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## Building legal protection of land borders in the management of people-based economy

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### ABSTRACT

This study analyzes the legal protection of coastal boundary land within the framework of people-based economic management in Tomini Bay. Based on normative legal research methods, the study examined the 1945 Constitution Article 33, the 1960 Law, the Spatial Planning Law, Law 27/2007 jo. Law 1/2014, Presidential Regulation 51/2016 on coastal boundary boundaries, and Law 32/2009 on PPLH, to map the gap between norms and practices. The results of the analysis show three main problems: (1) weak implementation and enforcement of the law on violations of border utilization; (2) conflicts of control and ownership due to unclear land status, lack of mapping, and certification; and (3) unsustainable exploitation of resources that damages coastal ecosystems and threatens livelihoods. This study recommends strengthening legal certainty through participatory mapping and social certification, integrating national law with local wisdom (customary deliberation/mediation), and co-management models involving the government, community, and private sector. Thus, the Indonesian border land can be managed fairly, provide certainty of rights, and sustainably support coastal welfare.

**Keywords:** coastal boundary land; Tomini Bay; people's economy.

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## 1. INTRODUCTION

In the last ten years, Indonesia's coastal regions have seen a rise in agrarian conflicts and environmental degradation, particularly in coastal border areas targeted for economic and tourism development. In Teluk Tomini, heightened land conversion and unclear ownership status have exacerbated the pressure on coastal boundary land, undermining the livelihoods of local communities and traditional fishermen. Indonesia, as a legal country, has regulations related to land certificates. The land certificate in question is a land rights ownership letter, including ownership of houses, dependent rights, and other types of certificates depending on the object of land registration based on applicable laws and regulations (Wantu et al., 2024).

The granting of land certificates in coastal areas often faces challenges, given the unique characteristics of this area and the high pressure on the use of space on the coast. Coastal areas are transitional zones between land and sea, whose boundaries include submerged areas and areas that, although not inundated, are still affected by marine dynamics, such as tides, sea winds, and saltwater intrusion. In Indonesia, out of approximately 220 million people, more than 60% (approximately 140 million people) live and earn a living in coastal areas, making it an area with a high population density and an important role in the economy and environment. Coastal areas, including sea waters, are part of the country's wealth that can be utilized by every citizen

Coastal areas comprise a variety of diverse environments and resources, both natural and artificial. The natural environment in coastal areas includes ecosystems such as coral reefs, mangrove forests, seagrass beds, sandy beaches, pescaprea formations, barringtonia formations, lagoons, and deltas. The artificial environment in coastal areas includes ponds, tidal rice fields, tourism areas, industrial areas, agro-industrial areas, and residential areas.

Ownership and control of land in coastal areas are permitted in accordance with the provisions of the applicable law. Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, which was later revised through Law Number 1 of 2014, provides legal certainty for people living in coastal residents. As with land tenure in land areas, land ownership in coastal areas is often a source of disputes. In accordance with Article 33, paragraph (3) of the 1945 Constitution, the earth, water, and natural resources contained therein are under the control of the state and must be utilized for the maximum prosperity of the people.

Presidential Regulation No. 51 of 2016 concerning Coastal Boundaries (Presidential Regulation No. 51/2016) was made to implement the provisions of Article 31 paragraph (3) of Law No. 27 of 2007 concerning the management of coastal areas and small islands as amended by Law No. 1 of 2014 (UUP3K). In addition, the principle of sustainability is also strengthened in Law Number 32 of 2009 concerning Environmental Protection and Management, which aims to prevent overexploitation that can damage coastal ecosystems, such as abrasion, pollution, and loss of mangrove habitat.

The authority of the state as stated in Article 33 paragraph (3) of the 1945 Constitution is reaffirmed in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). In the explanation of part II/2 of the UUPA, it is explained that the term "controlled by the state" in Article 2 paragraph (1) of the UUPA does not mean that the state owns the land but rather gives authority to the state as the power organization of the Indonesian nation to regulate, manage, and supervise the use of agrarian resources for the benefit of the people (Rahman et al., 2024).

The state has an obligation to manage coastal areas wisely by involving local communities and ensuring that their use does not conflict with the principles of sustainability and the rights of coastal communities. This is in line with the state's obligation to manage coastal areas wisely, with strict legal arrangements related to the control, ownership, use, and utilization of coastal borderland, especially in the coastal area of Tomini Bay.

The determination and enforcement of laws related to the possession, ownership, use, and utilization of coastal boundary land in the coastal area of Tomini Bay is essential to ensure that land management in the area is carried out in a sustainable and responsible manner. This includes aspects such as. Land Tenure: Determining who has the right to control land at the coastal border, which could be the

government, local communities, or legal entities. Land Ownership: Clarify the status of land ownership, whether it is state land or privately owned land. To support the enforcement of the law, a clear understanding of the boundaries and functions of coastal boundaries is very important as a basis for policy formulation and regulation of space utilization in coastal areas.

