

Blue Justice to Counter Threats on Ocean Health

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Submitted: 31-07-2024; Reviewed: 08-08-2024; Revised: 25-11-2024; Accepted: 15-01-2025

DOI: 10.18196/jphk.v6i1.23454

Abstract

Issues of ocean health have become serious threats due to the possibility of damage and quality deflation in Indonesian oceans. From a national defense Fatohoint of view, issues of Indonesian ocean health can fall into national vulnerability and caution. This paper, furthermore, aims to describe and draw justification for the urgency of values and implementation of blue justice to counter ocean health. Normative legal research was applied by means of qualitative analysis of legislation and conceptual variables. According to the research, threats to ocean health could have negative impacts on marine ecosystems, leading to defects in national economic, socio-cultural, defensive, and security systems. In response to the threats to ocean health, littoral societies, thus far, took part in minimum roles, and their existence was unheeded. To tackle the current problem, blue justice is presented, paying attention not only to ecological sustainability in its practice but also to a strong emphasis on social justice that includes relevant parties involved in the management of oceans. It must include littoral societies and fishermen as their lives are strongly dependent on marine resources, which is already and clearly defined in the legislation. In the implementation of blue justice, governments need simultaneous strategies with systematical, integrated, and sustainable efforts, especially in the prevention of any threats to ocean health. Implementing blue justice properly can lead the nation to a blue economy and ensure that oceans are well-protected for the next generation.

Keywords: Blue justice; State threats; Ocean health

1. Introduction

Oceans are important to all people around the world, and all countries have the same interest in their existence, specifically, those who possess and do not. Each of the countries needs to make use of the marine resources for the sake of the state's needs and, to be more contextual, Indonesia. As one of the hugest archipelagic countries, 2/3 of its area is oceans. In fact, this huge ocean space contains wealth and strategic values for such life dimensions as politics, economy, socio-culture, defense, and security, all of which are set as basic capital for national development [1]. In addition to ocean wealth and strategic values, oceans play crucial roles for Indonesia as they provide mineral resources, mining products, and marine resources that can produce consumable protein resources as additional supplies to ones found in terrestrial animals and vegetables [2].

Natural resources and strategic values possessed in a state can be managed and used properly by the state only if oceans are sustained, well-protected, and highly able to support the sustainability of life inside. Further, it means that the ocean situation needs to be safe and free from threats, such as violence, navigation, marine resource loss, and legal violence [3].

The existence of a safe ocean, especially in the fisheries industry and marine tourism sectors, has significantly contributed to the growth of the state economy through the recent decades. Both sectors have become a significant source of income for the state through taxation, merits, and other acquisitions [4]. The development of fisheries and marine tourism sectors has also created opportunities for job seekers, such as in the primary sector (i.e., fish capture and cultivation) and secondary and tertiary ones (i.e., fish management, tourism, and trading). Further, the development of fisheries and marine tourism sectors also serves to encourage investment for the development of support infrastructure, such as harbors, docks, transportation networks, and tourism facilities. In the end, it has positive impacts on the growth of the economy towards the other support sectors.

However, both of the aforementioned sectors will also cause marine pollution and defects. As per the data of Ocean Health Index (2021) and Sustainable Ocean Economy Country Diagnostic of Indonesia [6], the Indonesian Ocean Health Index score in 2022 constituted 63, which, in fact, was below the world's average index score, 69 out of 100. In fact, plastic waste was found to be the most polluting object in the Indonesian marine space. In addition, climate change, marine life defects, destructive overfishing, and littoral development with dense and active mining activities are seen as the destructive factors of marine ecosystem degradation [7]. The marine ecosystem can be defined as interactional complexity among living organisms, such as fishes, planktons, and other living marine creatures, and a marine environment that includes physical and chemical conditions, along with its external factors, like climate and pollution. In this ecosystem, living organisms are integrated lively in the food chain and solid life network, with all species possessing crucial roles for whole ecosystemic balance.

