

POLICY AND IMPLEMENTATION OF CORAL REEF PROTECTION IN THE FACE OF THE THREAT OF FOREIGN SHIPS

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ABSTRACT

Protection of coral reefs in Indonesia from damage caused by foreign ships is an important issue in preserving the maritime environment. is based on Law Number 27 of 2007 and the 1982 Law of the Sea Convention (UNCLOS 1982) which provides the legal basis for protecting marine ecosystems. Steps to increase coral reef protection include setting up zones that limit ship activities, implementing sanctions and strict fines, development of an effective monitoring system, increasing public awareness about the impacts of foreign vessels, and educating fishermen about sustainable fishing practices. International cooperation is an important aspect in dealing with this problem, with collaboration between Indonesia, neighboring countries, and organizations international. This joint effort aims to preserve coral reefs which are a valuable natural resource for Indonesia. The importance of preserving coral reefs as a crucial ecosystem and valuable natural resource for Indonesia must not be ignored. Protection of coral reefs must be a priority in efforts to preserve the environment in Indonesia for a sustainable future.

Keywords: *Coral Reefs, Environmental Protection, UNCLOS 1982, Damage Impact, Foreign Ships, Natural resources*

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INTRODUCTION

Coral reefs are fertile areas for marine life to find food. This makes coral reefs an ecosystem and marine structure that is inhabited by various marine biota, both plants and marine animals. Apart from being the basis of life in the sea, coral reefs are also useful for humans to fulfill their lives. Indonesia, as a maritime country, utilizes coral reefs as shipping lanes, maintaining the benefits of the Republic of Indonesia and interests related to state sovereignty. Geographically, it is known that the sea area on earth is larger than the land area. This is evident from the fact that the ocean area has an area of $\frac{3}{4}$ of the earth's area or equal to 70% of the total area on the earth's surface. Because of this, sea areas need to be regulated in detail and in depth in the United Nations On The Law Of The Sea 1982. In this regulation, sea areas consist of inland waters, territorial seas, archipelagic waters, additional zones, exclusive economic zones, continental shelves, high seas and territorial seabed areas (Sodik, 2016).

Indonesia's coral reef ecosystem has experienced damage (degradation). The factors that cause this damage are natural factors and human factors. Humans often use coral reefs for purposes and to support life, such as mining coral, for building purposes, making roads and decorative materials, using chemicals, namely poisons and explosives and fishing using techniques that endanger coral reefs and biota ecosystems (Sitorus, 2022). sea. Apart from this, coral reefs which are used as tourism sites are also experiencing damage due to pollution by humans both from activities in the sea and on land (Manlea et al., 2016).

Coral reefs must be protected from human activities that can damage them. This protection must be carried out on a massive scale, especially in chronic areas due to sedimentation, or reclamation activities in residential, business, industrial and other areas. For example, coral reefs damaged by human activities are coral reefs in Manado, Lampung and Oantai Carita (Fajri Chikmawati, 2019).

Human behavior that uses the environment to meet life's needs and is not done wisely can damage the environment. The community's right to obtain a healthy and comfortable living environment can be found in Article 28 H of the 1945 Constitution of the Republic of Indonesia. Based on the findings of LIPI (Indonesian Institute of Sciences) in 2015, there were around 1,259 coral reef locations that were damaged up to 30.02%, and 25%-49% of Indonesia's total coral reefs, 37.97% experienced damage, and 5% of Indonesia's coral reefs were in good condition. The worst conditions are in eastern Indonesia where 40.29% of coral reefs are in damaged condition and require restoration efforts (Purba, 2018).

In March 2017, a foreign ship reportedly hit a coral reef in Raja Ampat. As for when it has the name of the cruise ship Caledonian Sky. The ship has a Bahamian flag and is a ship owned by the Novel Caledonia tour operator company which is based in London, England. As a result of this collision, 1.8 hectares of coral reefs were damaged in the Dampier Strait in the Raja Ampat Islands area. This area has been made a conservation area based on the Decree of the Minister of Maritime Affairs and Fisheries No. 36/KEPME-KP/2014 concerning the Establishment of the Raja Ampat Islands Marine Tourism Park. This incident is not the only incident, on March 24 2017 foreign ships belonging to the Bahamian-flagged MV Lyric Post and the Belgian-flagged MT Alex also crashed into coral reefs in the Natuna waters of Bangka Belitung (NIM, 2019).

