

Legal Protection Against Fishermen's Settlement Located On The Coastal Borderline Of Bone Regency

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Abstract

This study aims to find two problems, namely the implementation of the arrangement of fishermen's settlements located on the coastal border and how is the legal protection for the arrangement of fishermen's settlements in the coastal border of Bone Regency. This research uses empirical legal research. The source of data that will be used in this research is the processing of primary data and secondary data. The form of data analysis used in this research is descriptive. The results of the study illustrate that the implementation of the arrangement of fishermen's settlements in the coastal border line of Lonrae Village is seen from two aspects, namely the legal arrangement and its implementation. In its implementation, it is not in accordance with existing regulations because in Lonrae Village there are settlements in the coastal border area that have existed for a long time. Legal protection focuses on two aspects of protection, namely protection for the community and legal protection for the environment as the main aspect in protecting the environment or ecosystem on the coastal border in Lonrae District and protection for the community after the relocation of settlements as a result of enforcing the rule of law in the regional regulation of Bone Regency regarding Spatial Planning. Region of Bone Regency 2013-2023 and Regional Regulation of Bone Regency concerning Detailed Spatial Planning and Zoning Regulations for Watampone Urban Area 2016-2036.

Keywords: Protection, Settlement, Fishermen

INTRODUCTION

Coastal areas become areas that are vulnerable to change, both changes caused by human activities and changes in nature. The urgency of economic needs causes the coastal area that should be a land buffer area to be unable to maintain its function, causing many impacts, one of which is damage to the coastal environment.

Land as the surface of the earth that is on land and the surface of the earth that is under water, including sea water¹. The use of land must be adjusted to the circumstances and nature of its rights so that it is beneficial for the welfare of the community. Thus, the interests of the community and the interests of individuals must balance each other until the main goal is achieved, namely prosperity, justice and happiness for the people as a whole. In the sense that the implementation of development must be in accordance with the substance to be addressed in an integrated manner based on the applicable laws and regulations. In Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to the 1945 Constitution of the Republic of Indonesia) it is stated that "*Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.*"²

As a form of realization of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is stated in Article 2 paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (hereinafter abbreviated as UUPA), namely the State is given the authority to regulate and administering the designation, use, supply and maintenance of earth, water and space. Furthermore, Article 14 of the LoGA explains that in order to achieve the nation's aspirations, the Government shall make a General Plan regarding the supply, designation and use of earth, water and space for the various interests of the people and the state. The General Plan made by the Government covers the entire territory of Indonesia and the Regional Government regulates the supply, designation and use of land in the area in accordance with the conditions of each region with Regional Regulations³. Therefore, the realization of the optimal use and utilization of land must conform to the Regional Spatial Plan.

The coastal area where the sea and land meet is measured at the highest and lowest tides⁴. Referring to this understanding, coastal areas can be classified as land that is under water. The inclusion of coastal areas as land causes the arrangement of coastal areas to be subject to land regulations. The regulation in question is the rule in

¹ Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, Cetakan Kedua Belas, Djambatan, Jakarta, 2008, hlm. 6.

² Andi Husnul Khatimah dkk, *Implementasi Hukum Pengendalian Dampak Lingkungan dalam Pembangunan perumahan di Kabupaten Gowa*, Pagaruyuang Law Journal Volume 2 Nomor 1, 2018, hlm. 130.

³ Sukmariningsih, R, *Overlapping Authority on the Cancellation of Local Regulation (An Erroneous Logic of Local Autonomy)*. Hasanuddin Law Review, 2017, hlm. 191.

⁴ Lihat Pasal 1 angka 5 Tahun 2016 Tentang Penataan Pertanahan di Wilayah Pesisir.

determining and regulating legal relations between the community and the land they inhabit.⁵

The arrangement, use and utilization of land in coastal areas, including coastal areas, must pay attention to the provisions⁶ that certain areas on the coast must be used as coastal boundaries in the form of land along the edges of proportional width with the shape and physical condition of the beach at least 100 meters from the highest tide point towards the land. . Mangrove vegetated areas are maintained as conservation areas against the threat of abrasion; fishing settlements that have been around for a long time and their economic businesses must be supported through access to reform and various other sectoral activities; utilization of coastal areas must pay attention to priority to the interests of indigenous coastal communities, conservation of coastal areas, defense and security, integrated economic development and protection of certain areas that have unique ecosystems; and the development of coastal areas for commercial purposes must follow the spatial planning determined by the local government and other provisions required by the relevant technical agencies.

Currently, the rapid rate of population growth is accompanied by the increasing intensity of development in all fields, causing problems and conflicts in the land sector to also increase. Likewise the development that occurs in coastal and coastal areas. The main problem is the limited availability of land so that it becomes one of the triggers for residential buildings in coastal or coastal areas. Supported by the coastal area which is generally very attractive to fishermen to build housing because they want to be close to their place of work as fishermen. As is the case, the portrait of the Lonrae fishing community settlement located in the coastal area of Bone Bay, precisely in Lonrae Village, Tanete Riattang Timur District, Bone Regency.

Lonrae Village is located on the coast, the beach is a source of livelihood for the Lonrae community by profession as fishermen. Over time, the residences of the Lonrae fishing community, which were previously still in the coastal area, are now starting to merge with the ocean. Until it can no longer be distinguished from the settlements of local people who do live on land. Based on the confession of A. Ambo Tang Deng Parai, who was the deputy village head in 1973-1999 who currently serves as a sub⁷, that the Lonrae fishing community who has been living has existed for a long time.

