

# CHAPTER I

## INTRODUCTION

### A. BACKGROUND

Indonesia has a unique geographical position. It is due to the location of Indonesian archipelago which located on the equator. Besides, Indonesia's geographical position is actually located in the world cross, between two continents which are Asia - Australia and between two oceans which are Indonesia - the Pacific.<sup>1</sup> From the statement above, it may be concluded that the territorial sea of Indonesia is wider than the land.<sup>2</sup>

Since 16 of November 1994, the Convention on the Law of the Sea (*United Nations Convention on the Law of the Sea 1982*) has been implemented (*enter into force*) effectively.<sup>3</sup> With the enactment of the Convention, total area of Indonesia becomes 8, 193, 250 million km<sup>2</sup> which consists of 2, 027, 087 km<sup>2</sup> of land and 6, 166, 163 km<sup>2</sup> of sea. The total area of Indonesian's sea could be divided into: 0.3 million km<sup>2</sup> is territorial sea, 2.8 million km<sup>2</sup>

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<sup>1</sup> Lubis, M. Solly, *Kesatuan Hukum Nasional dan Wawasan Nusantara dalam Rangka Menghadapi Globalisasi Dunia dan Pembangunan Jangka Panjang*, (Pusat Kajian Kebudayaan Universitas Bung Hatta). Padang, 1992, p. 55

<sup>2</sup> Muhjiddin, Atje Mishbach, *Status Hukum Perairan Kepulauan Indonesia dan Hak Lintas Kapal Asing*, Bandung: Alumni, 1993, p. 18-19

<sup>3</sup> *United Nations Press Release*, "UN Convention on the Law of the Sea Receives Sixteenth Ratification to Enter into Force in One Year" *New York Department of Public Information*

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<sup>1</sup> Lütjés, M. Solij, Kesatuan Hukum Nasional dan Wawasan Nusantara dalam Rangka Menghadapi Globalisasi Dunia dan Pembangunan Jangka Panjang. (Pusat Kajian Kebudayaan Universitas Hong Hana), Bandung, 1992, p. 22  
<sup>2</sup> Mufjiddin, Aje Mubrahach, Status Hukum Perairan Kepulauan Indonesia dan Huk Linas Kapal asing, Bandung: Alumni, 1993, p. 18-19  
<sup>3</sup> United Nations Press Release, "UN Convention on the Law of the Sea Receives Sixteenth Ratification to Enter into Force in One Year", New York, Department of Public Information, News Coverage Service, 1993, p. 1

archipelago waters, and 2.7 million km<sup>2</sup> Economic Zone of Indonesia.<sup>4</sup> In this area, there is an Indonesian's marine environment as a part of sea territory.

There are natural resources in marine environment namely biological and non-biological sources. The marine environment is very important to be protected from the pollution threats. The aim of the protection of marine environment is to sustain the livelihood of human being,<sup>5</sup> both present and for future generations. Thus, there is a need of the society on sea natural resources in term of amount and quality, which should be available.

The future of natural resources of coastal areas must be supported by the management of natural resources exploration and environmental services. The support may be conducted with comprehensive assessment along with the natural resources and environmental services for process setting the goals and the objectives. Furthermore, the planning and managing of the exploration activities has to be conducted comprehensively and integrity for optimizing the goals and objectives.

Coastal areas and tropical oceans, which are seen by designation, are highly productive areas. Therefore, these areas generally become the focused

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<sup>4</sup> Romimohtarto, Kasijan, "*Pengelolaan Pemanfaatan Kekayaan Hayati dan Nabati di Perairan Indonesia*", Seminar Hukum Nasional V, Jakarta 1990, p. 1

<sup>5</sup> Mochtar Kusumaatmadja, *Perlindungan dan Pelestarian Lingkungan Laut dilihat dari Sudut Hukum Internasional Regional dan Nasional*. Jakarta. Sinar Grafika dan Pusat Studi Wawasan

