

Kewenangan pemerintah pusat dan daerah dalam perlindungan terumbu karang serta penegakan hukumnya di Indonesia = Authority of central and regional governments in protection of coral reefs and its law enforcement in Indonesia

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Abstrak

Skripsi ini membahas mengenai bagaimana kewenangan Pemerintah Pusat dan Daerah di Indonesia terhadap perlindungan dan pengelolaan terumbu karang ditinjau dari peraturan perundang-undangan. Selanjutnya skripsi ini juga membahas mengenai kasus perusakan terumbu karang di Indonesia yaitu kasus perusakan terumbu karang di Raja Ampat oleh Kapal MV Caledonian Sky serta bagaimana penegakan hukum dari kasus tersebut. Tujuan dari skripsi ini adalah mengetahui hubungan tanggung jawab pemerintah pusat dan daerah dalam perlindungan terumbu karang di Indonesia serta mengetahui penegakkan hukum terhadap perusakan terumbu karang di Indonesia. Metode penelitian dalam skripsi ini adalah yuridis normatif. Hubungan kewenangan Pemerintah Pusat dan Pemerintah Daerah terhadap pengelolaan terumbu karang didasarkan kepada urusan konkuren UU Pemda. Akan tetapi terdapat hambatan yaitu tidak adanya kewenangan pemerintah kabupaten/kota terhadap pengelolaan wilayah pesisir. Penegakkan hukum terhadap kasus perusakan terumbu karang berdasarkan UU No. 32 Tahun 2009 yaitu penegakan hukum administrasi, perdata, dan pidana. penegakan hukum administratif cara penghentian kegiatan, pembongkaran, penyitaan, dan pencabutan izin. Penegakan pidana tersebut terbagi atas sanksi pidana penjara dan sanksi pidana denda. hukum perdata dapat dilakukan melalui penyelesaian sengketa di luar pengadilan dan melalui pengadilan.

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This thesis discusses how the authority of the Central and Regional Governments in Indonesia towards the protection and management of coral reefs is viewed from the laws and regulations. Furthermore, this paper also discusses the case of coral reef destruction in Indonesia, namely the case of destruction of coral reefs in Raja Ampat by the MV Caledonian Sky Ship and how the law enforcement of the case. The purpose of this paper is to find out the relationship between the responsibilities of the central government and the regions in protecting coral reefs in Indonesia and to know the law enforcement on the destruction of coral reefs in Indonesia. The research method in this paper is normative juridical. The relationship between the authority of the Central Government and the Regional Government towards coral reef management is based on the concurrent affairs of the Regional Government Law. However, there are obstacles, namely the absence of district/city government authority over the management of coastal areas. Law enforcement for cases of coral reef destruction based on Law No. 32 of 2009, namely the enforcement of administrative, civil and criminal law. administrative law enforcement on how to terminate activities, demolition, confiscation and revocation of licenses. The criminal enforcement is divided into imprisonment sanctions and fine criminal sanctions. Civil law can be done through settlement of disputes outside the court and through the court.