

Arrangement of The Marine Biodive Natural Resources Conservation in The Coastal Of Sendana District, Majene Regency

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ABSTRACT

Arrangements for the conservation of living natural resources in the sea, are explicitly regulated in UNCLOS 1982 concerning the protection and preservation of the marine environment which places obligations on participating countries to protect and maintain the marine environment. The provisions of Article 192 UNCLOS 1982 stipulate that every State has an obligation to protect and preserve the marine environment. Therefore, the state has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other countries or areas outside the boundaries of national jurisdiction. This means that the marine environment is an important part and must be maintained and preserved by every country.

Keywords: *Conservation, Living Natural Resources, and the Law of the Sea Convention.*

INTRODUCTION

The marine area of Indonesia has a very important meaning ecologically, economically, socially, culturally and in defense and security, because of the large potential of marine resources for people's livelihoods and the basic capital for national development. The magnitude of this potential, given the length of Indonesia's coastline (coastline) reaches 95,181 km of the total number of islands of approximately 17,508 islands. The potential of Indonesia's marine resources, broadly speaking, can be divided into 4 (four) groups: (1) renewable natural resources, (2) non-renewable resources, (3)) marine energy, and (4) marine environmental services (environmental services) which have great potential. In addition, marine resources are also often classified into two groups, namely (a) living resources and non-living resources (Andi Iqbal, 2003).

Based on its geographical location, the Unitary State of the Republic of Indonesia is on the equator, in reality it is an archi-pelagic state which is in a cross position between two continents, namely the Asian continent and the Australian continent and between two oceans, namely the Indian Ocean and the Pacific Ocean with a climate tropical climates and weather and seasons that produce natural conditions of high value make the territorial waters of Indonesia a high productivity waters with a strong natural carrying capacity. In addition, Indonesia's location in the tropics with a relatively low level of environmental

temperature changes allows for the development of various marine life, because of that Indonesia is seen by the world as the center of the world's biodiversity wealth (kehati), so it is included in the group of "mega-biodiversity" countries (Dewobroto et al, 1995).

Living natural resources have very significant economic value and significance, in fact a potential for living natural resources in each region often becomes the backbone in the process of realizing the existence of continuity and sustainability of life in society, nation and state. Considering the existence and potential of living natural resources in Indonesia is considered quite large, the development of the national economy which is the main activity in national development tends to make living natural resources the main capital for development, but ironically the policies and processes have not included aspects of efforts to prevent the occurrence of exploitation and/or exploration that is destructive and/or causes depreciation or depletion of living natural resources (Hadi S, 2012).

According to the Natural Resource Conservation Dictionary (Dewobroto, et al, 1995), which is the result of a collaboration between the Directorate General of Forest Conservation and Nature Protection and the Center for Language Development, the term conservation is the equivalent of the term preservation which is defined as "efforts to manage natural resources wisely by guided by the principle of preservation". However, the same dictionary also states that the term preservation is equivalent to the term conservation. So the dictionary translates the term conservation into (a) conservation or (b) preservation, but the dictionary also provides different definitions for the terms conservation and preservation. According to an Indonesian ecologist, Otto Soemarwoto (1997), the term conservation is more appropriate if translated as "reserve".

Law Number 5 of 1990 concerning the Conservation of Living Natural Resources and their Ecosystems (UU KSDAHE), formulates the meaning of living natural resources are biological elements in nature consisting of vegetable natural resources (plants) and animal natural resources (animals).) which together with the surrounding non-living elements as a whole form an ecosystem. Meanwhile, the notion of conservation of living natural resources is the management of living natural resources whose utilization is carried out wisely to ensure the continuity of their supply while maintaining and increasing the quality of their diversity and value.

Thus, biodiversity conservation can be defined as actions to protect and use biodiversity that are carried out wisely to ensure the continuity of its existence and benefits while maintaining and increasing the quality of diversity and its value in order to meet the needs of current and future generations (Birnie *et al*, 2002). The concept of biodiversity conservation is broader than just preservation or preservation because biodiversity conservation aims to ensure long-term sustainability so that it benefits not only the current generation but also future generations. Therefore, conservation must be seen as a resource management so that its function is sustainable. The word conservation, in Indonesia is defined through three keywords, namely protection, preservation and sustainable use of natural resources or diversity. While the level of conservation is divided into categories: area conservation (in-situ), species conservation and genetic conservation.

