

GREEN DEVELOPMENT RIGHTS FOR OPTIMIZING URBAN AREA AND COASTAL AREAS IN INDONESIA

(CONSISTENCY OF THE STATE OF THE DOCTRINE OF THE RIGHT TO CONTROL THE STATE)

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Abstract

The green development right paradigm will elaborate the ontology (nature), and the ways or methods in order to achieve the ultimate goal of the green development right. This ultimate goal will be focused on the creation of the ideal maritime systems that may guarantee all related parties, such as individual, society, or community, private sectors and the government, to convert their potentials to be functional towards public welfare. The core elements of the green development right will emphasize the series of norms in managing the coastal and frontline island potentials. The normative framework covers Environmental Law, Fishery Law, and Coastal Law. The research methods use an empirical approach and normative approach. The study documents the analysis consists of constitutions, legislation and various policies relating to the subject matter studied in Indonesia area and the problems it faces and report the results of the various meetings, seminars, public hearings.

Keywords: Green Development Rights, Optimizing Urban Area, Coastal Areas, Doctrine of the right to control the state.

I. INTRODUCTION

One of the current global environmental issues is that the world economic system tends to exploitative and damaging the environment in the meanwhile, the development of increasingly complex challenges, mainly as a result of global economic competition, climate change and population. Thus the conventional economic system, are not able to accommodate the principle of sustainable development, especially factors balance between human behavior and nature, which continues to erode the cultural exploitation limited natural resources.¹

Although the constitutions of many nations specifically address the environment, few embody Fundamental Environmental Rights. Rather, most reflect legislative or procedural environmental policies, such as a general governmental charge to consider environmental impacts or to allow for public notice and comment concerning projects that significantly affect the environment, Indeed, of the 130 constitutions that address the environment, only about sixty grant individuals what may be fairly characterized as a fundamental right to a “clean,” “healthful,” or “favorable” environment.²

The damage and destruction of the environment due to industrial activity, mass consumption, modern lifestyles, and human greed, has encouraged the emergence of concern and ecological awareness. Global community is now charged with the role and greater responsibility and to address the serious problems faced by the environment and prevent environmental damage and more severe. It is now increasingly believed the importance of sustainable development that notice and consider the environmental aspects of sustainability our planet, human life, animals, plants and other species.³ Therefore, the term sustainable development is one of the programs put forward by Agenda 21, which is one of the three documents as agreed in the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, or the so-called Earth Summit, which

¹ Sunoto, 2013, *Menuju Pembangunan Kelautan dan Perikanan Berkelanjutan Dengan Konsep Green development right*, Yogyakarta, Indonesia.

² For the earliest comprehensive account of constitutional environmental rights, see Edith Brown Weiss, 1989. *In Fairness To Future Generations: International Law, Common Patrimony and Intergenerational Equity* app. B.

³ Handayani, I Gusti Ayu Ketut Rachmi Handayani, 2013. *Embodying Green Constitution by Applying Good Governance Principle for Maintaining Sustainable Environment*, *Journal of Law, Policy and Globalization*, ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.11, 2013. p. 18.

has been adopted by 178 countries including Indonesia. In Chapter 17 mentioned on programs that contain new approaches in the management and utilization of marine and coastal areas, among others: (a) the integrated management and sustainable development of coastal areas, including exclusive economic zones; (b) the protection of the marine environment; (c) the sustainable development of small islands.⁴

It is, however, important not to keep the domain of public reasoning confined to a given society only, especially in the case of human rights, in view of the inescapably universalist nature of these rights⁵. Over the last several decades, the environmental movement has become institutionalized within the policy process, as well-organized environmental groups have gained political influence over the direction of environmental law.⁶ . The political forces that shape the design of environmental law still tend to support more conventional forms of regulation⁷.

