



Received: March 30, 2022

Revised: April 20, 2022

Accepted: May 28, 2022

Affiliation: Faculty of Law, Universitas Ichsan Gorontalo, Indonesia.

*Corresponding author: Kumala Ilyas, Faculty of Law, Universitas Ichsan Gorontalo, Indonesia

E-mail: safrinjuju@gmail.com

LAW & SOCIAL POLICY | RESEARCH ARTICLE

Utilization of the Coastal Area as a Settlement Area by the Bajo Tribe in Torosiaje Sea Village

Kumala Ilyas*

¹Faculty of Law Science, Universitas Ichsan, Gorontalo, Indonesia. Email: safrinjuju@gmail.com

Abstract: The purpose of the study was to analyze the role of the government in the utilization of the coastal area for the settlement of the Bajo Tribe, Torosiaje Sea Village, and to analyze the empowerment of the coastal community in the Bajo tribe. The research method used in this research is empirical legal research. Sources of data come from primary and secondary data, which are processed through data collection techniques in the form of observation, interviews, and documentation, while data analysis produces qualitative data. The results of the study show that the role of the government is to assist and issue certificates of usufructuary rights so as to strengthen the legal power of the Bajo community's place of residence. The issuance of certificates of use rights in the Torosiaje Sea Village area should be coordinated and agreed upon on the boundaries of the areas included in the Mangrov forest conservation area belonging to the Forestry Service, between village officials, the Forestry Service and the Land Agency before anyone submits an application for the issuance of a certificate of ownership. even if it's just the right thing to use it.

Keywords: Utilization of Coastal Areas, Settlement of the Bajo Tribe

1. INTRODUCTION

The presence of Law No. 23 of 1999 concerning the Regional Government in article 27 paragraph (3) which gives the provincial government the authority to manage and coordinate the utilization of coastal resources as far as 12 nautical miles measured from the coastline towards the sea. Through this article provide authority to utilization big region coast with permanent pay attention balance in area the. By because that, utilization in region waters deserve developed to be more productive while still paying attention to the existence of and the rights of coastal communities in the use of coastal resources as Public which grow and develop in region the.

In addition, with the enactment of Law Number 1 of 2014 so instruments for the use of coastal waters which were originally in the form of Coastal Waters Concession (HP3) was also changed to Location Permit and Coastal area management permit, to carry out utilization activities waters coast Required have permission location and permission management (Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, nd) . Permission Intended location for give permission for utilise room of part of the coastal waters, while the management permit is intended to To do activity utilization source power in region coast (Management of the Coastal Area of Change , 2021) .

Torosiaje village where the Bajo tribe is inhabited is a village in the Popayato District, Pohuwato Regency, Gorontalo Province. which is above the sea water of Tomini Bay and is about 600 meters from the mainland.

People who live and live for a long time have consider that region the is owned by them, as those who live on land, because they have for generations they dwelt in that place. Communities that live within a legal framework are also called customary law communities (Salam, 2016) . Therefore, very required role law in form settings include ownership, mastery as well maintenance so systematically. In this case, land registration guarantees legal certainty over the control and ownership of people living in coastal areas (Salam, 2019) .



Law No. 5 of 1960 concerning Agrarian Principles / UUPA is present to accommodate, in article 19 paragraph (1) it is stated *for ensure certainty law by government held land registration throughout the territory of the Republic of Indonesia according to provisions regulated by Government Regulation*. This ownership arrangement will be the basis government in collecting land and building taxes, granting compensation for taking land for social functions and data collection land ownership. Based on that then Public Bajo think they are entitled to legal certainty over region the place they reside, because so far the place where they live can be used as collateral in the bank, can be traded and even inherited . While until Currently, there are no specific rules governing gift right owned by on region coast.

2. Literature Review

This research is based on previous research, namely Sri Susyanti Nur's in 2015, which was published in the Proceedings of the Multi-Discipline National Seminar on Science and Call for Papers UNISBANK entitled Patterns of control and utilization of coastal waters from generation to generation by the Bajo tribe. The results of the study show that 1) view the sea as belonging to the ancestors who gave life (common poverty concept); 2) its use is marked by ritual ceremonies, customary head permits, and the enactment of unwritten rules related to the use of simple and environmentally friendly fishing gear; Research by Siti Munawiriyah in 2020 with a thesis entitled "Legal Certainty of Land Rights for the Community Traditional in the Coastal Area" The results of the study show that the granting of certificates of property rights to land for traditional communities does not provide legal certainty because it is contrary to the statutory regulations. This research is different from previous research because the object of the research is the role of local government and the legal certainty of land control by the Bajo tribe.