⁵ Zainuddin, Zainuddin, and Faizal Riza. "Melindungi Nelayan Dari Persoalan Hukum Melalui Lembaga Bantuan Hukum." *De Lega Lata: Jurnal Ilmu Hukum* 6.2 (2021), hlm. 382-388.

⁶ Waskito dan Hadi Arnowo, *Pertanahan, Agraria, dan Tata Ruang*, Kencana, Jakarta, 2017, hlm. 236.

⁷ Berdasarkan Wawancara Penulis pada saat melakukan pra penelitian, Maret 2021.

Until now, the area that became the settlement of Lonrae fishermen has reached 2 ha, the area which was originally only designated for the Lonrae fishing community has now begun to be inhabited by people who are not Lonrae fishermen so that the area has become one of the densely populated areas. With a dense population, there is almost no intermediary between one house and another.

The problem lies in the Lonrae fishing settlement area which is built on a coastal border. The coastal border is the land along the coast, the width of which is proportional to the shape and physical condition of the beach, at least 100 (one hundred) meters from the highest tide point towards the land⁸. Referring to the Government Regulation of the Republic of Indonesia Number 13 of 2017 concerning Amendments to Government Regulation Number 26 of 2008 concerning the National Spatial Planning, it is stated that there is a prohibition on establishing settlements on the coast.

The juridical review of the coastal border includes the status of ownership of the area within the coastal border and the laws and regulations that contain provisions for the width of the coastal border area calculated from the coastline. The coastal border area is an area controlled by the State whose existence is protected because it functions as a protector of the preservation of the coastal environment. Thus the coastal border area becomes a public space with open access for anyone (*public domain*).

The status of state land in the area implies that the state in this case the government has the right to control and use it according to its function. Utilization and management of coastal border areas is solely focused on activities related to its conservation function and must be sterile or free from development activities.

The government as the holder of management rights plays a role in controlling the utilization, and the Government or Regional Government has the obligation to supervise the management of coastal areas by third parties. In addition to monitoring and controlling the use of coastal border areas, previously it is necessary to tighten the granting of location permits for the use of coastal land.

RESEARCH METHODS

This study used empirical research. Empirical research method is a legal research method that functions to be able to see the law in a real sense and examine how the law works in the community⁹. The author conducted research at the Land Office of Bone

⁸ Peraturan Presiden Republik Indonesia Nomor 51 Tahun 2016 Tentang Batas Sempadan Pantai.

⁹ Irwansyah, Cetakan Ke-empat 2021, Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel Ed. Revisi, Yogyakarta : Mirra Buana Media, Hal. 174

Regency, Department of Highways Cipta Karya and Spatial Planning of Bone Regency, Lonrae Village and Lonrae Fisherman Society. The location was chosen because it was relevant and in accordance with the problems discussed. The source of data that will be used in this research is the processing of primary data and secondary data. Therefore, in this study using data collection techniques as follows: Interview, the method taken to obtain information or information. The form of data analysis used in this research is descriptive. Descriptive analysis implies that the researcher provides an explanation, describes, and explains what it is about a legal event or legal condition obtained from the results of the study¹⁰.

RESULT AND DISCUSSION

Implementation of Settlement Arrangement for the Lonrae Fisherman Community Along the Coastal Border

1. Status of Land Rights for the Lonrae Fisherman Community The

Status of land rights shows that land tenure is carried out effectively. Land rights in the concept of land ownership consist of Ownership Rights, Use Rights, Lease Rights, Building Use Rights, and other rights of a temporary nature¹¹. Land ownership rights are the most important rights that citizens have over a plot of land. This right provides an opportunity for the holder of the right to cultivate his land for his welfare, but the control and ownership of the land may not conflict with the provisions of the legislation. The Lonrae fishing community is a community that lives on the coastline. Based on the results of the study, it shows that the Lonrae fishing community lives along the coastal border, which is located in Lonrae Village, Tanete Riattang Timur District, Bone Regency.(2) of the Regional Regulation of Bone Regency Number 2 of 2013 concerning the Regional Spatial Plan of the Bone Regency which states that:

Paragraph the coast of Bone Regency in Tanete Riattang Timur District, Cenrana District, Tellusiatinge District, Awangpone District, Barebbo District, Sibulue District, Mare District, Tonra District, Salomekko District, and Kajuara

Indeed, it does not clearly state that the Lonrae kelurahan is classified as a coastal border area, but based on the narrative from Asniar as the staff of the government and population section in Lonrae Village, he stated that:

“East Tanete Riattang Subdistrict has 8 villages, one of which is Lonrae Village. The Lonrae sub-district area consists of 4 neighborhoods. Where of these 4

¹⁰ *Ibid*, hal 228.

¹¹ Lihat Pasal 16 Undang-Undang Nomor 5 Tahun 1960.

neighborhoods, the Lonrae Neighborhood is a coastal area where there is a coastline and a coastline. "

The statement from the Lonrae sub-district is also corroborated by data and interviews with Andi Asrijal as the head of the Space Utilization Supervision and Control Section, the Department of Highways, Human Settlements and Spatial Planning, Bone Regency, which states that in Tanete Riattang Timur Subdistrict, Lonrae Village is a coastal area that contains coastlines and coastlines.

