

Coastal Reclamation in Ambon City for the Society in the Perspective of Environmental Law

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Abstract

Coastal reclamation in several villages in the deep bay of Ambon City has an impact on the environment and causes rejection from the society. Reclamation is a challenge for the Ambon City Government in making efforts to manage coastal areas, in a sustainable manner. In principle, reclamation is a method to restore environmental functions that have been damaged. The issues in this research are: what is the impact of reclamation on the people of Ambon City in terms of environmental law? The aim of this research to analyze the impact of reclamation on the people of Ambon City in terms of environmental law. This research uses a normative research with statute approach and conceptual approach. The inventory was conducted towards primary and secondary legal materials and they were then classified. The result of the analysis indicates the arguments to suggest some prescriptions to solve the analyzed problem. Reclamation on the coast of Teluk Ambon and Teluk Dalam Ambon has an impact on the destruction that occurs in mangrove forests, sedimentation, rob floods in certain areas. Supervision by the Ambon City Government has not been optimal to prevent further damage. Management and sustainable use of the environment by humans is very important to ensure the availability of a good environment for future generations.

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Introduction

Development is a process of change to improve the standard of human life, inseparable from the activity of utilizing natural resources. In development activities, changes in the environment often occur which have an impact on changes in ecosystems and other natural resources. The implementation of development so far is more directed at urban areas so that environmental problems will be more experienced by people in urban areas. Environmental problems that most often occur in relation to development for people in urban areas are problems that arise as a result of land use. Development, besides of course settlements, requires the availability of adequate land.

At least, there are three main reasons why land availability is so important for development and settlement, namely

- a. the factor of increasing population growth both naturally (birth) and caused by population movement from villages to cities (urbanization),
- b. the factor of development that always tend to be held in urban areas, and
- c. the factor of limited land in urban areas.¹

Basically, the environment and natural resources are elements that cannot be separated from human life, where the presence of the environment and natural resources is a determinant for the survival of human life later.² The management and use of the environment and natural resources in a sustainable manner by the community and the government is very important to ensure the availability of a good environment for future generations. In the future, the problem of land availability for both development and settlement can be a threat to the survival of people in urban areas

However, it is undeniable that with the development of human needs, the quality of the environment and natural resources is currently decreasing. Unsustainable use of the environment and natural resources is one of the causes of the decline in the quality of the existing environment.³ Sustainable management of the environment and natural resources is the key to minimizing any degradation in the quality of the environment and natural resources. The state and all stakeholders have a role and responsibility in making efforts to manage the environment and natural resources, so that the sustainability of the environment and natural resources can be maintained.⁴

Efforts to manage and utilize the environment and natural resources in Indonesia are not an easy step. The availability of land for development is one of the problems

¹ B. Setiawan dan A. Purwanto dalam Rohani Budi Prihatin, Rohani Budi Prihatin, "Alih fungsi lahan di perkotaan (Studi kasus di Kota Bandung dan Yogyakarta)" (2015) 6 Jurnal Aspirasi.[110].

² Moh Fadli, Muklis, dan Mustafa Lutfi, *Hukum dan Kebijakan lingkungan* (Universitas Brawijaya Press 2016).[5].

³ Johni Najwan, "Perlindungan dan Pengelolaan Lingkungan Hidup dalam Perspektif Hukum Islam" (2010) 2 INOVATIF Jurnal Ilmu Hukum.[57-58].

⁴ Zulfadhly Sanusi, "Tantangan Pemulihan Lingkungan di Masa Pandemi Covid-19: Antara Idealita dan Realita" (2020) 8 Petikum.[115].

faced by the Government. The same condition is also faced by the local government of Ambon City in the implementation of development in Ambon City. The availability of land owned by the Ambon City Government and other government institutions in Ambon City is not sufficient to carry out adequate infrastructure development to support development interests and the economic interests of the community.