3. Research Method and Materials

The template is used to format your manuscript. Please do not alter prescribed margins, column widths, line spaces, and text fonts. Provided specifications anticipate your manuscript as part of the proceedings rather than a stand-alone document. Please do not modify any of the designations provided. Sub sub-titles should be avoided unless absolutely necessary. Write and save your paper keeping text and graphic files separate until after the text is formatted. Do not use hard tabs, limit use of hard returns to only one at the end of each paragraph and do not add pagination anywhere in the paper. Proceed to formatting once you are done with completing the content and organizational editing. This should include the various sections and subsections of the paper. Figures and Tables should be included as part of the manuscript and not at the end.

3.1. Types of research

Based on research objectives to be achieved, then the research and assessment in this study is to use empirical legal **research** methods, namely research law taken from the facts that exist in a society, legal entity, or government agency (Suratman, 2015) .

3.2. Data Types and Sources.

For this study, the authors used data that relevance to the object of research that is based on book of constitutions, **laws** on agrarian principles and other laws governing indigenous peoples, social welfare, and rights regarding human settlement for indigenous peoples. Data source use:

- a. Primary data, where this data researchers will obtain from research locations through interviews.
- b. Secondary data, namely data that already exists on the object of research, in this case the documents related to problems to be studied, literatures and research results.

3.3. Population and Sample

a. Population.

Population is the whole of the object of observation or object research, so that the respondents in this study is covering the entire population (Ashshofa, 2007) . Thus, the researchers determined the population in this study, namely the Regional Government and related agencies and the Bajo Tribe Community of Torosiaje Village.

b. Sample

According to Mukti Fajar and Yulianto Achmad, the sample is an example from a population or sub-population that is quite large in number and the sample must be able to represent the population or sub population (Mukti Fajar, 2013) . The samples in this study were National Land Agency of Pohuwato Regency, Department of Forestry, Mining and Energy of Pohuwato Regency, Head of Torosiaje Village and Torosiaje Village residents.

3.4. Data collection technique

1. Observation in this study is to make direct observations at the research site.
2. An interview is a meeting between two people to exchange information and ideas through questions and answers.
3. Documentation by collecting information from data sources in the form of reports as well as taking pictures and voice recordings while interviewed by the author directly.

3.5. Data analysis technique

So that the collected data can be traced and provide the correct answer to a problem, appropriate data analysis techniques are needed. Data analysis is the next step in processing research results into a report. Data analysis is an effort to work with data, organize data, sort it into something that can be managed, systematize it, look for patterns and discover, find out what is important and what is learned (Sudarsono, 2008). The data analysis techniques used in this study are: descriptive qualitative analysis technique. In this study, the data obtained by researchers through research activities analyzed qualitatively then presented in a description, namely by parsing, explaining and describe according to the problem and the object of research

4. Results and Discussion

4.1. The Role of the Government in the Utilization of Coastal Areas for Settlement of the Bajo Tribe, Torosiaje Sea Village

In the Preamble to the 1945 Constitution of the Republic of Indonesia, especially in the 2nd and 4th paragraphs, it is clearly understood that local government is a state apparatus that aims to realize the ideals of the state. In order to realize the ideals of the state, local governments are given the power to carry out all government affairs in the regions in accordance with the authority of the regional government. To know the authority of the local government, it is necessary to first know the concept of its authority. The concept of authority can be seen in the Dutch language "bevoegdheid" which means authority or power. In Atmosudirdjo's understanding there is a difference between authority and authority, although in practice the difference is not very visible. Atmosudirdjo understands that authority is formal power in the sense of power that comes from the legislature (power granted by law or administrative authority) (Atmosudirjo, 1994) The concept of authority was also conveyed by Pastor Nicolai who emphasized that authority is the ability to carry out certain legal actions in the sense of actions that cause legal consequences and include the emergence and disappearance of legal consequences (HR, 2006) . M. Hadjon provides the concept that authority is a core concept in constitutional law and state administrative law (Setiawan, 2009) . In M. Hadjon's understanding that all government actions must be based on applicable law. Thus, a

legitimate government action is if it is in accordance with the authority. Furthermore, it is also said that authority can only be obtained in two ways, namely attribution and delegation (Hadjon, 2011). The same understanding was also explained by FAM Stroink and JG Steenbeek (Sadjijono, 2011). Furthermore, Indroharto emphasized that authority is obtained by attribution, delegation and mandate (Indroharto, 2003).