Due to the fact that the Lonrae fishing community lives on the coastal border, it is necessary to analyze the status of land ownership owned by the Lonrae fishing community. In land ownership, it shows that the people who live in one place have a classification of land rights status. Land rights are rights that authorize the holder of the right to use and/or take advantage of the land to which they are entitled¹². Farida Pattitingi describes land rights according to national land law relating to the granting of rights to control and use of coastal areas, namely property rights, business rights, building rights, use rights, and lease rights. Where from the category of land rights there are descriptions, namely: 1) Land ownership rights in Dutch are called *inlands bezitrecht*, which means that the right holder has full power over the land; 2) Right to Cultivate or HGU is the right to cultivate land which is directly controlled by the state for a certain period of time; 3) Hak Guna Bangunan hereinafter abbreviated as HGB is the right to construct and own buildings on land that is not one's own for a certain period of time; and 4). Right of Use is the right to use land directly controlled by the state or land owned by another person, which gives the authority and obligations specified in the decision to grant it by the official authorized to give it. While 5). Lease rights are the granting of authority to use land, in this case land owned by someone else. The state cannot lease land because the state does not own the land.¹³

Apart from the description above, the history of the origin of the Lonrae fishing community living in coastal and coastal areas began decades ago around the 1980s. Based on the results of the interview with Asniar, the staff of the Government and Population Section of Lonrae Village stated that the Lonrae fishing community has been living in the coastal area for a long time even before Lonrae Village was formed and is still part of Bajoe Village. This is also stated in the research results of Dian Artih, et al with the title

¹² Urip Santoso, *Perolehan Hak Atas Tanah*, Depok, Kencana, Depok, 2017, hlm. 21.

¹³ Farida Patittingi, *Dimensi Hukum Pulau Pulau Kecil di Indonesia*, Rangkang Education, Yogyakarta, 2012, hlm. 114-138

Fisherman Lonrae 1957-2017, describing that Fishermen of Lonrae have been catching fish since 1960 and began living in coastal areas in 1985¹⁴.

An area can be said to be a residential area when the area is used as a residence and there are activities that support life and livelihood¹⁵. This is reflected in the settlement conditions of the Lonrae fishing community whose source of livelihood is as fishermen, where their homes are located on the beach border and close to the sea.

In terms of permits to build houses on the shoreline, the Lonrae fishing community did not have to get a permit to build their houses at first - they just built houses. Based on the results of an interview with Ahmad, the head of the Lonrae fishing group said:

“We have built a house here for a long time, at first it was only a wooden house as a stopover place when we wanted to go and return from fishing. Over time we permanently live here. When we built our house, we immediately built it. It has been going on for decades.”

This condition has made the Lonrae fishing community who build houses continue to grow. Based on statistical data, there are 535 heads of families living in the coastal area of Lonrae and 167 heads of families living on the coast¹⁶.

Then as a form of rights to the area inhabited, the status of land rights is given. Regarding the status of land rights granted to the Lonrae fishing community, it is a usufructuary right¹⁷. Since 2015 when they want to build a house, the community has asked for permission from the lurah. The granting of permits is a policy carried out by the Lonrae Lurah so that the Lonrae fishing communities get the status of usufructuary rights. The granting of usufructuary rights to the Lonrae fishing community is based on the fact that the coastal area including the coastal border is state land. The right to use state land¹⁸ is the right to use and/or collect proceeds from land which is directly controlled by the state.

¹⁴ Dian Artifah Arfah, *Nelayan Lonrae Kabupaten Bone 1975-2017*, Patingalloang Jurnal Pemikiran Pendidikan dan Penelitian Kesejarahan Volume 6 No.2 April-Juni 2019, hlm.71.

¹⁵ R. Pamekas, *Model Pembangunan dan Pengelolaan Infrastruktur Kawasan Permukiman*, PT Dunia Pustaka Jaya, Bandung, 2018, hlm. 17.

¹⁶ *Ibid*

¹⁷ Berdasarkan Hasil Wawancara dengan Ibu Asniah, Staf seksi pemerintahan dan kependudukan Kelurahan Lonrae

¹⁸ Lihat Pasal 41 Ayat 1 Undang-Undang Pokok Agraria

The use of the term state land is not clearly described in the concept of land law. However, according to Julius Sembiring¹⁹, the definition of state land is based on the conception and meaning stated in the Basic Agrarian Law, meaning that state land is not land "owned" by the state which reflects the legal relationship between the land concerned which is private, but is land controlled by the state. state with public legal relations. On the basis of the legal relationship of a public nature, the authority to use state land is then "attributed" to various authorities. This is the basis for the policy of granting usufructuary rights to land for the establishment of the Lonrae fishing settlement by the Lonrae Village Head²⁰. Based on the results of the study, the status of use rights held by the Lonrae fishing community was only in the form of a certificate from the village head and proof of tax payment. Whereas the acquisition of usufructuary rights on state land should occur through a Government stipulation in the form of a Decree on the Granting of Rights (SKPH) issued by the Head of the National Land Agency of the Republic of Indonesia or the Head of the Provincial and/or Regency/City BPN Regional Offices who are given the delegation of authority to grant land rights. . As regulated in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration which states that the use rights on state land are granted with a decree granting rights by the Minister and the granting of use rights must be registered at the Land Office²¹.

The granting of use rights by Lurah Lonrae to fishing communities in building houses in the coastal border area is also contrary to the regulations governing the coastal border because the coastal border area is a local protected area. Where the land that is within the radius of the coastal border (100 meters) is not an object of land rights, including use rights, except for certain purposes that have received permits, such as port interests. The coastline is determined 100 (one hundred) meters from the highest tide point towards the land. Land that is included in the coastal border area can only be given a usufructuary right if it is intended for a pond business which must be on a seaside beach, and of course it must obtain a location permit from the Regent/Mayor.

Even though the Lonrae fishing communities have been living for a long time, they do not necessarily get permission to settle because the land they live on is a coastal border that is part of the local protected area. In fact, what happened at the research site was not the case. The perception of people who have lived for a long time considers that

¹⁹ Julius Sembiring, *Pengertian, Pengaturan dan Permasalahan Tanah Negara*, Prenamedia Group, Jakarta, 2018, hlm. 6.

