

Fishery

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1 Sustainable Fishery Campaign by Small-Scale Fishers: A Case Study on Law Protection on Small-Scale Fishers in Morodemak Village, Demak District, Central Java Province, Indonesia

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1 ABSTRACT

There is a spirited commitment of sustainability among small-scale fishers and fisheries. This commitment is visible through the pattern and process of utilization of environmentally friendly fishery gear and through campaigns by fishers to encourage each other to always use environmentally friendly fishing gear. For many small-scale fishers, their low fishing income is not a problem, as they include in their accounting the value of fishery resources for future generations. This research wants to answer how legal protection is related to small-scale fishers' commitments to sustainability in the local context. With qualitative analysis, disclosed legal protection is not only examined from the perspective of legislation alone, but also considers the economic, political, and social relationships. The case study was conducted in Morodemak Village, Bonang Subdistrict, Demak District. The study examines local practices by small-scale fishers in the utilization of fishery resources. The study found that small-scale fishers are not always concerned with income alone, they also value fishery resources for future generations, often by way of practicing sustainable fishing methods. The awareness of sustainability of fisheries was determined by fishers' exclusive use of ecofriendly fishing gear and their campaigns to encourage other small-scale fishers to abandon the use of unfriendly fishing nets.

2 **Keywords:** law protection, sustainable fishery, small-scale fishermen

INTRODUCTION

1 GLOBALLY, FISHERS ARE grouped into small-scale fisheries. Each fishery group contributes enormously to the country and nation based on coastal and fisheries.¹ In addition, of the economic income for the fishers, fishery products from small-scale fishermen are

1 also utilized by most communities.² Small-scale fishers in developing countries encounter a number of problems related to the pattern of fishery management, such as the rights of small-scale fishers in utilizing fishery resources.³

The greatest potential of the marine and fisheries sector in Indonesia is capture fisheries. This potential is also enjoyed by small-scale fishers, determined in part by the size of their boats and whether their fishing

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1 Nireka Weeratunge, *et al.* "Small-scale Fisheries Through the Wellbeing Lens." *Fish and Fisheries* 15 (2014): 255–279.

1 La Sara, *et al.* "Empowering Coastal Community by Implementing Natural Resources Management (Case Study in South Sulawesi, Indonesia)." *Journal of Coastal Development* 14,3 (2011): 202–213.

3 Edward H. Allison, *et al.* "Rights-Based Fisheries Governance: from Fishing Rights to Human Rights." *Fish and Fisheries* 13 (2012): 14–29.

1 equipment is advanced. Because of the size, the small vessels of most local fishers cannot reach waters too far from the beach. In Indonesia, there are 7.87 million fishers, 95.6% of whom are small-scale fishers inhabiting 3216 villages.⁴

In law, a small-scale fisher is defined as a fisher whose livelihood and the source of daily needs are fishing.⁵ Regarding the size of the ship used, the law is regulated differently. Act No. 45/2009 on Amendment of Act No. 31/2004 on Fisheries determines that small-scale fishers are those who use fishing vessels of the largest size 5 gross tonnage (GT). Whereas in Act No. 7/2016 on Protection and Empowerment of Fishermen, Cultivation and Salt Farmers, the smallest fishing vessel measures 10 GT.

Fishing vessels measuring 10 GT are not small in size. In terms of ownership, only ships under 5 GT rely on personal capital. Differences can also be assessed through comparison of cruising ability. Small-scale fishers can only move near the coastal area. In addition to the fishers who are fishing at a certain distance, some small-scale fishers are only fish finders in coastal areas that support diversity of ecosystems. In the process of supporting the diversity of ecosystems, small-scale fishers face a lot of pressure in achieving environmental sustainability.⁶

The distinctive feature of small fishing areas is the high dependence on the ecosystem. There is an awareness that various organisms interact and influence each other. Damage to one ecosystem will affect other ecosystems. Damage to coral reefs and mangrove forest results in a depletion of fishery resources. Maintaining coral reefs and mangroves is the same as maintaining fishery resources. This awareness reinforces the resilience of small-scale fishers in safeguarding their natural resources.⁷

On that basis, small-scale fishers depend on the quality of the environment. Damage to the ecosystem will also destroy the lives of fishers. In areas where the ecosystem is already damaged, fishers must reach further in looking for fishery resources.

With greater the damage to the ecosystem, the more the capital a fisherman has to spend to reach adequate catchment areas. This reason contributes to the unchanged poverty rate of small-scale fishers. Nationally, one-quarter of the poverty rate of 10.64% are small-scale fishers.⁸

The strong effect to fishery resource of damaged fishing ground on poverty is recognized by a group of

⁴Board Central of Statistics. *Socio-Economic Survey*. (Jakarta: BPS, 2014).

⁵Compare, Neil L. Andrew, et al. "Diagnosis and Management of Small-Scale Fisheries in Developing Countries." *Fish and Fisheries* 8 (2007): 227–240.

⁶John N. Kittinger, et al. "Emerging Frontiers in Social-Ecological Systems Research for Sustainability of Small-Scale Fisheries." *Current Opinion in Environmental Sustainability* 5.3–4 (2013): 352–357.