Based on the above understanding, it can be understood that the source of authority is very important for the government in managing a government, because the use of authority is accompanied by legal accountability (HR, 2006). Therefore, in this paper, the concept of authority plays an important role in assessing the government's authority in regulating the protection and management of coastal areas to be used as residential areas for the community. Referring to the opinion of Nicolai and Philipus M. Hadjon and Indroharto who emphasized that the source of authority can be derived from 3 (three) forms, namely assignment, delegation and mandate. In addition, Hadjon noted that authority is a core concept in HTN and HAN, which essentially means that the government must rely on applicable laws in its actions. It can be understood that a state action is legal if it is based on a law. Thus the concept of authority is very thick with aspects of legality. In short, it is understood that the law gives authority to act and there is no authority to act. If the government takes action that has legal consequences, it will pass or it will disappear. Thus it can be said that the government's authority to act has legal consequences or does not have legal consequences.

In connection with the above-mentioned authority to protect and manage coastal areas, it is also very important that this authority is also delegated to state and district/city governments. In the protection and management of coastal areas, local and district/city governments play a very important role, so that a regional legal product is needed that regulates the protection and management of coastal areas. The basis for determining this regional legal product is the promotion of the spirit of regional autonomy through the utilization of the potential that exists in each region. However, the formation of regional legal products can be prevented by the provisions of Law Number 12 of 2011:

1. There must be authority from the legislators;
2. The necessity of conformity of the form or type of legislation with the material regulated;
3. Must follow certain formation procedures;
4. The requirement does not conflict with higher laws and regulations.

These principles are very important in the design of legal products because local legal products must include the spirit of regulation according to the procedures for creating regulations per law that can be followed by the community and make the community happy and prosperous for the benefit of the community society public. Therefore, in the protection and management of coastal areas, it is very appropriate to encourage and support regional autonomy through the formation of regional legal products that are in accordance with regional potential (Suharjono, 2014).

The concept of protection is also an important topic in the discussion of the protection and utilization of coastal areas. Understanding of the concept of legal protection cannot be separated from understanding the concept of the rule of law. In the concept of the rule of law, legal protection is one element of the rule of law. Legal protection is the obligation of the state to provide legal protection to every citizen. Legal protection can also be described as a legal function, both as a regulatory function and as a law enforcement function to achieve justice and legal benefits (Salam, 2019). In addition, the concept of legal protection was emphasized by Satjipto Rahardjo who emphasized that legal protection in the context of human rights is defined as the protection of human rights that are violated by other people and the community gets protection for the rights granted by the law (Raharjo, 2000). In addition, M. Hadjon understands that the concept of legal protection is the protection of dignity and respect for human rights based on legal provisions. Hadjon also added that legal protection is a collection of rules or regulations that can protect the community (Rahardjo, 2013).

Based on the concept of authority and the concept of legal protection above, with regard to the authority of local governments in regulating the protection and use of residential land in coastal areas, it can be seen within the limits of authority that have been regulated in laws and regulations. In the context of regulation, every formation of legal regulations as a form of legal protection to the community, the basis of authority is an important point in a process of law formation. In addition to basing on the basis of the authority of a legal formation, it is also based on sociological facts or the needs of the community for the legal product.

4.2. Registration

Recording in the land register cannot be separated from the deed. The document is an acknowledgment of land ownership since the time of the Ottoman Caliphate based on Article 1737 of the Islamic Civil Code. In other countries too, such as the United Kingdom, the document is an acknowledgment of the right to the land itself, as regulated in the Land Register Act. Legal certainty is a right that must be given by the government (State) to all Indonesian people without except this is based on the 1945 Constitution Article 28D paragraph (1) which reads "everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law" (Noldin, 2011) While based on 1945 Constitution Article 28H Paragraph (1) "every" people have the right to live in physical and spiritual prosperity, to live, and get a good and healthy living environment (Noldin, 2011) . Based on the above legal basis, the government has guaranteed that every citizen has the right to obtain legal certainty without exception. However, this is different from what happened by the Bajo people who live in Torosiaje Sea Village, where the government in this case the local government only give the right to use the house owned by the community Bajo tribe without a certificate or without an agreement written. This is what causes concern or concern for the Bajo people in the village of Torosiaje Sea apa if one day the government will move the community Bajo tribe to land like what happened a few years ago.