UNCLOS has stated that every country has obligations and is responsible for fulfilling obligations relating to the protection and preservation of the marine environment in their territory. As a follow-up to this regulation, Indonesia is taking action against damage to coral reefs based on UnLOS 1982 and applicable national laws. These ships have violated Article 194 paragraphs (1) and (2) UNCLOS 1982 concerning measures to prevent, reduce and control pollution of the marine environment. According to national law, national protection for the protection of the marine environment against damage to coral reefs by foreign ships. As in the case Caledonia Sky in Raja Ampat, which on its 4th voyage experienced an accident because it ran aground and hit a coral reef. Therefore, there needs to be a strong legal basis, for example in the case of a collision with a coral reef on Raja Ampat Island by the Colodenian Sky ship, as well as the MT ship. Alex ran aground in long sandy waters. This is classified as a criminal act and violates Law Number 27 of 2007 and UNCLOS 1982 (Wibowo & Mariyam, 2021).

Law No.32/2009 concerning Environmental Protection and Management, the principle of state responsibility is one of the efforts to protect environmental pollution and/or damage. The principle of state responsibility guarantees the utilization of natural resources for the welfare of the people, both current and future generations. Normatively, legislation regulates sanctions for perpetrators of environmental violations, but in the application of the law there is a unity of action. (sectoral ego), so that dispute resolution becomes complicated. That the lack of legal understanding for state affirmative officials results in obstruction of law enforcement, as well as the regulation of legal sanctions for officials who fail to carry out their duties, giving the impression that the government is not serious in dealing with environmental violations. Various

weaknesses and obstacles in implementing the principle of state responsibility in the environmental legal system in Indonesia regarding the MV Caledonian Sky ship accident are the core of the research outlined in this paper.

The cruise ship MV Caledonian Sky ran aground in the waters of Kri Island, Raja Ampat, Indonesia and damaged 18,882 square meters of coral reefs in these waters. Therefore, this research aims to examine the responsibility of the flag state of the MV Caledonian Sky, namely the Bahamas and the MV Caledonian Sky ship company for this damage. This research uses doctrinal research. This research is descriptive in nature which will explain every detail narratively. In conducting research, the author used primary legal and secondary legal sources obtained through literature study. The research results were analyzed using the syllogism method with a deductive pattern. This research includes the use of national law and international law as a minor premise. Coral reef collisions result in damage and must receive responsibility from all responsible countries as the ship's flag state in accordance with the provisions of Article 94 of the United Nations Convention on the Law of the Sea and the ship company MV Caledonian Sky according to the polluter pays principle can be held responsible through two mechanisms, namely accountability civil law and risk sharing agreements. The risk sharing agreement is a mechanism that is automatically implemented based on a letter of agreement signed by the ship captain with the Raja Ampat government, while civil liability must be preceded by a lawsuit from the government which uses its right to sue.

The reasons for the formation of Law Number 27 of 2007 are:

To become the legal basis for sustainable management of small islands. This is important to maintain the sustainability of coastal and island ecosystems such as coral reefs. To protect the coastal environment and small islands from damage caused by human activities such as uncontrolled development, pollution and excessive exploitation of natural resources.

As well as, managing conflicts that may arise between various parties interested in the use and management of coastal areas and small islands, such as fishermen, farmers, industry and local governments. Management of coastal areas and small islands also has a strategic impact on national interests including defense, security and economic aspects, where this law helps regulate the management of these areas in accordance with national interests.

So, Law No. 27 of 2007 aims to achieve a balance between the use of natural resources and environmental preservation in coastal areas and small islands as well as supporting the welfare of the people living in these areas (Mansur & Ashar, 2019).

METHOD

This article uses a normative research method or a statutory approach. This approach is carried out by examining all statutory regulations relating to legal issues or problems that are being handled or discussed (Soekanto & Mamudji, 2001). In accordance with the title and problems that will be discussed in this article and in order to provide useful results, this research was carried out using normative juridical research (normative legal research methods). The normative juridical research method is legal research literature or mere secondary data (Soekanto, 2019).