The coastal boundary is a land area along the coastline with a width adjusted to the physical conditions and shape of the beach, with a minimum limit of 100 meters from the highest tide point towards the mainland. Every local government at the provincial level that has a coastal area is obliged to Establish rules regarding coastal boundaries through regional regulations that regulate regional spatial plans at the district/city level.

Border land problems are very vulnerable to land disputes in almost all regions in Indonesia, one of which is located in Tomini Bay or Gorontalo Bay. This bay is known as Golf van Tomini of Gorontalo, a bay located on the island of Sulawesi, Indonesia. This bay is the largest bay in Indonesia with a water area of  $\pm 137,700$  km<sup>2</sup>, and has a coastline of  $\pm 1,350$  km. This bay has an important role for the world because it is located right in the heart of the heart of the coral triangle. Right on the equator and having a semi-enclosed marine ecosystem, this bay holds large fishery resources, endemic coral reefs, vast expanses of mangroves, and abundant coastal resources.

Tomini Bay is actually a large body of water consisting of two bays, namely Tomini Bay in the western part of the waters and Gorontalo Bay in the east. Tomini Bay is a small water area located in Tomini-Bocht (Tomini bend), while Gorontalo Bay has a wider water coverage because it looks at the influence and history of the Gorontalo Sultanate at that time as a center of Islamic education and trade. In some Dutch shipping literature, the writing of this region is varied, including Tomini-Gorontalo Bay or Tomini Bay (Gorontalo Bay). Geographically located the bay is located at 120° - 123°30' E and 0030' N - 1°30' S. This bay borders three provincial areas on the island of Sulawesi, namely Central Sulawesi Province, North Sulawesi Province and Gorontalo Province.

The coastline of Tomoni Bay, which reaches 1,350 km, is of course an area used by all levels of society, the government and entrepreneurs and several other parties for personal interests for livelihood and residence as well as other types of businesses or activities that are short, medium and long-term. In a coastal area, there are one or more coastal environments and resources. The coastal environment can be natural or artificial. Natural environments found in coastal areas include coral reefs, mangrove forests, seagrass meadows, sandy beaches, pes-caprea formations, baringtonia formations, lagoons and deltas. Meanwhile, the artificial environment found in coastal areas includes ponds, tidal rice fields, tourism areas, industrial estates, agro-industrial areas and residential areas.

Human dependence on land is very high, both as a residence and as a source of livelihood. However, the availability of land is limited, both in terms of quantity and breadth, and not able to grow to meet various human needs are constantly evolving. The imbalance between the availability of land and the increasing demand to make the ground as a source of valuable resources. The utilization of the Land Border own in the context of economic-based democracy, to promote the interests of the local community. The management of coastal resources and the border of the river can be done by empowering fishermen, farmers, and small and medium businesses through the program sustainable.

The economic Model not only aims to improve the welfare of society but also ensure that the land remains in accordance with the principles of conservation and environmental law. Therefore, policies that support the rights of indigenous peoples and the economic group of small to manage the land border is crucial. One of the challenges in the protection of the land border is the rise over the functions of the land which is not in accordance with the regulations, such as the construction of commercial property which is detrimental to the environment and ignore the interests of local communities. To overcome this problem, the government needs to strengthen regulation and improve oversight in the utilization of the land border. In addition, a participatory approach by involving the community in planning and spatial management of resources will strengthen the protection of the law against the land border, while supporting the management of the economy based on democracy and sustainable and equitable.

Existing studies on Indonesia's coastal land governance have primarily examined regulatory frameworks or environmental impacts separately. This study addresses a gap by analyzing the interplay

between legal certainty of coastal boundaries, community-based economic management, and local wisdom in areas like Tomini Bay. It provides a normative-legal perspective that integrates national law, customary practices, and democratic economic principles to tackle legal uncertainties and promote sustainability in managing coastal boundary lands.

## **2. METHOD**

This study utilizes normative legal research to analyze the legal framework governing coastal boundary land protection and management, focusing on the gap between legislation and practice, particularly concerning legal certainty, land tenure conflicts, and environmental sustainability in coastal areas. It employs both statutory and conceptual approaches to examine relevant laws, including Indonesia's 1945 Constitution and various land and environmental regulations, identifying issues of normative coherence and regulatory gaps in Tomini Bay's coastal management. The analysis, which does not involve human subjects but instead evaluates the adequacy and effectiveness of existing legal norms, is qualitative and uses legal interpretation techniques. It aims to develop arguments around law enforcement, conflict resolution, land ownership certainty, and sustainability principles in coastal land management.