²⁰ Berdasarkan Hasil Wawancara dengan Lurah Lonrae, Andi Aynal Qitri, S,ST.

²¹ Lihat Pasal 53 Ayat (1) dan Pasal 54 Ayat (1) PP Nomor 18 Tahun 2021.

the house they live in belongs to them. Based on the results of an interview with Irfan - the head of the fishing group - said:²²

“The house we live in is property because we pay taxes to the government. If anyone wants to build a house behind our house, we have to buy it, the price is around 5 to 7 million rupiah”

From Irfan's narrative, the fishing community's claim to ownership of the land they live in on the basis that they have paid land and building taxes cannot be justified. If referring to the theory of ownership, ownership of land must be controlled by a land right based on a certificate²³. This means that SPPT (Decree from the Tax Service Office) or Land and Building Tax (PBB) is not proof of ownership of land rights.

Therefore, there is a need for socialization to the community about the status of land rights and coastal border areas which are local protected areas so that there should be no settlement activities on them. Based on the results of an interview with Hamsiah - the head of the section for structuring and empowering the Land Office of Bone Regency, it was stated that the National Land Agency (BPN) of Bone Regency as the relevant agency had conducted socialization in Lonrae Village regarding land registration and procedures for obtaining land rights. This was also confirmed by the Lurah Lonrae and the fishing communities of Lonrae, however, according to the Lurah Lonrae, socialization needs to be carried out on an ongoing basis to provide an understanding to the fishing communities regarding the status of the rights to the land they live in. The BPN of Bone Regency must also cooperate with the Office of Bina Marga Cipta Karya and Spatial Planning of Bone Regency to socialize the coastal border area as a local protected area whose designation is used for the public interest and does not include residential areas.

The status of land use rights granted to the Lonrae fishing community which is located on the coastline certainly has legal implications. Moreover, the area they live in is located on the coastal border, which is designated only for activities that have been regulated in the provisions of the legislation, and are not allowed for residential activities.

The status of land rights of the Lonrae community must be an important concern. The Lonrae Lurah in giving land rights to the Lonrae fishing community must be in accordance with the concept of land use, where the policy of granting land rights in

²² Soemarmi, Amiek, Eko Sabar Prihatin, and Ghana Chalid Gandyo. "Perlindungan Hukum Bagi Nelayan Kecil oleh Dinas Kelautan dan Perikanan Kabupaten Brebes." *Diponegoro Law Review* 5.3 (2016), hlm. 19392.

²³ Lihat Undang-Undang Pokok Agraria (UUPA)

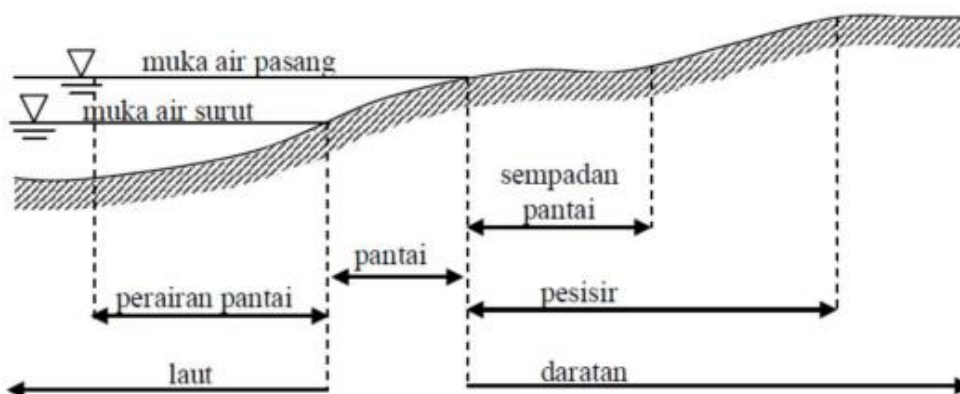
addition to paying attention to the economic aspect to provide prosperity and welfare to the community in this case the Lonrae fishing community, must also pay attention to the juridical aspect, which must be in accordance with the applicable regulations so that the granting of land rights does not violate existing regulations. In addition, land use must also pay attention to socio-political aspects, namely providing security for those who control the land, in this case the community and environmental aspects, and specifically the granting of land rights must also be in accordance with the *land use and zoning* . set.

2. Settlement of Settlement on the Coastal Border

Spatial planning, spatial use, and control of space utilization are carried out in a participatory manner to ensure that the interests of all parties are accommodated, including the interests of the welfare of the community. The beach is one of the landscape ecosystems that connects the ocean and land. The beach has a natural function and in the use of beach space it also has a social function that should be accessible to the public without exception. A beach consists of a coastline and a coastline.

determination of coastal boundaries refers to Presidential Regulation Number 51 of 2016 concerning Coastal Borders. This arrangement states that the coastal border is land along the coast, whose width is proportional to the shape and physical condition of the beach, at least 100 (one hundred) meters from the highest tide point towards the land. The coastal boundary is a coastal boundary space that is determined based on a certain method.

Each beach has a coastline with an unstable position that can move according to tides and erosion that occurs. A clearer picture of the coast, coastline, and coastline can be seen in the following figure²⁴:



²⁴ Ahmad Muhtadi Rangkuti dkk, *Ekosistem Pesisir dan Laut Indonesia*, Bumi Aksara, Jakarta, 2022, hlm. 224.

