Republic of Indonesia Police. The main tasks of the Indonesian National Police are listed in Article 13 of the aforementioned law, namely:

- 1) Maintaining public order and security;
- 2) Enforcing the law; and
- 3) Providing protection, guidance, and services to the community..

The Conservation Resource Management Center (BKSDA) has primary duties and functions outlined in Ministerial Regulation Number P.2/MENHUT-II/2007 dated February 1, 2007, regarding the Organization of Technical Implementation Units for Natural Resource Conservation, as described in one of the tasks of the Natural Resource Conservation Center which is "Managing natural reserves, wildlife sanctuaries, nature reserves, and new lands, as well as conserving flora and fauna both within and outside conservation areas".

b. Social Factors

The lack of awareness among the public regarding the importance of preserving the environment, particularly in waste management and maintaining the beauty of marine ecosystems in coastal and marine areas, poses a serious challenge to environmental conservation. This can lead to increased pollution and degradation of the environment, thus threatening the sustainability of vulnerable marine ecosystems (Candra Perbawati, 2019). To address this issue, public education and awareness campaigns are crucial to emphasize the role of individuals in maintaining cleanliness and the sustainability of the marine environment. Continuous education about the negative impacts of indiscriminate waste disposal and ecosystem damage must be provided to increase public awareness and responsibility. Collaboration is needed among the government, non-governmental organizations, and private sectors to implement effective and sustainable waste management programs in coastal and marine areas. As public awareness increases, individuals will become actively involved in preserving marine and coastal environments for a better future, especially in waste management and the beauty of marine ecosystems in coastal and marine areas (Sukmana, 2017).

Conclusion

Improving the quality of law enforcement resources is essential, especially in the Raja Ampat region, regarding criminal acts of marine ecosystem destruction. Socialization efforts aimed at enhancing the understanding and performance of law enforcement officers, as well as increasing the number of law enforcement personnel, are necessary. The goal is to enhance the effectiveness of investigations against perpetrators of marine ecosystem destruction in accordance with Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands. Law

enforcement against perpetrators of marine ecosystem destruction in the Raja Ampat region has not been optimal. The main constraints include a lack of understanding of the law among Maritime Police officers, insufficient coordination between law enforcement agencies and the Natural Resources Conservation Agency (BKSDA), coupled with a shortage of law enforcement personnel to oversee the destruction of marine ecosystems in the Raja Ampat region.

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