Since 1972, there have been hundreds of meetings and treaties. These will be looked at where are relevant below. However, one of the fundamental principles that have been emerged for the international arena is the issue of sustainability. This was developed in the 1980 International Union for Conservation of Nature's World Conservation Strategy – which lay down that there should be a sustainable utilization of species/ecosystems. The Stockholm Conference on the Human Environment, 1972, provided a new orientation to many national commitments at the level of policies, laws and, in some cases, even Constitutions. In 1982, the General Assembly of the UN adopted the World Charter for Nature – this states that there should be an optimal sustainable productivity of all resources, coupled with conservation/protection. In 1987, the World Commission on Environment and Development (WCED) reiterated the paradigm of sustainable development and stated that there should be co-operation on a worldwide basis to achieve these ends. However, the most important recent conference was in Rio in 1992.

⁴ Dikdik Mohamad Sodik, 2011, *Hukum Laut Internasional Dan Pengaturannya di Indonesia*, Refika Aditama : Bandung, Indonesia, p. 216.

⁵ Amartya Sen. 2005. Human Rights and Capabilities. *Journal of Human Development* Vol. 6, No. 2. p. 161. Routledge.

⁶ Coglianese, C. 2001. Social Movements, Law and Society: The Institutionalization of The Environmental Movement. *University of Pennsylvania Law Review* 150: pp. 85-118.

⁷ Keohane, N.O., Revesz, R.L., and Stavins, R.N. 1998. The Choice of Regulatory Instruments in Environmental Policy. *Harvard Environmental Law Review* 22: p. 313.

The UN Conference on Environment and Development led to five important outcomes:

- (a) Framework convention on Climate Change;
- (b) Convention on Biological Diversity;
- (c) Agenda 21;
- (d) Rio Declaration on Environment and Development;
- (e) Forest Principles.

This was followed by the Kyoto and Buenos Aires Conferences on measures to tackle global warming.⁸ Conversely, the Committee of the WHC has expressed concern with regard to unsustainable fisheries around Banc d'Arguin National Park in Mauritania, (commercial fisheries occurs in 24% of all WHC sites) and official logging (forestry and logging occur in 26% of the all WHC natural sites) in the buffer zones around sites in Australia and Cameroon and with regard to Mount Athos in Greece.⁹

Characteristics of Indonesia is an archipelagic nation (archipelagic state) in which the configuration of its territory surrounded by the sea most of the benefits and challenges of its own. Natural resources that are so abundant imply that this nation has a capital development should promise prosperity, yet on the other hand the territory consisting of a series of islands both large islands and small islands as the frontline most border regions, calls for harmony in development in each sector. Here is a graph showing that the sea is one contributor to the GDP (Gross Domestic Product) Indonesia with a contribution of 20%.¹⁰

Up to this time the number of small islands in Indonesia reaches 92 frontline islands and 31 islands of which are inhabited. Despite its vast natural resources as development capital, but the island also has many limitations, especially regarding the condition of facilities and infrastructure.¹¹ Event of the loss of Sipadan-Ligitan Indonesia implies that the loss of one of the small islands in the

⁸ Rostron, Jack, 2001, *Environmental Law for the Built Environment*, Cavendish Publishing Limited, London UK.

⁹ Gillespie, Alexander, 2007. *Protected Areas and International Environmental Law*, Martinus Nijhoff Publishers. Koninklijke Brill NV, Leiden the Netherlands.

¹⁰ Stephen Adrian Ross, 2013, *Achieving Sustainable Development Targets through Green development right Development in the EAS Region*, Manila, Philippines : PEMSEA Resource Facility.

¹¹ <http://www.ppk-kp3k.kkp.go.id/>

border claims resulting from neighboring countries or acts of nature, its impact can change the borders of a state. Therefore, management is very important in the frontline islands, both uninhabited islands and uninhabited. The fact that is often encountered today is the disparity of natural resource management that led to gaps in the economic development of coastal communities and the small frontline islands.