## **3. RESULT AND DISCUSSION**

### **3.1. Strengthen the social Economy of the Coastal**

Tomini bay stretched like canvas blue life spot embossed day by day. The waves come and go is the cadences which voiced perseverance, ups and downs is a sign that everything in this world is running in balance. People who live at the edge of the sea do not stare at the horizon just as the view, but rather as a pulse which gives them a chance to survive. The sea is the home page, the land border is the base of life, and the salty air that wafted every morning is a promise which is inherited from the fathers to the generations yet unborn.

Life coastal grow with simple face. Small wooden boats to be faithful companions of fishermen who leave at dawn. Pond-pond shrimp and milkfish into the fields of sustenance for the families that rely on salt water. Bustling traditional markets with the cries of the sellers of fish is the stage in which people's economic progress every day. In everyday life, it is clearly visible how closely the relationship between land border, the sea, and humans. But behind the beauty, hidden storm no less real than the waves of the sea.

The land border which is supposed to be a living space together often incarnated event of the clash of interests. The existing regulations are often only present as writing on paper, not as a real protector for the community. Ownership dispute arise such as coral suddenly poking at low tide, making the journey of life is shaken. The land scrape a living space that has been passed down through the generations. Small communities that are already deeply entrenched in the soil of the coastal thus often be the parties most vulnerable, marginalized by the forces of capital and claim.

The protection of the law over the land border stands as the foundation of the survival of coastal communities. Legal certainty is not just a matter of the certificate or limit administrative (Sugito & Sugandi, 2008). Legal certainty is a sense of security when a fisherman repairing his boat without the worry of land in the back of the house will be evicted. Legal certainty is the belief of a mother set up a small stall on the edge of the beach that his business will not collapse by the claims of strangers. Legal certainty is a foothold that enable young people to plan for the future without haunted by fear.

Fishermen who have legal certainty is brave to access credit to buy new nets or motor temple. Farmers who believe their land is protected't dare plant shrimp with intensive systems because they know the result will not be taken for granted. Women's coastal access law which is clearly more confident form of cooperative processing the results of the sea. Legal protection strong as fertilizer for the land border in order to grow a variety of shoots creativity economy.

The economy will not survive if the pursuit of profit shortly. Nature coast is a page brittle demanding gentleness. Abrasion of eroded beaches, sea water intrusion to poison the fields, and mangroves are cut down to make the earth loses his lungs. Economic democracy that is built on top of

the environmental damage like sand castles that collapse easily buffeted by the waves first. The protection of the law of the land border serves as a bastion of sustainability, not only for humans, but also for the nature that sustains life.

The zoning of the coastal is a map that gives direction. People need to know which area that can be used for ponds, where the area should be preserved as green space, and where the area is suitable to be developed as an ecotourism, community-based (Irman, 2021). With the certainty of zoning, community walk in the path of the light, not to mention getting lost in the hallways of uncertainty. Sustainability means keeping coral reefs remains chap, mangrove forests remain green, and the beach remains a space safe for future generations.

Food security of coastal communities is closely related to the sustainability of the ecosystem. Fish caught fishing depends on the health of coral reefs. Productive fishponds require soil that is not contaminated saltwater intrusion. Tourism is a growing need of beautiful and clean beaches (Rumesten et al., 2023). All that just may happen if the land border is protected by law, not only for the sake of short-term, unless for the well being of the long-term.

Economic democracy should not be dependent on one source of income. Diversification is the key to face the storms of life. Ecotourism, community-based into one of the golden opportunities. Tourists do not come to the coast to see a tall building, but rather to feel the warmth of the community, to enjoy the fresh grilled fish, through the mangrove forest by boat is simple, and hear stories about the sea from the lips of the fishermen. This potential can be a source of new life if managed wisely.

The coastal village of managing ecotourism collectively can be a real example. Young children open a simple homestay with a typical menu of the ocean. Mothers sell crafts from seashells or woven traditional. The fishermen who were only sail now also acts as a tour guide, teach how to catch fish by traditional techniques. All profits are divided in a fair manner for the common welfare. Ecotourism is not only open source of income, but also to foster a sense of community love to the environment on their own.

Ecotourism, community-based, gives strong reason for people to keep the environment. Mangrove forests are not cut down because it became a tourist attraction (Keliwar, n.d.). Beach kept clean because tourists come to enjoy the beauty. The coral reef is protected as a home for fish-fish that attract divers. Laws protecting the land borders to ensure that the advantages of ecotourism do not fall into the hands of a mere investor, but remains the property of the community.