Based on the results of the author's interviews with various villages, Torosiaje Sea on behalf of Reza Restu Weiratama who is the author do, he said that:

"There are houses owned by the community in Torosiaje Sea Village that have certificates but only in the form of use rights mats, even if someone wants to apply for a certificate of ownership, for example, still a problem in the village This Torosiaje from the village has discussed this before to the local government, but until now it has not been found the middle point with the reason that the house owned by the village community Torosiaje This sea is above the sea is difficult to measure breadth." (Interview with Seki Desa Torosiaje Sea, Mr. Reza Restu Weiratama on April 21, 2021)

Added to the results of the author's interview to one of the Bajo tribal communities and is the traditional head in the village of Torosiaje the sea on behalf of Mr. Sangsang Pasangre what the author did, he said:

Other Bajo people's houses in this village still have different treatment because some have certificates, but **many** are not like me. Even though I have lived in my house in Torosiaje Sea village for a long time and this is which raises my good concern as well other communities if one day the government takes decisive action to move them ashore without except for" (Interview with Customary Chief in Torosiaje Sea Village, Mr. Sangsang Pasangre on April 22, 2021)

Based on this, according to the related author, there is still an uneven distribution of use rights certificates that only some of the Bajo tribal people in Torosiaje Sea Village have, especially if the basis for the rights listed on the certificate is only the right of use which has a certain period of control over it. Like the provisions contained in Law Number 5 of 1960 concerning Basic Regulations the main points of Agrarian Article 41 paragraph (1) "the right to use is the right to use and/or collect the proceeds of the land under control directly by the State or other people's land, which gives the authority and obligations specified in the decision to grant it by the official

authorized to give it or in an agreement with the owner of the land, which is not a lease agreement or a land management agreement, everything so as not to conflict with the soul and the provisions this law (Harsono, 2008) .

While the granting of usufructuary rights can be granted "for a certain period of time or as long as the land is in use". for certain purposes, free of charge, with payment or provision of services in any form. And granting rights use may not be accompanied by conditions containing elements of extortion. The characteristics of the Right to Use:

1. Land use is temporary;
2. Promised not to fall to the heirs;
3. Can be transferred with permission if State land, and made possible by agreement if the land is owned;
4. Can be released, so that it returns to the State or owner (Arba, 2015) .

Based on the above provisions, if it is harmonized through the author's observations in the field, it is found that there are still some rights The Bajo Tribe communities that have not been fulfilled are related to:

1. Unequal ownership of rights use it on the house they live in as if it didn't exist certificate or written agreement between the local government and the Bajo people regarding the settlements they live in occupy
2. There is no clear time limit regarding how long the Bajo Tribe can stay in a house that is only give us the right to use Padal in the provisions of the law there is a time limit for the right to use can be agreed for 20 years or can be extended for 30 years or as long as the land used for other purposes.
3. House in the sea village Torosiaje can be used as collateral in the bank and this is contradictory with the provisions of the law related to the right to use it cannot be agreed at the bank especially with the help of using a proof letter payment of taxes and also a certificate from the village that it is true that the house belongs to the community.
4. House in the village torosiaje can also be passed on to the heirs even though regarding the provisions related to the right to use, it is clearly regulated that it cannot be imposed to the heirs.

Based on the results of interviews that the author did to Bajo Tribe community on behalf of Mr. Asman Mamenga who the author did.

"The house I live in is a legacy from people my lord, which has been bequeathed to me. If we or there are Bajo people who want to borrow money at the bank can use their house as collateral to make a loan using proof of payment taxes or by bringing a certificate from the village that It's true that the house belongs to the resident and lives in the village Torosiaje Sea" (Interview with Mr. Asman Mamenga as a community member in Tororsiaje Sea Village on 21 April 202)

Based on this, the author concludes that the registration of rights to the use of the Bajo tribal settlements in Torosiaje Sea Village is carried out unevenly and has made many deviations from the provisions of the Act.

The authorized representative plays an important role in land registration up to the final proof of ownership. As in Article 5 of the Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration, this land registration is carried out by the National Land Agency. However, in terms of land registration in the Bajoe area, there are several agencies that play an important role. Based on the results of interviews with the Head of the Department of Land Management and Arrangement of the National Land Agency of Pohuwato Regency that:

"Region settlements of the Bajo Tribe Community Torosiaje Sea Village in Tomini Bay is still a regional area Mangrove Forest, which means that it is in the control area Pohuwato District Forestry Service, so there should not be any certificate right owned by in on soil the. However, region in the area, other certificates or certificates in the form of Hak Use are issued as long as the Department of Forestry want to release area the he continued. But until moment this Service Forestry still maintain region the Becomes region areaforest mangroves. You can also

attach proof of PBB payment and a statement from the village head” (Mr. Lindaryam Jahja as Head of the Land Agency Office of Pohuwato Regency, Interview on April 25 2021)