The picture is in stark contrast with what is contained in Article 33 of the Constitution of 1945 that the earth, water, and natural resources contained within it are the subjects of prosperity of the people. In other words, all of the policy on the use of natural resources, in the end must be assessed by a single scale, the welfare of the people. Scales, in his way and then evolved into duumvirate with the emergence of a new benchmark, namely the preservation of natural resources.¹²

Environmental laws and policies are predominantly goal-oriented. Standards, principles and procedures for the protection of the environment are often instrumental to achieve, say, the conservation of fragile ecosystems and endangered species, the preservation of fresh water and other natural resources, the restoration of contaminated soils as well as the stratospheric ozone layer, and the protection of human health. This goal oriented feature is evident in national as well as international law, sustainable development as an overarching societal objective with obvious environmental connotations, reflects this goal-oriented paradigmion of environmental law and policy. Yet, environmental law also involves priorities, convicts and clashes of interests and concerns for justice and fairness. In fact, any drafting, negotiation, adoption, application and enforcement of environmental laws – indeed comprehending environmental law in general induces justice considerations: i.e. concerns for the distributive and corrective effects of laws and decisions pertaining to health, the environment and natural resources, as well as concerns for the opportunities of those potentially affected to participate in such law-making and decision-making in the first place.¹³

¹² Sudirman Saad, 2009, *Hak Pemeliharaan dan Penangkapan Ikan : Eksistensi dan Prospek Pengaturannya di Indonesia*, LKIS Yogyakarta, Indonesia, p. 109.

¹³ Ebbesson, Jonas, 2009. *Environmental Law and Justice in Context*. Cambridge University Press New York.

Green school Development program in Indonesia

The Strategic Roadmap for Developing ‘Green Schools’ in Indonesia aims to assist the country in enriching and strengthening existing ‘green school’ initiatives (such as the Adiwiyata Programmer) through the adoption of a whole-school system approach and by embracing the whole concept of Education for Sustainable Development. Education for Sustainable Development is an educational framework that seeks to meet the needs of the present without compromising the needs of future generations. It is interdisciplinary, holistic and values-driven, and promotes the ideals of gender equality, just and peaceful societies, human rights, environmental preservation and restoration, cultural diversity, and poverty alleviation towards creating a sustainable future. Education for Sustainable Development focuses on critical thinking and problem solving, and adopts a multi-methodological approach, participatory decision making and local relevance. Development of the new ‘green schools’ is put in the context of wider national sustainable development issues, as well as being a step towards realizing the vision of the United Nations Decade for Education for Sustainable Development (UNDESD) 2005-2014 to create a future where everyone has the opportunity to benefit from education and learn the values, behaviors, and lifestyles required for a sustainable future and for positive societal transformation.¹⁴ The new ‘Green School’ Programmer builds on and will strengthen current green school initiatives in Indonesia, especially the Adiwiyata Programmer, which is now the most comprehensive in the country. It will also acknowledge relevant experiences in neighboring countries. The programmer is designed to comprise the concept of Education for Sustainable Development, explicitly integrating social, environmental and economic dimensions while capturing the values of resilience, which is immensely important in the Indonesian context due to its vulnerability to natural disaster. The programmer entails having a Certification and Award system for meritorious schools that meet the Education for Sustainable Development criteria, for which schools will be assessed through a rigorous

¹⁴ UNESCO,(2011). *Education for Sustainable Development Country Guidelines for Changing the Climate of Teacher Education to address sustainability: putting transformative education into practice*, ISBN 978-602-98372-6-1.

process using a comprehensive indicator system. Piloting in certain schools is envisioned, which, when successful, could then serve as models for others to emulate.¹⁵

Overall goals of Green Development School Programmer in Indonesia

The major goals of the new Green School Programmer are to:

1. Increase awareness and understanding, among students, communities and all stakeholders, both internal and external, of the fundamental interrelationships and interdependencies between natural and human systems;
2. Foster awareness of and concern about economic, social, and ecological interdependence;
3. Foster concern and a sense of responsibility for the environment and society;
4. Provide every person with opportunities to acquire the knowledge, values, attitudes, commitments, and skills needed to protect and improve the environment and promote societal and economic development;
5. Increase skills in synthesizing information from a variety of disciplines and knowledge areas in order to develop an integrated body of knowledge on Education for Sustainable Development;
6. Increase capacity to understand and make decisions about key issues affecting the individual, society, and the environment;
7. Foster new patterns of behavior among individuals, groups, and society as a whole towards the environment; and
8. Demonstrate the principles of sustainability in schools' operation, decision-making practices, attitudes and responsibility towards their communities.