The implementation strategy of the protection of the law and the strengthening of economic democracy must be built on the basis of the synergy between local governments, academics, Non-Governmental Organizations (NGOS), and local communities. Collaboration across sectors is the main basis to ensure that economic development is not only a growth-oriented, but also social justice and the protection of the law for a small community. The discussion should be carried out not only in the formal meetings, but also in social spaces such as a village hall, a coffee shop, to the coastal areas popular fishing day. Thus, the voice of the community grass-roots, such as fishermen and housewives, have the same weight, the importance of the policy of public officials. Collaboration of this kind will give birth to the social harmony of an orchestra in which every element of society plays his role to create shared prosperity.

From the side of the law, the foundation of the normative strategy should be based on a number of laws and regulations that already exist. Among them, the Law No. 26 Year 2007 on spatial planning, which in Article 60 affirm the right of people to enjoy the space that is safe, comfortable, productive, and sustainable, as well as in Article 61 requires everyone to comply with plan layout that has been set (Sumarsono, 2021). In addition, Law No. 27 of 2007 jo. Law Number 1 Year 2014 on the Management of Coastal areas and Small Islands, provide a legal basis for the management of coastal areas that is sustainable and equitable, as set forth in Article 7 paragraph (1) which confirms the need for a management plan of the coastal region-based society, as well as Article 35, which prohibit the utilization of coastal areas without a permit or in ways that damage the environment. Other regulations are also relevant is the Law Number 32 Year 2009 on Environmental Protection and Management, especially of Article 69 paragraph (1) which prohibits activities that cause pollution or environmental destruction.

The main problem faced today is the weak implementation of the regulation and law enforcement, although it has been available device regulations are adequate. Violation of the utilization of land border, coastal, and spatial often occur without strict sanctions, indicating the presence of a gap in the supervision and coordination between agencies. Local governments need to strengthen the monitoring mechanism, clarify the administrative sanctions and criminal as stipulated in Article 69 to Article 75 of the LAW of spatial planning, as well as increase the capacity of law enforcement officials at the local level (Naf'an et al., 2024). On the other hand, the empowerment of the community to be an important step so that they become not only the object, but also an active subject in the supervision of the environment and the local economy.

Education law becomes an integral part where the law should not be stopped as a foreign language that is only understood officials. The law should be a simple story that is understood school children, into a warm conversation in the fish market, and into the practical knowledge that leads people to dare to demand their rights (Yuni, 2020). Legal counseling is the torch that illuminates the path of the public in the dark night of uncertainty.

Sanctions and incentives are like two sides of a coin. They are ruining the land border, located in south land in a haphazard fashion, or build without a permit have to face strict sanctions as hard as the waves hit the reef. They are protecting the environment, managing the land in a sustainable manner, and build a business-based community should receive incentives in the form of access to capital, training, and marketing support. The balance between sanctions and incentives to make the law is not just a tool of control, but also a source of hope.

Technology gives new opportunities for coastal communities. Participatory mapping application can help map out the land border accurately. Geographic information systems can be used to analyze the potential for conflict early on. Digital Platform open space for fishing and SMES coast to sell their products to a wider market. Technology presents a bridge connecting the coastal villages with the global world, without having to leave the root of the locality. Travel strengthen the social economy of the coastal never short. He is a long road that demands patience like a fisherman waiting for the grid is full. Every little step is part of mosaic large towards justice and sustainability. No instant change, but no change for sure if the law is upheld, nature guarded, and people are given the space to grow.

The land border is no longer just a line on the map. He is a stage of life, where coastal communities write their own story. The protection the law gives them the right to become the main actors, not the audience on its own soil. Environmental sustainability make sure that this story does not stop in one generation, but rather passed on to children and grandchildren. Economic diversification, community-based, make the story richer, more colorful, and more resilient to face the waves of the changing times. The shadow of a bright future can be seen at the edge of the Gulf of Tomini. Kids running on the beach without fear of eviction. The fisherman went home with a smile because the catch is enough to send their children. Women are weaving the new economy through the village cooperative. Youth find their identity as the guardian of the sea at once an economic driver. Economic democracy is the true grow sturdy as coral, bending like a wave, and as faithful as the sea water always return to the beach.

### **3.2. Organize Legal Certainty in the Land of the Border**

The land border on the coast is a thin line that divides land and sea, but in fact he is a living space that is full of meaning. The line was not just a sign on the map layout, but rather a stage in which the history of the coastal communities written from generation to generation. In the Gulf of Tomini, this line becomes a place of fishermen boat mooring, kids play sand, mothers, drying fish, and indigenous planting the belief that the land is a heritage that should not be missing from the grip. The certainty of the law over the land border into urgent problem, because without the clarity of boundaries and status, life on the coast will always haunted by a sense of trepidation.