Degraded marine ecosystem as the most crucial issue for Indonesian ocean health based on the national defense perspective may cause national vulnerability and caution. The alertness of national caution has been a part of the national system in the state administration in order to protect the continuity of the national life from any threats, including one on the marine ecosystem. Furthermore, protecting the life of marine ecosystems is crucial since it provides life with ecosystemic benefits, such as food resources, oxygen, climate regulation, tourism, and other ecosystemic services [8].

In addition, preserving marine ecosystems has been legally included in Act No. 32 of 2009 on Environmental Protection and Management (UUPPLH), as it is clearly enacted in it regarding environmental protection and management, including marine life, complete with its provisions, monitoring systems, law enforcement, and social participation for environmental protection. In addition, it has been stipulated by Act No. 26 of 2007 on Spatial Management that enacts spatial planning and management in the seaboard and stipulates the provisions of sustainable marine space use based on the environmental aspects. By doing so, sustainable ecosystemic preservation and management, as enacted in the legal acts, is of immense necessity in order to sustain Indonesian marine life and people's welfare.

To counter ocean threats, strategic plans, and integrated and systematic actions are needed to sustain marine resources and protect the environment from defects and pollution. One of the strategic plans to counter ocean health threats is to present blue

justice. The concept of blue justice exists in response to worry about ocean health threats. Blue justice, in fact, is a developing concept that counter-narrates blue growth or blue economy that shows a tendency to elevate the intensity of marine resource exploitation [9].

Compared to the literature study, the blue justice topic can be comprehensively studied in a book revised by Svein Jentoft et al. entitled "Blue Justice: Small-scale Fisheries in a Sustainable Ocean Economy." The book discusses injustice experienced by small-scale fishers and pinpoints, at once, the field practice of blue justice upon them [10]. A paper with a similar topic can also be found in the article of Milena Arias Schreiber et al. entitled "Blue Justice and the Co-Production of Hermeneutical Resources for Small-Scale Fisheries" in the Marine Policy Journal. The article discusses epistemic justice over small-scale fishers and offers an interdisciplinary approach to elevating collective hermeneutical resources and blue justice [11]. In addition, an article written by Radityo Pramoda et al. entitled "Blue Justice Policy Approach for Small-Scale Fisheries Management in Natuna Regency" included in the Journal of Marine Socio-Economic and Fisheries Policies also pronounces the same highlights as that of in the previous one. The article also studies blue justice in relation to fisheries management. The different point is that the latter focuses more on studying the specific implementation of blue justice in the Natuna marine space [12]. Meanwhile, this paper differs from previous research in terms of what issues to be overcome. If the previous highlighted blue justice in relation to small-scale fishers, the current article is on the context of countering the ocean health threats, which also denotes the core and novelty of the research.

To limit the discussion, the article's goal is to describe the blue justice principle based on the marine life context and to illustrate how the urgency of values and implementation of blue justice is in anticipation of ocean health threats. Thus, the current article is highly expected to contribute to the body of knowledge about blue justice that is currently developing.

2. Research Methods

Normative legal research was used for the current research. The design was employed to justify defects that occurred in marine life, qualitatively and prescriptively, based on the nature of legislation. As a matter of fact, the legislative approach was used as the primary approach, with a conceptual one to support it. Also, a conceptual approach was used to elaborate on variables and principles of blue justice. Legislation, furthermore, was arranged as primary legal material, while the compilation of literature study was the secondary one in support of the accomplishment of the current article.

3. Results and Discussion

3.1 Blue Justice Principle

The blue justice principle signifies an approach to integrate social justice with environmental sustainability, especially in accordance with marine ecosystems and resources. This concept emerges due to the need not only for environmental protection but also to ensure that any actions related to marine activities will not make certain societies suffer and put them at huge loss unfairly.

Environmental sustainability, in this case, refers to blue sustainability that pinpoints the preservation of marine ecosystems that contain coral reefs, mangrove forests, and fish, all of which remain highly crucial for the natural life balance and human welfare. However, environmental policies that are implemented to achieve these goals can bring about bad consequences for people who are highly dependent on marine resources, such as fishers and littoral people [13].