METHOD

This study uses a type or type of empirical research using a statutory research approach and a case approach. Both approaches are used to analyze suicides, as well as the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other countries or areas outside the boundaries of national jurisdiction. This means that the marine environment is an important part and must be maintained and preserved by every country.

DISCUSSION

Biological diversity is a term that refers to all types of fauna and flora, including the diversity of their species, as well as the terrestrial, marine, coastal and aquatic ecological communities in which they occur, for example tropical forests, temperate forests, freshwater lakes, wetlands , etc. The richness of biodiversity is very important for humans because it is a source of life, both in the form of food and medicines and genetic resources (Norse, 1993). In addition, biodiversity is also useful for the environment itself, namely to mutually support living systems in one ecosystem. Therefore, biodiversity is the diversity among living things from all sources, including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species and of ecosystems (Suhaidi, 2006).

In accordance with the nature, role, interrelationships, and especially the hierarchy in biological systems, biodiversity can be grouped in 3 (three) levels, namely species, genetics, and ecosystem. At the species level it includes all organisms on earth, from bacteria and protists through the plant, animal and fungal world. On a smaller scale it includes genetic variation within species, between geographically separated populations and between individuals within populations. Biodiversity also includes the variation within the biological communities in which species live, and the ecosystems in which these communities exist, and the interactions between these levels. In simple terms, biodiversity is a measure of ecosystem health (Etty, 2015).

Ecosystems and habitats of living things that should be maintained but neglected to maintain them are even damaged systematically, negatively impacting the survival of all living things. Pollution and environmental destruction that occur globally, have periodically threatened the sustainability and biodiversity in the world. The impact caused creatures in land ecosystems and marine ecosystems to decrease or even become extinct. This triggers an imbalance in nature in maintaining the carrying capacity of the environment for the sustainability of human life and other creatures (Tri Setyawanta, 2009). The cause of the threat to sustainability and biodiversity is a direct result of uncontrolled exploitation of nature and is increasingly massive in area and number. Real examples of these exploits and actions include:

- (i) Conversion of forest land for the purposes of: (a) settlement, (b) large-scale agriculture such as oil palm, (c) forest logging concessions (d) forest burning, (e) mining land clearing, and (f) illegal acts , such as illegal logging, illegal mining.

- (ii) Over-exploitation of marine resources, such as: (a) fishing using prohibited fishing gear, such as trawlers, fish bombs, chemicals, (b) destruction of coral reefs, (c) sea water pollution which is increasingly worrying, (d) the destruction of coastal areas for the reclamation of settlements, industry and ponds (aqua culture).
- (iii) Destruction and illegal/illegal hunting, such as: (a) poaching of wild animals, (b) forest encroachment.

It is ironic that Indonesia is a country that is categorized as a country with the highest level of biodiversity in the world along with Brazil and Colombia, but at the same time it is also listed as a country with the highest level of forest destruction and biodiversity damage in the world. Indonesia's position as an archipelagic state has been recognized by the international community whose stipulation is regulated in the 1982 United Nations Convention on the Law of the Sea - hereinafter referred to as UNCLOS 1982, as an international instrument that provides an international legal basis for Indonesia's position as an archipelagic state (A'an Efendi, 2018). Archipelagic state, Indonesia is the 26th country that has ratified the Convention since 1985, by enacting Law Number 17 of 1985 concerning Ratification of the United Nations Conventions on the Law of the Sea.

With the enactment of UNCLOS 1982, the area of Indonesian waters has become very wide, reaching 5.8 million km² or equal to three-quarters of the total area of Indonesia. The area of these waters consists of the Indonesian Exclusive Economic Zone (EEZ) of 2.7 million km², the Indonesian seas of 2.3 million km² and territorial waters of 0.8 million km². In addition, UNCLOS 1982 has opened a new chapter regarding the determination of territorial boundaries and authority or jurisdiction at sea, in which in this connection the Republic of Indonesia as an "Archipelagic State" legally has territorial boundaries and authority or jurisdiction over inland waters. (Internal Waters), archipelagic waters (Archipelagic waters), territorial sea (Territorial Sea), Exclusive Economic Zone, high seas (High Sea) as well as the continental shelf and international seabed which are clearer.

