

Local Government Policies in the Management of Coastal and Marine Resources Through Community Participation

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ABSTRACT

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Natural resources have a significant role in supporting national development as a good natural resources management will generate foreign exchange for the country. This study aims to analyze the local governments' and communities' efforts in utilizing and managing coastal and marine resources as well as to find out the inhibiting factors in the utilization of coastal and marine resources to achieve environmental sustainability. The method used in this study was normative juridical research method, in which the study was carried out by examining and interpreting theoretical matters on principles, conceptions, doctrines, and legal norms relating to the management of coastal and marine resources. Meanwhile, the data analysis used was a juridical-qualitative analysis, where the analysis describes descriptive-analytical and prescriptive. The qualitative analysis, that is descriptive and prescriptive in nature, was carried out by ensuring that laws do not conflict with one another, paying attention to hierarchy and legal certainty, and examining both written and unwritten laws. Then, the type of data used in this study was primary legal materials in the form of laws and regulations. The results of the analysis showed that the management of coastal and marine resources must be carried out collaboratively between all parties to create an environmental sustainability-based management, and a synchronization and harmonization of legal products made by the central and local governments is needed to realize an optimal management of coastal and marine resources.

Introduction

The environment as a gift and mercy from God to the people and nation of Indonesia is a space for life in all its aspects and dimensions pursuant to the insight of the archipelago. In order to utilize natural resources to realize public welfare as mandated in the 1945 Constitution of the Republic of Indonesia and to achieve happiness in life based on Pancasila, it is necessary to carry out sustainable development with an environmental perspective based on an integrated and comprehensive national policy taking into account the needs of the present without compromising the ability of future generations to meet their own needs. Hence, a harmonious and balanced environmental management is needed to support the implementation of sustainable development with an environmental perspective.¹

Indonesia is a maritime country with an ocean area of 3.257.357 km². Indonesia has approximately 17.480 islands and is the largest archipelagic country in the world with a coastline of 95,000 km, and is the second longest in the world after Canada, where 2/3 of the country's territory is ocean, known as a country with "mega biodiversity". Indonesian marine

¹ Edi Kristianta Tarigan. "Penegakan Hukum Tindak Pidana Lingkungan Hidup". *Jurnal Lex Justitia*, Vol. 1 No. 1.(2019): 28-41

and coastal areas with relatively high biodiversity, such as mangroves,² coral reefs, sea grasses, seaweed, and fishery products, are signs of new growth centers for sustainable development and economic improvement.³ Therefore, it is not surprising that Indonesia is considered as the heart of the world's biodiversity, including its coastal and marine biodiversity. In addition to its marine wealth, a variety of cultures can also be found in communities in coastal areas.⁴ The coastal area is the area with a dynamic vegetation character where land and water surfaces meet. The unique coastal area illustrates a diverse resources and social characteristics of the community. The strategic location of Indonesian ocean has provided various advantages in terms of demographic advantages as well as cultural wealth.⁵

Nowadays, people have recognized that coastal and marine natural resources are potential and promising resources that can support the community's economic sector, especially for fishermen⁶. On the other hand, the logical consequence of coastal and marine resources as common property and open access is that its utilization is currently increasing in almost all regions. Yet, the utilization tends to exceed the carrying capacity of the resources (over exploitation).⁷ The increasing fishing activities happens due to the surrounding community demand as well as inter-island market demand in the country and abroad. The current exploitation of marine and coastal natural resources (catching, cultivating, and extracting materials for medical purposes) has become a field of market-driven economic activity, especially species with high economic value. Hence, this condition leads to marine and coastal resources exploitation on a large scale and high intensity.⁸

The utilization that tends to be over exploitation and destructive is exacerbated by the increasing number of fishing fleets as well as the use non environmentally sound fishing tools, techniques, and technologies. Besides, various human activities both in coastal and marine areas as well as land-based activities can also cause environmental pollution.⁹ Due to the increasing intensity from time to time, this condition tends to damage coastal and marine natural resources, and in the end, it causes a decrease in the resources carrying capacity and, in the long term, it results in an open tragedy.¹⁰ Accordingly, this study tries to identify the local governments' and communities' efforts in utilizing and managing coastal and marine

²Ferawati, Davit Rahmadan. "Perlindungan Hukum Terhadap Sumber Daya Ikan dan Biota Laut Melalui Nilai Kearifan Lokal Masyarakat Melayu Pesisir Indragiri Hilir". *Riau Law Journal*, Vol. 6, No. 1 (2022): 18-32

