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Implementation Of Regional Regulation Of The Province Of East Java No. 1
Of 2018 Concerning The Zonation Plan Of Coastal Areas And Small Islands
(Zpcasi) In Sumenep Regency, East Java

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Abstract

In implementing the regional regulation of East Java province number 1 of 2018 concerning the Zoning Plan for Coastal Areas and Small Islands (ZPCASI), of course there are many things that need to be studied and carried out a more in-depth study, so the purpose of this study is to describe and analyze the implementation of the regulations. East Java province number 1 of 2018 concerning ZPCASI. In addition, the purpose of this study is to formulate strategic plans and recommendations to minimize deviations in the implementation of these regional regulations. The method used is to use normative law research methods using normative studies in the form of legal behavior products such as reviewing laws. The results of this study can be concluded that the implementation of East Java Province Regulation No. 1 of 2018 concerning ZPCASI is a joint effort for the formation of policies and development of coastal areas and small islands which are carried out by implementing the prevailing laws and regulations. According to the researcher, the law that regulates the environment provides a more structured space for the community and managers of policy interests in managing coastal areas. In addition, the management of

coastal areas and small islands is carried out by the government, policy makers and the community as well as stakeholders in the implementation of the Regional Regulation of East Java Province No. 1 of 2018 concerning ZPCASI is also seen by the efforts to form local regulations to the grassroots level by referring to local regulations and laws. In addition, the strategies and recommendations carried out in the implementation of the East Java Provincial Regulation No. 1 of 2018 concerning ZPCASI, namely by strengthening provincial regulations by making derivative regulations in districts. After that, the strengthening of public knowledge and awareness was carried out through socialization and introduction of provincial and derivative perda to policy makers.

Keyword : Regional Regulations, Zoning, Coastal Areas, Small Islands

INTRODUCTION

The Indonesian state is an independent and sovereign nation, in which the local government is an integral part that has certain objectives. This goal is a just and prosperous society, both materially and spiritually, based on Pancasila and the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to the 1945 Constitution of the Republic of Indonesia). The objectives of the regional government are part of the national goals, as formulated in the 4th line (four) of the preamble to the 1945 NRI Constitution, namely:

"To protect the entire Indonesian nation and all the blood of Indonesia, and to promote public welfare, to educate the nation's life, and to participate in implementing world order based on independence, eternal peace and social justice."

To realize the interests of regional development, district / city regional governments have the authority and freedom to form and implement policies and decrees based on community initiatives and aspirations. The authority to regulate and manage regional household matters within the scope of the unitary state, includes all governmental authorities in general, except for some matters held by the central government, such as foreign relations, monetary and financial courts, defense and security.¹ To implement regional autonomy and the task of assistance, regional governments can form regional regulations (hereinafter abbreviated to regional regulations) as the legal basis for the regions in implementing regional autonomy. The formulation of a local regulation itself must be in accordance with the conditions and aspirations of the community as well as the peculiarities of the area. Moreover, regional regulations made by regions only apply within the boundaries of the jurisdiction of the region concerned.

Law No. 23/2014 states that maritime and fisheries affairs are selected government affairs which are the task of choice of the Regional Government with regard to the geographical conditions of the region concerned. It also relates to foreign policy, defense and security, which are included in absolute government affairs (by the Center). The determination of the boundaries of the Indonesian sea territory with neighboring countries is a part of foreign policy which is administered by the Center. Defense and security of Indonesia's maritime territory are also taken care of by the Central Government. Maritime zone management affairs, which include transportation, ports, shipyards, etc. and fisheries, are managed by the Regional Government, however in its implementation there are certain limitations, such as distance and business results. With the enactment of Law no. 23 of 2014, there was a change in the provincial marine management authority from 4-12 miles to 0-12 miles, water management previously carried out

¹ Winarna Surya Adisubrata. 1999. *Otonomi Daerah di Era Reformasi*. Yogyakarta: AMP YKPN. Hlm. 1.

by the Regency/City Government was taken over by the Provincial Government, one of which was the marine zoning authority which was 4-12 miles previously. , now 0-12 miles. Previously, the 0-4 mile sea zonazi became the authority of the Regency/City Government.