Facing and overcoming the problems above, the steps taken are to carry out development in coastal areas. Reclamation is the main choice to realize the implementation of this development. Reclamation is carried out on the coast in Ambon Bay as a solution to the problem of strategic land availability. The reclamation is carried out for the construction of public facilities by the Regional Government such as Mardika Terminal, Arumbai Market, Amahusu Beach reclamation and Air Salobar beach reclamation for tourism purposes in order to support the Water Front City plan launched by the Ambon City Government. Likewise with the granting of permits by the Ambon City Government for the establishment of the Siloam Hospital on Tantui Beach, Ambon City, or reclamation carried out independently by the society.

In addition to the development in the coastal area and the reclamation carried out to support the implementation of the Water Front City by the Ambon City Government, the military and police agencies also carried out reclamation for the construction of facilities and infrastructure for their respective agencies. For example, the reclamation of the coast of Tantui Beach for the construction of the Ceremony Field and the Maluku Regional Police Headquarters, the reclamation of the coast of Halong Beach for the construction and expansion of the F. X. Suhardjo Hospital, belonging to the Main Base of the Indonesian Navy, and the construction of Baileo Emas Putih which is used as a cafe and gym belonging to the Regional Command. Military XVI Pattimura at the Salobar Air Horseshoe Beach, illustrates the use of coastal areas as construction sites.

The granting of permits for reclamation sometimes creates its own problems for the community, such as coastal siltation due to sedimentation, tides, current patterns and coastal abrasion which pose a threat to the survival of the community

and ecosystems in the sea. The right of the people of Ambon City to get a good and healthy environment, especially in coastal areas and small islands (abbreviated as WP3K), as one of the guarantees of rights in human rights is threatened not to be fulfilled. Lack of supervision on the implementation of granting reclamation permits is important in the implementation of reclamation. Considering that the permit is actually an instrument of the Government to control (sturen) the community, it requires supervision over the use of the permit.

This issue is a major challenge for both the Ambon City Government and the community in making efforts to manage the environment and natural resources in a sustainable manner, especially in coastal areas. The issue of coastal reclamation in the management of the environment and natural resources then becomes interesting to be discussed in this paper. The issues in this research are: what is the impact of reclamation on the people of Ambon City in terms of environmental law? The aim of this research to analyze the impact of reclamation on the people of Ambon City in terms of environmental law.

Research Method

The research uses a normative research that aims at investigating the positive legal regulations and legal principles and explaining and projecting the direction of law development in the future. The research uses a statute approach and conceptual approach. The inventory was conducted towards primary and secondary legal materials and they were then classified. The next stage was to analyze the legal approaches to acquire a synchronized level of all legal materials that had been tested and compared to legal theories and principles to be finally analyzed normatively. The result of the analysis indicates the arguments to suggest some prescriptions to solve the analyzed problem.

The Essence of Reclamation in Environmental Law

Environmental protection and management as a national policy must be carried out seriously and sustainably. Environmental protection and

management must also comply with the principles by the Government to the Village Government, in order to minimize the consequences that have a negative impact on the environment. Integration among parties involved in environmental protection and management efforts, regulates relations between government agencies, communities, investors and other components so as to create a good and healthy environment for the sake of sustainability and sustainability. In an effort to minimize the bad consequences that arise, it is necessary to have activities that must be preceded by planning to estimate changes in environmental zones due to the formation of a new condition. Likewise with reclamation.

Reclamation is usually carried out in urban areas where the population growth rate is high so that it has an effect on increasing the community's need for land availability, but experiencing problems with the decreasing or narrowing of land land. Reclamation is generally carried out on the coast or on the shoreline. Coastal reclamation as an alternative solution to meet the needs of land in urban areas and is an absolute because of the increasingly narrow land area in urban areas. The definition of reclamation can be based on the English word, to reclaim. Meanwhile, in the Indonesian Dictionary, reclamation is defined as: "1. rebuttal (in a loud tone); 2. The effort to expand the land (agriculture) by utilizing areas that were previously useless (for example by filling up swampy areas); 3. backfill (land);".⁵

The definition of reclamation is a work/business to utilize an area or land that is relatively useless or still empty and watery to become useful land by means of drying. Basically, reclamation is an activity to change coastal waters into land.⁶ While reclamation in the legal conception is contained in the provisions of Article 1 number 23 of Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands (abbreviated as Law Number 27 of 2007) which states: "Reclamation is an activity carried out by people in order to improve the benefits of land resources are viewed from the environmental and socio-economic point of

⁵ Indonesia Departemen Pendidikan and others, *Kamus besar bahasa Indonesia* (Departemen Pendidikan dan Kebudayaan 1991).[829].

