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The Urgency of the "Lana Bango" Protection Law as a Regional Superior Product of Sangihe Islands Regency

Mercy Maria Magdalena Setlight¹.

¹Sam Ratulangi University, Manado, Indonesia, mercyssetlight@unsrat.ac.id.

Corresponding Author: mercyssetlight@unsrat.ac.id¹

Abstract: Sangihe Islands Regency through the Decree of the Regent of the Sangihe Islands Number 143/510/Year 2019 stipulates "Lana Bango", as a Regional Superior Product which is an effort by the Sangihe Islands Regency Government to reactivate community culture in the manufacture of Sangihe local coconut oil which is currently produced in a more hygienic manner by several villages through Village-Owned Enterprises (Bumdes). For this reason, there needs to be a formal determination from policymakers based on the results and analysis of a research, so that legal urgency in this case can be applied. It becomes a significant problem when there are no new coconut plants that replace old coconuts that are cut down. The Sangihe Islands which is a small island, if there is only logging and there is no replanting, then the coconut plant will one day become extinct and this will result in processed coconut products in the form of local coconut oil "Lana Bango", which is the Regional Superior Product of the Sangihe Islands Regency will remain memories in the form of stories for posterity.

Keyword: Featured Products, Coconut, Bango's Profit, Sangihe.

INTRODUCTION

The principle of regional development and also national development is to allocate various activities and product development in accordance with the potential of the region. This is done so that each region has a role and the products sold are different from one region to another, so that the region will grow and develop together from filling each other's needs between one region from the difference in superior products with other regions. Regional Superior Products are products, both in the form of goods and services, produced by cooperatives, small and medium-sized businesses that have the potential to be developed by utilizing all resources owned by the region, both natural resources, human resources and local culture, as well as bringing income to the community and the government which is expected to become an economic force for the region and local communities as products that have the potential to be competitive. marketability, and impetus towards and being able to enter the global market (Setiajatnika & Astuti, 2022).

Regency of Sangihe Islands which is one of the islands in North Sulawesi. The economic growth rate of Sangihe Islands Regency continues to increase but is still below the growth rate of North Sulawesi province. Therefore, there is a need for a strategy or plan to encourage and increase economic growth in Sangihe Islands Regency. With a good economic development planning strategy and in accordance with the conditions of the region, in this case, Sangihe Islands Regency will encourage and increase the rate of economic growth (Takalumang 2018; Mose 2016).

Takalumang (2018) stated that in order to achieve the goals and objectives in encouraging economic growth in the Sangihe Islands Regency, the regional government must be able to utilize economic resources optimally by looking at what sectors are based or potential in encouraging and increasing economic growth in the region. Sangihe Regency/Islands is known for its abundant resources in the agricultural sector with an area of land that can still be developed, forestry and natural resources in the field of fisheries and other potential sources. With the potential of this large number of natural resources, it is hoped that the local government will further optimize the existing potentials with development planning programs that are more specialized with the existing conditions in the area, so that it can increase and encourage even better economic growth. The government should also take more initiative to manage potential sectors by building potential sectors that can provide a multiplier effect to other sectors so that the development of several other leading sectors will have an impact on other sectors and have an impact on economic growth (Mose 2016).

Sangihe Islands Regency through the Decree of the Regent of the Sangihe Islands Number 143/510/Year 2019 stipulates Sangihe Lana Bango local coconut oil, as a Regional Superior Product which is an effort by the Sangihe Islands Regency Government to reactivate the community's culture of making Sangihe Local coconut oil which is currently produced more hygienically by several villages through Village-Owned Enterprises (BUMDES) (Sondakh et al 2024).

Felling coconut trunks with an old age is actually legal, it is not a problem if every time an old coconut is cut down because it is bought and then planted with new coconut plants as a replacement. It becomes a significant problem when there are no new coconut plants that replace the old coconuts that are cut down. The Sangihe Islands, which are small islands, if there is only logging and there is no replanting, then the coconut plants will one day become extinct and this will result in processed coconut products in the form of local coconut oil "lana bango", which is a Regional Superior Product of the Sangihe Islands Regency will remain memories in the form of stories for posterity (Setlight et al 2021).

One of the factors behind this situation is the lack of attention from the Regional Government regarding the results of local products. So that local coconut oil or in the local language called "lana bango" has become a product that is almost abandoned by the local community, both in the way it is produced and for consumption, "lana bango" often loses competition with palm oil (Setlight et al 2021).