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<sup>5</sup> Mochtar Kusumaatmaja, *Perencanaan dan Pelaksanaan Lingkungan Laut* (Jakarta: Lembaga Studi dan Penelitian Regional, dan Nasional, Jakarta, Sinar Grafika dan Pusat Studi Wawasan Nusantara, 1992), p. 7-8.

spot for some various activities. Currently, the function and role of coastal and marine areas are growing rapidly and wider. Their function is not only as a fishing area, but also used for the exploration of oil, natural gas and other minerals for the economic development. In addition, coastal areas and oceans are also used for business of aquaculture (sea farming), tourism, agro-industry, transportation, industrial, residential and as a waste disposal area. The consequences of those multi human activities which done by either traditionally or using technology are often carries negative impacts to the surrounding environment.

According to the above fact, coastal and marine resources become one of Indonesian's development bases of capitals which is very potential, beside the natural resources in land. The role of coastal resource is predicted to get higher and higher for supporting national economic development in the future.

As the result of potential, the coastal areas will grow very rapidly in term of providing productive natural resources, such as food, mineral mining and energy. It means that coastal areas are the basis of human's expectation in the fulfillment of their needs in the future. Although the extent of this area is only 8% of the earth, there are approximately 50-70% of people who live and

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work there. The coastal areas are potential for producing 26% of global fisheries. Therefore, the coastal is very important element for human life.<sup>6</sup>

The increase of coastal use will make a reduction of supporting power of coastal areas; it is happen if the exploration is not conducted well, such as integrated and controlled. In order to maintain the supporting power of coastal areas, it is important to consider on how to control pollution happened in coastal areas which is caused by the activities done by both human and nature itself.

The consequences of the increasing of human activities, such as oil pollution (as the result of exploitation activities in the offshore oil fields and oil transportation), residential and industrial waste connection, and coastal waters will have a problem which tends decide the quality of areas due to the disturbance of natural balance. Moreover, it becomes worse with overfishing and physical destruction of coral ecosystems. In addition, it is added with the emergences of air emissions, because of pollution and subsequently carries bad effects for the ecosystem, including humans being.

The coastal environment consists of various kinds of ecosystems with different condition and nature. In general, ecosystems are complex and very sensitive with disturbance. It can be concluded that every activity of exploration

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<sup>6</sup> Rommohamad, Kasijan, Ojca



and development in every coastal area will potentially damage inside the ecosystem in the area. The damage of ecosystems means that the resources inside will also be broken. In order to minimize the negative impact of the coastal and marine used as well as integrated planning, preventing the damage to the coastal ecosystems, and arrangement of the space layout as one form of government's policy, are needed. In addition, the implementation of arrangement of space layout needs to be supported by the sectoral programs which are organized by the Central Government, Local Governments, and society, including the business sector.

The Indonesian government has conducted public socialization regarding provisions on the environmental pollution in marine coastal areas. On the implementation, society has to have an active participation role in order to run the regulation properly and appropriately expected by the government. The participation of society can be manifested by preserving, protecting and managing the environment, particularly in the marine environment and surroundings as mentioned in the provisions of Indonesian law.

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Based on the background describe above, the author tries to conclude a study entitled **"AN ENVIRONMENTAL LAW STUDY ON ENVIRONMENTAL POLLUTION IN COASTAL AREAS"**.

## **B. PROBLEM FORMULATION**

1. How is the condition of marine and environmental pollution in coastal areas?
2. How is the response of environmental law towards the pollution and damage in coastal areas?

## **C. RESEARCH OBJECTIVES**

The purposes and objectives of this study are:

1. To find out the condition of marine pollution and environmental damage in coastal areas.
2. To know and understand the respond of environmental law towards the pollution and damage in coastal areas

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#### **D. BENEFITS OF RESEARCH**

1. Theoretical benefits:

Giving the contribution for science especially related to the study of environmental law towards environmental pollution in marine coastal areas.

2. Practical benefits

The results of this research are expected to be able to contribute ideas and information for the government and public in managing and protecting are from any pollutant and damage.