RESULTS AND DISCUSSION

Coral reefs must be protected from destruction, including collisions by foreign ships. Preserving the maritime environment is very necessary to maintain the life of marine biota in Indonesia. Based on the results of the discussion, there are four points that are important to note, namely:

Based on Environmental Aspects:

- a. **Physical Damage to Coral Reefs:** The collision of the Caledonian Sky Ship in Raja Ampat caused physical damage to diverse and vulnerable coral reefs in the Raja Ampat area. This can damage the habitat and ecosystem of marine creatures that live on coral reefs. Injured coral reefs can take decades or even more to recover.
- b. **Pollution:** The Caledonian Sky ship accident in Raja Ampat also threatens coral reefs through leaks of oil, chemicals and other dangerous waste. This pollution can damage the water quality of coral reefs and kill living organisms that depend on the ecosystem.
- c. **Climate Change:** The collision of the Caledonian Sky ship in Raja Ampat causes coral reefs to experience ecosystem damage due to severe vibrations caused by the ship's propellers. These vibrations can damage corals and disrupt the balance of the ecosystem.

Based on Economic Aspects:

- a. **Reduced Tourists:** Raja Ampat is a major destination for tourists. Beautiful and healthy coral reefs are one of the attractions of tourist attractions in Raja Ampat. Damage to coral reefs can reduce the attractiveness of tourists and divers, reduce the number of tourists, and harm the tourism industry as a whole.
- b. **Decline in Fishing Yield:** Coral reefs also provide habitat for various fish species that are important to the fishing industry. Damage to coral reefs can reduce fish populations and have a negative impact on local fishermen who depend on these marine products.
- c. **Restoration Costs:** Restoration of damaged coral reefs requires enormous funds for restoration and environmental protection efforts. These costs can be very high and burden the government and society (Trimirza et al., 2021).

Zoning and Supervision

The focus of this discussion is on dividing zones and limiting ship activities from coral reef zones. Apart from that, strict supervision is carried out on foreign ships entering the maritime territory of the Republic of Indonesia (Prof. Dikdik Mohamad Sodik, S.H., M.H., 2016).

Sanctions and Punishments

Sanctions that can be given to foreign ships that violate this regulation are that they provide protection for coral reefs in Indonesia using laws that apply in Indonesia and internationally (Mohammad Zamroni & Kafrawi, 2021).

Monitoring Technology

In monitoring efforts, advanced technology is used to monitor coral reefs using both satellites and marine sensors. This monitoring can help the government to detect violations early (Nugroho & Budianto, 2021).

International Cooperation

In protecting coral reefs, countries can work together with other countries to discuss coral reef protection. Apart from that, international agreements and cross-border cooperation can also be made that can help preserve coral reefs that cross the waters of various countries (Suripatty et al., 2021).

Education and Public Awareness

Providing guidance to the public and seafarers on coral reefs about activities that could have a negative impact and also regarding foreign ships entering coral reef areas.

Development of Environmentally Friendly Technology

Discussions could include technological innovations for environmentally friendly ships, which could reduce negative impacts on coral reefs.

Law Enforcement

Law enforcement against the destruction of coral reefs by foreign ships must be the focus of government studies, including collaborating with law enforcement and issuing policies that can stop the negative impacts of coral reef destruction (Lestari, 2016).

Coral Reef Rehabilitation

If damage occurs, discussions about coral reef rehabilitation and restoration efforts also need to be taken into account (Lasabuda, 2013).

Emergency Response Plan

Discussing emergency plans for handling oil spills or other ship accidents that could damage coral reefs is also important.

CONCLUSION

The issue of environmental sustainability is the most basic and needs to be emphasized through protection by the government. This protection is contained in Law Number 27 of 2007 and the 1982 Law of the Sea Convention (UNCLOS 1982) which provides the legal basis for the protection of the marine environment.

The government determines the protection of coral reefs by limiting vessel activity zones and implementing strict sanctions and developing a sophisticated monitoring system. Apart from that, the government must educate fishermen about sustainable fishing practices and public awareness regarding the impact of foreign vessels. Collaboration with other countries is needed to overcome the problem of coral reef destruction. Collaborative efforts with neighboring countries and international organizations will help the government in protecting coral reefs. Coral reefs are an important resource and a sustainable resource in Indonesia. Coral reef protection must be a priority in environmental conservation efforts in Indonesia.

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