²⁵ Bambang Triatmodjo. *Teknik Pantai* (Cetakan Kelima), Beta Offset, Yogyakarta. 2008, hlm. 14.

coastal border is an area controlled by the state and its existence and management are protected through regulations.

The existence of regulations on coastal boundaries aims to protect and preserve ecosystem functions and all resources, protect people's lives, allocate space for public access through the beach and allocate space for water and waste channels. The determination of the coastal border is carried out by the Regional Government based on the calculation of the coastal border. The determination of the Lonrae coastal border line by the Regional Government is based on Presidential Regulation Number 51 of 2016 which states that:

"Regency/City Governments that have a coastal border are obligated to determine their coastal boundaries in a Regional Regulation concerning Regency/City Spatial Planning"

Regional Regulation of Bone Regency Number 2 of 2003 concerning Regional Planning of Bone Regency which states that Tanete Riattang Timur District is a coastal border area with land provisions along the seashore with a distance of at least 100 (one hundred) meters from the point of the highest sea tide towards the land. This regional regulation confirms the coastal area of the Tanete Riattang Timur District as a coastal border area including Lonrae which is one of eight villages in the East Riattang Tanete District. Furthermore, the regional regulation of Bone Regency Number 6 of 2016 concerning Detailed Spatial Planning and Zoning Regulations for the 2016-2023 Watampone Urban Area affirms the Lonrae coastal border area, East Tanete Riattang District as a local protected area. The legal implication of the determination of the Lonrae coastal border as a local protected area is that spatial planning must comply with the general provisions of the coastal border zoning regulations as regulated in Article 62 Paragraph 2 of Regional Regulation No. 2 of 2013.

Activities on the coastal border must be in accordance with their designation. The permitted activities include beach recreation activities, coastal security, fishing activities, port activities, *landing points* and/or subsea pipelines, water quality control activities, coastal environmental conservation, development of natural structures and artificial structures to prevent abrasion on coastal borders, security of coastal borders as public spaces, weather and climate observation activities, interests of state defense and security, activities to determine locations and disaster evacuation routes, and construction of buildings for the purpose of monitoring the threat of a tsunami disaster. In addition to activities that are permitted, this regional regulation also regulates

activities that are not allowed, including activities that disrupt the function of coastal boundaries, block and/or close spaces and routes for disaster evacuation²⁶. Although this regional regulation does not clearly state the prohibition on building houses, it can be interpreted as a form of activity that is not allowed because residential activities interfere with the function of the coastal border.

In fact, based on the results of the study, the coastal border of Lonrae Village has many settlements. Of the 546 families who live in coastal areas, 167 families live in coastal areas. The existence of settlements on the coastal border is not in accordance with the provisions of the legislation regarding the arrangement and allocation of coastal border space.

Settlements that exist on the Lonrae beach border other than not in accordance with their designation because the activities allowed in the coastal border area are activities related to open space, coastal protection buildings, tourism activities, buildings or activities of certain interests (ports, military, conservation and protection, education and research)²⁷. Based on the concept of spatial planning, settlement arrangement includes: planning, utilization, control and evaluation. This concept, if associated with the implementation conditions for the settlement of the Lonrae fishing community at the coastal border of Bone Regency, is described as follows:

First planning. Spatial planning is embodied in the making of spatial plans and ratified in a regional regulation²⁸. The spatial planning of the coastal border in Lonrae Village, Tanete Riattang Timur District has been realized by the existence of Regional Regulation of Bone Regency Number 2 of 2013 concerning Spatial Planning of Bone Regency and Regional Regulation of Bone Regency Number 6 of 2017 concerning Detailed Spatial Planning and Zoning Regulation of Watampone Urban Area 2016-2023 years. This regional regulation regulates and stipulates that the coastal boundary is calculated at a minimum of 100 meters from the highest tide line. In addition to the determination of the coastal border, this regional regulation also stipulates the coastal border area of the eastern Tanete Riattang sub-district as a local protected area. As a local protected area, the coastal border area in the Tanete Riattang Timur District must maintain the sustainability and sanctity of the beach, the safety of buildings, and the availability of space for public traffic. Furthermore, this regional regulation also regulates activities that are allowed and not allowed at the coastal border. The activities

²⁶ Lihat Pasal 62 Ayat (2) Perda No. 2 Tahun 2013

²⁷ lihat lampiran lampiran XVII Peraturan Daerah Kabupaten Bone Nomor 2 Tahun 2013 Tentang Rencana Tata Ruang Wilayah Kabupaten Bone

²⁸ Waskito, *Pertanahan, Agraria, dan Tata Ruang*, Kencana, Jakarta, 2018, hlm. 41.

that are allowed²⁹ according to their designation include: coastal recreation activities, coastal security, fishing activities, port activities, landing points for submarine cables and/or pipelines, water quality control activities, coastal environmental conservation, development of natural structures and artificial structures to prevent abrasion on coastal borders, securing coastal borders as public spaces, weather and climate observation activities, interests of state defense and security, activities to determine locations and disaster evacuation routes, and construction of buildings for the purpose of monitoring the threat of a tsunami disaster. Meanwhile, activities that are not allowed include activities that block and/or close space and disaster evacuation routes and activities that interfere with the function of the coastal border as a local protected area.³⁰