Scope of the study

Based on the description of the setting in which it has been mentioned before, it is known that Indonesia is promoting the paradigm of green development right in the development of marine and fisheries sector, but it is

¹⁵ Algonin, and *el*, 2014. *Variation of Environmental Awareness among the Student in Government High Schools in Solo City Indonesia*. International Journal of Applied Environmental Sciences, ISSN 0973-6077 Volume 9, Number 5 (2014), pp. 2701-2719.

not clear about how the Indonesian translate these paradigms, in addition to the configuration as it is proper philosophy island country green development right can contribute constructively to the economy not only in coastal but also for the frontline islands. Based on the general description of the problems that the team carefully, then at least the research plan will be divided into two years of implementation research.

In the first year study, researcher will focus on issues concerning the identification of the conditions that exist in the region studied Lombok as including the problems that related to anticipated efforts to maintain biodiversity and climate change, barriers, and existing prospects.

For the second year study, the research will be focused on the implementation model green development right including strategies for coastal management and optimization acceleration of small islands linked frontline most maintaining biodiversity and climate change anticipation.

The method of the research

The research method use an empirical approach and normative approach. The study documents the analysis consists of legislation and various policies relating to the subject matter studied in Indonesia area and the problems it faces and report the results of the various meetings, seminars, public hearings and so on.

The purpose of the research (general and specific)

From the research can be formulated that in the first year, the study aims to identify the conditions that exist at the sites associated with the application of the green development right associated with the management of coastal areas and small islands frontline most including also the identification of barriers or constraints and prospects held by the location of the research, to identify the problems and prospects of development associated with the maintenance of biodiversity and climate change in anticipation of the study sites.

In the second year of research, aims to assess the results of the research in the first year that examines barriers and prospects owned by study site for

later analysis by solving problems and seek solutions to these problems and then create a model for the implementation of the model in the form of green development right as optimizing acceleration and coastal management frontline most small islands in order to maintain biodiversity and the anticipation of climate change in Indonesia.

Research Achievement

Implementation research related to coastal management and small frontline islands has been done by previous researchers, one of whom is the research conducted by Mohammad Ali Nugroho who studied on Empowerment uninhabited Frontline Islands Around the waterway in Improving resilience of the State.¹⁶ The pressure of this study was to try to describe the condition of the frontline islands are not inhabited around the waterway, how the empowerment of the frontline islands and role of stakeholders who play a role in the empowerment to enhance national defense. The results of the study refers to the empowerment of the frontline islands are uninhabited around the waterway must be implemented by stakeholders who have great authority and can carry out a variety of programs in accordance with the character of each area of the island.

Research conducted by Muhammad Kasnir 2011 who studied on “Aspect Analysis in Marine Ecology governance Minawisata Pangkep Spermonde Islands, South Sulawesi”¹⁷. This study aims to assess the ecological aspects of maritime governance minawisata development, with the main issue of coral reefs and seagrass beds Spermonde Islands. The research method is done by using primary data through field survey and secondary data through the study of literature. Indicators of the things that are analyzed include environmental characteristics and condition of coral reefs, coral cover conditions, as well as the quality of the waters to see how the next designated minawisata maritime development. The results showed that Spermonde Islands are directed to the development of marine tourism, fisheries and agriculture.

¹⁶ Mohammad Ali Nugroho, 2011, *Pemberdayaan Pulau Terluar Tidak Berpenduduk Di Sekitar Selat Malaka Dalam Meningkatkan Ketahanan Negara (Perspektif Strategis Ketahanan Nasional)*, Pasca Sarjana Universitas Indonesia Program Studi Pengkajian Ketahanan Nasional, Indonesia.