The problem that can arise from the above phenomenon is how the Regional Government should play a role in protecting local products through regional regulations. The focus of his attention is directed to the efforts that can be made by the Regional Government in protecting local products that have become the flagship of the region. In 1987 the area of coconut plantations in the Sangihe-Talaud Islands was the second largest after Minahasa Regency, but the inter-district coconut production at that time was the lowest (30,165 tons). Meanwhile, statistical data in 2016 showed that the production of Sangihe Islands Regency was 11,453 tons and in 2017 it was 23,333 tons (Setlight et al, 2021).

Entering the Association of Southeast Asian Nations (ASEAN) free market in 2015, the market sector in the agricultural sector, especially the food sector, will be very lucrative for

business actors in ASEAN. Indonesia with the largest population in ASEAN has a large market share for agricultural products. It is undeniable that even with various advantages in terms of geography, natural resources, and human resources, Indonesia still experiences a shortage to meet the domestic supply of agricultural products. On the other hand, the ASEAN Economic Community (AEC) opens a wide market for local agricultural products to be able to enter the ASEAN market without tariff barriers. A product to get facilities under a Free Trade Agreement (FTA) must meet the required criteria both in terms of product quality, production process, and administrative completeness. The main purpose of FTAs is to increase intra-regional trade, and increase regional competitiveness in the global market. So that the FTA is aimed at being able to improve the economic welfare of member countries and this should also be correlated with an increase in opinions and living standards for local product producers, workers and related sector actors. Agricultural products are one of the commodities that get a special place under the AEC because of their relatively large regional market share and continue to increase along with the increase in population. International trade crimes against local agricultural products indirectly harm farmers and local agricultural producers. Reducing the profit margins that should be obtained by local farmers and local producers to the point of shutting down the downstream industry in agriculture (Putranti & Paramasatya 2014; Sanjiwani 2016).

Based on this thought, the author is interested in conducting research on local government policies towards regional superior products from Sangihe Islands Regency, which raises the topic of Legal Urgency for the Protection of "Lana Bango" as a Regional Superior Product of Sangihe Islands Regency. The purpose of this study is to determine the impact of making "lana bango" as a superior product of the Sangihe Islands Regency on the Sangihe community and efforts to protect the manufacture of "lana bango" as a superior product of the Sangihe Islands Regency.

METHOD

This is a qualitative descriptive with case study approach. This research was carried out in Sangihe Islands Regency.

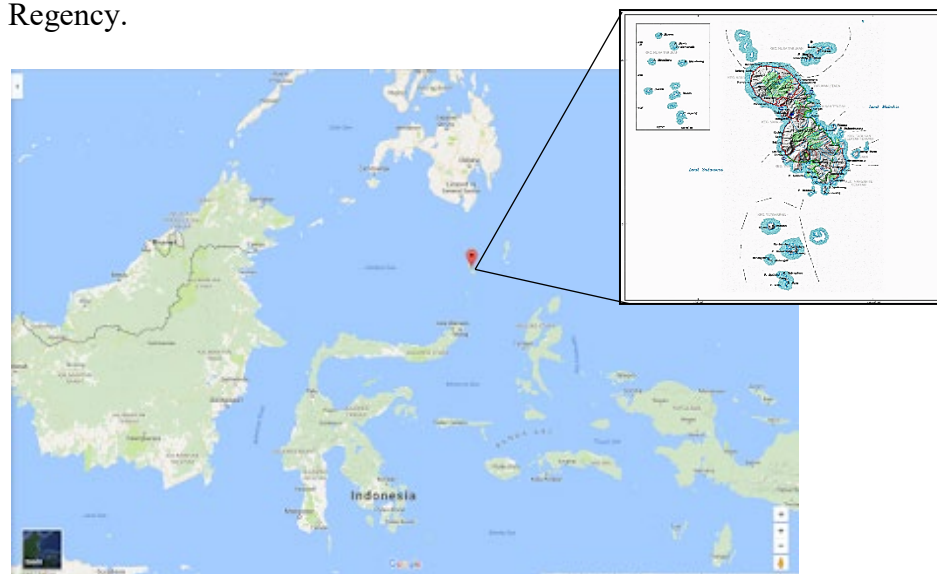


Figure 1. Research Location

Data collection was carried out at directly related agencies in the form of several Regional and Village apparatus in Sangihe Islands Regency, namely at the Regional Development, Research, and Development Agency, the Regional Agriculture Office, the Regional Industry and Trade Office, the Legal Section of the Regional Secretariat, the