³Erman Syarif, Hendra, Maddatuang, Alief Saputro. "Konservasi Sumber Daya pada Masyarakat Pesisir Berbasis Kearifan Lokal". *Civic Education Law and Humaniora : Jurnal Pengabdian Masyarakat Terintegrasi*, Vol. 1, No. 1 (2023): 10-16

⁴Pungki Ari Wibowo, Fia Birtha Al Sabet. "Valuasi Ekonomi Sumberdaya Pesisir dan Laut dalam Kebijakan Penataan Ruang Wilayah Pesisir dan Laut". *Oeconomicus Journal of Economics*, Vol. 6, No. 2(2022): 74-85

⁵Heri Ariandi, Tholibah Mujtahidah, dan Sri Hidayati. "Pelaksanaan Tradisi Petik Laut Nelayan Hindu dan Islam dalam Korelasi Pengelolaan Sumber Daya Pesisir di Jembrana". *Jurnal Kebijakan Sosial Ekonomi Kelautan dan Perikanan*, Vol 12 No. 2 (2022): 137-144

⁶Diza Pratama, Viola Audy, Evanie Estheralda Elizabeth. "Indonesian National Army Involvement in the Law Enforcement: Environmental Pollution in Citarum River". *Unifikasi : Jurnal Ilmu Hukum*, Vol. 07 No. 02.(2020): 223-233

⁷Trisnanto Setyo Putra, and Tjitjik Rahaju. "Pemberdayaan Masyarakat Wilayah Pesisir di Desa Kupang, Kecamatan Jabon, Kabupaten Sidoarjo". *Policy and Maritime Review* 1, no. 2 (J2022): 23-34.

⁸Silva Rijulvita. "Strategi Pengelolaan Sampah Pelabuhan Berkelanjutan (Ecoport) Di Pelabuhan : Strategi Pengelolaan Sampah Pelabuhan Berkelanjutan (Ecoport) di Pelabuhan". *Jurnal Medika Hutama*, 4.02(2023): 3199-3207

⁹Aryuni Yuliantiningsih. "The Participation of Indonesia in Regional Fisheries Management Organizations (RFMOs): The Legal and Globalization Perspectives". *Unifikasi: Jurnal Ilmu Hukum*.Vol. 06.02(2019): 137-145

¹⁰Usman, Luthfiah, Usaman and Siti Halija. "Partisipasi Nelayan Terhadap Kearifan Lokal Hading-Hoba Mulung Dalam Aktivitas Perikanan Tangkap di Desa Baranusa Kabupaten Alor". *Jurnal Ilmu Perikanan dan Kelautan*, 5.1 (2023): 108-119

resources as well as to find out the inhibiting factors in the utilization of coastal and marine resources to achieve environmental sustainability.

Research Methods

The method used in this study was normative juridical research method, in which the study was carried out by examining and interpreting theoretical matters on principles, conceptions, doctrines, and legal norms relating to the management of coastal and marine resources. Meanwhile, the data analysis used was a juridical-qualitative analysis, where the analysis describes descriptive-analytical and prescriptive. The qualitative analysis, that is descriptive and prescriptive in nature, was carried out by ensuring that laws do not conflict with one another, paying attention to hierarchy and legal certainty, and examining both written and unwritten laws. Then, the type of data used in this study was primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2014 on Amendment to Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands, and Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Regional Government. Then, the secondary legal materials include law discovery lecture materials, law books, and law articles. Meanwhile, tertiary legal materials include legal dictionaries and encyclopedias.

Results and Discussion

1. *The Local Governments' and Communities' Efforts in Utilizing and Managing Coastal and Marine Resources*

Community-based resource management can be interpreted as a natural resource management system where the local community is actively involved in the process of managing the natural resources therein. In Indonesia, community-based resource management is stipulated in Article 33 of the 1945 Constitution of the Republic of Indonesia which states that the land and the water and the natural resources therein are controlled by the state and utilized for the optimal welfare of the people. This Article expressly declares that the implementation of state control over natural resources, especially coastal and marine resources, is directed at realizing the optimal welfare of the people and must be able to realize justice and equity as well as to improve the coastal communities' life.