Second *use*. Utilization of space is realized through the mechanism of licensing and granting land rights. The implementation of spatial planning at the Lonrae beach border does not run according to the rules because the local regulation regulates activities that are allowed and not allowed on the coastal border, one of which is the establishment of settlements. But in fact, there are many settlements on the coastal border to form the Lonrae Fisherman's settlement area. It is recorded that there are 167 heads of families living on the coast. Based on the results of the interview with Alimin, the head of the fishing group, it was stated that the construction of the house currently inhabited by the Lonrae fishing community had obtained permission from the Lonrae Village Head with the status of land use rights. Alimin himself did not know that the area he lived in was a coastal border where it was forbidden to establish settlements in that area. Based on the results of the interview, according to Alimin, there has never been any socialization related to the prohibition on building houses on the coastal border by the Lonrae Village Head, the Bone Regency Spatial Planning and Highways Service, and the Bone Regency National Land Agency. Ignorance about activities that are allowed and not allowed in the coastal border area is also acknowledged by the Lonrae village. Based on the results of an interview with Asniar, staff of the Government and Population Section of Bone Regency, stated that:

“I personally do not know about the prohibition on building houses in the coastal border area. What we know so far is that Lonrae beach has become a protected area so that the rights given to fishing communities are only rights to use land.”

²⁹ Lihat Pasal 62 Ayat 2 Peraturan Daerah Kabupaten Bone Nomor 2 Tahun 2013 Tentang Rencana Tata Ruang Wilayah Kabupaten Bone

³⁰ Renggana, Ego Hanata. "Perlindungan Hukum Dan Pemberdayaan Nelayan, Pembudidaya Ikan Dan Petambak Garam Di Desa Tasikadu." *Dinamika: Jurnal Ilmiah Ilmu Hukum* 25.6 (2019), hlm.34.

In the absence of a prohibition on building houses by the local government, the issuance of a residence permit with the status of use rights by the Lurah of Lonrae, and the non-enforcement of the rules regarding the coastal border, the construction of houses on the coastal border continues to increase to form a fishing settlement area. Lonrae fishermen's settlements on the coastal border form an area that is not in accordance with its designation. Even though there is a prohibition on building houses in the coastal border area, one of them is to ensure the security and safety of the community from potential disasters that are prone to occur on the coastal border. Especially when viewed from the condition of the houses of the Lonrae fishing community.

Third *control*. The form of utilization control is in the form of law enforcement or other forms of disincentives so that spatial planning can be realized. In the Lonrae coastal border area, there has not been any law enforcement from the provisions of the legislation regarding the designation of activities that are allowed and not allowed on the coastal border. Layout in Coastal border lines should be followed up with *law enforcement* so that they can be firm against violations that occur, for all parties without exception

Fourth *evaluation*. Evaluation is realized if there is a change in the direction of spatial planning, a revision of the regional spatial plan is carried out. From here the spatial planning process begins again but within the framework of repairs and rearrangements³¹. If you look at the condition of the Lonrae fishermen's settlements located on the coast, of course, after law enforcement, there will be relocation efforts. Andi Asrijal, Head of the Supervision and Controlling Section of Spatial Utilization, Department of Highways, Cipta Karya and Spatial Planning, Bone Regency, said that there has been a relocation effort that will be carried out by the regional government in structuring Lonrae fishermen's settlements on the coastal border. There has been a program for MBR houses or Low-Income Community houses that have been prepared for the community after the relocation. Meanwhile, for coastal border areas that have not been built, efforts are made to maintain their sustainability by tightening the granting of location permits and building permits (IMB). The granting of such permits must be followed up by conducting continuous monitoring. The implementation of the coastal border arrangement in Lonrae Village did not go according to existing regulations. So that it is necessary to enforce the law and rearrange the settlements of the Lonrae fishing community on the coastal border.³²

³¹ *Ibid*

³² Riza, Faisal, and Fauzi Anshari Sibarani. "Asuransi Nelayan Sebagai Perlindungan Hukum Pasca Covid-19." *Seminar Nasional Hukum, Sosial dan Ekonomi*. Vol. 1. No. 1. 2022, lm.34

Legal Protection Against Fishermen Settlement Arrangements Located on the Coastal Border Line of Bone Regency

Legal protection in this study will focus on two aspects of protection, namely legal protection of the environment as the main aspect in protecting environmental ecosystems on the coastal border in Lonrae Village and protection for the community after relocation of settlements as a result of law enforcement of the Regional Regulation of Bone Regency Number 2 of 2013 concerning Spatial Planning of Bone Regency of 2013-2023 and Regional Regulation of Bone Regency Number 6 of 2017 concerning Detailed Spatial Planning and Zoning Regulations of the Watampone Urban Area for 2016-2036.

The environment and the community are each object that must be protected in the arrangement of the coastal border at the research location. Protection of the environment is a fundamental thing to protect its sustainability and balance. Bone Regency Regional Regulation Number 2 of 2013 concerning Regional Spatial Planning for Bone Regency 2013-2023 and Bone Regency Regional Regulation Number 6 of 2017 concerning Detailed Spatial Planning and Zoning Regulations for the 2016-2036 Watampone Urban Area must be enforced as an effort to ensure the creation of environmental sustainability in the region. coastal border area. In the following, a detailed description of the legal protection for the arrangement of coastal line settlements in the Lonrae area of Bone Regency will be described.