Currently there is Law no. 27 of 2007 concerning the Management of Coastal Areas and Small Islands as amended by Law no. 1 of 2014, however in its implementation there are still obstacles, for example related to institutions in the management of national parks, which according to Article 78A of Law No.1 of 2014 has mandated that conservation areas in coastal areas and small islands include nature reserves and nature conservation areas in the region. management of coastal areas and small islands in the form of National Parks / Marine National Parks, Wildlife reserves, etc. are transferred from the Ministry of Forestry to the Ministry of Marine Affairs and Fisheries, but in practice in the field it is still managed by Forest Protection and Nature Conservation, Ministry of Environment Forestry / (PHKA KLHK); there is also a conflict between Law no. 26 of 2007 concerning Spatial Planning with Law no. 27 jo Law No.1 of 2014 related to the Regional Spatial Plan (RSP) and the Zoning Plan for Coastal Areas and Small Islands (ZPCASI) which in Article 24 paragraph (1) Law no. 26 of 2007 concerning Spatial Planning explains that the detailed spatial planning as referred to in Article 14 paragraph (3) letter b is stipulated by a regional regulation. The regional spatial planning includes land space, sea space and air space, including space within the earth. Meanwhile, Article 9 paragraph (5) of Law no. 27 of 2007 in conjunction with Law no. 1/2014 The Zoning Plan for Coastal Areas and Small Islands is also stipulated by a Regional Regulation.

RSP and ZPCASI regulate different matters between the land management regime and the marine management regime, so that at the technical level two different Regional Regulations must also be issued. The term of both RSP and ZPCASI Local Government is valid for 20 (twenty) years and can be reviewed at least once every 5 (five) years, Article 9 paragraph (2) Law 27/2014 stipulates that ZPCASI must also be harmonized, harmonized, and balanced with the RSP Province or district / city, this confirms that the two should not need to be made with two different legal formats (two regional regulations). This of course will be excessive imposition on the regional budget because it has to make two different Regional Regulations. Madura Island, especially Sumenep Regency, has the potential for productive natural resources such as the biota ecosystem that lives in it, the environmental services it offers, such as tourism and recreation areas. Utilization of natural resources in this area needs to be regulated through a zoning system, so that its utilization activities still maintain the sustainability of the resource. The management and development of coastal areas and small islands should be applied based on the concept of sustainable development. Good planning is required by considering potential problems ranging from preservation of resources and the environment to community economic development. The management of coastal areas and small islands can help balance economic opportunities and regional income as well as open new business opportunities for local communities based on the implementation of the Regional Regulation of East Java Province No. 1 of 2018 concerning the 2018-2023 Coastal Zone and Small Islands Zoning Plan.

MATERIAL AND METHOD

This research is structured using normative law research methods using normative studies in the form of legal behavior products, for example examining laws. The main point of the study is a law conceptualized as a norm or rule that applies in society and becomes a reference for

everyone's behavior. So that normative legal research focuses on the inventory of positive law, legal principles and doctrines, legal findings in cases in concerto, systemic law at synchronization level, comparative law and legal history.² In addition, this research also uses descriptive research methods. Descriptive research is a study that is intended to provide data that is as accurate as possible with humans, conditions or other symptoms, and only explains the state of the object of the problem without intending to draw generally accepted conclusions.³ Descriptive research itself aims to describe, record, analyze, and interpret the situation or conditions that occur at this time.

The method of tracing legal materials in this study is carried out by literature study, which is a way of collecting data by conducting searches and examining library materials (literature, research results, scientific magazines, scientific bulletins, scientific journals and so on). After that the results of the research are presented in the form of descriptions that are arranged systematically and descriptively, meaning that the secondary data obtained will be linked to one another according to the problem under study, so that as a whole it is a complete unit according to the research needs.

To analyze the data obtained, normative analysis methods will be used, which is a way of interpreting and discussing research material based on the notion of law, legal norms, legal theories and doctrines related to the subject matter. Legal norms are needed as a major premise, then correlated with relevant facts (legal facts) which are used as minor premises and through the syllogic process conclusions will be obtained to the problem. Compilers use qualitative analysis methods presented descriptively, namely efforts to collect and compile data, then analyze the data.⁴ The data that has been collected are then analyzed using the deductive method, which is a way of thinking that departs from existing theories or rules. This method is used to analyze how the process of implementing the regional regulation of East Java Province No.1 of 2018 concerning the Zoning Plan for Coastal Areas and Small Islands (ZPCASI) in Sumenep Regency, East Java.