The term 'blue justice' was first presented by Moenieba Isaacs at the 3rd World Small-Scale Fisheries Congress 2018 in Thailand. Isaacs opined, "Blue justice is a concept situated in social justice for small-scale fisheries that contest the exclusion and marginalization of small-scale fishers. Blue justice is also a call for collaborative research between academics, civil society, nongovernmental organizations and practitioners" [10]. In other words, blue justice, according to Isaacs, constitutes a concept that highlights social justice for small-scale fisheries that still promotes the inclusion of small-scale fishers. In addition, blue justice encourages academicians, civil societies, NGOs, and practitioners to carry out collaborative research on blue justice. Social justice itself can be referred to as a condition where everyone or a group of people have the same right to contribute to the social life fairly.

According to Isaacs' narration, a number of discussions and papers from any realm study blue justice. For example, Jessica L. Blythe et al. wrote *Blue Justice: A Review of Emerging Scholarship and Resistance Movements*, which was conceptual literature about blue justice and grassroots resistance movement against social injustice in the seaboard community [14]. In addition, the writing emphasized the necessity of meaningful acknowledgment and involvement besides fair access, use, management, and utilization of marine and coastal resources.

In the article, Suhana summed up the core points related to social injustice based on Jessica's point of view, including (1) inequality of distribution of economic benefits, policies, and initiatives of blue growth that tend to get concentrated more on economic benefits for rich and ruling actors, with low-incomed people remained marginalized; (2) spatial eviction towards small-scale fishers and indigenous people; (3) violence and slavery in fisheries; and (4) unfair exposure towards harmful wastes and toxic pollutions [15].

Injustice towards the littoral people is actually the provoking factor of why blue justice exists. If it is affiliated with issues of marine life, the participation of the littoral people in managing the ocean is so crucial and highly needed as they are supposed to receive balanced portions as those in the marine sector.

We all know that people around the seaboard, Indigenous people, and small-scale fishers are closely intertwined with the ocean. They depend on it as they make money, create culture, and build characters from it, too. However, there are still some groups of people who remain marginalized due to disproportional injustice caused by a number of policies and activities around the seaboard. In addition, they are oftentimes left behind and excluded from decision-making for fisheries needs, both in terms of cultural and political. This situation has massively called for blue justice in order to pinpoint the immense need to consider social justice in the context of fishery policies [16].

Blue justice, furthermore, highlights the need for fair distribution of economic benefits generated from marine resources. It is seen as lively and crucial for the local community as people must depend much on the ocean to live and sustain their daily lives. Blue justice also ensures that the decision for marine resource management encompasses active participation of the local people so that they will not only receive the economic benefits from it but also protection from the worst consequences, such as environmental degradation and social injustice.

For its implementation, blue justice encourages active participation from the community to carry out decision-making, fair distribution of benefits and burdens, and acknowledgment of the rights of local and indigenous people. More importantly, traditional knowledge and sustainable practices performed by the littoral people in daily life around the ocean can still be well-preserved. Thus, it is highly expected that any strategic plans for marine life preservation can be well-managed along with the growth of social welfare and justice for all involved people.

3.2 Ocean Health Threats in Indonesia

An ideal ocean health condition is when the ocean remains balanced, preserved, and sustained in support of marine life. Some indicators that demonstrate ocean health cover the following issues: high biodiversity, high-quality water, protected reef ecosystems, good control over wastes and pollution, and sustainable utilization of marine resources. By keeping up with the ocean's health, it is highly expected that the marine ecosystem can be well managed and sustained in support of human life and other living creatures.

Protection of marine life is basically one of the numerous goals and main highlights of the United Nations Convention on The Law of The Sea (UNCLOS 1982) enacted in 1982, or approximately 42 years ago. UNCLOS 1982, in addition, had been ratified by Indonesia, specifically on its national law, concerning Act No. 17 of 1985. Article 192 of UNCLOS 1982 had enacted that all country members were highly required to protect and preserve marine life, not only limited to their own marine zone but also the universal marine zones across which their ships were sailing. Furthermore, UNCLOS (1982) stipulated that marine pollution is caused by ships, atmosphere, land-based, seabed, and dumping [17].

