

Developing collective awareness in providing local-based preservation of coastal area

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(Received 11 February, 2020; accepted 21 March, 2020)

ABSTRACT

This research aims to explore the importance of preserving the coastal area through raising collective awareness based on the community local value in a designated area. This socio-legal research employed interview and focus discussion to generate data. The results reveal that there is tendency of environmental degradation. There are several contributing factors of this issue, e.g., nature, as well as human action and resources. These factors significantly damage the environment, even beyond what is tolerable. Human factor, however, contributes to the degradation of environment the most in compare to the nature. Some of the examples are poverty, human resources exploitation, and misusing of technology. These conditions cause the decrease in the quality of the environment. Besides, efforts in promoting the awareness to preserve the environment are not that effective since some people still ignore the rules. Therefore, developing collective awareness through preserving the local values is essential.

Key words: Collective awareness, Local value, Coastal area

Introduction

Indonesia is a rich country with natural resources; one of them is the ocean since it is an archipelago country. With that being said, preserving the sustainability of the ocean, including the coastal area is important. The coastal area plays a major role in supporting human's activities. Preserving the coastal area can be done by developing strategies in promoting collective awareness in managing and harnessing the resources on an ongoing basis.

Policy on protecting natural resources in Indonesia has been stipulated in Article 33 Paragraph 3 of 1945 Constitution and that such policy has been elaborated further in other regulation. Still, constituting a written law is not enough if there is no awareness from the community to implement the rules or laws. The legal issues at the implementation

level are necessary to be examined. This is the problems associated with the behavioral issues, i.e., consciousness and willingness to implement.

According to Waluyo (2014), coastal resources have biodiversity that plays a role in supporting and responding to national and global climate change, especially on the islets (<100 ha) that are prone to drowning. This is because coastal areas are strategic areas worth developing. There are several factors empirically causing damage or pollution in the region, including nature. This causes the decline in environmental functions which previously caused by human behavior, whether intentionally or unintentionally. It also impacts the coastal area directly and indirectly.

Based on Opa (2010) one of the coastal areas is some mangrove forests in Gorontalo regency covering 25,688.09 ha. However, around 14,017.58 ha of

the area has been devastated, leaving only 4,123.62 ha remained unharmed. Such a condition indicates that around 70% of the forest is damaged. Therefore, the mangrove forest in Gorontalo is considered to have the highest level of damage in Indonesia. Factors causing mangrove damage are exploitation of the area, the overdependence of the community living in coastal areas, as well as mangrove forest conversion for various interests without considering environmental sustainability.

The above issue is one of the environmental degradation caused by the exploitation of Mangrove forests. There are some issues other than exploitation of an area, such as pollution and destruction of water habitats and other organisms. These blame misbehavior towards the environment which is essential to human's life. Although the government has endeavored to cope with the problems through designing several programs, environmental degradation turns out to be an ever-lasting issue affecting the ecosystem in a particular area. It is believed that promoting collective awareness is among the solutions available to preserve an area.

Legal Instrument of the Importance of Coastal Area Preservation

The laws concerning coastal and marine areas are regulated in various provisions, both international and national legal instruments. The international law regarding the protection of coastal and marine area has been stipulated in Chapter 17 of Agenda 21 of Johannesburg Declaration 2002, *Plan of Implementation of the World Summit on Sustainable Development 2002 and Bali Plan of Action 2005* (Sunyowati, 2016). The Agenda 21 itself was constituted in 1995. Chapter 18 of Agenda 21 asserts that the development of coastal and marine area covers the aspect of integration and development of an institution; it is expected that the area becomes superior in the future.

Another international law regulating the sea is constituted in *United Nation Convention on the Law of The Sea* (UNCLOS) of 1982. It was further ratified through the Law Number 17 of 1985 Considering the Ratification of UNCLOS in 1982. Kurnia (2008) stated that the convention is significantly meaningful to Indonesia as it recognizes the country as an archipelagic country.

Indonesia as a nation of law has regulated the management of natural resources in the Article 33 Paragraph 3 of Constitution 1945 that "the land, the waters and the natural resources within shall be

under the powers of the State and shall be used to the greatest benefit of the people." Therefore, managing the natural resources, specifically the coastal area, is the obligation for Indonesia as the conceptualization of Constitution 1945 and the ratification of UNCLOS convention.

