

COASTAL RECLAMATION AND ITS IMPLICATION TOWARDS MARINE SOURCES AS ALTERNATIVE NOURISHMENT SUPPLIES TO SUPPORT FOOD SOVEREIGNTY

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Abstract

The overflow of marine sources of Indonesia can be alternative nourishment supplies to support food sovereignty which is currently rice oriented. One of efforts in fishery sector utilities as the main support to food sovereignty is through coastal management. In line with the purposes of the declaration sustainable development Goals / SDGs proposed by the United Nations related to food sovereignty is to conserve and sustainably use the oceans, seas and marine resources for sustainable development. In his inauguration speech, President Jokowi stated that maritime development will be one of the priorities of his cabinet. Since 2014-2016, FAO reported the second ranked position of Indonesia as the country of fish producers under China; Indonesia's seas achieve at least 529 of potential biota to support food security. This evidences that Indonesia can reach the target of food sovereignty in fisheries sector. The overall sea use agrees with regulations, first, Law No. 31 Year 2004 on Fisheries as amended by Law No. 45 Year 2009 on Amendment to Law No. 31 Year 2004 on Fisheries, second, Law No. 27 year 2007 on The Coastal Areas and Small Islands Management as amended by Law No. 1 Year 2014 on Amendment to Law No. 27 year 2007 on The Coastal Areas and Small Islands Management. The marine sources to support food sovereignty are rich and potential but are not supported with the government policy as shown by the pass of coastal reclamation application regulation. Reclamation will decrease the sources quality of the coastal and marine environment. Reclamation impacts the fisherman food needed from fisheries sector because they lost ocean space and sources. Ocean grabbing by coastal reclamation threatens the fisheries livelihood and damage food sovereignty from fisheries sector.

BACKGROUND

The policy of food supplies which heavily rely on domestic production is normal to meet the people's needs particularly in a densely populated country like Indonesia. The Indonesian government's policy on agriculture and food sectors started from 1970s. It has been considered to be the most saved step compared to imported food supplies. In fact, it can be seen from the real condition of food supplies mostly coming from domestic food commodities.

Indonesia was in worse food reverse situation. In 2009, Indoneisan's rice reverses was far left behind compared to ASEAN countries, ASEAN Food Security Information and Training Centre reported. Food reverses for food security with food security ration should be 20% at least. Climates and geographical position of Indonesia which are risky to natural disaster also affect the situation. For that reason, alternative main staples instead of rice should be provided. United Nations through *sustainable development goals* (SDG) from 17 relevant goals for security aim to (i) end up the poverty; (ii) end up the threat of famine, secure food, offer better nutrition, and promote the sustainable agriculture; and (iii) preserve and take advantage of ocean, sea, and their potentials for sustainable growth. The SDG should

be achieved by the countries by 2035. Indonesia responsively enhances the food production especially rice, corn, soybean to have food security up to 2019. Shortly, Indonesia shows food sovereignty, security, and independency as stated in UU No 18 year 2012.

One of targeted agenda in Jokowi's era by 2019 is that Indonesia is secure in food sector. It has been in line with *Nawacita* of the president of Indonesia in making the maritime stream that is to develop the maritime and ocean economic development. The national mid term route map policy (Rencana Pembangunan Jangka Menengah Nasional) 2015-2019 introduces that fishery production and coastal society should be well developed. This act will later significantly contribute to food security as an alternative food sources, instead of rice.

The empirical facts, however, speak others; the fishermen are required to maintain and develop the quality of environment and productivity, but, coastal reclamation, on the other hand, is permitted massively. Consequently, this activity hinders the presidency's agenda to have Indonesia as the maritime stream to support the ocean sources as alternative domestic food supplies.

The raising question due to the above condition is that "is the legalization of coastal reclamation introduced by the Indonesian government against the national mid term route map policy (Rencana Pembangunan Jangka Menengah Nasional 2015-2019) as alternative food supplies to support the food security mainly from marine sector?"