Based on this statement, it is in line with the opinion expressed by Mr. Iskandar Datau as the Head of the District Forestry Service. Pohuwato, that:

“The Torosiaje Sea Village area is mostly a mangrove forest area, under the supervision of the Forestry Service based on the appointment through the Minister of Forestry Decree no. 434/MENHUT-11/2009. However, prior to the issuance of this decree, there were already other appointment letters, such as the determination of forest use and RT RW in 1999, which were later renewed. However, if the initial designation as an area actually existed from the Dutch era. So this area has always been under the authority of the Forestry Service.” (Interview with Mr. Iskandar Datau, as Head of the Pohuwato District Forestry Service on 2 May 2021)

Based on this statement, it is very clear that the residential area in the Torosiaje Sea village area is currently under the supervision of the forestry service and has existed for a long time. However, this is not in accordance with the statement of the village head of Torosiaje Sea who said so,

“We only learned about the Torosiaje Sea Village area in the last few years, even the sub-district head only knew about it. From the past, the people who live in Torosiaje Village have never been notified that this area is the territory of the Forestry Service. What 's more, the Bajo Tribe has lived there for generations, but there is no claim from the Forestry Service. But the forestry service also cannot provide certainty about the boundaries of its territory. So, people are also confused which one is actually the area of the Forestry Service. Later, when people apply, it will be known that this is a forest area, hearing information from the BPN. But from the past there has never been a notification.” (Interview with Mr. Uten Sairullah, S.Pd as Head of Torosiaje Sea Village on 23 April 2021)

According to the author, according to observations in the field and hearing the statement from the Head of the Torosiaje Sea Village, both the local government and the community did not know that the area was a protected area. Mangrove forest, mainly because this settlement is located above the sea, especially the area of Torosiaje Sea Village has expanded from year to year, so it is only natural that people want to register their territory to obtain a right of use certificate, especially if it will be used to make loans at the bank in order to increase their income level where the loans can be used to buy boats, for example, which can be used as public transportation for village communities and other people who want to visit their village. Coupled with the attitude and treatment of the Land Office of Pohuwato Regency which has never refused to the residents of Torosiaje Sea Village to issue a right of use certificate if it has been given permission by the father.

4.3. Territorial Reclamation and Planning

a) Reclamation

The land reclamation that took place in the Bajo tribal settlement area, Torosiaje Sea village, began in 1935. The area that was originally inhabited by the Bajo tribal community was a water area, but gradually began to emerge as land, this became influenced by two factors, namely natural factors and human factors. According to Pak Asman Mamensa, the existence of this land initially appeared without knowing the cause, but recently new lands have emerged that are deliberately created by people living in coastal areas. The life of the indigenous Bajo tribe. This is in line with the statement of Mr. Sangsang Pasangre, one of the traditional leaders of the Bajo tribe, Torosiaje Sea village who said this:

“Since moving to their current place of residence when they return from earning a living, there are several residents who have taken the initiative buy heap little by little. Until finally, if after noon several locations in this village have even become mainland apart from the receding waters, the location of the settlements they live in is quite long, so it is not surprising that at certain times under their house they are in the form of land.” (Interview with Mr. Sangsang Pasangre as the customary head in Torosiaje Sea Village, on May 2, 2021)

With the expansion of the settlements of the residents of Torosiaje Sea Village by Public around, little by little the area became land. For example, the settlement where Mr. Sangsang Pasangre lived, at certain times the water had receded become land. In addition, several government programs also play a role in the formation of land around the Bajo area of Torosiaje Sea village, such as Lalape beach, Trikora village which borders this village, such as hoarding that occurred when this port was built and has a direct effect on settlements in Torosiaje -Area, the sea and its ecosystems, especially mangrove forests. Based on the results of an interview with the Head of the Settlement and Settlement Service of Pohuwato Regency based on the statement of the Regent of Pohuwato that the beach is formed from the Torosiaje sea coast to several coastal areas to the mainland at low tide. Therefore, new plantings in this area are inevitable. Because many parties play an important role, especially the government.