Economic Section of the Regional Secretariat, Kalekube 1 Village, and Utaurano Village are all located in the Sangihe Islands Regency, where some of these Regional Apparatus have Main Tasks and Institutional Functions Significantly Related to this Research. The data used in this study came from primary data and secondary data. Primary data was obtained by interview techniques and questionnaires to all targeted regional apparatus. In addition, this study took information directly to the area that has a local coconut oil manufacturing site in Sangihe. Empirical data using primary data obtained directly in the field comes from direct confirmation to competent Regional Apparatus apparatus where the function of this data is data supporting normative legal materials. Field data collection was carried out by conducting direct interviews with Regional Apparatus and Village Officials as well as local coconut oil producers "Lana Bango" who were competent with the problem. The collected data was then analyzed using the qualitative juridical analysis method.

RESULTS AND DISCUSSION

The impact of making "lana bango" as a superior product of the Sangihe Islands Regency on the people of Sangihe

The result of this study show that in connection with the efforts of the local community in Sangihe Islands Regency in utilizing local products, namely coconuts whose fruits are processed into coconut oil known as 'lana bango', it turns out that it can provide benefits in improving community welfare. The results of this study show that the manufacture of 'lana bango' is beneficial in improving the welfare of the community in Sangihe Islands Regency. Sangihe Islands Regency is one of the districts in North Sulawesi Province. Based on the geographical location, Sangihe Islands Regency is dominated by the sea area and also has the potential for a wide area. So that most of the population takes advantage of the potential of available natural resources. Economic growth is one of the important indicators in describing economic performance in a region. The economy of Sangihe Islands Regency began to grow rapidly due to the establishment of new companies engaged in the processing industry, so experiencing this high increase then had an impact on increasing the growth rate of Gross Regional Domestic Product (GRDP) on the basis of Constant Prices (BCP) of Sangihe Regency (Hamel et al 2023).

Sangihe Islands Regency in implementing the principles of regional autonomy by trying to optimize the potential of the village for the implementation of good, clean, and continuously developing government. This is evident from the increasing number of village fund allocations in Sangihe Islands Regency. With the increasing number of village fund allocations, it indicates the higher the development of the potential in each village. Village funds in 2019 are budgeted in the State Budget of Rp70 Trillion, this shows that village funds have increased considerably every year, for the province of North Sulawesi in 2019 the total village fund revenue is Rp1,125,845,614,000.00 which will be distributed to villages in North Sulawesi province as many as 1,507 villages. Bowongkali Village, which is one of the 145 villages and 22 sub-districts in the Sangihe Islands district, received village funds of Rp1,212,774,000.00. The village fund, which is quite large, requires the village government to be able to manage the village fund in accordance with the Regulation of the Minister of Home Affairs Number 20 of 2018 concerning Village Financial Management, and can account for the use of village funds in an accountable manner (Malumperas et al 2021).

Sangihe Islands Regency poverty rate is still a problem that has been experienced for many years and is still difficult to fix which when viewed from the publication data of the Central Statistics Agency of North Sulawesi, Sangihe Islands Regency still ranks 3rd with the highest poverty rate after Southeast Minahasa Regency in 2nd place and South Bolaang Mongondow Regency in first place. The high poverty rate in Sangihe Islands Regency has

not changed for more than 10 years with the percentage of the number of poor people always above 10% (Takasaping et al, 2023).

Some of the factors that can cause poverty are social assistance spending, private investment, economic growth, unemployment rate, population, GDRP and government spending. Research conducted by Rarun, Kawung and Niode (2018) which examined the analysis of the influence of social assistance spending and private investment on poverty in North Sulawesi Province. The purpose of this study is to determine the influence of social assistance spending and private investment on poverty in North Sulawesi Province. The analysis method used is Ordinary Least Square. The results showed that social assistance expenditure has a negative and significant influence as well as private investment has a negative and significant influence on poverty and together government social assistance expenditure and private investment have a significant influence on poverty in North Sulawesi Province.