⁶ Wisnu Suharto, "Reklamasi Pantai dalam Perspektif Tata Air" (Unika Soegijapranata 1996).[9].

view by way of backfilling, drying of land or drainage”.⁷

The concept of reclamation which is the same as the concept in Article 1 number 23 of Law Number 27 of 2007 is also regulated in the provisions of Article 1 number 23 of Ambon City Regional Regulation Number 7 of 2013 concerning Integrated Management of the Bay and Coastal Areas of Ambon City (abbreviated Perda Ambon City Number 7 of 2013). 2013). Article 1 number 23 of the Ambon City Regional Regulation Number 7 of 2013 reveals:

“Reclamation of Coastal Areas, hereinafter referred to as reclamation, is an activity carried out by people in the context of increasing the benefits of land resources from an environmental and socio-economic point of view by means of backfilling, drying of land or drainage”

Dealing with the above definition, the main purpose of reclamation is to make damaged or useless water areas better and more useful. There is a conversion of useless land into useful land to be utilized or managed. Newly reclaimed areas are usually used for residential areas, or managed for shopping areas, industrial areas, or business areas, and are provided with open space objects for community activities.

Reclamation can be useful in terms of two aspects, namely aspects of land use, coastal management and economic aspects. From the aspect of land use, spatial planning of an urban area, often requires reclamation in order to be efficient and effective. For coastal areas that will be designated to build ports, shopping areas, industrial areas, business areas, areas that will be used as open spaces for community tourism needs or residential areas with shallow coastal waters, reclamation can be carried out so that they can be utilized or managed. Especially for the port area, reclamation is an absolute solution for the development of port facilities, where ships lean.

Dealing with the issue, reclamation is essentially an effort to change the function of a watery and useless space into a dry space for use, by filling or drying.

⁷ Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil, lihat juga Peraturan Daerah Kota Ambon Nomor 7 Tahun 2013 tentang Pengelolaan Wilayah Teluk dan Pesisir Kota Ambon secara Terpadu.

Reclamation as an effort to provide benefits to space that is not useful to be used, becomes a useful space to be utilized or managed so that it is efficient and effective.

The legal basis for reclamation in WP3K is contained in Article 34 paragraph (2) of Law Number 27 of 2007 which states:

- (1) The reclamation of the Coastal Zone and Small Islands is carried out in order to increase the benefits and/or added value of the Coastal Zone and Small Islands in terms of technical, environmental, and socio-economic aspects.
- (2) The implementation of the Reclamation as referred to in paragraph (1) must maintain and pay attention to:
 - a. sustainability of the life and livelihood of the Community;
 - b. balance between the interests of utilization and the interests of preserving the environmental functions of the Coastal and Small Islands;
 - c. technical requirements for taking, dredging, and stockpiling materials.

The regulation of Article 34 of Law Number 27 of 2007 above is the basis for conducting reclamation, especially in WP3K. Reclamation of WP3K carried out aims to increase the benefits and/or added value of a WP3K, in terms of technical, environmental, and socio-economic aspects. However, the implementation of reclamation cannot be carried out by all elements of society arbitrarily. Reclamation in WP3K must be based on and preceded by the granting of a reclamation permit. Permit as a form of the use of Government instruments by the Government in the context of carrying out the function of controlling (sturen) the community. Permission is a special permit for an action that is generally prohibited.

In general, the implementation of coastal reclamation is prohibited or not recommended, but it can be carried out by observing the provisions of the Regulation of the Minister of Public Works Number 40/PRT/M/2007 concerning Coastal Reclamation Areas (abbreviated Permen PU Number 40/PRT/M/2007):

- a. is a need for the development of cultivation areas that already exist on the mainland side;
- b. is part of an urban area which is quite dense and requires land area development to accommodate existing needs;
- c. located outside the mangrove forest area which is part of a protected area or national park, nature reserve, and wildlife reserve; and

- d. is not an area that borders or is used as a reference for regional boundaries with other regions/countries.