In its implementation, the coastal and marine resource management¹¹ contradicts the Article. Its implementation is still top down in nature meaning that all coastal and marine resource management activities starting from policy making, planning, implementing, monitoring, and evaluating are carried out entirely by the government. In fact, the characteristics of coastal and marine areas, both in terms of natural resources and the community, is very complex and diverse. Hence, the management of coastal and marine areas should actively involve local communities. Besides, the existence of the government policy on regional autonomy and decentralization in the management of coastal and marine resources strengthen the fact that the management and utilization of coastal and

¹¹ Fikri Jamal. "Peran Pemerintah Daerah Dalam Pengelolaan Wilayah Pesisir". *Rechtsregel Jurnal Hukum* Vol 2, No 1 (2019): 464-478

marine resources needs an active participation of local communities both in planning, implementing, monitoring, and evaluating, to ensure the welfare of local communities and the sustainable use of coastal and marine resources.

Coastal community development strategy can be carried out through two approaches, namely structural and non-structural. The structural approach is a macro approach emphasizing the arrangement of social and political system and structure. This approach prioritizes the role of the authorized agency or organization for the management of coastal and marine areas. In this case, the role of the community is crucial but it will be less powerful as structural aspects are usually more effective, at least at an early stage. The main target of the structural approach is the arrangement of structures and systems of relationship between all living components and systems, both in coastal and marine areas and other related supporting components, including social, economic, and physical components. As results, it is expected that the community can get wider opportunities to be able to utilize natural resources in a sustainable manner. In addition, the arrangement of the structure and system of social and economic relations is expected to create opportunities for the community to actively participate in protecting natural resources from any threats.

These following steps are expected to reduce, or even eliminate, the main social and economic problems which have continuously put the local community in a difficult position. The structural approach requires strategic steps, namely:

- a. Development of community accessibility to natural resources – it is one of the important issues in the context of developing the community's economy. This step is expected to help the community to be able to have opportunities to utilize natural resources in a sustainable manner.
- b. Development of community accessibility to the decision-making process – the success of community development as part of coastal and marine management highly depends on the accuracy of the policies adopted. Policies need to be developed by involving and considering the interests of the community as well as ensuring the successful management of natural resources. Community involvement is needed to produce policies based on community potential, aspirations, and interests. Policies based on community potential will encourage community involvement in the utilization and protection of natural resources. Besides, it also provides a double advantage. First, by accommodating community aspirations, the community will be attracted to coastal and marine management so that it will facilitate the structuring process. Second, it provides an opportunity for the community to take responsibility for coastal and marine security. In addition, the most important thing is the efforts to improve community welfare.
- c. Improvement of community accessibility to information – information is an important aspect in the development of coastal communities as part of coastal and marine management. The availability of information regarding the potential and development of local condition and its natural resources is valuable to formulate policies, programs, and activities in the region.
- d. Development of institutional capacity – social institutions are needed to increase the community's role collectively in protecting areas and natural resources. Collective spirit will encourage community empowerment efforts to protect their territory from

damage that could threaten the economy. Community empowerment through the development of social institutions is expected to strengthen the community's role in carrying out the management functions of coastal and marine areas.

- e. Development of supporting network – the development includes the establishment of a management network system that should involve all related stakeholders, including governments, communities, and business industries.

Meanwhile, the subjective approach (or non-structural approach) is an approach placing people as subjects who have freedom to take the initiative and act based on their wishes. This approach assumes that local communities with their knowledge, skills, and awareness can increase their role in protecting the surrounding natural resources. Therefore, one of the efforts to increase local communities' role in the management of natural resources and coastal and marine areas is to increase their knowledge, skills, and awareness to protect natural resources. The knowledge and skills do not have to be directly related to efforts to overcome natural resources problems, but they can also be related to economic businesses to equip the community with alternative economic businesses, or related to the efforts to develop community's environmental knowledge and insight as well as community capacity building. In addition to the approaches previously mentioned, the principle of openness and community participation is crucial in the sustainable development with an environmental perspective, especially in administrative process of environmental permits for AMDAL¹² as an environmental planning instrument. This principle has been set forth in the form of a legal product so that it becomes an obligation for all Indonesian people.¹³

Everyone has the same right to a good and healthy environment. Hence, the obligation to protect the environment and prevent as well as deal with its damage and pollution is attached therein. Besides, everyone has the right and obligation to play a role in environmental management. In this case, the government has an obligation to foster and develop public awareness of their responsibilities in environmental management through counselling, guidance, education, and research. Environmental education aims to increase public awareness on the environment with all its problems so that with their knowledge, skills, attitudes, motivation, and commitment, they can work individually and collectively to solve problems and maintain the sustainability of environmental functions. By considering these purposes, the following steps are needed to be done in environmental education process:

- a. Providing a basic understanding of the environment, its problems, and the roles and responsibilities of communities in preserving environmental functions.
- b. Helping individuals and communities to develop skills needed in managing and preserving environmental functions as well as solving environmental problems.
- c. Fostering communities' awareness and sensitivity to the environment and its problems, through education about appropriate value systems and assistance to

¹²Ni Putu Yunika Sulistyawati, Sang Ayu Made Ary Kusumawardhani. "Perlindungan Hukum Terhadap Pencemaran Lingkungan Dikawasan Hutan Mangrove Badung Bali Terkait Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup". *Jurnal Komunikasi Hukum*, Vol. 9, No. 1 (2023): 890-900.

¹³Nina Herlina. "Permasalahan Lingkungan Hidup dan Penegakan Hukum Lingkungan di Indonesia". *Jurnal Ilmiah Galuh Justisi*. Vol.3.2.(2015): 1-15

develop communities' awareness and motivation to actively participate in preserving environmental functions and preventing environmental damage.

As results, environmental education needs to meet the communities' needs, namely: Develop technically capable human resources equipped with in-depth knowledge and skills needed to assess and manage the environment; and Foster community's attitudes and behavior that are sensitive and responsible for the environment. The first need is directed at solving environmental problems, while the second need is directed at increasing the public pressure to maintain the sustainability of environmental functions and overcome environmental damage. The socio-cultural life of coastal communities in Indonesia is diverse. This socio-cultural development is directly and indirectly affected by the surrounding natural factors. This socio-cultural behavior has a close relationship with people's behavior in utilizing the surrounding natural resources. Demographic conditions related to population development issues, education levels, ethnicities, religions, and information flow levels, are factors that need to be considered in studying socio-cultural issues of coastal communities for the formulation of marine management policies.

Various components in the Indonesian marine system need to be optimally managed by taking into account the principles of environmental sustainability, economic productivity, and political, economic, and socio-cultural conditions as well as national defense and security. The utilization of coastal and marine resources neglecting the principles of sustainable development will significantly affect the ecosystem. Hence, an integrated utilization of coastal and marine resources is needed for a successful national development purpose. If an integrated planning and management of coastal and marine resources is not implemented, then it is feared that the resources will be damaged or even extinct, so that the resources cannot be utilized to support the national development in realizing a developed, fair, and prosperous nation. Thus, an integrated coastal and marine resource management is a process to realize an optimal and sustainable development of coastal areas. The implementation of Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Regional Government have consequences for regencies and/or cities as the basis for implementing regional autonomy.¹⁴ First, regencies/cities are required to be more capable of running the government matters independently. Accordingly, local governments must be able to explore local potential in order to increase their revenue. Second, local governments must be able to encourage the communities to actively participate in various aspects of life.

2. *Inhibiting Factors in the Utilization of Coastal and Marine Resources to Achieve Environmental Sustainability*

The management of coastal areas has been regulated in Law Number 1 of 2014 and various other sectoral laws. However, in its implementation, the management and utilization of coastal resources has not been carried out optimally by the regions.¹⁵ Hence, *continuous* efforts are needed to optimize the management and utilization of coastal resources. This condition generally occurs as the national policies tend to be biased in

¹⁴Cynthia Hadita. "Regional Autonomy Political Politics of Regional Liability Reports to Regional Representatives in the Implementation of Local Government". *Nomoi Law Review* 1, 1 (2020): 89-100

¹⁵Eric Holle. "Urgensi Pembentukan Peraturan Desa Adat Hutumuri tentang Pengelolaan Sumber Daya Pesisir Berbasis Masyarakat". *Jurnal Dedikasi Hukum*, Vol. 2, No. 1, (2022): 24-37.

which programs to secure food supply for the community give a little attention to, or even ignore, coastal and fisheries resources. The government's economic policy priorities also seem to be biased towards the mainland economy, where coastal sectors have not yet become a priority for optimal development to improve community's welfare and make a significant contribution to national economic development. The second factor is that the development of fishery production is dominated by the application of fishing efficiency and technology, rather than the approaches promoting sustainable utilization and management. As a result, the implemented policies and programs are not comprehensive to cover issues, such as poverty, food security and supply for the community, and businesses sustainability and suitability to environmental capabilities.