Awruni and Kartika (2019) who researched the influence of GDP and government expenditure on HDI and poverty levels in Regencies/Cities of Bali Province. The analysis method used is path analysis. The results of the study show that of the three independent variables in the form of GDP, government expenditure in the education sector, and government expenditure in the health sector have a significant effect on the bound variable, namely HDI. Government expenditure in the education sector, government expenditure in the health sector and HDI have a negative and significant effect on poverty while GDP has a positive and significant effect on poverty. The HDI variable is a variable that mediates the influence of GDP, government expenditure in the education and health sectors on poverty.

Lendentariang et al. (2019) research on the influence of economic growth, unemployment rate and population on poverty in Sangihe Islands Regency. This study uses multiple regression analysis methods. The results of the study show that individually the economic growth variable does not have a significant influence on poverty, the unemployment rate has a significant influence on poverty and the population also has a significant influence on poverty in Sangihe Islands Regency.

Research from Kaharudin et al (2019) which examines the influence of government spending on economic growth, unemployment and poverty (case study in Manado City in 2001-2017). The test was carried out using the Simple Linear Regression analysis method with a semi-log model. The results of the study show that government expenditure variables have an influence on economic growth, government expenditure variables have an influence on unemployment, government expenditure variables have no effect on poverty in Manado City. The determination coefficient shows that this variable research already has an effect, but the simultaneous influence can be categorized as still low, because the calculation results show that the determination coefficient is below the supposed number. From the results of the classical assumption test, it can be concluded that there are no problems in the autocorrelation test, and the results are obtained that there are no autocorrelation problems in the model in 2 studies, but in the study on poverty there is an autocorrelation problem. This is possible due to various factors that often affect the situation in society.

The use of local products such as coconut oil called 'lana bango' can actually improve the community's economy so that it can lift the family economic level from the poverty line. Regional Superior Products (PUD) are goods or services owned and controlled by a region, which have high economic value and competitiveness and absorb a large number of labor, which are produced based on considerations of technical feasibility (raw materials and markets), community and institutional talents (mastery of technology, human resource capabilities, infrastructure support, and local socio-cultural conditions) that develop in a certain location. Local economic development is a process of building dialogue and partnership action between parties that include local governments, entrepreneurs, and local

community organizations. The main pillars of the strategy are to increase the attractiveness, durability and competitiveness of the local economy. The main goal is to create high growth and sustainable development that benefits all parties in the region in order to increase new job opportunities, increase and reduce poverty significantly (Putranti & Paramasatya 2014; Setlight et al 2021).

In the context of regional economic development efforts, an inventory of the potential of regions/communities/regions is absolutely necessary in order to establish development pattern policies both sectorally and multisectorally. One of the steps to inventory/identify regional economic potential is to identify potential, mainstay and superior regional products in each sub-sector. Regional superior products describe the region's ability to produce products, create value, utilize resources in a real way, provide job opportunities, bring income to the community and the government, and have prospects to increase productivity and investment. A product is said to be superior if it has competitiveness so that it is able to counteract competing products in the domestic market and/or penetrate the export market (Setiajatnika & Astuti, 2022; Sudarsono, 2001; Sanjiwani 2016).

Efforts to protect the manufacture of "lana bango" as a superior product of the Sangihe Islands Regency

In order to increase community productivity in the production of 'lana bango', this community's business must be protected juridically, one of which is by prohibiting the exploitation of coconut stems for the manufacture of other products that are different from 'lana bango'. The results of this study also show that it is necessary to protect the sustainability of the production of 'lana bango', one of which is by prohibiting the exploitation of coconut stems for the manufacture of other products besides 'lana bango'. Research from Hamel et al (2023) shows that the base sectors in Sangihe Regency are the agriculture, forestry, and fisheries sectors; large and retail trade sectors, car and motorcycle repairs; transportation and warehousing sectors; financial services sectors; real estate sectors; government administration, defense and compulsory social security sectors; health services and social activities sectors.

In order to carry out deconcentration, guidelines are needed, therefore, Government Regulation No. 38 of 2007 and Government Regulation No. 7 of 2008 were issued. 74 This regulation is considered to be the legal basis for the implementation of deconcentration. Deconcentration is the delegation of authority to the Governor as a representative of the central government at the local level and/or vertical agencies in certain areas. In the explanation of Government Regulation Number 7 of 2008, it is clearly stated that: "The Republic of Indonesia in carrying out administration adheres to the principles of decentralization, deconcentration and assistance duties". This means that deconcentration and assistance tasks are carried out as a consequence of the unitary state where the central government grants authority rights except for some competencies delegated to local governments (Hartanti 2010). In addition, Government Regulation Number 7 of 2008 states that in carrying out its own government affairs, the government can carry out its own government affairs, delegate part of government affairs to the Governor as a representative of the government (deconcentration) or determine local government affairs (assistance duties) (Hartanti 2010; Sanjiwani 2016).