1. Protection of the Environment

Protection has the meaning, namely an act of protecting from certain parties aimed at certain parties and in certain ways. In this case, it is intended to provide protection for ecosystems located on the coast. The most important form of protection for coastal borders is the protection provided by law, because law as a component of environmental control and protection is an instrument used to prevent and overcome environmental damage, especially in coastal borders. La Kurukulasuriya stated:

“Law is one of the key instruments of social regulation. This is achieved through the establishment of norms of conduct and the creation of the required machinery with the heir accomnying empowerment to ensure that such norms are effectively complied with. In the field of environmental management, law-both international law and national legislation-has been extensively applied, especially in the past

*thirty years of so, to promote pollution control,and protection of
the....environment”³³*

La Kurukulasuriya stated that Law is one of the main instruments in social regulation. In the field of environmental management, both international law and national law have been intensively applied to control pollution and realize protection of the environment. The existence of a rule regarding the prohibition of establishing settlements on the Lonrae coastal border is not without reason. The arrangement has a philosophical and sociological basis. Philosophically³⁴, the environment that contains biodiversity in the coastal area is a gift and gift from God Almighty. A good environment is a strategic resource, life support, and has various important values, namely consumption value, production value, environmental service value, and existence value which if managed wisely, planned and integrated and sustainable can have a big impact on the quality of human life. and nature, strengthen the resilience of the state, and realize the prosperity and welfare of the community. While sociologically, the prohibition on the establishment of settlements on the coastal border is a protection effort by ensuring the security and safety of the Lonrae fishing community.

Settlements located along the coastal border of Lonrae Village have an impact on the environment and coastal ecosystems. Human activities make coastal border areas polluted. Moreover, the chaotic settlement arrangement makes this area a slum. Judging from the handling of household waste or waste, the Lonrae fishing community uses a collection and transportation system to the Waste Disposal Site (TPS) before being transported to the Final Disposal Site (TPA). However, based on the results of the study, the location of houses that are above the water and close to the sea tend to throw garbage directly into the sea.³⁵

Pollution occurs due to community activities that throw household waste directly into the sea. This pollution certainly disturbs the surrounding marine ecosystem and reduces the quality of the environment. In fact, in carrying out spatial planning plans, there must be a system that ensures consistency between plans and must be adjusted to the direction of the location of activities, limitations of land capabilities including

³³ Lal Kurukulasuriya, *Role of Legislation in Environmental Management, Regional Environmental Law Program, Regional Officer for Asia and the Pacific UNEP* in Suparto Wijoyo, 2017, *Environmental Protection Law*, Surabaya: Airlangga University Press, p. 13.

³⁴ A nation's view of life, namely moral or ethical values that contain good and bad values. At the level of legal philosophy, the understanding of the implementation of the nation's morals into law (including this Regional Regulation) is included in a sense called *rechtsidee*. namely what is expected of the law

³⁵ Mansur, Teuku Muttaqin, et al. "Pengaturan hukum perlindungan nelayan kecil." *Kanun Jurnal Ilmu Hukum* 19.3 (2017), hlm. 383-397.

environmental carrying capacity and vulnerability to natural disasters, efficiency and synchronization of spatial use. Legal protection of the environment in the spatial planning of coastal border areas should be a concern of the government in the future. Spatial planning in coastal border areas must be in accordance with existing arrangements and based on the following principles³⁶:

First, integration. Second, harmony, harmony, and balance. Third, sustainability. Fourth, usability and usability.

In addition to meeting the principles of spatial planning, the arrangement of the Lonrae coastline must also be based on provisions in environmental management³⁷, where it is necessary to have systematic and integrated efforts to preserve environmental functions and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision, and law enforcement.³⁸

Efforts to protect the law against the Lonrae coastal border which has been continuously polluted due to human activities as part of the impact of the existence of settlements is to carry out environmental restoration. Referring to the research on pollution management models in coastal areas, it can be done by reducing the waste load³⁹. to protect the environment on the coast.

2. Protection of the Post-Relocation Community The

right of every person to reside and to obtain a good and healthy living environment is guaranteed in the constitution as stipulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia⁴⁰. The guarantee of protection against residence is also stated in Law no. 1 of 2011 concerning Housing and Settlement Areas (UU-PKP) states that the state is responsible for protecting the entire Indonesian nation through the implementation of housing and settlement areas so that people are able to live and live in decent and affordable houses in healthy, safe, harmonious, and healthy housing. and sustainable throughout Indonesia⁴¹.

³⁶ Dini Susiani, *Spatial Law*, CV Pustaka Abadai, East Java, 2020, page 30.

³⁷ Article 1 number 2 of Law Number 32 of 2009 concerning Environmental Protection and Management

³⁸ Pesak, Nathan Samuel Victor. "Tinjauan Hukum Laut Mengenai Perlindungan Hukum Nelayan Di Pelabuhan Perikanan Kota Bitung Menurut Undang-Undang Nomor 45 Tahun 2009." *Lex Privatum* 8.3 (2020), hlm.45.

³⁹ Hamzah, *Pollution Management Model Coastal Waters for the Sustainability of Fisheries and Coastal Tourism in Makassar City*, Dissertation, Postgraduate School, Bogor Agricultural University, 2012, p. 78.

⁴⁰ The provisions of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia: "everyone has the right to live in physical and spiritual prosperity, have a place to live, and get a good and healthy living environment"

⁴¹ Consideration letter b of Law No. 1 of 2011 concerning Housing and Settlement Areas an

The existence of a relocation effort that will be carried out by the Office of Bina Marga Cipta Karya and Spatial Planning of Bone Regency received a rejection response from the community. The fishing communities of Lonrae want to leave the houses they currently live in. Based on the results of community interviews from the six respondents interviewed, five respondents from the head of the fishing group stated that they were not willing to move and would ask for appropriate compensation when they were about to be relocated. This was revealed by Ardi, the head of the Lonrae fishing group who said that he refused if the local government relocated and ordered them to leave the place they are currently living in.⁴²

“I think the Lonrae fishing community if asked whether they want to move or not from here, they will definitely refuse to move. Even though a house has been provided elsewhere. We don't want to move because this is where we live.”