The regulations that govern the land border has actually present and a lot of set up for the land border, from the definition, concept, land boundaries, prohibitions and sanctions (Wantu et al., 2024). More clearly described in Table 1.

**Table 1. Regulation and Policy Land Border Beaches in Indonesia**

Name of Regulation	Year / Number	Pasal	The Contents of The Principal Articles Related to The
<b>LAW No. 27 of 2007 jo. LAW No. 1 of 2014 on the Management of Coastal areas and Small Islands</b>	2007 / 2014	Article 31 paragraph (3); Article 3	Article 31 (3): the Government shall establish the border of the beach as part of the planning of the coastal region. Article 3: coastal Management should be based on the rule of law, sustainability, and justice.
<b>Presidential regulation No. 51 Year 2016 about sea Border</b>	2016	Article 2; Article 3; Article 5-6; Article 27	Article 2: the Boundary of the beach minimal 100 m from the point of the highest tides towards the ground. Article 3: the city of compulsory set the bounds of the border through Perda RTRW. About 5-6: Setting consider the topography, biofisik, ecosystem, access to the public. Article 27: Perpres occurred since the promulgation (19 June 2016).
<b>Regulation of the minister of Marine and Fisheries No. 21 2018 about the method of Calculating the Limit of the Border the Beach</b>	2018	Bab II & Bab III	Set the technical methods of counting sea border based on the vulnerability index of the disaster, abrasion, marine flood, physical condition, social, cultural, economic.
<b>LAW No. 5 of 1960 about the Rules of the Policy Trees Agraria (UUPA)</b>	1960	Pasal 2 ayat (1) & (2)	The national master of the earth, water, and natural space for the prosperity of the people. Give the authority arranging the use of the land including the coastal area.
<b>Law No. 32 Year 2009 on Environmental Protection and Management</b>	2009	Pasal 63; Pasal 69	Central and local governments are obliged to protect the environment, including coastal ecosystems. Everyone is prohibited to damage the border is the beach, which have an impact on the environment.

It can be seen that the arrangement of the land border is quite comprehensive but on the reality on the ground is often not running as beautiful as the text of the law. The implementation of the regulation stuck in a weak supervision, overlapping authority, and the lack of coordination between institutions. The land border is often become the land a bone of contention between local communities, local government, private sector, even the state apparatus itself. Certificate of land out without a transparent process, while the indigenous peoples who lived down through the generations it does not have a legal document. The obscurity of this open space of the dispute as if there was no end.

The conflict in the Gulf of Tomini reflects the face frosted law enforcement. There is the tale of the fisherman that his house stood for decades on the seashore, suddenly got a letter of eviction from the big companies that claim the land as his own. There is a story of a family of farmers that the land is criss-crossed by an outside party with the reason for the investment, though there is no socialization or permission of the local community (Obie, 2014). Disputes of this kind raises the social wounds that in, because people feel uprooted from the land that became part of their identity.

The law should be a shield is often perceived as a two-edged sword. When the law sharply down, a small community become a victim. When the law blunt to the top, the violation of a large left without sanctions. This injustice made legal lost their authority in the eyes of society. They start looking at the rules as something distant and foreign, not as friends to protect. The gulf of Tomini save the lesson that the law could not just stand in the ivory tower. The law must be present in a fishing boat, in shrimp ponds, at the fish market, and in the village hall. The legal protection that is true not only entails the regulation is written, but also the implementation of the siding on the community. Without it, the law will continue to be a shadow that never touch the ground.

Legal certainty over land the border requires a synergy between national law and local wisdom. Indigenous peoples have the mechanism of settlement of disputes through consultation, mediation, and consensus together. This wisdom has been proven to keep the harmony for centuries. The integration of the mechanism of customs with the laws of the state will produce a system that is fair and sustainable. The state should not waived the customary law, must instead embrace it as a part of the solution.