Issues of ocean health have become serious threats because the impacts due to defect and quality degradation in Indonesia will ruin so many dimensions of life, such as economy, socio-culture, defense, and security. The hierarchy of ocean as the source of life will certainly be negatively affected. Several potential threats of ocean health may harm the marine ecosystem, including:

1. pollutions due to industrial wastes and household
2. wastes containing harmful chemical substances, like heavy metals and pesticides, that can threaten biodiversity and human health;
3. climate change, including global warming and sea acid that affect the temperature and sea acid level, as well as weather patterns that may harm coral reefs and other marine creatures;

4. overfishing, or excessive fish capture without due consideration of populational capacity recovery, that may harmfully affect the food chain and sustainability of fish resources;
5. habitat defect due to human activities, such as coastal development, mining, and sand-excavating that may threaten the home of marine life creatures, such as coral reefs, seagrass meadows, and mangrove forests;
6. invasive species that constitute a human experience to be introduced to marine life and may disrupt the natural ecosystem, decrease biodiversity, and
7. noise that is generated by ships and marine industrial installations, which also may interrupt communication and navigation of essential marine life creatures, like whales and dolphins.

The ocean health threats affect not only marine life but also humans significantly. Local people who depend on marine resources for life and as main income sources will be threatened by marine life defects, as will food supply, job opportunities, and security around the seaboard due to marine ecosystem degradation. For that reason, acquiring a good understanding of ocean health threats and taking action to counter the threats are of urgency. Sustainable protection and management of marine resources are the keys to ensuring the sustainability of the ecosystem in the future. We are morally responsible for protecting the ocean so that it can be continuously healthy and productive for the next generation. Through collective strategies and global commitment, we can guarantee that these priceless resources will provide us with huge benefits.

3.3 Blue Justice Principle to Tackle Ocean Health Threats

Blue Justice pinpoints the urgency of fair distribution of economic benefits from marine resources. Fair distribution will be crucial for local people who depend on the ocean as a source of income to live their daily lives. With the blue justice principle, any decisions over marine life management should involve the active participation of local people. Further, littoral people will not only receive economic benefits but also be protected from negative consequences, such as environmental degradation and social injustice. Blue justice also serves to ensure that the marine life management system is performed inclusively and sustainably so as to protect the people and environment.

In response to the ocean health threats and in order to create a good marine ecosystem as expected, blue justice cannot be actualized properly if its real implementation is still sectoral. In other words, its success can be a reality only if all relevant parties are involved, both the local people and any sectors who share the same need for the ocean. According to the Act No. 32 of 2009, the roles of littoral people in environmental protection and management are clearly enacted [18].

First, participation in creating policies and management (Article 65), enacting that legislation has granted the right to the littoral people to actively contribute to the arrangement of policies, plans, and programs that are related to environmental protection and management, with the people allowed to give valuable advice about marine ecosystem policies so that the output can reflect their own needs and interests.

Second, involvement in monitoring and supervising (Article 70) that has clearly enacted that legislation has ruled that littoral people are allowed to be involved in social

monitoring of environmental protection and management, in which they can actively contribute to monitoring the condition of the marine ecosystem and have access to reporting any environmental violence or defect – this kind of participation may ensure that environmental monitoring is frequent and more effective [19].

Third, report and legal protection (Article 65) enacting that legislation has granted the right for littoral people to report any actions of polluting and/or environmental violence, with the people allowed to report them to the responsible parties and possess the right of legal protection from negative consequences caused by the environmental harm – it will ensure that their right is really protected and that they have access to justice.

Fourth, partnership and cooperation (Article 66), implying that legislation can also encourage partnership among society, government, and business actors in the management of the environment, with littoral people allowed to get involved in a partnership of marine conservation projects and any agendas that are aimed for marine life protection and recovery – the partnership may increase the effectivity of environmental protection strategies through collaboration and synergy that include several parties.