The attention of the fishing community when they want to be relocated is their easy access to the sea in accordance with their livelihood as fishermen⁴³. Therefore, this effort must also look at the sustainability of the community's livelihood. The reason for the refusal of the Lonrae fishing community to be relocated is that they still want to be close to their source of livelihood as fishermen, which should be a consideration for the local government in providing MBR houses. Later, when the government relocates and provides houses for fishing communities, Lonrae must be close to their access to fish. Efforts to protect the community after the relocation by providing adequate housing to the community encountered obstacles in the form of rejection. Therefore, the local government must take a persuasive approach and provide settlements that are close to the livelihoods of the fishermen community.

3. Future Model of Coastal Border Arrangement

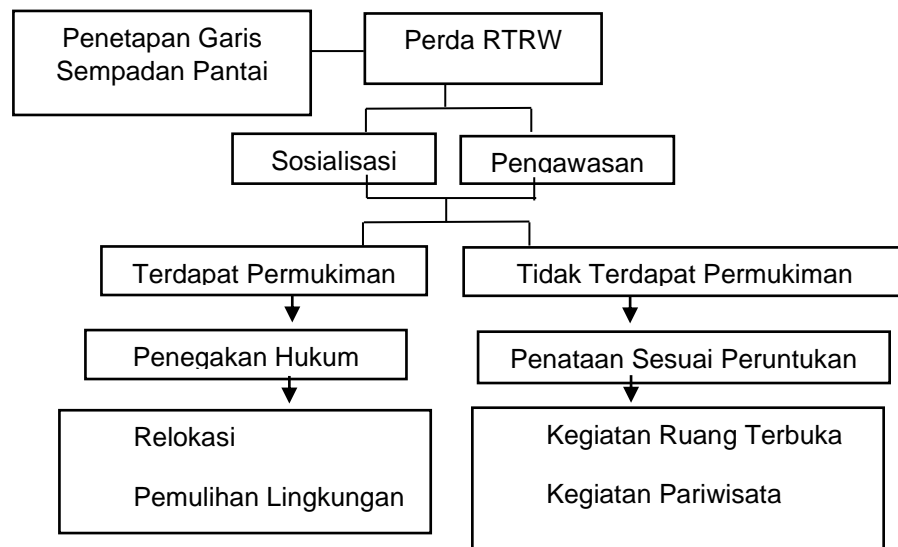
Arrangement of coastal border areas must be a top priority, with the principle of environmental sustainability without abandoning the principle of justice. The existence of a coastal border area will prevent coastal abrasion and protect the beach from activities that can disrupt and or damage its function and sustainability. While the principle of justice implies the existence of equal access to opportunities among people and groups. Justice can be achieved when fishermen have equal access to existing opportunities for development, protection, and management of coastal resources.

⁴² Rahmah, Syifaur. "Perlindungan Hukum Terhadap Hak Masyarakat Nelayan Wilayah Pesisir." *Dinamika: Jurnal Ilmiah Ilmu Hukum* 25.10 (2019), hlm.34.

⁴³ interview with Mr. Jumadi, Head of the Lonrae Fisherman Group.

The coastal border arrangement in the future can be done by applying the following coastal border arrangement model:

Chart 1. Coastal Border Arrangement Model



Based on the model chart above, the spatial planning of the coastal border begins with the determination of the coastal border line. determination of the Lonrae coastal border is based on Presidential Regulation Number 51 of 2016 which states that the Regency/City Regional Government which has a coastal border is obliged to determine its coastal border in the Regional Regulation concerning Regency/City Spatial Planning. The embodiment of the determination of the coastal demarcation line is regulated

through a Regional Regulation on Regional Spatial Planning or a Regional Regulation on RTRW.

After it is regulated in the RTRW Regional Regulation, then the relevant agencies carry out socialization to the public about the rules for structuring the coastal border. The outreach should also provide information about activities that are allowed and activities that are not allowed on the shoreline. Then after the socialization, the next step is to see if the socialization is running effectively. The steps taken are supervision. This supervision ensures that the reality on the ground is in accordance with what is regulated. When socialization and supervision have been carried out, there are settlements on the coast, meaning law enforcement is needed. Law enforcement on settlements on the coast is the emptying of the coastal border from residential activities. Not only that, the next effort that must be made by the local government is to relocate fishing communities who originally lived on the coast and carry out environmental restoration.

If, after socialization and effective supervision have been carried out, there are no settlements on the coastal border, it is still necessary to carry out spatial planning according to the designation of the border, namely, open space, tourism activities, research activities and other activities according to their designation.

CONCLUSION

The implementation of the arrangement of fishermen's settlements located on the coastal border of Lonrae Village is seen from two aspects, namely the legal arrangement and its implementation. In its implementation, it is not in accordance with existing regulations because in Lonrae Village there are settlements in the coastal border area that have existed for a long time.

Legal protection focuses on two aspects of protection, namely protection for the community and legal protection for the environment as the main aspect in protecting the environment or ecosystem on the coastal border in the Lonrae District and protection for the community after the relocation of settlements as a result of enforcing the rule of law in the regional regulation of Bone Regency Number 2 Year 2013 concerning the Regional Spatial Planning of Bone Regency for 2013-2023 and Regional Regulation of Bone Regency Number 6 of 2017 concerning Detailed Spatial Planning and Zoning Regulations for the Watampone Urban Area for 2016-2036.

It is hoped that the government will pay attention to activities that are in accordance with the designation of the coastal border area based on existing regulations. Supervision is also needed in controlling settlements in coastal border areas. As well as conducting

studies before relocating as a form of legal protection for people living in coastal border areas.

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