Based on that, there are some things become important references in addressing this issue: (1) Integration of national law with local wisdom. The legal system in Indonesia is often run as a dichotomy: the national law stands above the text of the legislation, while the customary law of life in community practices. Idea provided unites the two. State regulation remains the basis of the legitimacy of the formal, but the application takes into account the mechanism of the custom, deliberation, and the mediation of communities. The unification of presenting the legal protection of the more grounded, more acceptable to the public, as well as reducing the social resistance that usually appear when the formal law imposed without a dialog. This is the approach that positions the state not as a ruler who dictates, but rather as partners embraces the local wisdom; (2) Community participation in the edification of the rights to land. Certificate of land is considered as a symbol of a single legal certainty. However, in many coastal areas, certificates are often not owned by the community due to limited access, cumbersome bureaucracy, or high cost. The new idea is proposed based certification social, participatory mapping, as well as the recognition of the rights of indigenous peoples. That is, the community is not just a policy object, but a subject that determines. Participatory mapping gives space for the citizens to show the boundaries of the land, the history of its utilization, and the status of indigenous attached. Thus, the legal document of the country to obtain the “soul” as approved by the community itself; (3) A new definition of legal certainty. The certainty of the law is generally understood as the possession of an official document or the clarity of the written rules. In this idea, the certainty of the law is understood more widely as a real live experience. Legal certainty means a young man dared to build the business of processing fish without fear of being expelled. Legal certainty means a mother can plant the mangrove with quiet because it believes the land will remain there for his grandson. Legal certainty means that society has a collective beliefs that the land border is a legacy that will continue to exist. This new definition of the sliding law than just the text of the legal heading of social reality which gives a sense of security, courage, and confidence; (4) The function of law as a fence protector, not a separation wall. The concept of the law provided no longer positioned as the walls that confine the people of the land, but rather as the fence that protects the house together. Fencing protects without closing access, maintain without separating. This parable describes the law that is not repressive, but rather protective. A just law gives protection to fishermen, farmers, and women's coastal to continue life without feeling threatened. With a position like this, the law not only organize, but also nurturing; (5) Law as a source of hope collective. The law is often viewed as an instrument of power that give rise to fear. The idea of this flip that perspective. Legal positioned as a source of hope, a symbol of harmony between the state, society, and nature. The land border which was to become the source of the dispute is now envisioned as a “page of hope”, a place where people plant the optimism of the future. With this paradigm, the law no longer the dark shadows that haunting, but rather the light that guides. The public finally saw the law as belonging together, not belonging to the elite; (6) The policy direction which a proactive and inclusive. Legal policy is directed not only to regulate, but also gives real access to the community. Certification Program land border involving citizens, the recognition of the rights of indigenous peoples, as well as participatory mapping is a form of partiality concrete. Without the involvement of the community, the law only becomes “the document without a soul”. With the participation, the rules of life ticking along with the needs of the people. This paradigm asserts that the law is not simply the product of the bureaucracy, but a means of liberation and empowerment; (7) The future of law as the foundation of sustainability. This idea asserts that certainty of the law is the foundation that determines the future direction of the coastal communities. The protection of the law justice will allow the community to build a democratic economy, develop ecotourism, keeping the ecosystem, and bequeath land border which is healthy. Future peace can be imagined in the Gulf of Tomini: no longer a dispute, no more small communities who are marginalized, the law is present not as a threat, but rather the best of life. Thus, the law does not only solve the problem today, but also prepare a legacy for future generations.

The circuit idea was born from the land border this shows that the law does not only stand above the text, but also rooted in real life. The integration of national law with local knowledge paved the way for the creation of the justice which is grounded, community participation gives life on a legal document that is often felt stiff, and a new definition of the certainty of the law amending the law than just a writing experience that is felt everyday.

The law serves as a fence protector gives a sense of security without closing space, while its position as a source of hope collective ignite optimism in the middle of the coastal communities. The policy direction which a proactive and inclusive to ensure that the law actually present for the people, not just to decorate the sheet regulations. All that leads us to a vision of the future in which the law became the foundation of sustainability, ensure the life of a just, peaceful, and full of hope for the generations of today and tomorrow. The gulf of Tomini in the end can be seen not just as a landscape, but as a mirror of the nation in arranging the space and the law. There the law is no longer a symbol of fear, but rather the light that guides. There people no longer live in the shadows of the dispute, but rather in the belief that the land they walk on is the page of hope that will be handed down to posterity with full dignity.

### **3.3. The exploitation of Resources and the Challenge of Sustainability in the Gulf of Tomini**

The exploitation of natural resources in the Gulf of Tomini reflects the classic dilemma between the needs of the economy and the sustainability of the ecology. This region, which is located in the heart of the biodiversity of the Indonesian navy, has long been the foundation of life of coastal communities through the sectors of agriculture, fisheries, and coastal mangrove forests. However, economic growth is not balanced with the governance of a good environment has led to enormous pressure on the natural resources (Bakung et al., 2024).

The practice of exploitation such as the felling of mangrove to be the land of ponds, fishing using explosives or poison, and conversion of coastal land into an industrial area lead to the degradation of the environment are significant. This phenomenon is not only threaten the ecosystem, but also interfere with the welfare of local communities whose lives depend heavily on these resources. Damage to coastal ecosystems in the Gulf of Tomini has caused a decline in the productivity of the local economy. Traditional fishermen face a decrease in catches due to the destruction of fish habitat, while farmers and farmers of salt decreased water quality and soil fertility due to sedimentation and pollution.