In general, damage to coastal resources occurs due to low public awareness. The government, both at the central and local levels, is not yet aware of their authority and responsibility in managing coastal resources. Besides, coastal issues have not become a priority for the government or the community compared to land sector management, such as agriculture and forestry. Deficiency in integrating local wealth also causes failure in the management of coastal resources. In many places/regions in Indonesia, there are customs and traditions⁶ that always and continue to uphold local/traditional wisdom values and it turns out to be suitable and effective in maintaining the sustainability of coastal natural resources. Yet, the implemented coastal development policies have often been partial and have a "top-down" pattern, so that they do not reflect the interests and needs of local communities, and do not optimally utilize the existing potential, including local values or wisdom.

In line with regional autonomy which is accompanied by the strengthening demands for democratization, community's participation, equity, justice and attention to regional potential and diversity, the process of developing coastal and marine areas should be done within a synergistic and harmonious framework by taking into account the system values and institutions that grow and develop in the local community and should be in line with the development of local resources. The development of coastal community institutions based on local resources will increase community participation in decision making and monitoring of resources management. Thus, the resources sustainability can be more guaranteed. In the previous approach, participation was often interpreted narrowly, namely mobilizing community resources for the benefit of a designed program or project. In the era of autonomy, community participation should be interpreted broadly, starting from problem analysis, planning, implementation, and utilization. Hence, the community participates in all stages of a program which will then bring benefits both for the government and the community.

Community participation in problem analysis stage will ensure that the designed program meets the local community's needs. This approach can also make the community feel that they own and are responsible for the program so that it is easier to invite them to participate in managing the resources. In turn, this approach will foster public confidence and reduce their dependence on the government. In the environmental field, the main problems faced are shifting cultivation culture, logging of forests on mountain/hill slopes

⁶Hudson Markiano Hutapea dan Ratih Lestari. "Tinjauan Kedudukan dan Peran Kunci Intelektualitas Adat Sasi di Maluku dalam Pengelolaan Lingkungan Hidup". *Cakrawala Repositori IMWI*, Vol. 6 No. 1 (2023): 93-102

and watersheds (DAS), forest/paddy burning, logging of mangrove forests,¹⁷ bomb fishing and the use of potassium cyanide and other toxic substances in fishing activities, as well as the extraction of sea sand and coral stones that have damaged the quality and carrying capacity of the environment. Another issue is the dependence on the inter-island exports results that extracts natural resources, especially in forestry, fisheries, marine, mining, and other sectors. In this case, natural resources are seen as the main foundation in increasing Regional Original Revenue without considering the preservation and sustainability aspects. The fact shows that most people are still in poverty. In many regions in Indonesia, there are customs and traditions that have been inherited from generation to generation. This tradition is also referred to as customary law that apply to coastal communities and turns out to be quite effective in controlling the management of marine and fishery natural resources.

Conclusion

Sustainable management of marine resources must be carried out collaboratively by all parties to be utilized efficiently and sustainably. Local government policies, law enforcement, and community empowerment in marine management need to be well implemented. Hence, in the management and monitoring strategy of coastal resources as well as community empowerment, it is expected that local wisdom, traditions/customary laws, and existing institutional systems, both physical institutions in the form of indigenous peoples structures and formal government organizations as well as private institutions, and non-physical institutions in the form of hierarchical laws and regulations, should be able to accommodate and utilize local values that live, grow, and develop in community. The implementation of local wisdom empowerment approach is expected to change the basic social behavior related to the conservation of coastal and marine resources. These changes can only be realized if it is based on the awareness and sincerity of all parties involved (stakeholders) in the social mobilization process. Changes in behavior and social structure refer to the values, norms, and institutions leading to a better and permanent direction.

Suggestion

The local government and the community should work collaboratively to preserve the environment in order to create a harmonized and balanced utilization and management of coastal and marine resources. The role of the local government and the community is crucial for the optimal utilization of the local potential therein. Besides, developing community's awareness to protect the environment is also crucial for a successful coastal and marine resources management. In this case, local wisdom is expected to be able to protect and manage coastal and marine resources and provide sanctions according to the customary law when environmental damage occurs.

¹⁷Annisa Azzhara Naibaho. "Investigasi Pemanfaatan Hutan Mangrove dan Dampaknya Terhadap Daerah Pesisir di Pantai Mangrove Paluh Getah Tanjung Rejo". *Jurnal of Community Service & Empeworment*, Vol. 1, No. 1 (2023): 22-33

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