

PROBLEMS OF MANGROVE FOREST DEFORESTATION WITH THE STATUS OF OTHER USER AREAS FOR THE DEVELOPMENT OF RESIDENTIAL AREAS AND POND ACTIVITIES IN KOTABARU REGENCY FROM A CRIMINAL PERSPECTIVE

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Abstract: The purpose of carrying out this journal is to find out that deforestation of mangrove forests in Kotabaru Regency carried out by the community is an environmental crime and they want to know the sanctions that can be imposed on perpetrators of mangrove forest deforestation in Kotabaru Regency which cause damage to the mangrove forest ecosystem.

The results of this writing are that the act of deforestation of mangrove forests in Kotabaru Regency, South Kalimantan Province is caused by the local government's RTRWK inventory process being less than thorough because there are still mangrove forests that are included in residential areas and fisheries cultivation areas. Furthermore, the act of mangrove deforestation is a criminal act of environmental destruction because it pollutes and destroys the surrounding environment, destroying mangrove forests, and destroying the mangrove ecosystem.

Normative research type, doctrinal legal research type using philosophical thinking by finding a concept, research approach, statutory approach, and conceptual approach. Prescriptive nature of research types and primary secondary and tertiary research.

There are still mangrove forest plants based on the author's research which are located on the sea coast of Silver Street, Semayap Village, Kotabaru Regency which extends to the Semayap Village housing complex which is a residential area in the RTRWK Kotabaru Regency is located in a residential area, so the author can conclude that the regional government's inventory process in the RTRW process is not thorough enough and the need for the RTRWK to be revised again, as well as the sea coast area, city boundaries, the village of Stagen District. Kotabaru with the presence of fish and shrimp ponds included in the RTRWK for cultivation areas, the writer can conclude that the regional government inventory process in the RTRW process is not thorough enough and the RTRWK needs to be revised again so that the writer concludes that the local regional government is also responsible for the deportation carried out by residential business actors. and pond cultivation on the side of Silver Street,

Semayap Village, Kotabaru Regency up to the Semayap housing complex as well as fish pond cultivation on the coast at the city limits of Stagen Village, Kec. North Sea Island District. new city. The current impact is that this location often floods when the sea water is at high tide. The act of deforestation of mangrove forests in Kotabaru Regency, South Kalimantan Province is an environmental crime. Sanctions that can be imposed on the perpetrators are Article 98 paragraph (1) of the Law of the Republic of Indonesia Number 32 of 2009 concerning Protection and Management of the Environment Article 35 Letter e of the Republic of Indonesia Law Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and article 73 letter b of Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and the regional government should be asked for criminal liability in article 112 and article 113 UUPPLH.

Keywords: Crime; Deforestation; Kotabaru; Mangroves.

1. INTRODUCTION

Based on data from the South Kalimantan Province Maritime and Fisheries Service, the area of mangrove forests in South Kalimantan is 106,967 hectares. Of that number, 27,749 hectares are critical without a mangrove ecosystem (Epaper (Media Indonesia), 2023). "The extent of damage to conservation areas, especially mangrove forests, reached 20 percent of the 111 thousand hectares of total conservation areas in South Kalimantan. The damage to mangrove forests was caused by deforestation for fish pond activities, farming, and illegal logging, as well as other economic activities. Apart from that, tenure conflicts in This conservation area are still high (Susanto, 2021). The critical level of the mangrove ecosystem in Kotabaru district is 55,236.22 ha Damaged 4,773.82 ha Not Damaged 50,462.40 ha (Baharuddin & Salim, 2020) The clearing of mangrove land for ponds, settlements, special ports, coal barge moorings, agriculture, and plantations has increased the potential for damage and criticality of mangrove land in South Kalimantan. This is due to economic factors that encourage society without thinking about the environmental consequences, even though the consequences of environmental damage and environmental disasters have a very big influence that hampers the larger economy. even though mangrove forests (mangroves) have a function, namely the ecological function of mangrove forests, such as maintaining the stability of the coast from tidal waves, abrasion, and seawater intrusion, cleaning (remediation) of pollutants, a place to capture and store (sequestration) carbon, maintaining the authenticity of the habitat, a place for nesting, spawning and rearing of various species of fish, shrimp, shellfish, birds and other fauna, as well as forming land.

The socio-economic function of mangrove forests can be used as building wood, firewood, plywood, paper pulp, wood for furniture and handicrafts, tannin, medicinal ingredients, and dyes, and also has socio-cultural functions as an area for conservation and education., ecotourism and cultural identity (Bismark, Subiandono, & Heriyanto, 2008).

Speaking from the housing business actors and fish and shrimp farming business actors, of course, the mangrove forest encroachment has received permission from the regional government because apart from the location being by the RTRWK and APL it can be used for community business activities even though the location is in a mangrove forest area, of course this activity is part of environmental damage. From this problem, the question arises:

- 1) In determining the RTRWK, the local government did not survey the mangrove area, so the mangrove location was included in a residential or industrial area.
- 2) Who is responsible for the damage to mangroves, deforestation activities, residential development, and pond cultivation?

Based on the phenomenon above, the author is interested in studying it through research with the title Problematics of Mangrove Forest Deforestation Have Apl Status as Development of Residential Areas And Tambak Activities In Kotabaru District From A Criminal Perspective.

2. METHODS

This type of research is normative legal research, namely legal research carried out by examining library materials or secondary data (Soekanto & Mamuji, 2013) Types of Normative Research According to Peter Mahmud Marzuki, normative legal research is a process of discovering legal rules, legal principles, and legal doctrines to answer the legal issues being faced (Marzuki, 2007). The type of research approach is the statutory approach (statute approach), or conceptual approach (conceptual approach) Legislative approach (statute approach) is carried out by reviewing all laws and regulations relating to the legal issue to be studied (Soekanto & Mamuji, 2013), Prescriptive nature of research. This research uses primary legal material sources consisting of basic norms, namely the 1945 Constitution and statutory regulations regarding forest and environmental management, including:

- 1) Law Number 32 of 2009 concerning Environmental Protection and Management
- 2) Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands
- 3) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia number 11 of 2021

concerning procedures for preparing, reviewing, revising, and issuing approval for the substance of provincial, regency, city spatial plans and detailed spatial plans

- 4) Regulation of the Minister of Environment of the Republic of Indonesia number 02 of 2013 concerning guidelines for implementing sanctions.

Secondary legal materials support primary legal materials in the form of scientific works that discuss forest management and law enforcement. Tertiary legal materials are legal materials that explain primary legal materials such as legal dictionaries and Indonesian dictionaries.

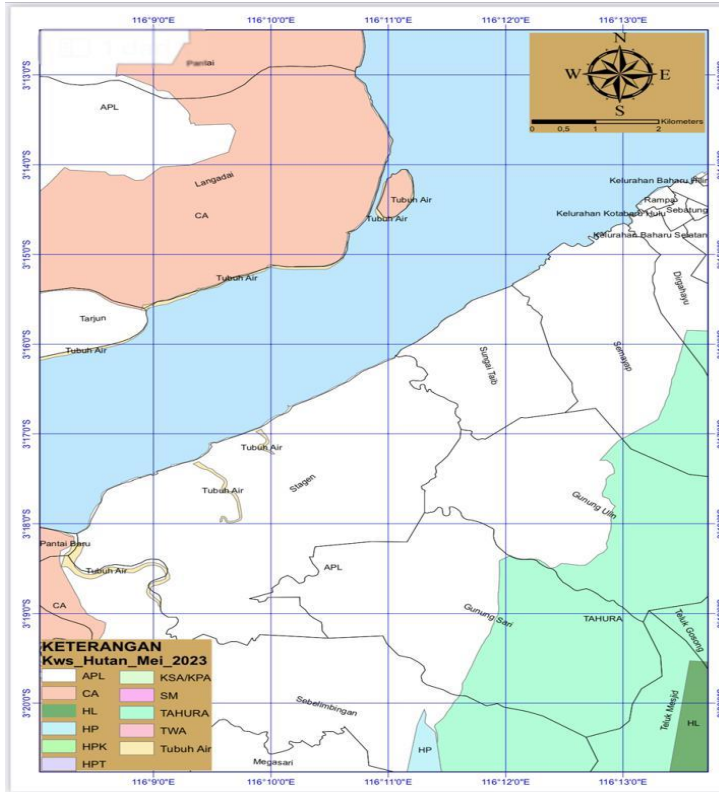
3. RESULTS AND DISCUSSION

3.1. Process for determining RTRWK Kotabaru Regency includes mangrove forest areas, resulting in the deforestation of residential areas and pond cultivation areas

Before the author discusses the criminalization of business actors who carry out deforestation of mangrove forests (Mangroves in the APL area), of course, we must first know the mechanism for issuing the RTRWK, where according to the author the publication of the RTRWK determines mangrove forests as residential areas, this is the forerunner for business actors to do this. mangrove forest encroachment activities at that location, the further publication process is as follows The process of preparing provincial, district, and city RTRW as intended in Article 4 letter (a) includes the following stages:

- 1) Preparation for drafting
- 2) Data and Information Collection
- 3) Data processing and analysis
- 4) Formulation of conception and
- 5) Preparation of draft regional regulations regarding provincial, district, and city RTRW.

The process for the final results of the Regency RTRW is to be signed by the governor through a recommendation from the director general.



1.1 image of forest area map based on Minister of Forestry Decree Number 435 of 2009 concerning the Delimitation of Forest Areas in South Kalimantan Province, Kec. PL. North & Sigam District. new city.

The map next to the map legend, explains that under the white map image is the APL area located on the coast, while the orange color is conservation, the light green color is production forest, while the dark green color is protected forest, the location of the coastal area with the white mark is located at The sub-districts of North Sea Island and Sigam Island, where the coastline contains mangroves, are partly converted into residential areas, aquaculture, special ports and docks for large ships.

1.2 image of the coastal image map of the district. Sigam Sea Island and North Sea Island were obtained from the PUPR District Service. New city.

That is based on Figure 1.1 map of forest areas based on the Decree of the Minister of



Forestry Number 435 of 2009 concerning the Delimitation of Forest Areas in South Kalimantan Province, Kec. PL. North & Sigam District. Kotabaru coastal district. Sigam Sea Island and North Sea Island were obtained from the PUPR District Service. Kotabaru is an APL but based on Map 1.2 image map of the coastline of the District. Sigam Sea Island and North Sea Island were obtained from the PUPR District Service. Kotabaru, a coastal location, is covered with mangrove forests, but this has been partially reduced because it can be seen that there are fish farms in the form of ponds, settlements, special ports, and others.

1.3 image of the Kotabaru RTRWK map obtained from the Kab PUPR Service. New city.

- 12) Kpem Urban: Urban Residential Areas,
- 13) Pelsus: Special Port

If you look at Picture 1.1 which shows the APL (another user area) picture 1.2, which is a satellite image map of activities in the mangrove forest, and Picture 1.3 which is a district spatial planning map if seen based on the Image Map of Stagen Village and Jalan Silver Semayap Village up to The Semayap village housing complex has residential construction and a fish pond cultivation location in the mangrove forest area so that there are still mangrove forest plants based on the author's research located on the coast of Jalan Silver, Semayap Village, Kotabaru Regency which extends to the Semayap village housing complex which is a residential area in the RTRWK Kab. Kotabaru is located in a residential area, so the author can conclude that the inventory process in the local government data and information collection process is not thorough enough and the RTRWK needs to be revised again, as well as the sea coast area, the city boundaries, the village of Stagen Kab. Kotabaru with the presence of fish and shrimp ponds included in the RTRWK for cultivation areas, the writer can conclude that the inventory process in the data and information collection process of the regional government is not thorough enough and the RTRWK needs to be revised again so that the writer concludes that the local regional government is also responsible for the deportation carried out by the perpetrators. residential and pond cultivation businesses on the side of Jalan Silver, Semayap Village, District. Kotabaru up to the Semayap housing complex as well as fish pond cultivation on the coast at the city limits of Stagen Village, Kec. North Sea Island District. new city. The current impact is that the location often floods when the sea water is at high tide. On the economic side, this activity is a development activity for the regional government, but the government must also think about the ecological side, where the impact that arises if the location is flooded at high tide.

3.2. The concept of punishment for perpetrators of deforestation of mangrove forests in Kotabaru Regency which have APL (Other User Area) status for residential development and pond cultivation activities

Construction of residential locations and land clearing for fish and shrimp ponds, construction of special ports, ship repair shops/boat docks as well as construction of residential areas by converting mangrove forests is very high in Kotabaru Regency. The main factors causing the destruction of mangrove forests in Kotabaru Regency are the socio-economic pressures of the population and market demands which encourage activities to clear mangrove areas or deforestation. The deforestation of mangrove fields has resulted in the construction of residential areas, special ports, the

construction of pond cultivation in the fisheries sector, the construction of special ports and barge ship workshops (boat docks) as well as the encroachment of mangrove forests by using mangrove wood as the basic material for foundations of houses on swamps or house materials, of course, it has consequences. environmental damage. From monitoring in the field, much of it is caused by deforestation carried out by residential and pond cultivation business actors on the side of Jalan Silver, Semayap Village, Kotabaru Regency up to the Semayap housing complex as well as fish pond cultivation on the coast at the city limits of Stagen Village, Kec. North Sea Island District, new city.

To avoid environmental damage and pollution, it is necessary to establish legal regulations as guidelines for implementation, which later became known in the form of the PPLH law. Environmental protection and management as an interaction that must be carried out is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision, and law enforcement. (Article 1 number 2 UU.PPLH).

There are two types of punishment for environmental crimes against perpetrators of environmental damage, namely in the narrow sense and in the broad sense. Environmental crimes in the narrow sense are criminal acts as intended in Law Number 32 of 2009 concerning UPPLH, while criminal acts in the broad sense are as intended in other special laws as intended. regulated outside the Criminal Act of the PPLH Law, namely Law number 4 of 2009 concerning Mining, Republic of Indonesia Law no. 39 of 2014 concerning Plantations, Law no. 18 of 2008 concerning waste management, Law no. 5 of 1990 concerning KSDA, Law number 17 of 2008 concerning shipping, Republic of Indonesia Law no. 18 of 2013 concerning P3H, Republic of Indonesia Law no. 41 of 1999 concerning Forestry, Law of the Republic of Indonesia Number 7 of 2004 concerning Water Resources, Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism, Law of the Republic of Indonesia Number 27 of 2007 concerning Management of coastal areas and Small Islands, Law of the Republic of Indonesia Number 31 of 2004 concerning Fisheries where environmental law enforcement is not only based on the UUPPLH alone in the positive APH law (law enforcement officials can use these regulations as a criminal construction to prove criminal offenses to prevent and overcome environmental damage.

To implement the preservation of environmental functions, it is necessary to control environmental pollution and/or damage, which has so far been carried out in many human activities to utilize environmental resources (Alamendah, 2010). So that it doesn't impact human life, it needs to be controlled. Control as intended in Article 13 of the Law. PPLH includes:

- a. prevention;
- b. countermeasures, and
- c. recovery.

Control of environmental pollution and/or damage must be carried out by the Government, Regional Government, and those responsible for businesses and/or activities by their respective authorities, roles, and responsibilities.

Environmental pollution will cause losses and these losses can occur in the form of (Erwin, 2015):

- a. Economic and social losses (economic and social in the jury)
- b. Sanitary hazards

According to its category, pollution can be divided into:

- a. Chronic, where damage occurs progressively but slowly
- b. Surprise or acute; Sudden and severe damage, usually arising from an accident.
- c. Dangerous; with severe biological losses and in the presence of radioactivity genetic damage occurs.
- d. Catastrophic; here the death of many living organisms and perhaps the living organisms will become extinct.

Meanwhile, environmental damage is the action of a person that causes direct or indirect changes to the physical, chemical, and/or biological properties of the environment so that it exceeds the standard criteria for environmental damage.

Law enforcement is a coercive effort by the State through its law enforcement officials so that the provisions of statutory regulations, namely Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) are obeyed by the community.

Other sanctions can also be in the form of fines, namely by paying a predetermined amount of money, or administrative sanctions can also be imposed, in the form of:

- a. Written warning; This sanction is given if the government's mistake is still in the minor category and is in the first stage of the mistake.
- b. Government coercion; If a mistake is repeated, the government will take coercive action to do something that is the obligation of the person who made the mistake.
- c. Freezing of environmental permits; If an environmental actor or activity actor commits a mistake that is serious enough to have an impact on environmental pollution and/or damage, the government will freeze the

- environmental permit with a time limit for the permit to be withdrawn if the environmental actor has carried out his obligations.
- d. Revocation of environmental permits; The government's environmental permit is revoked if the environmental actor or activity actor does not pay attention to the provisions that have been set or has committed serious violations repeatedly and there is no will to correct them.

Lack of public awareness of the function and use of mangrove forests on the seashore of Kotabaru Regency. So people converted mangrove forest areas which have the main function as areas for preserving plant and animal diversity into milkfish and shrimp pond areas from 1999 to 2017 and are the community's livelihood. Many people traded in mangrove forest areas for fish ponds and shrimp and residential development (Tokan, 2020) is an act of deforestation.

Some of the residents of Kotabaru Regency have a relatively low educational background and level of legal awareness and the majority earn their livelihood as farmers, laborers whose economic level is low and on average they do not have permanent employment, conditions that make it very possible for them to carry out actions that violate the applicable law. by carrying out illegal logging to meet daily needs, but it does not rule out the possibility that these loggers are financed by entrepreneurs/capital owners.

One other cause is that there are residents who buy and sell mangrove forest areas by selling land certificates in the form of seals which can make it easier for people to deforest, law enforcers still don't understand that even though the area is still an APL, of course, there are other regulations to punish deforestation perpetrators. . Apart from that, the regional government, namely the relevant SKPD, grants permits for business activities in mangrove forest areas. This is due to the spatial layout of the district's RTRWK. Kotabaru in the form of Production Forest Cultivation Areas, Land Fisheries Cultivation Areas, Dry Land Agricultural Crop Cultivation Areas, Plantation Perennial Crop Cultivation Areas, Large Industrial Areas, Medium Industrial Areas, Protected Areas, Rural Settlement Areas, Urban Settlement Areas, Special Ports.

Deforestation of mangrove forests Production Forest Cultivation Areas, Land Fishery Cultivation Areas, Dry Land Agricultural Crop Cultivation Areas, Plantation Perennial Crop Cultivation Areas, Large Industrial Areas, Medium Industrial Areas, Protected Areas, Rural Settlement Areas, Urban Settlement Areas, Special Ports result in the following: the following things (Salim M. P., 2023):

- 1) Soil Erosion, Mangrove forests function as a barrier to soil erosion in coastal areas. When these forests are damaged, the surrounding land becomes

vulnerable to abrasion and erosion by seawater, resulting in land loss and land degradation.

- 2) Floods and Sea Water Intrusion, Mangrove forests help control floods and sea water intrusion onto land. Damage to mangrove forests can increase the risk of flooding and result in seawater entering which damages agricultural land and clean water supplies.
- 3) Habitat Destruction, Mangrove forests are home to a variety of unique plant and animal species. Destruction of mangrove forests can lead to the loss of this habitat, threatening the survival of the many species that depend on them.
- 4) Disruption to Coastal Ecosystems: Mangrove forests play an important role in coastal ecosystems, and damage can disrupt biogeochemical cycles, reduce aquatic productivity, and disrupt food chains.
- 5) Decrease in Fish Production, Mangrove forests function as breeding grounds for many types of fish. Damage to mangrove forests can cause a decrease in fish production and economic losses for fishermen.
- 6) Community Livelihoods: People living around mangrove forests often rely on these natural resources for their livelihoods, including fishing and crab catching. Damage to mangrove forests can threaten their economic life.
- 7) Vulnerable Coastal Settlements Mangrove forests also function as natural fortresses that protect coastal settlements from storms and tsunamis. Damage to mangrove forests can make settlements more vulnerable to natural disasters
- 8) Carbon Emissions, Mangrove forests store large amounts of carbon. Damage or deforestation of mangrove forests can release this carbon into the atmosphere as greenhouse gas emissions, contributing to global climate change.

The residents' beliefs are quite reasonable. Even though mangrove bark is categorized as organic pollution, if left to continue it can cause river sedimentation. Also, allowing the sap to leach into the water in large quantities can cause death to aquatic animals, especially those that are unable to adapt.

According to various academic studies, mangrove forests are fish spawning areas (nursery grounds). If the mangrove forest is damaged, one of the fish's life cycles will be interrupted due to the loss of spawning locations and nutrient sources. The impact of mangrove logging also affects wildlife around the concession. There are porpoises (*Orcaella brevirostris*) and proboscis monkeys (*Nasalis larvatus*). These two protected animals are often found in concession areas (Fachrizal, 2012).

The existence of 2 (two) interests, namely ecological interests and economic interests which do not work synergistically, has resulted in a conflict of interest between the Kotabaru district government which represents ecological interests, and residential

business actors, fish farmers, special harbor business actors and tag butt and barge service business actors.

Punishment for deforestation into residential areas and fish pond cultivation cannot use the P3H Law and the BKSDA Law because these areas are ARL (Other User Areas) because business actors also have permits obtained from the local government for each of their business activities, both Residential development activities and fish or crab pond cultivation activities. This is a legal issue that refers to the P3H Law that enforces the law only in forest areas designated by the government, namely Minister of Forestry Decree number 435 of 2009 concerning the designation of South Kalimantan forest areas or Administrative Map of the Kotabaru forest area number 8110. Likewise with the Environmental Law because Each activity has of course obtained a UKL/UPL or AMDAL or in the form of an environmental permit issued by the regional government.

The concept offered by the author regarding the actions of business actors regarding the deforestation of mangrove forests for residential areas and pond cultivation is a criminal act as intended in Article 35 letter e of Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands:

Article 35

In utilizing Coastal Areas and Small Islands, every person is directly or indirectly prohibited from:

- a. mining coral reefs which causes damage to the coral reef ecosystem;
- b. take coral reefs in conservation areas;
- c. using explosives, toxic materials, and/or other materials that damage coral reef ecosystems;
- d. using equipment, methods, and other methods that damage the coral reef ecosystem;
- e. using methods and methods that damage the mangrove ecosystem which is not by the characteristics of Coastal Areas and Small Islands;
- f. carry out conversion of mangrove ecosystems in cultivation areas or zones that do not take into account the sustainability of the ecological function of coasts and small islands;
- g. cutting down mangroves in conservation areas for industrial, residential, and/or other activities;
- h. using means and methods that damage seagrass beds;
- i. carrying out sand mining in areas which technically, ecologically, socially, and/or culturally cause environmental damage and/or environmental pollution

- and/or harm to the surrounding community;
- j. carrying out oil and gas mining in areas which technically, ecologically, socially, and/or culturally cause environmental damage and/or environmental pollution and/or harm to the surrounding community;
- k. carrying out mineral mining in areas which technically and/or ecologically and/or socially and/or culturally cause environmental damage and/or environmental pollution and/or harm to the surrounding community; as well as
- l. carry out physical development that causes environmental damage and/or harms the surrounding community.

The act of deforestation of mangrove forests in Kotabaru Regency, South Kalimantan Province which resulted in pollution and destruction of the environment is a criminal act of pollution and destruction of the environment as regulated in articles 98 and 99 of the UUPPLH where there is damage to the environment as regulated in Article 1 point 14 of the Law. Number 32 of 2009 concerning Environmental Destruction is the action of a person who causes direct or indirect changes to the physical, chemical, and/or biological properties of the environment so that it exceeds the standard criteria for environmental damage. This concept is the same as the criminalization of corporations whose land has forest fires and land, even though the company has environmental and other permits, if a forest fire occurs which causes environmental damage, articles 98 and 99 of the UUPPLH can be applied.

Illegal logging/clearing mangrove forests to make materials for houses or building special harbors are actions that can cause damage to mangrove forests. This violates Article 69 paragraph 1 Letter A of the UUPPLH which states that everyone is prohibited from doing so. carry out acts that result in pollution and/or destruction of the environment.

Article 97 of Law Number 32 of 2009 concerning Environmental Destruction states that criminal acts in this law are crimes. Deforestation of mangrove forests which causes damage to mangrove forests can be subject to Article 98 paragraph (1) of the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management, namely: Every person who deliberately carries out an act that results in exceeding the ambient air quality standard. water, seawater quality standards, standard criteria for damage environment, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiahs) and a maximum of IDR 10,000,000,000.00 (ten billion rupiahs).

Apart from using Articles 98 and 99 of UUPLH, APH (law enforcement officials) can impose sanctions on deforestation of mangrove forests as stipulated in Article 73 of Law of the Republic of Indonesia Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands.

Article 73

- (1) Sentenced to a minimum imprisonment of 2 (two) years and a maximum of 10 (ten) years and a fine of at least Rp. 2,000,000,000.00 (two billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah) any person who intentionally:
 - a. carrying out coral reef mining activities, taking coral reefs in conservation areas, using explosives and toxic materials, and/or other methods that result in damage to the coral reef ecosystem as intended in Article 35 letters a, b, c, and d;
 - b. using methods and methods that damage the mangrove ecosystem, converting the mangrove ecosystem, cutting down mangroves for industrial and residential activities, and/or other activities as intended in Article 35 letters e, f, and g;
 - c. use methods and methods that damage seagrass beds as intended in Article 35 letter h;
 - e. carry out sand mining as intended in Article 35 letter i.
 - f. carrying out oil and gas mining as intended in Article 35 letter j.
 - g. carry out mineral mining as intended in Article 35 letter k.
 - h. carry out physical construction that causes damage as intended in Article 35 letter l.
 - i. not carrying out disaster mitigation in Coastal Areas and Small Islands caused by nature and/or people resulting in disasters or deliberately carrying out activities that can result in disaster vulnerability as intended in Article 59 paragraph (1).
- (2) If damage as intended in paragraph (1) occurs due to negligence, the person will be punished with imprisonment for a maximum of 5 (five) years and a fine of a maximum of IDR 1,000,000,000.00 (one billion rupiah).

Based on the principle of special rules overriding more general rules (*lex specialis derogate legi generali*), the imposition of sanctions for the act of mangrove deforestation which damages the ecosystem of the mangrove forest is subject to Article

35 letter e of Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and Article 73 Letter b of Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and if these activities cause environmental damage due to exceeding the environmental damage quality book, then every person can apply Article 98 and Article 99 UUPPLH.