This situation shows that the onset of the “tragedy of the commons”, as proposed by Garrett Hardin, in which natural resources are jointly exploited because any individual or group seeks to maximize personal profit without taking into account the interests of the collective (Brunnhuber, 2022). In the context of the Gulf of Tomini, the absence of monitoring mechanisms and the regulation of the strong cause coastal resources become vulnerable to exploitation destructive.

By law, the management of natural resources in Indonesia is regulated by various laws and regulations, such as Law Number 32 Year 2009 on Environmental Protection and Management, which emphasizes the importance of the principle of sustainable development (sustainable development). This LAW mandates that every the activities of utilization of natural resources should pay attention to the balance between the interests of economic, social, and environmental (Muhtar et al., 2024). In addition, Law No. 27 of 2007 jo. LAW No. 1 of 2014 on the Management of Coastal areas and Small Islands confirms that the coastal management must be based on the principles of sustainability, justice, and the integration between sectors. However, in practice, the enforcement of this regulation is still weak, especially at the local level, where often overlapping authority between the central government, provinces, and districts. As a result, the law often only become a symbol of normative without the power of implementation in the field.

The problem of exploitation in the Gulf of Tomini can not be separated from the conflict of ownership and control of land borders unresolved by law. Many regions of the southern border of the coastal legal status is not clear, triggering disputes between indigenous communities, the village government, and private parties. The vagueness of the boundaries and the lack of the process of certification of land rights lead to the occurrence of overlapping ownership claims. In the context of the agrarian law, Law Number 5 Year 1960 tentang peraturan dasar Pokok-Pokok Agraria (UUPA) has actually provide a legal basis for mastery of the land in a fair and equitable, including the recognition of the customary rights of indigenous peoples. However, the weak implementation of the BAL in the coastal region make a lot of traditional communities lose access to land and resources during this time they manage to be hereditary.

The conflict of this kind raises the social wounds in which people feel disconnected from their identity. Land and sea is not just economic resources, but also part of the social structure and culture of coastal communities. When people lose the right manage to land the border, they lose not only an economic asset, but also lost symbol the existence and identity of the collective. In this context, the law should be a shield is often perceived as a tool of repression. The law becomes “sharp down, blunt to the top”, in which the small community became a victim of law enforcement that is not fair, while the breach by the party in power often left alone. This phenomenon indicates the occurrence of a “crisis of legitimacy of the law”, that is, when the public no longer trusts the law as an instrument of justice, but rather as a tool of power in favour of a particular group.

Approach-oriented development on economic growth without regard to the carrying capacity of the environment exacerbates this condition. Theoretically, the situation can be explained through the concept of environmental economics (environmental economics) that emphasize the importance of the internalization of environmental costs (environmental cost or documents within an organization). According to this theory, the exploitation of natural resources should take into account the value of the ecological and social environment. When the cost of environmental damage is not taken into account in the process of production and consumption, there will be a market failure, i.e. failure of the market to reflect the true value of natural resources. This leads to excessive exploitation and inequality in the distribution of benefits between economic actors. In the Gulf of Tomini, this situation is evident in the rise of the economic activity of the short-term neglect of the long-term impact on the sustainability of the environment.

In addition to the economic approach, the theory of sustainable development (sustainable development) which was popularized by the Report of the Brundtland (provide a conceptual framework is important in understanding this problem. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Rumesten et al., 2023). In the context of the Gulf of Tomini, this principle requires a balance between the utilization of natural resources for economic growth and the preservation of coastal ecosystems as capital social-ecological. Unfortunately, the policy of development in coastal areas still tend to be exploitative and sectoral, in which large-scale projects such as reclamation, intensive shrimp pond, and the expansion of the maritime industry is often the expense of the interests of the local community.

To create the governance of natural resources is equitable and sustainable, it is important to integrate the system of national law with the local wisdom (local wisdom) coastal communities. Indigenous peoples around the Gulf of Tomini has a long tradition in maintaining the balance of nature through a system of values, norms, and social mechanisms such as custom deliberation, the prohibition of customs (sasi sea), and the collective management of resources.

Local wisdom is actually in line with modern principles in environmental law, such as the principle of participation, the principle of intergenerational justice, and the principle of prudence (precautionary principle). The integration between the formal law of the state and customary law can strengthen the legitimacy of environmental management, because people will feel they have a moral responsibility while the law in maintaining coastal ecosystems. From the perspective of public policy, the approach of co-management or joint management between the government, society, and the private sector into the model that are relevant to be applied in the Gulf of Tomini.

This concept has been widely used in the governance of coastal resources in various countries, such as the Philippines and Japan, where local communities are given the rights and responsibilities in the management of marine resources. This approach is aligned with the mandate of the Government Regulation No. 60 of 2007 concerning the Conservation of Fish Resources, which emphasizes the importance of community involvement in the management of the conservation area. By involving the community as the main subject, not just a policy object, resource management can be more effective and sustainable.