RESULT AND DISCUSSION

a) Background of the Zoning Plan for Coastal Areas and Small Islands (ZPCASI)

Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands has explained that coastal areas are transitional areas between terrestrial & marine ecosystems that are affected by changes in land & sea. Coastal areas are unique, because in the context of landscapes, coastal areas are where land and sea meet. Each coastal use in a coastal area has different management, so the determination of coastal boundaries must be seen from the intended use of the coast. Dahuri, et al (2013) provide a review of the coastal area which is a transitional area between land and sea. When viewed from the coastline (coastalline), then a coastal area has two kinds of boundaries perpendicular to the coastline (cross-shore). So far there has been no agreement, this is because each coast has its own (unique) environmental characteristics, resources and government system.

² Abdul Muhammad, 2004, **Hukum dan Penelitian Hukum**, Cet.1, Bandung: PT. Citra Aditya Bakti, hlm. 52.

³ Soerjono Soekanto, 1981, **Pengantar Penelitian Hukum**, Jakarta: UI Press, hlm. 10.

⁴ Winarno Surachman, 1990, **Pengantar Penelitian Ilmiah: Dasar, Metode, dan Teknik**, Bandung: Tarsito, hlm.139

The regulation regarding the Management Rights of coastal waters and small islands has undergone changes after the birth of Law No. 23 of 2014 concerning Amendments to Law No. 32 of 2004 concerning Regional Government, in article 27 of Law No. 23 of 2014, states that the provincial government has the authority to manage coastal waters and small islands in its territory. This has reduced the authority of the regency/city regional government which previously in Article 18 paragraph 1 of Law no. 32 of 2004 states that district/city governments are given the authority to manage resources in the marine area. The loss of authority from the Regency/City regional government in managing coastal waters and small islands has resulted in the Regency/City government that has marine resources unable to reuse the results from the management of coastal waters and small islands as a source of regional basic income, considering that the authority over the management of coastal waters and small islands is fully the authority of the provincial government.

Government, the authority for the division of management of coastal waters and small islands is divided into 3 parts, namely the authority of the central government, the authority of the Provincial Government and the authority of the Regional Government District / City, with management authority given to regencies / municipalities as far as 0-4 miles, while for the Provincial Government, the management rights are given over 4-12 miles and over 12 miles is the authority of the Central Government. However, along with the development of regulations regarding the distribution of rights to coastal management and small islands, it changed to management as far as 0-12 miles under the authority of the Provincial Government and above 12 miles is the authority of the Central Government.

b) The linkage of the East Java Provincial Regulation Number 1 of 2018 concerning ZPCASI with the existing laws and regulations

A regional regulation can certainly refer to statutory regulations that have been formulated and passed by the Government through the approval of the House of Representatives. The linkage of the East Java Provincial Regulation No. 1 of 2018 concerning ZPCASI with existing laws and regulations can be described as follows:

1. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia; 2. Law Number 2 of 1950 concerning the Establishment of the Province of East Java (Compilation of State Regulations of 1950), as amended by Law Number 18 of 1950 concerning Amendments to Law Number 2 of 1950 (Compilation of State Year 1950);
2. Law Number 26 of 2007 concerning Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
3. Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands (State Gazette of the Republic of Indonesia of 2007 Number 84, Supplement to State Gazette of the Republic of Indonesia Number 4739) as amended by Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands (State Gazette of the Republic of Indonesia of 2014 Number 2, Supplement to State Gazette of the Republic of Indonesia Number 5490);
4. Law Number 32 Year 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia Year 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);