METHODS

This study employed a social legal research approach. This is because the law is perceived as symbolic meaning manifestation of the social actors that is socially reflected in their interaction. This is empirical study that aims to reveal the theoretical underpinning related to the process of the working law in society.⁸

RESULTS AND DISCUSSION

Food security has been the big problem in agricultural sector which many countries suffer from and Indonesia is unexceptional. Food shortage becomes global crisis in 21st century among 30 countries.⁹ The issue is basically classical since Indonesia is an agricultural country but heavily relies on food imports.

The following factors lead to failure in food security in agricultural areas: (i) the law of food security is centralistic, (ii) the passive participation of the society in formulating, implementing, monitoring, and evaluating the food security development program, (iii) the constrained access of the indigenous people on the natural resources and agriculture resources, (iv) the ambivalence of insurance, protection, and sense of belonging of the inhabitants on natural resources including agricultural potentials, (v) the ignorance of indigenous knowledge and managing the local resources, (vi) natural or agricultural resource degradation due the poor governance.¹⁰

Empirically, the food sovereignty, in government version, is still rice oriented. The government shows such weak attention to fishery sectors as a potential marine resource to healthy food supplies. Additionally, most of Indonesian consume fish less and do not count it

⁸ Bambang Sunggono, *Metode Penelitian Hukum*, PT. RajaGrasindo Persada, Jakarta: 2009, p.36

⁹T. Tambunan, *Ketahanan Pangan di Indonesia: Inti Permasalahan dan Solusinya*ⁱⁱ, Paper, ISEI Congress, Mataram, 2005. In Rachmad Safa'at, *Rekonstruksi Politik Hukum Pangan: Dari Ketahanan Pangan ke Kedaulatan Pangan*, UJ Press, 2013, hlm.212.

¹⁰Rachmad Safa'at, *op.cit.*, p. 112

as an alternative diet. It can be compared to Japan which reaches up to 140 kg/year. Indonesian is only 38 kg/year. In some ethnics in Indonesia, fish is much lesser consumed.¹¹

Responding to Indonesian government efforts on food sovereignty, measurement on food security can be compared with other countries in ASEAN. *Global Security Index* (GSI) is an indicator tool for food sovereignty measurement used so far. The Economicist reported that since 2013-2016, the GSI of Indonesia is fluctuative and leveled down under four ASEAN countries: Singapore (16), Malaysia (34), Thailand (45), and Vietnam (60). If Indonesia ranked 74 (score 46,7) in 2015, the position raised to 71 in 2016 (score 50,6). The total number of the countries surveyed increased; 109 at 2015 and 113 at 2016. It is a strong indicator that Indonesia should take national food sovereignty into consideration seriously. If it does not, there is a real threat of famine, malnutrition, and poverty.¹²

The target of SDG is not impossible to fail. International Food Policy Research Institute (IFPRI) reported that the Global Hunger Index of Indonesia ranked 72nd (score: 21,9) among 118 countries at 2016. The situation was getting worse compared to the previous position which was in 57th (score: 22,1) among 104 countries at 2015. The condition remains Indonesia categorized as a severe famine (IFPRI, 2015, 2016). The evidence demonstrates that Indonesia is risky to hunger. Therefore, the orientation of food sovereignty should not heavily rely on food crop cultivation.¹³

During 2014 to 2016, Food and Agriculture Organization (FAO) has positioned Indonesia as a second fish producer after China. Even though the graph of fish trade in 2014-2015 was surplus, the value decreased from USD 4.22 billion to USD 3.56 billion. In addition, the fish commodity exchange of Indonesia (HS 03: alive, fresh, and frozen fish) rose from 115.53 at 2014 became 125.59 at 2015.¹⁴

The fish resources which are potentially 9.93 million ton per year are prospective enough to support the food sovereignty. It positively indicates that Indonesia is able to achieve the food sovereignty in fishery sector. Additionally, government policies such as moratorium of foreign fishing vessels, the prohibition of trawl catching tool and illegal fishing eradication are massive.

The agenda got a positive response in the era of Indonesian president of Joko Widodo. The marine program through *Nawacita* that is reflected in the national mid term route map policy (Rencana Pembangunan Jangka Menengah Nasional 2015-2019) underlies the empowerment of the alternative food sources instead of agricultural sector. Clear steps taken from marine and fishery minister to combat the illegal fishing by sinking the foreign fishing vessels are concrete actions to achieve the goals.