Fifth, economic empowerment, in which littoral people can be involved in any sustainable economic empowerment programs, such as ecotourism, environmentally-friendly marine cultivation, and sustainable fisheries, which is in line with the main goal of blue justice to ensure the welfare of the local people around the seaboard together with the marine life protection – through this economic empowerment, the littoral people may be able to elevate their life welfare without violating marine life.

Participation of the local people for UUPPLH is the key to reaching blue justice. Through active participation in policy-making, monitoring, reporting, partnership, and economic empowerment, people can significantly contribute to marine life protection and preservation, and they can ensure that marine resource management is already conducted properly, fairly, and sustainably. This strategy will not only protect marine life but also elevate the welfare and quality of people's lives around the seaboard [20].

In addition to legislation on environmental protection and management, the existence of littoral people in protecting and managing marine life has been clearly enacted in Act No. 26 of 2007 on Spatial Management, covering participation in spatial management (Article 60), with the legislation grants the right to littoral people to participate in the spatial management process as they are allowed to involve at the discussion for spatial development planning and to give advices about zonation of coastal and marine zones – this participation ensures that spatial planning is in line with the need and welfare of the people and sustainability of marine life [21].

Monitoring for spatial execution (Article 62), clearly enacting that legislation also rules out spatial monitoring that involves people in which littoral people can actively play a crucial role in monitoring spatial execution so that they can ensure that spatial development and utilization around the seaboard and marine zone will not cause defect on the marine ecosystem – this monitoring is seen important to prevent illegal actions and unsustainability that may harm the ocean health.

Reporting and law enforcement (Article 61), with legislation granting the right to littoral people to file a complaint whenever spatial violence occurs, and with the people allowed to report any construction activities or improper use of space that do not fit spatial plans and may cause harm to the marine ecosystem –law enforcement of these violations is crucial to upkeep the ocean health and to ensure justice for littoral people.

Partnership for spatial management (Article 67), indicating that legislation on spatial management has encouraged partnership among government, private sectors, and littoral people to carry out strategies for spatial management, with the people highly active to get involved in partnership for any projects aiming for marine life protection and recovery, such as coral reef and mangrove conservation – this partnership ensures that spatial management is collaborative and inclusive.

The roles of littoral people enacted in the legislation on spatial management are pivotal, especially in countering ocean health threats and actualizing blue justice. With active participation in planning, monitoring, informing, educating, reporting, partnership, and empowerment, people around the seaboard can significantly contribute to protecting the marine ecosystem and to ensuring that spatial management of coastal and marine zones is sustainably well-managed – it will not only protect the ocean health but also elevate welfare and quality of life of the people around the seaboard [2].

The aforementioned points enacted in the legislation pronounce the emphasis on blue justice, which is highly expected to be significantly influential in overcoming any threats to ocean health. Through principles of fair distribution of resource benefits and sustainable management, blue justice serves to help protect marine ecosystems from vulnerability. By the involvement of local communities around the seaboard in every decision-making, blue justice also ensures that the people will not only actively participate in marine ecosystem management but also acquire economic benefits and get protected from negative consequences, such as pollution and overexploitation, after all.

This approach applies mandatory points enacted in the legislation, which is fully expected to help deflate marine defects, recover damaged ecosystems, and elevate the quality of the people's lives around the seaboard. Further, Blue Justice pinpoints the urgency of shared responsibility in preserving ocean health so that natural resource sustainability can be fully guaranteed for the next generation. This is how integrative cooperation works, involving all relevant parties affiliated with marine sectors. With blue justice, optimism about a healthy and productive ocean will increase, which in the end is expected to provide economic benefits and ecological sustainability, help ensure the welfare of the local people, and protect the value of biodiversity.