⁷Compare Elena M. Finkbeiner. "The Role of Diversification in Dynamic Small-Scale Fisheries: Lessons from Baja California Sur, Mexico." *Global Environmental Change* 32 (2015): 139–152.

⁸KKP. *Fishery Statistics 2015*. (Jakarta: Marine and Fisheries Ministry, 2015).

1 small-scale fishers. From that awareness, they have established sustainability commitments regarding fishery resources. Their commitment is realized with the use of environmentally friendly fishing gear, and through campaigning for other small-scale fishers to do away with their destructive fishing gear.

This research wants to answer how the legal protection of sustainable fisheries commitments and campaigns is conducted by small-scale fishermen in the local context.

The context of small fisheries is found in a number of studies. Related to fishery management in Indonesia, the existence of regional authority is possible with the existence of decentralization.⁹ However, in the era of decentralization, the utilization of fishery resources is not controlled. Even illegal fishing activities by foreigners in certain areas cannot be stopped by national legislation. Establishing local regulations is one strategic solution to address the issue.¹⁰

Unfortunately not all regions prepare a fishery policy well and few areas have local leader support and government regulations to uphold the policy and strengthen traditional resource use practices.¹¹ In addition to local leadership, social capital can also encourage the success of sustainable fisheries.¹² In terms of fishery management, effective management is possible with the delegation of management authority to local communities.¹³ With the delegation of authority, stakeholders in local communities can be identified in accordance with the objectives of fishery management.¹⁴

The ultimate purpose of fishery management is the welfare of small-scale fishers. This goal is achieved through the preparation of small-scale fishers in managing fisheries.¹⁵ The government is responsible for strengthening the capacity of local fishers and supporting local institutions in achieving sustainable fisheries.¹⁶

⁹Arif Satria and Yoshiaki Matsuda. "Decentralization of Fisheries Management in Indonesia." *Marine Policy* 28.5 (2004): 437–450.

¹⁰Michael Heazle and John G. Butcher. "Fisheries Depletion and the State in Indonesia: Towards a Regional Regulatory Regime." *Marine Policy* 31.3 (2007): 276–286.

¹¹Elizabeth McLeod, et al. "Sasi and Marine Conservation in Raja Ampat, Indonesia." *Journal Coastal Management* 37.6 (2009): 656–676.

¹²Nicolas L. Gutiérrez, et al. "Leadership, Social Capital and Incentives Promote Successful Fisheries." *Nature* 470.7334 (2011): 386–389.

¹³Dirhamsyah. "The Community-Based and Co-management Concept for Coral Reef Management in the Raja Ampat Islands." *Journal Australian Journal of Maritime & Ocean Affairs* 5.2 (2013): 65–73.

¹⁴Blake D. Ratner and Edward H. Allison. "Wealth, Rights, and Resilience: An Agenda for Governance Reform in Small-Scale Fisheries." *Development Policy Review* 30 (2012): 371–398.

¹⁵Christophe Béné, Bjørn Hersoug, and Edward H. Allison. "Not by Rent Alone: Analysing the Pro-Poor Functions of Small-Scale Fisheries in Developing Countries." *Development Policy Review* 28 (2010): 325–358.

¹⁶Ishmael B.M. Kosamu. "Conditions for Sustainability of Small-Scale Fisheries in Developing Countries." *Fisheries Research* 161 (2015): 365–373.

RESEARCH METHOD

Research related to the protection of small-scale fishers cannot be limited to a legislative approach. This research investigates fishers' protection in relation to a number of other aspects, such as politics and the socio-cultural framework. Law cannot be separated from the political and social contexts, so the protection of the law cannot be separated from how the interaction takes place with the political and social aspects. With that in mind, this study uses an interdisciplinary sociolegal approach.¹⁷

There are two information gathering techniques conducted by the researcher, namely the collection of information from documents and legal materials, as well as information from the field. The legal materials reviewed include the Act about Fishers Protection, the Act on Fisheries, the Act about Coastal Management, and licensing policy. Field information was obtained from a number of key informants, including the Staff of the Office of Marine and Fisheries, small-scale fishers, fishers associations, and community counselors. Questions were asked and interviews conducted openly. All findings are interpreted, analyzed, and presented qualitatively.

DISCUSSION

This case study was conducted in Morodemak Village, Bonang Subdistrict, Demak District. There are 21 villages within the Bonang Subdistrict. The distance from the capital city to Morodemak village is 20 km, a 30-minute journey by motor vehicle.

The condition of the settlement is shabby, which is reached by crossing a river. The river narrows during low tide, coupled with the presence of fishing boats tied up by the river. Roads, the main transport routes on land, are very narrow. There are only two bridges connecting the road to the settlement. People here use boats to cross the river.

Morodemak Village has a population of 5699 people, 48% of whom are fishers, including fish processors.

The tip of the road to Morodemak is a coastal fishing port (CFP). This fishery port, according to 2015 statistics, produces up to 2.178 million tons of fish per year.¹⁸ With this fishery port, the community catches and sells fresh fish every day.