5. Law Number 4 of 2011 concerning Geospatial Information (State Gazette of the Republic of Indonesia of 2011 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 5214);
6. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to the Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
7. Law Number 32 of 2014 concerning Maritime Affairs (State Gazette of the Republic of Indonesia of 2014 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
8. Government Regulation Number 82 Year 2001 regarding Water Quality Management and Water Pollution Control (State Gazette of the Republic of Indonesia Year 2001 Number 153, Supplement to State Gazette of the Republic of Indonesia Number 4161);
9. Government Regulation Number 15 of 2010 concerning the Implementation of Spatial Planning (State Gazette of the Republic of Indonesia of 2010 Number 21, Supplement to the State Gazette of the Republic of Indonesia Number 5103);
10. Government Regulation Number 68 Year 2010 concerning Forms and Procedures for Community Role in Spatial Planning (State Gazette of the Republic of Indonesia Year 2010 Number 118, Supplement to State Institution of the Republic of Indonesia Number 5160);
11. Government Regulation Number 8 of 2013 concerning Accuracy of Spatial Planning Maps (State Gazette of the Republic of Indonesia of 2013 Number 8, Supplement to State Gazette of the Republic of Indonesia Number 5393);
12. Government Regulation Number 26 of 2008 concerning National Spatial Planning (State Gazette of the Republic of Indonesia of 2008 Number 48, Supplement to State Gazette of the Republic of Indonesia Number 4833) as amended by Government Regulation Number 13 of 2017 concerning Amendments to Government Regulation Number 26 of 2008 concerning National Spatial Planning (State Gazette of the Republic of Indonesia of 2017 Number 77, Supplement to State Gazette of the Republic of Indonesia Number 6041);
13. Government Regulation Number 46 of 2016 concerning Procedures for Implementing Strategic Environmental Studies (State Gazette of the Republic of Indonesia of 2016 Number 228, Supplement to State Gazette of the Republic of Indonesia Number 5941); 15. Regulation of the Minister of Home Affairs Number 56 of 2014 concerning Procedures for Community Role in Regional Spatial Planning;
14. Regulation of the Minister of Home Affairs Number 13 of 2016 concerning Procedures for Evaluating Draft Regional Regulations concerning Regional Spatial Plans;
15. Regulation of the Minister of Marine Affairs and Fisheries Number 23 / PERMEN-KP / 2016 concerning Management Planning for Coastal Areas and Small Islands;
16. East Java Provincial Regulation Number 5 of 2012 concerning Regional Spatial Planning of East Java Province 2011-2031 (East Java Provincial Gazette of 2012 Number 3 Series D, Supplement to the Regional Gazette of East Java Province Number 15).

c) Implementation of Coastal Area Management through the Regional Regulation of East Java Province Number 1 of 2018 concerning ZPCASI

That in order to implement the provisions of Article 9 paragraph (5) of Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands as amended by Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Areas Coastal and Small Islands, it is necessary to stipulate a Regional Regulation concerning the 2018-2038 Coastal Zone and Small Islands Zoning Plan of East Java Province. ZPCASI aims to realize an integrated, safe, efficient, and sustainable management of coastal resources and small islands of the Province to improve the welfare of the people of East Java with participatory principles. Coastal areas are transitional areas between terrestrial and marine ecosystems that are affected by changes in land and sea. Management of Coastal Areas and Small Islands is a process of planning, exploiting, supervising and controlling coastal resources and small islands between sectors, between the Government and Local Governments, between terrestrial and marine ecosystems, and between science and management to improve welfare. Public. Coastal Areas and Islands are the coastal areas and small islands of East Java Province. Planning for the Management of Coastal Areas and Small Islands is a process of compiling activity stages involving various elements of interest in it, in order to utilize and allocate existing coastal resources and small islands in order to improve social welfare in an area or area within a period certain.

The scope of the ZPCASI regulation includes: a. landward covers the administrative boundaries of sub-districts in the coastal area; and b. to the sea as far as 12 (twelve) nautical miles measured from the coastline at the time of the highest tide towards the open seas and/or towards archipelagic waters. ZPCASI arrangements include: a. scope, principles and objectives; b. term, position and function; c. policies and strategies; d. space allocation plan; e. space utilization regulations; f. space utilization plan; g. disaster mitigation; h. supervision and control; i. reclamation; j. rights, obligations and community participation; k. dispute resolution; and l. representative suit. The principles of ZPCASI are: a. sustainable; b. cohesiveness; c. community based; d. regions and ecosystems; e. balanced and sustainable; f. coastal community empowerment; g. accountability and transparency; and h. recognition of traditional communities and local communities. ZPCASI functions as: a. material for consideration for the preparation of spatial structure and pattern plans in the Provincial RSP and Detailed Provincial and Regency/City Spatial Plans in the coastal district area; b. material for consideration in the preparation of the Provincial Medium Term Development and Management Plan; c. reference in the preparation of the CASI Management Plan and Action Plan; d. spatial planning instrument in marine waters CASI; e. give legal force to the allocation of space in marine waters of CASI; f. provide recommendations in granting permits in marine waters of CASI; g. reference in reference to conflicts in marine waters CASI; h. reference in spatial use in marine waters of CASI; and i a reference for realizing a balance of development and management in the CASI.

d) Dynamics of Formulation of Regional Regulation of East Java Province No. 1 of 2018 concerning ZPCASI