The law No 31 year 2004 about the fishery entirely supports the use of marine potentials as it had been amended with the law No 45 year 2009. It regulates the ocean boundaries and fish cultivation as alternative sources for food. The introduced policy aims to provide enough fish supply as one of the efforts to meet affordable nutrition for society. It has been clearly stated in section 24 verse (1), (2), and (3) which strengthen the productivity of agriculture, limitation of imported raw materials of fish cultivation to ensure the national raw material availability. The act helps to maintain the national food security for farmers' welfare and prosperity.

The government policy, however, is against what has been amended by the law, one of which the legalization of the coastal reclamation. Indeed, the legalization potentially faded the fisherman livelihood, emerged conflict related to the natural resource ownership, and made *Nawacita* expectation wiped out.

¹¹Muhamad Karim, the director of Pusat Kajian Pembangunan Kelautan dan Peradaban Maritim, University of Trilogi, 2016, <http://fajar.co.id/2016/12/14/kedaulatan-ruang-laut-dan-ketahanan-pangan-indonesia/>, retrieved at 8 June 2017.

¹²ibid

¹³ibid

¹⁴Marine and Fisheries Ministry, 2016. kkp.go.id/, retrieved at 9 June 2017.

The law construction 27/2007 jo UU 1/2014 about coastal area management and small islands allowing the coastal reclamation activities reduces the coastal spaces and will be controlled by private or factory through the implementation of capital and advanced technologies. The loss of the fisherman livelihood is such unavoidable effects of the reclamation.

The national goals in protecting the ocean and its potentials for food security cannot be achieved due to the legalization of the coastal reclamation. Robert Baldwin and Martin Cave (in Luky Djani) state that there are a number of rational arguments in making policies. The logic behind the argument indicating the reason why the law is made or public policies are introduced describes the targeted goals. The rational arguments encompass: (1) anticipating the domination of resource ownership, either personal or only group of people, (2) reducing the negative impacts on human activities, communities or environment, (3) providing an access to information for public and encouraging the groups' equality before the law, (4) promoting changes to institutions and allowing affirmative actions to marginal communities, (5) preventing a scarcity of public resources due to ineffective use. The policy was introduced to sustain the public resources from short term exploitation, (6) giving a guarantee of fair go, natural resources, and social justice by equally distributing them, (7) producing a healthy coordination and plan in economic and social sectors.¹⁵

Coastal reclamation leads to destruction of marine ecosystem such as mangrove deforestation and unavoidable degradation of coral reef. On the one hand, the implementation of coastal reclamation aims to stop coastal erosion but in fact it reduces the marine biodiversities. The poor construction plan and inappropriate area development due to the war of power among stakeholders worsen the marine life.¹⁶

The coastal inhabitants heavily rely on their livelihood on coastal environment which is risky to destruction. It has been proven by the fact that coastal area accommodates a number of pollution; mangrove conversion, including reclamation activities, industrial waste, or oil leaking. The pollution lowers the performance in fishery sector resulting in the quality reduction of social and economic life.

Creating a new land by reclamation is no longer relevant because it leads to the destruction of coastal habitat, mangrove areas, salty marsh, wet land, muddy seashore. The activities may continuously run simply because "the stakeholders" claim that the given areas seem to be "unvaluable" so that needed to convert to other forms of lands which are much more beneficial economically. The fact is that most of seashore inhabitants live their life from given resources. Consequently, the occurrence of the destruction of coastal biodiversity, coastal reef, and mangrove ecosystem adversely affect their prosperity. Therefore, the conflicting interests among stakeholders can hinder the objectives of the development of marine sectors through the protection and achievement of marine resource productivity.

Bennet et al (2015) define ocean grabbing as: (i) any efforts to creep society's right and small island to use, control, and access either the marine space or resources as their main support for their living; (ii) inappropriate management processes to weaken the level of safety or human life as to decrease the social prosperity and the quality of marine ecology; and (iii) done by either public institutions or a group of people.¹⁷

In with line with the argument, ocean grabbing deals with two major concerns: resources and spaces. They categorize ocean grabbing, *first*, the use of ocean space exclusively involving: (i) taking advantage of ocean spaces and their resources as a conservation area but ignore the small fishery scale and the inhabitants; (ii) developing marine tourisms (hotel, resort, and cottage) which make the indigenous people restricted in

¹⁵Luky Djani, *Efektivitas-Biaya dalam Pembuatan Legislasi*, in Jurnal Hukum Jentera, Pusat Studi Hukum & Kebijakan (PSHK), Jakarta, Edisi 10- Tahun III, 2005, hlm. 45.

¹⁶Flora Pricilla Kalalo, 2009, *Implikasi Hukum Kebijakan Reklamasi pantai & laut di Indonesia Buku 2*, Logoz Publishing, Bandung, p. 108

¹⁷Muhamad Karim, *op.cit*

accessing the areas; (iii) leasing the mangrove areas to the public or private sectors to carbon absorption project purposes, shrimp ponds, and charcoal production; (iv) taking the dwellers' land over done by the corporation or individual, and (v) purchasing or leasing the ocean spaces, seashore, small islands privately leading to capital accumulation and the current stakeholders' insistence. *Second*, the exclusive use of the space: (i) creating multifunction ocean protection areas, either for conservation or ecotourism purposes; (ii) closing the seashore and ocean spaces gradually for environmental law implementation reasons or taking over the previous authorities to the given lands. The case of *Teluk Jakarta* reclamation is empirical evidence, and (iii) closing the ocean spaces and their potentials promptly for local people through the implementation of unfair law. It can be exemplified by the determination of ocean space zone or spatial plan process unilaterally to the ignorance of social participation. *Third*, the change of property right regime involving: (i) the privatization of seashore lands which is only previously done through agrarian affair mechanism. It can be illustrated by the commercial shrimp pond industries and foreign small island ownership; (ii) the change of regulation which shakes off tenurial right and cultivation jurisdictionally to the right of ocean resource harvest; (iii) the loss of access to common property areas. The case of the placement of coastal water in law No 27/2007 which was illegalized by Supreme Court at 2010, and (iv) the area seizure after natural disaster (Tsunami). *Forth*, the change of resource management regime as exemplified: (i) the fishery policies which open access to fishery resource reallocation to foreign fishing vessels as to reducing the local income in fishery sectors; (ii) fishery policies in the form of quota allocation and the reduction of fishery zones in a small scale. The government in authority sells or rents the right of cultivation of fish quite often to bigger commercial fishery actors or tourism purposes which make the smaller fish business knocked out; (iii) the authorities privatize the ocean resources progressively and accumulatively. Consequently, only the established businessmen who are able to advantage of the given resources in a big scale and even leave the smaller ones out, and (iv) illegal fishing is not reported and not recorded. *Fifth*, the introduction of amendment to the use of marine resources encompassing; (i) the shift of the use in fish resource orientation – from subsystem (smaller scale) to the bigger ones such as diving activities and the mining of sand.¹⁸

The ongoing activities hinder fishermen to fish due to the presence of other ocean activities, and; (ii) the amendment of market supply demand leading to marine resource exploitation. It also initiates the new demand, sea cucumber for instance which is for local consumption previously headed to commercial commodities. If there is no a real action to prevent the five ocean grabbing mentioned, food security is in serious threat.

The current national law allows the coastal reclamation activities which are definitely in contrast to the nation's purposes in achieving the national mid term route map policy (Rencana Pembangunan Jangka Menengah Nasional) 2015-2019; protecting the environment and fish productivity. From the evidence above, it can be argued that coastal reclamation effects negatively on coastal environment, fish productivity. The coastal reclamation also opposes the national constitution because the activities make the local inhabitants lose their right to their environment, are against fishery laws, the laws of fishermen protection and empowerment, and food law.

CONCLUSION

The government policy, however, is against what has been amended by the law, one of which the legalization of the coastal reclamation. Indeed, the legalization potentially faded the fisherman livelihood, emerged conflict related to the natural resource ownership, and made *Nawacita* expectation wiped out. The conflicting interests among stakeholders can

¹⁸:ibid

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