From the perspective of philosophy, the stipulation of Law Number 27 of 2007 which later amended by the establishment of Law Number 01 of 2014 Considering the Management of Coastal Area and Islets is aimed to preserve the environment of the area and to regulate its use for people's prosperity. The coastal area is rich in natural resources which function to develop the economics, culture, and environment of a nation. People's engagement and ideas should be considered in preserving this area. Some regulations supporting the implementation of the provisions of Law Number 27 of 2007 amended by Law Number 01 of 2014 have been established to help the preservation.

Since only a few changes were established in the Law Number 01 of 2014 regarding the management of the coastal area, the Law Number 27 of 2007 still serves as the reference in regards to this research. This law defines the coastal area as a transition between land ecosystems and marine ecosystems that are affected by land and sea changes. Article 35 expressly prohibits the use of coastal areas by mining coral reefs that cause damage to coral reef ecosystems and in conservation areas, the use of explosive and toxic materials or other methods that damage mangroves. The law only allows people to manage the resources in coastal area and islets by considering the customs which do not conflict with the legislation (Article 60 Paragraph 1 Point C). In other words, promoting people's awareness based on the local values to support the preservation is essential. It requires the involvement of the communities nearby the coastal area.

The above discussion shows some of the regulations considering the protection of the coastal area. These laws play a significant role to provide legal protection for such areas in Indonesia. Protecting the areas are crucial since it is potential to enhance the economics of people and other aspects, e.g., social and culture. With that being said, cooperating with related stakeholders in conceptualizing sustainable efforts must be implemented.

Local Value in Supporting Legal Obedience

Indonesia consists of a wide variety of tribes spread

across several regions. The diversity of tribes and different natural conditions lead to a different lifestyle of a particular community; this is also influenced by the demographics of an area. Different patterns of lifestyles and behaviors create a variety of local wisdom in each province.

For example, Bajo community is well-known as a famous sailor. They are familiar with the nature and traditional knowledge in fisheries (Puluhulawa, 2015). Furthermore, the community is also known to reside in the coastal area. Therefore, the local values adopted by the community are heavily influenced by the conditions of residence and the habit that regulates the community.

The local values adopted by the community are heavily influenced by the conditions of the area and the community's behavior as a habit that regulates the community. These regulations are based on several values of religion, moral, and behavior.

Customary law stems from repeated customs in one community. The custom is then obeyed by the local community by which that any contradiction to the habit is perceived as an ethical violation. Some of Bajo community still implements and obeys their habits; such habits further become part of the legal consciousness of society. The customs remain in the society to regulate all activities in the area. In such a situation, the existence of law is a concretization of cultural values considering the development of law will always follow the development of society. Puluhulawa (2015) also mentioned that given the law is partly derived from the values held in society, its implementation is expected to be more effective. This is significantly determined by consciousness in implementing the law to promote the effectiveness of the rule. Changes in society, including the behavior, are without question a continuous process. This results in the emergence of new normative values as the past customs will be no longer in use (Kaharuddin, 2012).

It goes without saying that increase of population, economic development of society and information technology positively affect directly or indirectly to the environment, including coastal area. Excessive use of rights by the community, cultural conflict, law enforcement inaction in giving sanctions for violators and lacking supervision are among the causes of legal irregularities. These factors consequently contribute to the effectiveness of the law implementation.

According to Krabbe in Ali (2009), legal awareness is the consciousness or values that people have. The legal consciousness of the community has not guaranteed compliance to implement the rule. (Paul Scholten).

In regards to Krabbe and Paul Scholten, acknowledgment of local values depends on the public's view of what is perceived as something possible or impossible to implement. The dynamics of the development of community can give both positive and negative impacts as well. For example, such dynamics ease the integration of local values as a basis for improving legal compliance rather than establishing new regulations. This is because the regulations have been the part of ones' customs.

On the other hand, local values might disappear due to changes in perspective and lifestyle of a community. With that being said, preserving the local wisdom and values and community's involvement is essential to raising one's legal awareness. In response to the above discussion, there are four indicators of legal awareness, i.e., insight, understanding, attitude, and behavior towards the law. In other words, one's legal consciousness is not only determined by their knowledge and understanding but also must be manifested in their attitude and behavior.