Reclamation which undertaken in WP3K, it must begin with planning and analysis of the impacts caused for all aspects that intersect with WP3K reclamation itself. One of them is the impact on the environment and its ecosystem. For this reason, reclamation, including reclamation in the WP3K must begin with an analysis of the impact on the environment (abbreviated AMDAL) to be able to calculate the impact of the implementation of reclamation on the environment, as well as the benefits and/or added value obtained by the WP3K in terms of technical, environmental, and environmental aspects. socioeconomic.

Coastal Reclamation in Ambon City.

Ambon is a small city in the south of Ambon island. Ambon Island itself is located to the south of Seram Island, Maluku Province. Geographically, Ambon City is in the south of Ambon Island. The total area of Ambon City is 377 km² or two-fifths of the total area of Ambon Island. In the east, Ambon City is bordered by Salahutu District, Central Maluku Regency. On the west and north it is bordered by Leihitu District, Central Maluku Regency, and on the south by the Banda Sea. Most of the area of Ambon City is sea, because apart from being surrounded by sea, Ambon City also has seas which are in Ambon Bay and Ambon Inner Bay.

The coastal area from the ecological approach is a marine area that is still influenced by land processes such as pollution that results or has an impact on the occurrence of siltation (sedimentation), but is also a land area that is still influenced by marine processes such as tides and low tides, and seawater intrusion. The coastal area is defined as a transitional area between land and sea, which has two kinds of boundaries, namely a boundary parallel to the coast (long shore) and a boundary perpendicular to the shoreline (cross shore), when viewed from the coast line (coast line).⁸ The coastal area will include all areas that are landward which are

⁸ Jacub Rais, Sapta Putra Ginting, dan MJ Sitepu Rohmin Dahuri, *Pengelolaan Sumberdaya Pesisir dan Lautan Secara Terpadu* (PT. Pramadya Paramita 1996).[9].

still influenced by processes related to the sea and towards the sea which are still influenced by processes that occur on land.⁹ Pollution that occurred on the coast of Ambon City is a problem that needs to be taken seriously, considering the impact of the damage it has caused. The handling of garbage disposal by the community is the cause of further damage to the beach in Ambon City.

The definition of coastal areas in Law Number 27 of 2007 is regulated in the provisions of Article 1 point 2 in conjunction with Article 1 number 6 of the Ambon City Regional Regulation Number 7 of 2013 which states as follows: "Coastal Areas are transitional areas between land and sea ecosystems that are affected by changes on land. and the sea". While the definition of small islands Article 1 point 3 of Law Number 27 of 2007 states: "Small Island is an island with an area smaller than or equal to 2,000 km² (two thousand square kilometers) along with the unity of its ecosystem".

Dealing with the conception of coastal areas and small islands above, and the geographical conditions of Ambon City which is located on Ambon Island, Ambon City can be categorized as a WP3K. The city of Ambon as a small inner city, experiences an increasing rate of growth and development. The increase in economic growth and development is due to the fact that Ambon City is the center of government activities, trade activities, service activities, and other related activities such as social activities, cultural activities and political activities. The rapid growth and development of the economy in Ambon City can be seen from the presence of five-star hotels, the presence of modern shops, and mini markets, the increasing congestion due to traffic density, the number of investors investing in Ambon City.

The situation revealed above, it has required the availability of adequate land and supports economic growth and development in Ambon City. One of the policies taken to overcome the problem of land availability for economic activities by the Ambon City Government is to conduct reclamation or permit reclamation

⁹ A. Samik Wahab, *Perubahan Pantai dan Kajian Pembangunan Pantai Utara Jawa Tengah* (LPM Universitas Gadjah Mada 1998).[37].

activities on the coast of Ambon Bay and Teluk Dalam Ambon. The reclamation of the coasts of Teluk Ambon and Teluk Dalam Ambon is carried out in addition to meeting land needs, also for trade, health, hospital activities and maintaining aesthetics by building open spaces to organize the coasts of Ambon Bay and Teluk Dalam Ambon to be more beautiful and can increase the selling value. area.