Based on the Regional Map of the Forestry Service, most of the population settlements in the Poayato area are mangrove forests. Especially for the Bajo Tribe who live in the Tomini Bay Coastal Area, almost all of them are mangrove forest areas. because this area was originally directly connected to the beach, but part of this coastal area was used as a bridge embankment and was preserved by the government. This also has an impact on the settlements of local residents, almost half of which are now in the form of land.

b) Territory

The Torosiaje Sea Bajoe Village area is a very strategic area which is not only the center of sub-district activities but also a place for sea traffic because it is a location for port development. In addition, this region will receive the impact of urban population growth which is increasing day by day. Based on data from the Housing and Settlement Office of Pohuwato Regency, the area most affected by population growth is Podayato District, including the Bajo Tribe in Torosiaje Sea Village, which will maintain the influence of city residents. Growth. Based on urban population growth data for the last five years, it looks very significant. In 2019, the population of Torosiaje Sea village (Tanete Popayato and West Popayato sub-districts) was 1,442 people, and in 2018 there were 1,296 people. This shows that the population in the Torosiaje Sea Village area (Tanete Popayato and West Popayato Subdistricts) has experienced a population increase of 146 people, or an average population growth of 1,734 people per year, for the last 5 (five) years. (Department of Housing and Settlements Kab. Pohuwato, 2021, Detailed Spatial Planning and Zoning Regulations of Kec. Popayato-Pohuwato)

The more development something region so the planning must also pay more attention to the results Interview with Mr. Maulidin Botutihe, ST wrong one Head land sector, Housing area and residential areas Regency Pohuwato that:

"Region Tororsiaje Sea Village Even though it is located on a vast expanse of sea and there is still a lot of land to be used as a residential area, it must still pay attention to its arrangement. Because it must not be forgotten regarding the potential of Gorontalo Province which is prone to earthquakes so that it must minimize or anticipate the arrival of a tsunami, it is necessary to arrange arrangements in their settlement areas." (Interview with Mr. Maulidin Botutihe, ST as Head of the Land Division at the Department of Housing and Settlement Areas, Popayato District, Pohuwato Regency, on April 24, 2021)

According to the author agrees with what is said by the Department of Housing and Settlement Areas Kab. Pohuwato, look at the condition of the regional arrangement Torosiaje Sea Village this enough pay attention because the population growth is quite rapid so that the settlements of rural residents seem slum. Good because birth, or because a lot of comer which began to settle in the village of Torosiaje Sea. The arrangement of this area is indeed quite difficult, because many certificates have been issued. But this is a mangrove forest area. Meanwhile, Land Affairs issued a certificate because it did not know that the area was a mangrove forest area. Meanwhile, the forestry service did not prohibit the issuance of certificates because they were not aware of any evidence of ownership in the area. Due to the large number of property rights granted in this area, the forestry service has now submitted an application for a settlement location to the Ministry of Forestry and Environment. For areas that include settlements, they are requested to be removed from the area. However, this is uncertain. Because they have to wait for a decision from the center.

With regard to regional planning, the Office of Spatial Planning, Housing and Settlements is therefore only trying to organize the area in Podayato sub-district, Pohuwato sub-district, especially in Torosiaje Sea village, as much as possible. However, cooperation with other relevant agencies is required. Because each agency has its own role, but cannot be separated from other agencies.

From the description above, it is very clear that the Bajo tribal settlement area of Torosiaje Sea village is a mangrove forest area under the control of the forestry service, but the area is used as a residential area in the planning as it is. very difficult to defend the area.

Although the Torosiaje Sea village area has many use rights and is still maintained as a forest area, of course it will cause a lot of problems because the people protest because they consider the area their own. Rights, especially for indigenous peoples who have lived in the area for generations, await the final application for regional registration and issuance of certificates. Therefore, planning for Poayato Regency requires the cooperation of various parties, both government agencies and local communities.

4.4. Community Empowerment

The basic authority to regulate the protection and management of coastal areas is based on Article 18 (6) of the Constitution of the Republic of Indonesia which affirms the right of local governments, regional regulations, and other regulations to implement autonomy. and help function. In this context, local governments are empowered to issue local regulations for the protection and management of coastal areas at the city level. In addition, the regulation of protection and management of coastal areas is also regulated in Article 33 of the 1945 Constitution of the Republic of Indonesia, which stipulates that the earth, water and natural resources contained therein are controlled and used by the state, as far as possible for the prosperity of the people. The norm of Article 33 of the 1945 Constitution of the Republic of Indonesia means that existing natural resources are used as much as possible for the benefit of the community. In this context, natural resources in coastal areas are also utilized as much as possible for the benefit of the community, especially coastal communities. To realize the welfare of coastal communities, coastal areas need to be managed professionally by involving the community based on the values of existing local wisdom. The definition of community-based utilization is a system of natural resource management in a place where local communities are actively involved in the process of utilizing coastal areas, which can be carried out with structural and non-structural approaches. Involving local communities in the use of coastal nature allows local community access to realize the welfare of local communities while improving people's lives and advancing villages around the coast (Fabionto, 2014) .