In the formation of a regional regulation, several existing aspects and provisions must be considered to create a good regulation for each region. To form a good regional regulation, of course, must go through a defined process. However, currently there are many regional

regulations that are not in accordance with the conditions of the community and even deviate from higher regulations. So the government must be even more sensitive to the suitability of regional regulations made with the conditions of a local community. The government also has to do a better review so that a local regulation that is made does not conflict with the provisions. Thus, it is necessary to monitor and participate in the community as well as provide information in implementing regional regulations in order to realize constitutional harmonization. ⁵

East Java Provincial Regulation No. 1 of 2018 concerning ZPCASI states that the tourism zone as referred to in Article 15 letter a includes: a. coastal/coastal natural tourism sub zone and small islands; b. underwater natural tourism sub zone; and c. water sports tourism sub zone. The sub-zone of natural coastal/coastal tourism and small islands as referred to in paragraph (1) letter a is located in the waters of: Madura Strait covering Ria Kenjeran Beach and Kenjeran Beach Amusement Park in Surabaya City (Map Sheet Number/MSN 3504-07), Rongkang Beach in the Regency Bangkalan (MSN 3504-07), Camplong Beach in Sampang Regency (MSN 3504-11), Talang Siring Beach in Pamekasan Regency (MSN 3504-15), and White Sand Beach in Situbondo Regency (MSN 3507-01). The sub-zone for underwater natural tourism as referred to in paragraph (1) letter b includes: Giliyang Island (MSN 3507-08), Gililabak Island (MSN 3507-07), Sapeken Island (MSN 3509-07), Kangean Island (MSN 3509- 02), Raas Island (MSN 3507-15), and Sapudi Island (MSN 3507-12) in Sumenep Regency.

e) Strategies and Recommendations Done to Minimize Deviation in Implementation of Regional Regulation No. East Java Province. 1 of 2018 concerning ZPCASI

In accordance with Law No.27/2007 in conjunction with Law No.1/2014 concerning Management of Coastal Areas and Small Islands, it is stated that local governments are required to prepare ZPCASI in accordance with their respective authorities. Then, in Law No.23/2014 concerning Regional Government, Article 14 states that the administration of government affairs in the forestry, marine, and energy and mineral resources sectors is divided between the central and provincial governments.

Planning and development and management of coastal areas have been carried out by various sectors, be it central and regional governments or the private sector. The 1945 Constitution has guaranteed that the use of the earth, water and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people. The 1945 Constitution in Article 33 Paragraph (3) and Article 28A has also recognized the right of every person to live and the right to defend life and life. Planning and management of coastal areas by sector usually involves only one kind of utilization of coastal resources or space by one government agency to fulfill certain objectives. Experts in the field of coastal area management argue that integrated coastal zone management is the key to solving problems and conflicts in complex and complex coastal areas. Integrity in public management can be defined as the simultaneous determination

⁵ Noviyanti, M., Awanisa, A., Dewi, A.Astriana Dewi, 2018, **Dinamika Pembentukan Peraturan Daerah dan Pemberlakuannya.**

of objectives, collectively conducting information gathering, planning and analysis collectively, using joint management tools/instruments.⁶

Sumenep Regency Regional Regulation No. 8 of 2013 concerning the Management of Coastal Areas and Small Islands states that Sumenep Regency has a large number of coastal areas and small islands and has a diversity of biological and non-biological natural resources, as well as environmental services that have economic potential, which can be utilized to support increased welfare. communities, especially coastal communities. So it is necessary to manage coastal areas and small islands, in an integrated, sustainable manner as well as the protection and preservation of environmental management of coastal areas, so it is necessary to establish a Regional Regulation of Sumenep Regency concerning Management of Coastal Areas and Small Islands.

CONCLUSION

Implementation of East Java Provincial Regulation No. 1 of 2018 concerning ZPCASI is a joint effort for the formation of policies and development of coastal areas and small islands which are carried out by implementing the prevailing laws and regulations. According to the researcher, the law that regulates the environment provides a more structured space for the community and managers of policy interests in managing coastal areas. In addition, the management of coastal areas and small islands is carried out by the government, policy makers and the community as well as stakeholders in the implementation of the Regional Regulation of East Java Province No. 1 of 2018 concerning ZPCASI is also seen by the efforts to form local regulations to the grassroots level by referring to local regulations and laws. Strategies and recommendations made in the implementation of the East Java Provincial Regulation No. 1 of 2018 concerning ZPCASI, namely by strengthening provincial regulations by making derivative regulations in districts. After that, the strengthening of public knowledge and awareness was carried out through socialization and introduction of provincial and derivative perda to policy makers.

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