Taking all the indicators into account contributes to the effectiveness of the law. For example, the local wisdom of Bajo people is that they catch fish using environmentally friendly fishing gear where it represents a positive behavior on the environment and this attitude should be preserved. If this is linked to the local values of the Bajo tribe, the recognition of local values for society cannot only be realized from the level of community knowledge about local values. This should be manifested in the form of attitudes and behavior to abide by the rules collectively or without coercion. Obedience refers to a manifestation of behavior that grows within each person.

According to the research results, Bajo people still maintain local values that have a positive impact on the environment, such as maintaining the sustainability of mangroves in residential neighborhoods and obeying the rules when fishing.

The effort of Bajo community to establish an environmental organization functions as the media in providing support for environmental sustainability in coastal areas. The Regulation of Village Council and the Village Chief of Torosiaje Jaya Village Con-

sidering the Village Regulation No. 01 of 2011 on Management of Mangrove Ecosystems is one of the manifestations of community concern about the ecosystem in the coastal areas. The stipulation represents the community's commitment to the preservation of the area; it also serves as the grounding for the Regional Regulation Number 01 of 2011. This regulation has a legal power that normatively regulates the community of Torosiaje Jaya village to contribute to maintaining the condition of the village.

Law is a real phenomenon rather than only a regulation in society. The dynamics of information and technology development shapes the legal behavior of a community significantly. The implementation of regulation will be successful if the changes bring a positive outcome. Otherwise, it hinders the conceptualization of the law by which anticipation is required. Such phenomena also occur in the community living in the coastal area. Developing strategies for raising collective awareness of the community is a must in order to cope with the problem.

The term community is defined as a system formed by interrelation between people with different characteristic rather than as a group of people. Those who have a high level of volume, intensity and determined are categorized in *mechanical solidarity* group, while people with low level of these aspects are well-known as *organic solidarity* group. This group emphasizes individuality and has a higher secular ratio (Tanya, 2007). In Durkheim philosophy, morality is crucial in regulating the society; it serves as a means to promote collective awareness. Given the fact regarding the importance of moral and its existence in social context echoing the opinion by Emile Durkheim (Sinulingga, 2-16), promoting collective awareness of the community in Bajo village, Pohuwato Regency will not be complicated. This is also because of the size of the community and their kinship, which represents the result of the interview. Therefore, promoting the collective awareness helps the community to be in sync in maintaining their environment.

Changes in development cause the shift in the value and lifestyle of a community of Bajo tribe. However, the tribe still concerns their environment and keep passes their fishing skill to the next generation. They also follow the customs regulating what they should and should not do during fishing or other activities at sea.

Changes in lifestyle and customs are caused by several factors by which it urges the Bajo commu-

nity to address the upcoming problems. Due to their uniqueness, Bajo community is able to preserve their local wisdom in their social life. Their traditional customs are well-implemented regardless of some problems of ideology shift.

The problem regarding changes in society blames several factors. Firstly, financial condition forces a family to harm the environment since they must fulfill their daily needs to survive. This situation depicts the economic condition of people in Bajo village; most of them are low-income working families. They basically work as fishermen where the income depends on the catch and the weather. The fishermen even end up with no catches during certain seasons. Secondly, uneducated dominate the population in Bajo village by which it determines one's attitude towards the environment.

Thirdly, the community has to adapt to uncertain climate changes. This impacts on the fish catch and is considered as the major concern for the fishermen. Problems of climate changes revolve around erratic rainfall, changes in wind speed at a certain period and huge waves. It also affects the fishermen income; even at certain times, there are no fishing activities. In other words, this situation put the fishermen at a disadvantage. Lastly, the people of Bajo village lack of understanding of the law. This is also among the contributing factors of environmental exploitation.

The fishermen community in Bajo village believes that they do not harm the environment during fishing, even though some understand that they must use other eco-friendly fishing gear to support their works. In other words, the fishing communities have not fully understood the laws and regulations that prohibit the use of tools that are harmful to the environment. In most fishing activities, the success of a fisherman is measured by the increase in the number of catches without taking into account the risks of such activity to the environment. Some examples of harmful tools are the use of bomb and poison to catch fishes. These tools harm not only the environment but also the community. The last problem is that poor supervision from the communities and the stakeholders.