¹⁷ Muhammad Kasnir, 2011, *Analisis Aspek Ekologi Penatakelolaan Minawisata Bahari di Kepulauan Spermonde Kabupaten Pangkep-Sulawesi Selatan*, Semarang : Jurnal Ilmu Kelautan Universitas Diponegoro Juni 2011 Vol. 16 (2) 61-69.

In 2013 research by Christopher Corbin, entitled “There is no Green Ways to Blue: An analysis of the importance of coastal and marine resources to the development of Green Economies by Caribbean SIDS”. This study emphasizes the issue of SIDS (Small Island Developing States) focused on the Caribbean region where natural resources are the main source for the region’s economy so vulnerable to environmental damage. Therefore, researchers provide effective land use planning recommendations which include fisheries, tourism and coastal infrastructure development.

Referring to the research that has been done previously by other researchers, demonstrate that the proposed research will be carried out and it becomes important to remember that the green development right paradigm is still new in Indonesia and no studies have comprehensively examines how the implementation model of green development right of coastal management and the frontline most small islands are seen not only from the economic dimension but also the challenges of climate change in coastal areas. This is very important because optimizing the development of the maritime sector are appropriately perceived by the people who interact directly with the marine environment, therefore, any related regulations should be green development right is not just a discourse but must be implementable and solutions.

II. DISCUSSION AND ANALYSIS

Environmental norms can be “constitutionalized” in one of three ways, any of which can provide useful societal tools for environmental stewardship.” (1) as statements of policy, (2) as working procedural norms, or (3) as fundamental environmental rights. Each of the roughly 130 national constitutions listed in Appendix B contains statements of policy, many of which contain concomitant procedures. Policy-related provisions usually aim. To influence decision-making, and are neither substantive nor enforceable.¹⁸

¹⁸ Ernest Brandl & Hartwin Bungert, 1992. *Constitutional Entrenchment of Environmental Protection: A Comparative Analysis of Experiences Abroad*, 16 Harvard Environmental Law Review. 1,82, tbl.I. (discussing constitutional environmental policies of Germany, Austria, Switzerland, the Netherlands, Spain, Greece, Portugal, Turkey, and Brazil)

Legal regulation of the environment began as a series of attempts at the reconciliation of diverse groups of interests: a body of principles concerning property rights grew up around the resolution of clashes between private users, between private owners and commercial industrial interests, and between private or commercial interests and collective goals and interests. Environmental legislation was closely and explicitly associated with human welfare, with Parliament and the courts only willing to interfere in private property rights where necessary for securing important social benefits. Yet developments in legislation, as much as in the patterns of common law thinking which evolved to deal with nuisance claims, sometimes exceeded a purely instrumental approach to environmental protection. The evolution of legal responses to environmental problems, charted below, reveals a body of thought of increasing sophistication: the impact of human activity upon the natural environment is seen as constituting, not merely a conflict between individual rights and collective interests, but a complex moral problem invoking notions of value and responsibility which cannot be fully articulated within a framework of interpersonal rights and duties (Suspected ocean conditions are now experiencing a growing number of environmental stress and degradation of ecosystems. The lack of infrastructure and quality of human resources in small islands in response to all the destructive activities in the region, of course, also threaten the existence of the island and community resilience in small islands such as Ironically, coastal and offshore environments only about 1% potentially accounted for climate change gases, but they are the most vulnerable to be exposed to the adverse effects of climate change.¹⁹ The existence of adverse impacts on coastal communities, it will also propagate to the fulfillment of basic rights which should be inherent in every human being, namely the substantive rights and procedural rights that will ultimately lead to change the enjoyment of human rights.²⁰ To overcome such problems, some developed countries include the paradigm of risk assessments and risk management in climate change-related policy options. That is, there is continuity

¹⁹ Dossier, 2013, *Coastal Resources : Green development right in Crisis*, April-May 2013, Singapore, p. 15.