Socially, small-scale fishers have good communication with the village community. They also communicate with fishers in general. Small-scale fishers who use environmentally friendly fishing gear keep in touch with others who also use environmentally friendly fishing gear.

All fishers have equal access to coastal waters and fishery resources. However, not all small-scale fishers use the same fishing gear in those waters. Some of them use nonenvironmentally friendly fishing gear, called "arad"

(mini trawl). The net has opening smaller than 2 inches. This net will destroy the fish that exist along the coast.

Arad gear is sometimes used by small vessels. The size of the net is very small and will damage the habitat. Not all small-scale fishers use these nets. Some small-scale fishers have become part of the sustainability campaign so they do not use the arad nets.

The fishing gear used determines the fishery resources fishermen utilize. The change in size from 5 GT to 10 GT of what is considered small fishing boats increases competition for fishing ground. This condition increase competition with larger boats. Fishing ground initially only used by small-scale fishers with boats up 5 GT is now open to fishermen with boats up to 10 GT.

The government does not regulate fishing ground clearly or firmly even though the 10 GT ship is very large and should be specially arranged. Legislation no longer requires the existence of licensing mechanism for this type of ship, they simply require registration.

The government also fails to enforce laws against nets that are not environmentally friendly. Government staff acknowledged that there were fishermen who use banned types of nets, but still there is no supervision or law enforcement for a number of reasons, for example, net users are classified as small-scale fishers. Furthermore, the authority of the regional government related to the maritime and fishery sector has been transferred to the provincial government. Thus, the authority of the district government is increasingly limited.

Some small-scale fishers are aware of potential conflicts of fellow fishers, due to the increasingly limited fishing ground and the use of different nets. Although the government does not play the role of law enforcement and supervision, some small-scale fishers who use environmentally friendly nets campaign against small-scale fishers who fail to follow suit. They invite and encourage other fishermen to use environmentally friendly nets.

The fishers' campaign is assisted by a number of volunteers of the community. Persuasively, they dialogue and invite fishers to use environmentally friendly nets.

Researchers have the opportunity to meet fishers who use the "arad" net. They claim to realize that the nets cause damage to fishery resources. According to fishers, they need government assertiveness to enforce the law, so that all fishers follow the same rules in using fishing gear. For the often poor small-scale fishers, there should be a government-assisted change to environmentally friendly nets.

From the findings, the sustainability of fishery resources owned by small-scale fishermen is a complicated issue. In delicate locations, the small-scale fishing vessel is preferred to the 10 GT vessels. Small-scale fishers do not have to take care of the ship's license, but only register it. They only need to take care of the Proof of Listing of Fishery Ship (PLFS), and for that there is no cost.

For ship sizes of 0-9 GT, the registration is in the district through the ship measurement process is not available everywhere. For the process of obtaining permits or lists, in Central Java Province there are a number of places, especially in technical implementation units (TIU). There are 10 coastal fishing ports (CFP) and 1 fish

¹⁷Brian Z. Tamanaha. *Realistic Socio-Legal Theory: Pragmatism and a Social Theory of Law*. (Oxford: Clarendon Press, 1997), 2.

¹⁸Board Central of Statistics. *Demak in 2016*. (Demak: BPS, 2016).

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landing base (FLB). The closest CFP and TIU are in Demak and Kendal, whereas the fish landing site is in the Kendal District.

Another finding in the field is that districts refuse to take ships under 5 GT, because they have no authority, given that all authority exists in the province. There is no provision that requires the district to administer this authority to boats under 5 GT. Carrying out certain authorities has implications for the budget to be spent. To carry out the registration, the district government needs a budget, whereas they have no authority because of the authority of the provincial government.

A crucial problem is the size of the ships as the size significantly affects the fishing area. Small-scale fishers have their own fishing lanes arranged in the path closest to the beach. The path is also used by ships of various sizes, with reasons to want to save operational costs. It is cheaper for big boats to use these lanes as well. Even small-scale fishers often meet with large boat fishermen who use environmentally unfriendly fishing gear, especially in coastal areas with potential fish resources.

Thus, the fishing path for small fishers that was used only by fishers with 5 GT boats has now increased to include fishers with a maximum of 10 GT. Fishing gear that is prohibited by the Marine and Fishery Minister has also not been completed yet. Prohibited fishing equipment legislation still found in the field. Fishers users of the "arad" or "bulga" (trawling-like) nets, are well aware of the effects of the net use.

Campaign and awareness of the use of environmentally friendly fishing gear were successful. Success is determined by the spirit and continuous communication to convince fishers to use environmentally friendly nets. Many small-scale fishers have destroyed their nets. The problem now is that the replacement nets provided by the government do not meet the needs of the fishermen and thus were left mostly unused.

CONCLUSION

Law protection of small-scale fishers through a campaign of use of environmentally friendly nets should extend widely. The state must be present to accompany the awareness of small-scale fishers committed to using environmentally friendly nets. Their activities are campaigning for sustainable fisheries, must be protected by law from the state.

The state must be meaningful the protection of small-scale fishers should be viewed as a whole, not just limited to economic and insurance issues. Protection includes access to coastal waters, utilization of fishery resources, and educational and health facilities for fishers and their families.

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