Alternative Solutions: Promoting Collective Awareness

In order to build a collective awareness of the environment in coastal areas, various strategies need to be designed and implemented properly. These serve

as a means to find an alternative for environmental preservation. The results of this research show that alternative solutions are necessary to cope with the issue discussed above. This research provides three alternatives as explained as follows. First, the community needs to be fostered to understand the cultivation of other fisheries such as fishpond culture as a means to improve the economics of the fishermen. Mapping the potential of fisheries and establishing aquaculture areas is very important to empower the potential of fishermen community. Furthermore, the government must also take part to further advance the program.

The second attempt is to build a shared understanding of the importance of providing resource protection in coastal areas through education and training programs for fishermen community. Educational programs can also be implemented through environmental counseling as well as through various media such as brochures, television, and radio. Other approaches through raising awareness of environmental sustainability to school students will be highly beneficial for the above programs. Early environmental education will shape the character and personality of the young generation to raise awareness of environmental preservation. Parent's involvement is also crucial to support the program. In addition, other stakeholders, such as government and educational institution should provide facilities, e.g., textbooks about environmental preservation and design curriculum to ensure that the students are aware of the environmental issue. This second point is expected to be the solution of the problems related to the low level of education and the issue of the catch of society caused by the unstable climate.

The third problem is the lack of understanding of the law. This indicates that seminar on the law is essential to promote the awareness of people. The seminar equips the society with the basics of law, specifically about the environmental preservation by which the information is important for the communities in the coastal area. Some of the benefits that can be gained from the provision of legal seminars are to provide knowledge to the public about the orders and restrictions set out in law, fostering exemplary community to behave in accordance with the rule of law, as well as supporting the implementation of the law. A good legal understanding can build a collective awareness to contribute to the sustainability of environmental functions in coastal areas. The aforementioned efforts serve as

a means to prevent issues of environment in the future. The community should also be involved in monitoring the behavior that harms the environment. Moreover, implementation of the program can be optimized through the role and function of the Environmental Monitoring Community Group. Such a group has been established, yet the group does not carry out the job effectively.

It is expected that the efforts that have been described can evoke ethical, wise and caring behavior towards the protection and preservation of the environment. This also raises people's collective awareness in preventing behavior contradicting to law. One's knowledge regarding law is among the contributing factors of promoting legal awareness. Therefore, enriching the understanding of environmental preservation for people especially children is crucial. Munir Fuady further categorizes the legal awareness into four categories, i.e., knowledge, understanding, attitude, and behavior towards law (Fuady in Rosana, 2014). Accordingly, lack of legal knowledge impacts other aspects, specifically attitude and behavior. Lacking monitoring of law violations is one of the causes of environmental problems.

Monitoring or supervision serves as a legal instrument where the implementations comprise preventive and repressive act. Preventive monitoring refers to internal monitoring by the community and external by involving the authorities, while the repressive act refers to the court process that involves polices, judges, as well as attorney. The government and society are responsible for both monitorings to ensure the justice in the legal processes. Developing collective awareness is also regarded as an effort in promoting the community awareness to abide the law. Still, the government should also monitor its implementation to progress such an attempt and to support the law. According to JBJM Ten Berge, administrative law enforcement involves supervision and penalize or giving sanction (Berge in Supriyadi, 2008). Therefore, regulatory policy related to supervision of coastal areas is integral to conceptualize the preservation efforts.

A more significant role to the community in regulating and overseeing the area (for example, the coastal area) plays an essential role in legal oversight. This can be optimized by using *command and control approach* and *self-regulation approach*. Both approaches have its strength and disadvantage. The effectiveness of command and control is determined

by the government as the policymakers in monitoring and supervising the conduct of law, while the self-regulation approach relies on the engagement of the community in overseeing any irregularities. These approaches are basically effective if all related stakeholders carry out their duties.

Strengthening the existence of local values through information transfer and regeneration of the authorities for the younger generation will enhance the application of the above approaches. Local people have a significant role in passing on local cultural values by which its existence can be maintained. The strategy described above requires the commitment and the role of all parties, whether government, community and other elements such as self-help groups to be implemented properly.

Conclusion

This study concludes that the dynamic development of society influences the behavior toward the environment. It even leads to destructive and negative effects on the environment. Excessive environmental exploitation is one of the examples of the environmental damage due to deviant behavior. Therefore, building collective awareness based on local values developed in the community is essential to provide protection and sustainable coastal resource conservation. It is expected that all stakeholders get involved to ensure the effectiveness of the program implementation.

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