²⁰ Daniel Bodansky, 2010, *International Human Rights and Climate Change*, Georgia Journal of International and Comparative Law Vol. 38 No.3, p. 520.

in the program in any policy.²¹ Therefore, policy development in coastal and small islands of Indonesia should be implemented on an ongoing basis with an approach that promotes ecological balance.²² Public participation is an area that could potentially enhance public trust of government decision making, and thus reduce subsequent litigation²³. A good law is one that with synergy, is able of producing the regulatory results required by policy makers.²⁴

Economic and conservation, Sustainable development (sustainable development) itself is a development to meet the needs of today, without degrading or damaging the ability of future generations to meet their needs.²⁵

According to Article 23 of Law No. 1 of 2014 on the Amendment of Act No. 27 of 2007 on the Management of Coastal Areas and Small Islands, utilization of small islands and surrounding waters is done by taking into account the ecological and economical aspects unitary and integrated with a large island nearby furthermore, also arranged that the activities of conservation, education, research, tourism, defense and security interests of the State are some of the priorities in the utilization of the relevant area.

In the management of small islands, there are at least three strategic issues that often arise are: the sovereignty of the Republic of Indonesia, environmental sustainability, and social welfare. The third issue relates to the above three important functions of small islands; The first function of defense and security, especially on the frontline islands (hereinafter abbreviated PPKT) bordering another country as an entry and exit gate the flow of people and goods that are vulnerable to occupation of another country. The second function of the economy, small islands region has a marine and fisheries resources with high biological productivity, as well as the center of marine tourism activities developed as a potential business area-based resource (resource-based industry). Third, the ecological function of coastal and marine ecosystems in which small islands serve

²¹ John C. Dernbach, Seema Kakade, 2008, *Climate Change Law : An Introduction*, Energy Law Journal, Vol.29 No.1., p. 8.

²² Coyle, Seand and Morrow, Karen, 2004. *The Philosophical Foundations of Environmental Law: Property, Rights, and Nature*, Hart Publishing Oxford & Portland Oregon, USA.

²³ Tabb, W. M. 1999. Environmental Impact Assessment in the European Community: Shaping International Norms. *Tulane Review* 337.

²⁴ L. Mader.2001. Evaluating the effect: a contribution to the quality of legislation. *Statute Law Review*. pp. 119-131. Scopus.

²⁵ *United Nations Convention on The Law of The Sea 1982 WCED, 1987.*

as a venue for the hydrological cycle and bio-geochemistry, waste absorbent, germplasm sources and alternative energy, global climate deciding factor, and other life support systems.²⁶

Article 1 paragraph 2 in Government Regulation 62 of 2010 Concerning Utilization Minor Outlying Islands, mentions the notion of PPKT is small islands have basic geographic coordinates baselines connecting the islands of the sea in accordance with international and national law. Especially PPKT utilization for public welfare, Section 7 of this rule asserts some kind of activity, especially for the mainstream public welfare such as business, marine and fisheries, marine ecotourism, and maritime services industry. Impression of a lack of attention of the Government towards PPKT as the border area is always associated with the development approach used in the past, a greater emphasis on safety (security) than with increased prosperity (prosperity). However at this time where the process of globalization is characterized by a variety of economic cooperation both the regional and sub regional, the security approach needs to be accompanied by a balanced approach to welfare. On the other hand, some countries that border directly with Indonesia has developed its border region as an area of economic growth which has been developed with a variety of physical infrastructure is complete and qualified human resources.²⁷

International provisions in Article 62 of the United Nations Convention on the Law of the Sea in 1982 regarding the use of biological sources of wealth, provides that the coastal State shall establish its ability to take advantage of the wealth of biological resources, especially in the exclusive economic zone (EEZ). In the case of the coastal State does not have the ability to utilize the full amount of the allowable catch of international law in this case provides an opportunity for other States to take advantage of the allowable catch for the remaining. Related to this, it can be seen that the geographical location of

²⁶ Agus Dermawan dan Arif Miftahul Azis, 2012, *Pengembangan Minawisata Pulau-Pulau Kecil Untuk Mendukung Implementasi Green development right*, Direktorat Pendayagunaan PPK-KKP, Disampaikan pada KONAS VIII Pengelolaan Pesisir, Laut dan Pulau-pulau Kecil, Mataram 22-24 Oktober 2012, p. 1.

