

A B S T R A C T

Territorial right of the sea is the right of the traditional society living in Sangihe Talaud area. This right is employed to manage and use the marine wealth present with in the areas. The ownership of the territorial of the sea is justified and can be functioned since there is the law that regulated it, that is, the traditional law. So, the use of this right could work properly. This is the case since violation in the right of territorial of the sea can result in firm sanction coming from the traditional leader that constitutes payment of money as compensation of that violation he has under taken.

The Agrarian Law regulated territorial right of the sea as long as is not contrary to the national interest. It means that management of this right can be assured on the basis of the law. In the fact, there has not been special regulation for generating this right to be done properly. As result, this rises the legal imbalance in account of the ownership status.

By virtue of those problem, the writer wants to know what factors that can influence implementation of this right perfectly so this right could function well. This research is intended to reveal legal status of the traditional law in order to provide contribution to establishment of the national law. Besides, this effort is to give law protection on to the community for improving their welfares in managing and utilizing that marine wealth.

This research employes socio-legal methode through micro interaction approach whit qualitative analysis, in which its discussion do not only refer to normative law approach, but its discussion is also examined under viewpoint of the prevailing law in the community.