Based on what is regulated in the 1945 Constitution of the Republic of Indonesia, it shows that basically the government is obliged to manage every economic resource contained in the territory of Indonesia, to then be used and utilized for all Indonesian people as much as possible. purpose of enjoying. and realizing people's independence in a just and sustainable manner, balanced in the unity of the national economy. Management of coastal areas is also regulated in Law 27 of 2007 concerning Management of Coastal Areas and Islands which has been amended by Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal

Areas and Islands. The role of the community in the management of coastal areas is regulated in the Minister of Marine Affairs and Fisheries Regulation Number 40/PERMEN-KP/2014 concerning community participation and management of coastal areas and islands. The existence of regulations for the use of coastal areas is the basis for active participation in the use of coastal areas.

In the Regulation of the Minister of Maritime Affairs and Fisheries Number 40/PERMEN-KP/2014 in particular Article 1 point 5 emphasizes that community participation in coastal area management is the concern and participation of the community, both physical and non-physical, directly or indirectly, on the basis of their own awareness or on the basis of guidelines for the management of coastal areas. (Minister of Maritime Affairs and Fisheries No. 40/PERMEN-KP/2014 concerning Community Participation and Empowerment in the Management of Coastal Areas and Small Islands, nd) The form of community participation in the management of coastal areas is through planning, implementation and monitoring. In this context, coastal communities play an important role and are empowered by laws and regulations to utilize coastal areas in accordance with local customs and habits. For good and successful management of coastal areas, the government within the scope of its power is obliged to strengthen communities, especially coastal communities, based on their potential and characteristics, as well as analyze community needs by paying attention to social aspects, economic, cultural and ecological conditions.

Based on the concept of competence based on the analysis of the laws and regulations described above, the state and district/city governments have the basic authority to make legal agreements regarding the protection and use of coastal areas for both settlement and other matters. directed at the public interest. The right legal product for the regulation of community coastal protection and management is the Gorontalo Province Regional Regulation (Perda) Number 4 of 2018 concerning the Development Plan for Coastal Areas and Small Islands.

Juridically the concept of community is regulated in Article 1 number 32 of Law Number 1 of 2014 Emphasizing that the community is a community consisting of the common law community, local communities and indigenous peoples living in coastal areas and small islands. The conceptual difference between common law communities emphasizes a group of people who have lived in a particular area for generations because of their ancestors, strong ties to land, territory, natural resources, as well as common law institutions and arrangements. The concept of local community emphasizes a group of people who live their daily lives according to customs that are accepted as generally accepted values, but are not completely dependent on coastal resources. The concept of a traditional community is a traditional fishing community whose traditional rights are still recognized in the practice of fishing or other legal activities in the waters of the archipelago based on the rules of international law of the sea. Thus, coastal communities can be understood by indigenous peoples, local communities and indigenous peoples.

Based on the results of this study, it can be seen that the utilization of the municipality in the coastal area of Torosiaje Sea village is uneven. Many coastal areas with development potential are not managed properly, so that in some coastal areas in Torosiaje Sea Village, the people still live in poverty. The model for using community-based coastal settlements (*community-based development*) has the following advantages:

1. Environmental functions in coastal areas are maintained, sustainable and sustainable.
2. Increasing the income of coastal communities.
3. Increase active participation of coastal communities based on local wisdom values.
4. The development of coastal areas is centered on coastal communities and is no longer based on the state or government.
5. Access to coastal resources is widely open to coastal communities, not exclusively in the hands of the government.
6. Priority of development and management of coastal areas in accordance with the needs of coastal communities.
7. The benefits of coastal resources can be directly enjoyed by coastal communities.