²⁷ Mohammad Ali Nugroho, 2011, *Pemberdayaan Pulau Terluar Tidak Berpenghuni Di Sekitar Selat Malaka Dalam Meningkatkan Ketahanan Negara (Perspektif Strategis Ketahanan Nasional)*, Pasca Sarjana Universitas Indonesia Program Studi Pengkajian Ketahanan Nasional, Indonesia, p. 15.

Indonesia which lies between the Indian Ocean and the Pacific Ocean as well as between Asia and Australia, allowing Indonesian maritime zones crossed by various international shipping navigation in which this could be one factor in the threat to the stability of marine ecosystems such as the case of marine pollution and illegal fishing.²⁸

In the Medium Term Development Plan (RPJMN), one of the important points to be achieved in marine and fisheries sector is strengthening the marine industry, with national priorities include poverty for coastal communities and the management of small islands including PPKT. Since the year 2012 the Ministry of Maritime Affairs and Fisheries adopted the paradigm of the Green development right (green development right) as a framework for the development of maritime and fisheries policies with sustainable management and conservation of assets. Paradigm is basically not the economy that relies on only marine but can provide assurance that an executed development will not only generate economic growth, but also create more jobs while ensuring the sustainability. In other words, efforts to improve the welfare of the people but caused no damage to the environment.²⁹ State beaches and islands belonging to the developing countries, is a major supporter of the advocacy of the Green development right, because the majority of economies in developing countries are faced on environmental exploitation.³⁰

In practical terms, the green development right is an economy that is built or driven by activities that emit less CO₂ (low carbon), using natural resources efficiently (efficient natural resources), social results can be enjoyed by all people with fair (socially inclusive), and supported by the innovation of environmentally friendly technologies (technology innovation). By implementing the paradigm of a green development right, is expected to decline in environmental quality, ecological health and economic productivity of coastal and marine areas, both in Indonesia and at the global level can be straightened back (reversed). In the

²⁸ Marine Institute of Indonesia, 2010, *Negara Kepulauan Menuju Negara Maritim*, Jakarta : INDHILL CO dan Lembaga Laut Indonesia, p. 138.

²⁹ Ministry of Maritime Republic of Indonesia, 2013, *Mina Bahari Edisi 1*, Januari 2013, p. 29.

³⁰ <http://www.sids2014.org/>

utilization of small islands, the implementation of the economic paradigm of the blue is a blend of sustainable economic growth, rising incomes and welfare, infrastructure development of innovative and environmentally friendly, and at the same time also have to preserve resources and biodiversity, as well as adapting to the impacts of changes climate.³¹

One of the potential of marine and environmental services that stand on small islands, are fishing and tourism especially with the islands of entering the conservation area. According to BPS data and Gahawisri (Marine Tourism Association), the potential of marine tourism in Water Conservation Area is estimated at \$ 6.3 billion, or 25-30% of the foreign tourist. Projections for the next 10 years, its contribution can be increased up to 50%. It is based on the fact that the areas of marine tourism destination in small islands located primarily in the conservation areas of coral reefs, marine life, and coastal.³²

The green development right paradigm will elaborate the ontology (nature), and the ways or methods in order to achieve the ultimate goal of the green development right. This ultimate goal will be focused on the creation of the ideal maritime systems that may guarantee all related parties, such as individual, society, or community, private sectors and the government, to convert their potentials to be functional towards public welfare. The core elements of the green development right will emphasizes the series of norms in managing the coastal and frontline island potentials. The normative framework covers Fishery Law, Maritime Law, Coastal Law and Environmental.