Apart from law enforcement that can be carried out against perpetrators of mangrove forest deforestation in Kotabaru Regency, several efforts can be made to overcome the destruction of mangrove forests, namely that supervision must be carried out both by the Regional Government, especially the Forestry and Environment Service, as well as the Police, as well as supervision and legal education. and must involve the community so that the destruction of mangrove forests does not happen again. Apart from that, the Regional Government of Kotabaru Regency should also be responsible for deforestation where the government in the Kotabaru RTRWK inventory includes mangrove forests in residential areas and fish pond cultivation and/or special ports as well as ship docking activities, where penalties can be subject to Article 112 of UUPPLH Any authorized official who deliberately does not supervise the compliance of the person in charge of business and/or activities with statutory regulations and environmental permits as intended in Article 71 and Article 72, which results in environmental pollution and/or damage resulting in loss of human life, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah) and/or Article 113 UUPPLH Any person who provides false, misleading information, omits information, destroys information, or provides incorrect information required in connection with the supervision and enforcement of laws relating to environmental protection and management as intended in Article 69 paragraph (1) letter j shall be punished. with a maximum imprisonment of 1 (one) year and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

4. CONCLUSIONS

1. There are still mangrove forest plants based on the author's research, which are located on the sea coast of Jalan Silver, Semayap Village, Kotabaru Regency which extends to the Semayap village housing complex which is a residential area in the RTRWK Kab. Kotabaru is located in a residential area, so the author can conclude that the regional government's inventory process in the RTRW process is not thorough enough and the need for the RTRWK to be revised again, as well as the sea coast area, city boundaries, the village of Stagen District. Kotabaru with the presence of fish and shrimp ponds included in the RTRWK for cultivation areas, the writer can conclude that the regional government inventory process in the RTRW

process is not thorough enough and the RTRWK needs to be revised again so that the writer concludes that the local regional government is also responsible for deforestation carried out by residential business actors. and pond cultivation on the side of Jalan Silver, Semayap Village, Kab. Kotabaru up to the Semayap housing complex as well as fish pond cultivation on the coast at the city limits of Stagen Village, Kec. North Sea Island District. new city. The current impact is that this location often floods when the sea water is at high tide.

2. The deforestation of mangrove forests in Kotabaru Regency, South Kalimantan Province, is an environmental crime. Sanctions that can be imposed on the perpetrator are Article 98 paragraph (1) of Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management article 35 letter e of the Law Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and article 73 letter b of Law of the Republic of Indonesia Number 27 of 2007 concerning Management of Coastal Areas and Small Islands and the regional government should be asked for criminal liability under article 112 and article 113 UUPPLH.

5. SUGGESTION

1. The government should immediately change the District's RTRWK. Kotabaru and removing mangrove forests from residential areas and fisheries cultivation and other business activities so that there is no more deforestation carried out by business actors and the solution is to re-forest mangrove forests in these areas and not issue any more business permits in those locations.
2. APH (law enforcement officials) should process all mangrove forest deforestation activities so that they can have a deterrent effect on the perpetrators, as a means of controlling permits by local governments and dealing with flood disasters where the implication is that the mangrove forest ecosystem can be preserved.

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Journal

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Regulation of the Minister of Environment of the Republic of Indonesia number 02 of 2013 concerning guidelines for implementing sanctions.

Data

Monitoring results in the form of documentation and photos at the Silver Road location, Semayap Village.

Map of forest areas based on the Minister of Forestry's Decree No. 435 of 2009 regarding the Establishment of South Kalimantan Province Forest Area in North PL. & Sigam, Kotabaru Regency.

Coastal image map of Pulau Laut Sigam and Pulau Laut Utara Subdistricts obtained from the Kotabaru Regency Public Works and Housing Department.

Kotabaru RTRWK map obtained from the Kotabaru Regency Public Works and Housing Department.

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