Enforcement of environmental law should also be strengthened to be able to provide a deterrent effect to the perpetrators of the destruction of the environment. Based on Article 69 of Law No. 32 Year 2009, every person shall not perform the destruction of the environment, such as forest fires, hazardous

waste disposal, and the use of explosives in fishing activities. However, the implementation of article in this field is often weak due to limited resources supervision and the presence of a conflict of interest between the law enforcement agencies with economic actors. Therefore, it is necessary the establishment of the institution of environmental monitoring community-based (community-based monitoring), which can act as a supervisor independent of the activity of the exploitation of resources at the local level.

In addition to the legal aspects, social and economic dimensions also need to get the same attention. Strengthening the capacity of communities in the management of sustainable resource can be done through a program of environmental education, training, economic diversification, and the development of business-based ecotourism. Experience in some of the coastal villages in Gorontalo shows that the initiative of the management of the mangrove community-based not only managed to restore the ecosystem, but also increase the income of the residents through activities both natural and processed mangrove. This shows that the principle of sustainability is not just a moral ideal, but it also has economic value if managed properly.

Further, the integration of policies across sectors to be key to the success of the management of the Gulf of Tomini. Local government, relevant ministries, and academic institutions to collaborate in formulating the Plans of Zoning of Coastal areas and Small Islands (RZWP3K) - based scientific data and public participation. This document serves as a guide legal in determining the boundaries of utilization and conservation. Thus, any economic activity in coastal areas can be directed to support ecological sustainability as well as to encourage the welfare of the community.

In philosophical perspectives, the efforts of sustainable management in the Gulf of Tomini also reflects the embodiment of the “the ecology of social justice” (ecological justice), namely the view that the environment and society is an entity that is interdependent and should be treated fairly. This principle rejects the paradigm of anthropocentrism that puts the human being as the center of the exploitation of nature, and replace it with the paradigm of ekosentris that respect the intrinsic value of nature. The application of this principle in public policy can strengthen the environmental ethics as the moral foundations of national development.

Thus, the settlement of the problem of resource exploitation in the Gulf of Tomini demanding the presence of structural reforms in the system of law, governance, and policy development. The state must be present not only as a regulator, but also as a facilitator who ensures justice for coastal communities. Strengthening law enforcement, recognition of the rights of indigenous peoples, the application of the principle of sustainability, and collaboration across sectors is a concrete step to create the resource governance that is fair and sustainable. Only in this way can the Gulf of Tomini can be an example of successful integration between the legal, ecological, and social welfare in Indonesia.

### **3.4. Policy Implications**

The study highlights that effective coastal boundary land management in Teluk Tomini requires more than new regulations; it needs enhanced policy implementation for legal certainty and socio-ecological sustainability. Local governments play a crucial role in translating planning into actionable policies, ensuring clarity in land status, and protecting coastal communities’ living spaces. Strengthening land policy through participatory mapping and social certification is essential to prevent agrarian conflicts. Coastal licensing policies should be tightened with strict supervision and a moratorium on new permits in vulnerable areas, allowing for environmental evaluations. Community involvement in coastal management is vital, with local governments encouraged to promote co-management schemes. Overall, policies must balance legal certainty with social justice, environmental sustainability, and the economic resilience of coastal communities, fostering inclusive management without compromising basic rights and ecosystem capacity.

## **4. CONCLUSION**

Legal protection of coastal boundary land in Tomini Bay faces challenges related to weak implementation of existing laws, resulting in land disputes and unsustainable resource exploitation. The

research suggests enhancing legal certainty through participatory mapping, recognizing customary rights, integrating national law with local wisdom, and fostering sustainable economic governance to balance ecological preservation with community empowerment. It emphasizes the need for law to act as a source of equality and ecological integrity. Limitations of the study include a focus on normative legal frameworks without empirical data, highlighting the need for future research to incorporate socio-legal approaches and comparative studies to better understand coastal land management dynamics.

### **Ethical Approval**

Not Applicable

### **Informed Consent Statement**

Not Applicable

### **Authors' Contributions**

Conceptualization, D.A.B.; methodology, D.A.B., and Z.A.A.H.; validation, Z.A.A.H.; formal analysis, D.A.B., and Z.A.A.H.; investigation and resources, D.A.B.; writing – original draft preparation, D.A.B.; writing – review and editing, Z.A.A.H.; supervision, Z.A.A.H. Both authors have read and approved the final manuscript.

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### **Data Availability Statement**

The data presented in this study are available on request from the corresponding author due to privacy reasons.

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