Indonesia is also located in a tropical climate, there are multispecies renewable resources, national fisheries production in 2010 reached 10.83 million tons and calculations in 2005 showed the fisheries sector has the ability to absorb labor that is 14.02 per cent. When viewed from a resource is not recovered, the marine sector also has a great asset in state revenues, as well as marine tourism, marine

³¹ Agus Dermawan dan Arif Miftahul Azis, 2012, *Pengembangan Minawisata Pulau-Pulau Kecil Untuk Mendukung Implementasi Green development right*, Direktorat Pendayagunaan PPK-KKP, Disampaikan pada KONAS VIII Pengelolaan Pesisir, Laut dan Pulau-pulau Kecil, Mataram 22-24 Oktober 2012.

³² Agus Dermawan dan Arif Miftahul Azis, 2012, *Pengembangan Minawisata Pulau-Pulau Kecil Untuk Mendukung Implementasi Green development right*, Direktorat Pendayagunaan PPK-KKP, Disampaikan pada KONAS VIII Pengelolaan Pesisir, Laut dan Pulau-pulau Kecil, Mataram 22-24 Oktober 2012, p. 4.

services and other marine potentials.³³ It can be concluded all the fisheries sector with great potential has been the backbone of development opportunities for PPKT. However, increasing economic development in the area of small islands would increase the risk to the degradation of ecosystems and natural resources of small islands, such as overexploitation, habitat degradation, pollution of waste, and decrease biodiversity. Ecosystem degradation and resource data showed that 32.05% of coral reefs were damaged, as well as the mangrove ecosystem damage by 40% which would also affect the decline in the stock of fish.³⁴ Relation to sustainable development, fishing activity has three important pillars in it namely: 1) environmental pillar, fisheries play a role and function of the balance of the marine ecosystem; 2) The social pillar, fisheries and by-products are a source of protein nutrition and food security, especially for poor countries and developing; 3) the economic pillar, more than 180 million people are employed, directly or indirectly, in the fisheries sector so that government policy in this sector will also contribute to economic development and poverty alleviation.³⁵

From the above explanation, it appears that the Green development right is projected as a good framework for accelerated efforts for the management of the development potential of the maritime sector, as well as for dealing with environmental problems experienced by vulnerable coastal communities and small frontline islands. In line with the elements contained in the paradigm of green development right, begun in 2013 MoMF middle Minawisata promote development program aimed at developing small islands that provide economic benefits to the local community, especially people in small islands. Minawisata program will combine activities that encourage investment in small islands, especially tourism and the protection of ecosystems through conservation. At the Summit (Summit) Green development right within the framework of Abu Dhabi Sustainability Week 2014 which takes place in Abu Dhabi, it is known that the green development right Indonesian pilot project has been agreed that being in Lombok, Nusa Tenggara Barat and Nusa Penida, Bali.³⁶

³³ <http://esk.ipb.ac.id/>

³⁴ Suharsono, 2008b, *Sustainable Harvest of Stony Corals [paper]*. Di dalam: *Workshop Penyusunan Peraturan Daerah Terumbu Karang-COREMAP II, Bogor, 12-13 Agustus 2008*. Bogor: Coremap II, Departemen Kelautan dan Perikanan.

³⁵ IOC/UNESCO, IMO, FAO, UNDP, 2011, *A Blueprint for Ocean and Coastal Sustainability*, Paris : IOC/UNESCO, p. 18.

³⁶ <http://www.kkp.go.id/>

III. CONCLUSION

Indonesia is recognized as the largest archipelago country, can be a pioneer in the green development right the implementation model that is useful as a reference for other island country. The green development right paradigm will elaborate the ontology (nature), and the ways or methods in order to achieve the ultimate goal of the green development right. This ultimate goal will be focused on the creation of the ideal maritime systems that may guarantee all related parties, such as individual, society, or community, private sectors and the government, to convert their potentials to be functional towards public welfare. The core elements of the green development right will emphasizes the series of norms in managing the coastal and frontline island potentials. The normative framework covers Environmental Law, Fishery Law, and Coastal Law. Urgency of innovation performance in this research is the existence of sustainable development that have a positive impact not only for the environment but also in the location of research can be used as a pilot project for the environment other region that has similar characteristics to the location of the research was conducted.

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