In the framework of the utilization of marine resources, UNCLOS 1982 contains important principles for the utilization of resources in the marine environment, as regulated in Article 192 and Article 193 of UNCLOS 1982. These two articles are contained in part XII entitled: "Protection and Preservation of the Marine Environment" (Protection and Preservation of the Marine Environment). Article 192 UNCLOS 1982, confirms that "States have the obligation to protect and preserve the marine environment" (every country has the obligation to protect and preserve the marine environment). With the existence of Article 192 UNCLOS 1982, it means every participating countries have the obligation to protect the marine environment under their jurisdiction. The main obligations of the participating countries, followed by the rights regulated in the next article, namely Article 193 UNCLOS 1982 stipulates that states have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

"(Each country has sovereign rights to exploit its natural resources in accordance with their environmental policies, as well as in accordance with their obligations to protect and preserve the marine environment)."

From the provisions of Article 193 UNCLOS 1982, there are several things that need to be underlined, namely: First, in terms of "states have the sovereign right to exploit their natural resources" where participating countries have sovereign rights in exploiting natural resources in their jurisdiction. Second, in terms of "The right to exploit their natural resources pursuant to their environmental policies", namely that participating countries have the right to make their own arrangements related to the natural resources they have. However, this right is also followed by the main obligation as outlined in the provisions of Article 192 UNCLOS 1982 which in essence emphasizes that "the duty to protect and preserve the marine environment". Therefore, the rights possessed by participating countries in relation to the exploitation of natural resources in their territory are conditional freedoms in which participating countries are free to exploit natural resources under their jurisdiction, free make legal arrangements regarding this matter, but still have to carry out their obligations to protect and preserve their marine environment.

The obligation to take preventive action is also something that often appears in the 1982 UNCLOS. The obligation to take actions to avoid, reduce or control marine pollution is stated in Article 194 paragraph (1) of the 1982 UNCLOS which reads as follows states shall take, individually or jointly as appropriate, all measures consistent with the Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavor to harmonize their policies in this connection. States shall take all necessary measures in accordance with the Convention, individually and collectively as necessary, to prevent, reduce and control pollution of the marine environment at any source by using for this purpose the most practicable means which is within their means and according to their capabilities, while these States must endeavor to harmonize their policies in this regard.

This obligation is the obligation of the participating countries as a whole. As already mentioned, participating countries both individually and collectively must take appropriate actions to avoid, reduce or control marine pollution from various sources. In addition, there is also an obligation to eliminate pollution according to their ability and the obligation to adjust the policies of their country according to this. In other words, this is the obligation of the state as a legal subject in the international world. With this article it can also be seen how UNCLOS inserted the concept of due diligence. As is the case with other conventions related to international environmental law, the term used in carrying out preventive actions is "all necessary measures", but this term was later expanded to use "best practicable means at their disposal and in accordance with their capabilities" which risks refer to waters in general, not just waters in a country with other countries. By using diction like this, it can be concluded that there is greater flexibility and discretion, especially for developing countries, where their interests have considerable attention in the preparation of the 1982 UNCLOS.

The provisions of Article 195 of UNCLOS 1982 emphasize that in taking action to avoid, protect and control marine pollution, participating countries are obliged to do so without spreading the pollution, either directly or indirectly. This provision is also an

implementation of the principle of the good neighborliness in which a country within its territory may not take action in such a way as to cause environmental disturbance to other countries. As a means of achieving the main objective of protecting and maintaining the marine environment, there is an obligation to cooperate both globally and regionally. This is comprehensively stated in Part XII Section 2 entitled "Global and Regional Co-Operation" (Global and Regional Cooperation). In that section, there are several obligations of participating countries in terms of cooperation for the protection and maintenance of the marine environment.

CONCLUSION

Based on the description and study above, it can be concluded as follows:

UNCLOS 1982 does not specifically regulate in its articles regarding the management of marine areas, coasts and small islands. But it is implied that the sources of wealth in the sea require good management in accordance with the principles of sustainable development, without damaging the marine environment, so that it can be used for the prosperity of mankind.

Protection of the marine environment is regulated in Article 145 of UNCLOS 1982, which contains regulations for the preservation of the marine environment and prevention of pollution of the marine environment. Arrangements regarding the importance of protecting and preserving the marine environment are contained in UNCLOS 1982, Chapter XII concerning the Protection and Preservation of the Marine Environment.

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