In particular, Article 16 Paragraph 5 of Government Regulation Number 7 of 2008 regulates the implementation of the deconcentration system between the central government and local governments. Article 1 Paragraph 1 of the Regulation of the Minister of Trade Number 42 / M-DAG / PER / 12/2011 defines deconcentration as the delegation of authority from the government to the Governor as a representative of the government and/or to vertical agencies in certain regions. Regarding deconcentration in the trade sector, Article 3

Paragraph 1, states that "the government delegates several affairs in the trade sector under the competence of the Minister to the Governor as a representative of the government. Article 5 paragraph 1 states that in the implementation of deconcentration in the trade sector, the government grants the right to synchronize local government affairs, applies effective and efficient principles in deconcentration, and performs coordination, management, monitoring, supervision, and reporting duties. Deconcentration in the trade sector is used to support the development and expansion of trade in order to promote the acceleration of economic growth at the local level (Hartanti 2010; Sanjiwani 2016).

Geographical Indication (hereinafter referred to as IG) is a geographical term related to a product that indicates the place or area of origin and the quality of the product derived from geographical characters. The geographical factor of a certain area/region of a country is a determining element in shaping the quality, reputation or certain characteristics of an item that will receive IG protection. Geographical Indication is a legal protection regulated in Trade-Related Aspects of Intellectual Property Rights (TRIPs) for goods or products based on the reputation, quality and characteristics of a region/region. IG is a separate IPR that is different from other Intellectual Property Rights (IPR) because IG can only be registered as a joint/communal right. In Indonesia Law, Geographical Indications are placed in one law together with trademarks, namely Law number 20 of 2016 concerning Trademarks and Geographical Indications. IG is a communal right so that in the implementation of its protection it can cause various problems, both in terms of product marketing and in terms of supervision. IG arrangements must be adequate to support local economic development efforts and even compete globally (Mahila 2019).

Some examples of commodities that have been protected by these geographical indications include: Gayo Arabica Coffee from Central Aceh Regency, Kalosi Enrekang Coffee from South Sulawesi and Javanese Coffee are several varieties of coffee that due to their climate and growing environment, make the coffee have "distinctive" properties and characters as characteristics or characters that distinguish it from other coffee products. Violation of the law against geographical indications is a violation of exclusive rights. The provisions in the Trademark Law that regulate geographical indications use territorial principles, so they have several limitations that deserve attention if parties in Indonesia will litigate outside Indonesia's territory. Referring to the provisions of the juridical provisions, Article 92 paragraph (1) of the Trademark Law states that an act intentionally or without rights that uses the same mark as the other party's geographical indication in its entirety for the same or similar goods as the one registered, shall be sentenced to imprisonment for a maximum of five years in prison and/or a fine of up to one billion rupiah; while article 92 paragraph (2) of the Trademark Law states that the act of intentionally or without the right to use the same mark in principle as the geographical indication of the other party for the same good, is punishable by imprisonment for a maximum of four years and/or a maximum fine of eight hundred million rupiah. The substance of article 92 of the Trademark Law aims to protect consumers of the goods concerned so as to avoid misleading or deceiving consumers. Acts that violate this provision are fraudulent or unfair trade principles, unfair trade competition.

The registration of geographical indications, not only provides legal recognition and protection for the ownership of exclusive rights, but on the other hand provides a guarantee that all goods products that have been protected with geographical indications or signs of origin of goods, are more trusted by consumers both at the local level and at the level of international trade. The protection of geographical indications can spur the community's economy, preserve biological resources, protect the community's traditional knowledge, and develop agro-tourism (Djaja 2013). This can be done in Sangihe Islands Regency with a local product, namely coconut oil called "lana bango". With legal protection, the sustainability of

'lana bango' production can be guaranteed so that it can improve the economy of families, communities and regions.

CONCLUSION

It can be concluded that the effort to use coconut processed into coconut oil known as 'lana bango', is useful in improving community welfare. In order to increase community productivity in the production of 'lana bango', this community's business must be protected juridically through the existence of regulations that prohibit the exploitation of coconut stems for the manufacture of other products that are different from 'lana bango'.

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