The blue justice principle, therefore, is present as an ideal point of view that does not only highlight ecological sustainability but also social justice for littoral people and fishers who are really dependent on marine resources. Blue justice, in addition, situates humans as an integral part of the marine ecosystem, seeing that human welfare and environmental sustainability are inseparable. Henceforth, to counter ocean health threats, systematic and integrated strategies are needed to sustain marine resources and prevent pollution and/or environmental defects, which have a real positive impact. We can make and gain benefits, wealth, and strategic values from several aspects of life,

especially in the context of marine management and for littoral people, including political, economic, socio-cultural, defense, and security dimensions as basic capitals for national development.

Building marine management with blue justice is not that simple, as strategic targets are needed to achieve the actualization of blue justice holistically to counter and overcome Indonesian ocean health threats. Thus, Indonesian governments need to deploy simultaneous, integrated, and sustainable strategies, including:

1. mitigative acceleration for any consequences due to climate change and greenhouse emissive degradation;
2. protection for more responsible and sustainable marine resource management,
3. protective enhancement of biodiversity;
4. protection and management of marine space, seaboard, and small islands;
5. quota-based/measured fish capture activity;
6. acknowledgment and protection for local communities for their active participation;
7. law enforcement based on justice towards violence of marine management;
8. full support for the International Convention on Plastic Wastes;
9. transparency and accountability of decision-making;
10. sustainable development, not only to maintain but also to recover ocean health for the next generation;
11. collaboration and partnership involving governments, civils, and private sectors; and
12. actualization of stipulated legislation based on which regulations are ruled out.

To make the strategies suitably practical, it can be started by understanding, examining, and regulating the frameworks and road map of blue justice that is mainly intended to counter ocean health threats. Furthermore, arrangement and reiteration of more responsible relevant institutions, inventory of facilities and infrastructure, and financial management are done afterward in support of operation activities.

The success of blue justice in overcoming threats to ocean health will directly impact the blue economy. Blue Justice highlights the urgency of fair distribution of economic benefits generated from marine resources for local people who depend much on marine life. In that case, blue justice will ensure that any decisions regarding marine resource management involve the active participation of local people. In the end, the people will not only acquire economic benefits but also be protected from negative consequences, such as environmental degradation and social injustice. In this context, the blue economy pinpoints the urgency of economic development for marine life, such as fisheries, tourism, renewable energy, and biotechnology, with due consideration of natural resource conservation and marine life protection. These strategic plans will need technological innovation and sustainable practice to ensure that marine resources are smartly and responsibly managed.

To sum up, blue justice and economy are intertwined in the sustainable utilization of marine resources. Through the principles of blue justice and economy, we can make sure that our ocean remains well-protected and secure for the next generation and that economic and social welfare are reachable for all involved parties.

4. Conclusions

Fishery and marine tourism industries have contributed significantly to the nation's economic growth. They also bring about consequences for the pollution and defects of marine life. In addition to climate change, marine pollution in Indonesia is mostly due to plastic wastes, marine ecosystem defects, destructive overfishing, littoral development, and mining, which also leads to marine ecosystem degradation. Ocean health threats, as briefly described, can be seen and considered as national vulnerability and caution based upon a national defense point of view. If it continues being so, the hierarchy of the ocean as the source of life must be agitated and will negatively affect other dimensions of life, such as economy, socio-culture, defense, and national security.

Blue justice is presented to counter-narrate blue growth or blue economy that shows a tendency to intensify marine resource exploitation. Further, the blue justice principle presents a perspective that highlights not only ecological sustainability but also social justice, which encompasses littoral people and fishers who depend on marine resources. Blue justice situates humans as an integral part of the marine ecosystem, acknowledging that human welfare and environmental sustainability are inseparable. Blue justice, in addition, pinpoints the importance of participation from marine resource managers, including people around the seaboard, as enacted as well as the legislation. In the end, ecosystemic sustainability for marine function can be actualized and will contribute to the welfare of the whole people. To make blue justice more practical, governments are to carry out simultaneous strategies under more systematic, integrated, and sustainable plans in the prevention of ocean health threats. It is highly expected that, by the implementation of blue justice, the blue economy can be reached, and good protection for marine life can be ensured for the next generation. By so doing, economic and social welfare for all involved parties can be definite.

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