

Harmonization of International and National Law in Managing the Marine and Fisheries Resources to Promote Sustainable Development

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Abstract

The theme of the international seminar is *Sustainable Development and International Law*. From this theme, the writer derived the specific topic regarding the management of marine and fisheries resources in its connection with the international law of the sea. Environmental management is undoubtedly an inseparable concept to be considered when discussing about the marine and fisheries resources. Managing environment must be done by giving an exact amount of attention to the environmental development. Moreover it also needed to seek dynamic balance between human, as individual and part of society, with its environment. Regarding this, global development should not only consider the cost and benefit ratio concept or market mechanism, but also the social cost in order to ensure the progress of sustainable development. Ecological sustainable development is one of the efforts to construct a safe, fair, peace and prosper Indonesia. This could be achieved if the government deigns to respond the strategic environmental management in global, regional as well as national framework. It means that the environmental management must be laid on the principal of sustainable use and conservation of resources to prevent ecological, economical and cultural loss. To meet this end, it needed a harmonization between national and international law instrument; and in this case is the National Law No. 45/2009 about fisheries which is the completion of Law No. 31/2004 and the UNCLOS 1982. The Law No. 45/2009 has both local and global dimension, since it accommodates the aspect of local autonomy, along with the provision stated in UNCLOS 1982. However, the implementation of this said Law could also generate problems, i.e. in substantial aspects, infrastructural and local culture which in one point might affect relation with another country. In this regards, the harmonization between international and national law is one possible solution.

Key words : Harmonisasi Sumber Daya Kelautan dan Perikanan, Sustainable Development