The implementation of the reclamation that will be carried out on the coast of Teluk Ambon and Teluk Dalam Ambon, must be carried out preceded by good planning. Planning is carried out by taking into account the balance of land for the benefit of cultivation functions and land for protection functions by taking into account the preservation of the environment which includes natural and artificial resources, and the balance of land composition for spatial use between land and water/blue/coastal systems.

Regarding the allotment, the allotment of the coastal reclamation area of Ambon City must be used effectively, respecting the significance of water space, there is a synergism of the spatial pattern of the cultivated area with the surrounding natural environment. And lastly, the spatial pattern of the area is directed to accumulate several regional functions that respect, integrate and utilize the potential of the beach, and the space along the coastline must be directed to become public spaces (beach roads or open spaces) that can be accessed and enjoyed by the public.

The results of research conducted by the Indonesian Institute of Sciences (abbreviated LIPI) Ambon, the impact that will occur with the reclamation carried out in Ambon Bay and Teluk Dalam has caused damage to the ecosystem in the waters in Ambon Bay and Teluk Dalam. The results of this study have been submitted to the Ambon City Government as input and consideration for efforts to protect the ecosystems in Ambon Bay and Teluk Dalam from more severe damage, but have not received a good response. The Ambon City Government continues to grant development permits on the coast even though it has damaged

the local ecosystem.¹⁰ Data collected in 2008 with comparisons of research in 1987 found that the average sediment increased by 2.4 cm per year or an increase of 6 times compared to 1987. There has been no further research to ascertain the latest condition of sediment accumulation in the Ambon Bay area, but it is estimated that it will continue to grow. experienced an increase and also a narrowing of the area due to reclamation.¹¹

Reclamation in Ambon Bay also has an impact on the destruction that occurs in mangrove forests and sedimentation, which has caused a number of locations in the Lateri and Passo areas in Baguala District to be frequently hit by tidal flooding when the tide is high. In addition to mangrove forests, land in Ambon is also increasingly critical. Based on research that land area of 25,448 hectares also requires immediate treatment. Land with a moderately critical condition is 14,897 hectares, 3,332 hectares critical, 7,024 critical potential, and 195 hectares very critical. 6,735 hectares of non-critical land. As a result, in the last five years, Ambon has frequent floods and landslides. Three major watersheds, namely *Wai Batumerah*, *Wai Pia Besar*, and *Wai Yori*, overflowed with a height of more than 10 meters, submerging densely populated settlements in the center of the city.¹²

Supervision of Reclamation on the Coastal Coast in Ambon City

Moving on from the results of the research above, the reclamation carried out on the coast of Ambon Bay and Teluk Dalam Ambon City should receive serious attention from the Ambon City Government. Supervision of reclamation activities carried out so far in Ambon City is often not carried out properly. In fact, the regulation regarding the management of WP3K has been contained in the Ambon City Regional Regulation Number 7 of 2013 which states as follows:

¹⁰ Lipi.go.id, "Kondisi Pesisir Teluk Ambon Kian Parah" (*Lipi.go.id*, 2021) <<http://lipi.go.id/lipimedia/kondisi-pesisir-teluk-ambon-kian-parah/11332>>.

¹¹ Rahardi J Soekarno, "Reklamasi Sebabkan Kerusakan Ekosistem Teluk Ambon, LaNyal-la Desak Lakukan Rehabilitasi" (*Lipi.go.id*, 2021) <<https://beritajatim.com/politik-pemerintahan/reklamasi-sebabkan-kerusakan-ekosistem-teluk-ambon-lanyalla-desak-lakukan-rehabilitasi/>>.

¹² Lipi.go.id (n 10).

Article 7

- (1) The management of the bay and coastal areas is carried out through planning, utilization and supervision as well as control over the utilization of their resources.
- (2) The management as referred to in paragraph (1) includes:
 - a. Ecosystem management of bay and coastal areas;
 - b. Management of development sector of bay and coastal areas consisting of the sectors as follows:
 1. Forestry;
 2. Marine and Fisheries;
 3. Residential and Urban Areas;
 4. Tourism and Recreation;
 5. Industry;
 6. Mining and Energy;
 7. Solid waste and liquid waste disposal system;
 8. highways and bridges
 9. Port.¹³

Article 8

- (1) The planning for the management of the bay and coastal areas of Ambon City as referred to in Article 7 paragraph (1) shall be guided by the planning documents which include:
 - a. Coastal Area Strategic Plan (RSWP);
 - b. Coastal Zone Zoning Plan (RZWP);
 - c. Coastal Area Management Plan (RPWP);
 - d. Masterplan Ambon Water Front City (AWFC).
- (2) The Management Planning of the Bay and Coastal Areas as referred to in paragraph (1) must be prepared in an integrated manner.¹⁴

Article 9

- (1) The utilization of the bay and coastal areas as referred to in Article 7 paragraph (1) shall be granted in the form of a utilization permit.
- (2) The permit as referred to in paragraph (1) covers the utilization of biological resources, non-biological resources and artificial resources.
- (3) Permit for utilization of biological resources as referred to in paragraph (2) include, among others, conservation, cultivation, and capture.
- (4) Permit for utilization of non-biological resources as referred to in paragraph (2) include, among others, non-metal mineral excavation.
- (5) Permit for utilization of artificial resources as referred to in paragraph

¹³ Peraturan Daerah Kota Ambon Nomor 7 Tahun 2013, *Op.Cit.*

¹⁴ *ibid.*

(2) include, among others, reclamation, rehabilitation, transportation, underwater installations, ocean wave energy.¹⁵

Reclamation from an ecological perspective, as an activity that is thought to have an impact on the environment, must have an environmental impact analysis (abbreviated as Amdal). At the practical level, the parameters used to determine the type of activity plan that is categorized as having a large and important impact on the environment requires an approach from the perspective of Environmental Law and Administrative Law, in this case the Amdal regulation.¹⁶ Coastal reclamation is an activity that is permitted by laws and regulations as stipulated in Article 7, Article 8, and Article 9 Ambon City Regional Regulation Number 7 of 2013. However, reclamation must be carried out on the basis of need and fulfill the requirements stipulated in laws and regulations.

Ambon City Government's supervision of the implementation of reclamation on the coast of Ambon City in the perspective of Environmental Law as part of Administrative Law is an absolute thing to do. Supervision according to J. B. J. M. ten Berge¹⁷ asserts: "*Handhavingtoezicht is een bestuurlijke activiteit in het verlengde van het beleid van bestuurorganen. Vaak leidt toezicht ook niet tot het opleggen van een sanctie, maar tot een waarschuwing, nader overleg en dergelijke*".

Another opinion was expressed by D. E. Mc Farland that: "*Control is the process by which an executive gets the performance of his subordinates to correspond Closely as possible to chosen plans, orders, objectives or policies*".¹⁸ Supervision is a process where the leader wants to know whether the results of the work carried out by his subordinates are in accordance with the plans, orders, goals or policies that have been determined. Mc Farland's opinion, if it is related to supervision in the

¹⁵ *ibid.*

¹⁶ Dwi P Sasongko, "Marina dalam Regulasi AMDAL" *Suaramerdeka.com* <<http://www.suaramerdeka.com/harian/0506/09/opi4.htm>>.

¹⁷ Johannes B J M Ten Berge, *Besturen door de overheid*, vol 1 (Kluwer 2001).[20].

¹⁸ Dalton E. McFarlan, *Management : Principles and practices* (1959).[299].

administration of government in the regions based on the principle of a unitary state, it can be said that supervision must be guided by: 1) the reasons for the delegation of authority to administer government in the regions. area; 2) the legal basis for the administration of regional government; 3) the purpose of granting government authority; 4) predetermined discretion.¹⁹

Article 27 of the Ambon City Regional Regulation Number 7 of 2013 regulates the use of WP3K, especially in the bay area as follows:

In the context of utilizing the bay and coastal areas, people and/or entities are prohibited from:

- a. Exploiting coastal resources, both biological and non-living which have been prohibited and/or outside the limits that have been regulated in the provisions of the applicable laws;
- b. Conducting inappropriate use in areas designated in planning and/or in certain areas as referred to in Article 16 letter (b);
- c. Using equipment that is not permitted based on the business area, and/or with equipment with a higher classification, conducts business in the area designated for equipment. lower classification, in accordance with the applicable laws and regulations.

The Government of Ambon City has the authority to handle all activities in the administration of government that have an impact on the community. In carrying out reclamation, each reclamation implementer must obtain a permit from the Government. This is because reclamation is an act that is prohibited to be carried out arbitrarily and without obtaining permission for it. Regarding the environment, any reclamation must obtain an environmental permit or what is now known as environmental approval (in Law Number 11 of 2020 concerning Job Creation).

The environmental approval given by the Ambon City Government to carry out reclamation must be followed by supervision of the permit, as well as supervision must be carried out to ensure that actions taken by the community that have an impact on the environment or the ecosystem in it must be in accordance with statutory regulations.

¹⁹ Victor Juzuf Sedubun, "Pengawasan Peraturan Daerah yang Berciri Khas Daerah" (Universtias Airlangga 2015).[10-11].

Supervision of the management of the bay area is regulated in Article 31 of the Ambon City Regional Regulation Number 7 of 2013 which regulates:

- (1) To ensure the implementation of the management of the bay and coastal areas in an integrated and sustainable manner, supervision and control is carried out by the relevant regional work units or certain officials who are authorized according to the nature of their work.
- (2) Supervision as referred to in paragraph (1) is carried out in a coordinated manner by SKPD or related agencies according to their respective authorities.
- (3) Besides the supervision by the government as referred to in paragraph (1), the public can also carry out supervision through the submission of reports and/or complaints to the competent authorities or if deemed necessary can file a lawsuit (dossaction) to the court.
- (4) The lawsuit as referred to in paragraph (3) may be represented by a Non-Governmental Organization (NGO) and/or other institution established for the interest of the environment.²⁰

Article 34 of the Ambon City Regional Regulation Number 7 of 2013 stipulates the following administrative sanctions:

- (1) Violation on the requirements as referred to in Article 10 shall be subject to administrative sanctions.
- (2) The sanctions as referred to in paragraph (1) are in the form of:
 - a. Warning;
 - b. Temporary suspension of license;
 - c. Administrative fines; and/or
 - d. License revocation.²¹

With the existence of City Regional Regulation in the Ambon City Number 7 of 2013 and the Ambon City Regional Regulation Number 24 of 2012 concerning the Ambon City Regional Spatial Plan for 2011-2031 (abbreviated as Ambon City Regulation Number 24 of 2012), the implementation of reclamation must be in accordance with the regional spatial arrangement. and zoning in these two regional regulations. The presence of these two regional regulations is very important as a legal instrument and legal basis for the Ambon City Government in carrying out control in the form of supervision of the implementation of bay area management, in this case reclamation in Ambon City.

²⁰ Peraturan Daerah Kota Ambon Nomor 7 Tahun 2013, *Op.Cit.*

²¹ *ibid.*

Conclusion

Reclamation can be carried out based on needs and fulfills the requirements stipulated in laws and regulations. Reclamation on the coast of Teluk Ambon and Teluk Dalam Ambon has an impact on the destruction that occurs in mangrove forests, sedimentation, rob floods in certain areas. Control by the Ambon City Government on the implementation of reclamation on the coast of Ambon City has not been optimally implemented. Control is important to do to prevent more severe damage. Control by the government should also be followed by law enforcement in the form of sanctions in order to provide a deterrent effect for violators.

The Government of Ambon City should be more pro-active in controlling the management of WP3K. Supervision is an action to control the public (*naturlik persoon*) and legal entities, both public and private (*recht persoon*) as legal subjects, so that they behave in accordance with statutory arrangements. All activities that have an impact on the environment carried out by the community and legal entities must be monitored so that these activities do not have a negative impact on the sustainability of the environment and the ecosystem in it.

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