Based on the benefits above, strengthening the development of community-based coastal area management models. Because the results of research in Torosiaje Sea Village, which is still a coastal area of Podayato District, Bajo Tribe Traditional Village, have a positive impact on the community, perhaps it is more traditional as an example of independence. Villages are seized and used when

coastal areas are used for community settlements. With the active participation of coastal communities who are also indigenous Bajo communities covering an area of 200 hectares (2 KM²) from Torosiaje Sea village, the marine area is still being mapped regionally by the provincial BPS. residential location on the seafront covering an area of 20 hectares, a cultivation area of 25 hectares, plantations, or agriculture with an area of 25 hectares and a mangrove forest with an area of 130 hectares with a population of up to. In 2019, 1,442 people and 419 families have the potential to become foreign tourist attractions as part of strengthening the Bajo tribal community in accordance with the potential, character, community and socio-cultural needs to achieve independence in their area to achieve independence and achieve recognition of the use of coastal areas

5. Conclusion

The Role of the Government in the Utilization of Coastal Areas for Settlement of the Bajo Tribe of Torosiaje Sea Village in this case the Pohuwato District Forestry Service, Pohuwato District Land Office, Pohuwato District Housing and Settlement Service Office and the Torosiaje Sea Village Government, namely assisting and issuing use rights certificates so as to strengthen the legal power of the place. live in the Bajo community. The issuance of certificates of use rights in the Torosiaje Sea Village area should be coordinated and agreed on the boundaries of the areas included in the Mangrov forest conservation area belonging to the Forestry Service, between village officials, the Forestry Service and the Land Agency before anyone submits an application for the issuance of a certificate of ownership. even if it's just the right to use it.

References

- Arba. (2015). *Hukum Agraria Indonesia*. Sinar Grafika.
- Ashshofa, B. (2007). *Metode Penelitian Hukum*. Rineka Cipta.
- Atmosudirjo, P. (1994). *Hukum Administrasi Negara* (Cetakan Ke). Ghalia Indonesia.
- Fabionto, P. T. B. (2014). Konsep Pengelolaan Wilayah Pesisir Secara Terpadu dan Berkelanjutan yang Berbasis Masyarakat. *Jurnal Teknologi*, 11(2), Hlm. 2054-2058.
- Hadjon, P. M. (2011). *Pengantar Hukum Administrasi Indonesia, Introduction to The Indonesia Administrative Law*. Gajah Mada University Press.
- Harsono, B. (2008). *Hukum Agraria Indonesia (Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya)*. Djambatan.
- HR, R. (2006). *Hukum Administrasi Negara*. Grafindo Persada.
- Indroharto. (2003). *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara*. Pustaka Harapan.
- Mukti Fajar, Y. A. (2013). *Dualisme Penelitian Hukum (Normatif dan Empiris)*. Pustaka Harapan.
- Noldin, I. (2011). *UUD RI 1945*. Pustaka Tanah Air.
- Pengelolaan Wilayah Pesisir Perubahan. (2021). [Http://Abrianto05.Blogspot.Co.Id](http://Abrianto05.Blogspot.Co.Id).
- Permen Keseaan Dan Perikanan No. 40/PERMEN-KP/2014 Tentang Peran Serta Dan Pemberdayaan Masyarakat Dalam Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil.
- Rahardjo, S. (2013). *Permasalahan Hukum di Indonesia*. Alumni Bandung.
- Raharjo, S. (2000). *Ilmu Hukum*. PT. Citra Aditya Bakti.
- Sadjijono. (2011). *Bab-Bab Pokok Hukum Administrasi*. LaksBang PRESSindo.
- Salam, S. (2016). Perlindungan Hukum Masyarakat Hukum Adat atas Hutan Adat. *Jurnal Hukum Novelty*, 7(2), 209–224.
- Salam, S. (2019). Land Registry: Communal Rights Certificate and the Problem in Indonesia. In J. S. Robbi Rahim, Ansari Saleh Ahmar, Rahmat Hidayat (Ed.), *WESTECH 2018: Proceedings of 1st Workshop on Environmental Science, Society and Technology* (pp. 462–483). European Alliance for Innovation. <https://doi.org/10.4108/eai.8-12-2018.2283977>
- Setiawan, Y. (2009). *Instrumen Hukum Campuran (Gemeenschapelijkrecht)*. Grafindo Persada.
- Sudarsono. (2008). *Metode Penelitian Hukum Indonesia*. Alfabeta Bandung.

- Suharjono, M. (2014). Pembentukan Peraturan Daerah Yang Responsif Dalam Mendukung Otonomi Daerah. *DiH: Jurnal Ilmu Hukum*, 10(19).
<https://doi.org/10.30996/dih.v10i19.281>
- Suratman, P. D. (2015). *Metode Penelitian Hukum*. PT Gramedia Pustaka Utama.
- Undang-Undang Nomor 1 Tahun 2014 Tentang Perubahan Atas Undang- Undang Nomor 27 Tahun 2007 Tentang Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil.