

## REGULATION MODEL OF MARINE UTILIZATION BY SMALL FISHERMEN IN THE FRAME OF REGIONAL AUTONOMY IN MUKOMUKO, INDONESIA

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### ABSTRACT

*Fisherman conflicts that occur in Mukomuko is between small fishermen using traditional fishing gear and trawl fishermen. Conflict is resolved through the head of the fishermen and village officials. The substance of the agreement does not agree to the governing laws. This study aims to find a regulation model that can be an alternative solution to the use of marine areas by small fishermen within the framework of regional autonomy. The research method used is socio legal by approaching facts in the community. The data the analyzed to the laws and legal theory. The results shows that the regulation model with regional autonomy framework should be carried out by directly assigning villages to excute fisheries supervision because sense of belonging to the coastal areas will arise and an opportunity for local wisdom of the village community to grow in the coastal village community of Mukomuko is wider.*

*Keywords:* Regulation model, Marine utilization, Small fishermen, Regional Autonomy

### INTRODUCTION

Since the recognition of the Archipelago by International Law through the birth of the United Nations Convention on the Law of the Sea (UNCLOS 1982), Indonesia is one of the archipelagic countries and is the largest archipelago in the world.<sup>1</sup> Indonesia has ratified UNCLOS 1982 through the Law Number 17 of 1985 on Ratification of the United Nations Convention on The Law of the Sea 1982. In the 2nd amendment to the Constitution Chapter IXA Article 25 E stated that the unitary state of the Republic of Indonesia is an archipelago characterized by an archipelago with territories whose rights and rights are set by law. The same thing is also found in Law No. 6 of 1996 on Waters Article 2.

The condition of Indonesia is increasingly strategic because it stretches along 3977 miles and is in a cross position, which is between two continents and two oceans. The area of Indonesia's ocean is 3,257,483 square kilometers. It has 17,504 inhabited or not islands scattered around the Equator line. Under these conditions Indonesia chose to run the wheels of government with regional autonomy.<sup>2</sup> This is due to the condition of Indonesia which consists of thousands of islands with heterogeneous laws, tribes and cultures so that it needs special rules for their respective regions.

With such condition many of Indonesians become fishermen and live on villages by the sea categorized small scale fishermen.<sup>3</sup> Coastal and marine areas provide a variety of natural, biological and non-natural resources that are of high economic and ecological value. With this very valuable potential, coastal areas are faced with a high threat, including the use of marine areas which are full of conflicts and not environmentally friendly. Therefore, the use of sea area by small fishermen must receive extra attention so that this region can be managed sustainably. Common problems faced by small fishermen in Indonesian coastal villages on average have similarities. The similarity is that there was a conflict between the small fishermen because of the seizure of fishing areas such as what happened in Pondokdadap, Malang.<sup>4</sup> In Demak, social conflicts often occur between purse seine and minipurse seine fishermen because the attractor lights mounted on a 15,000-35,000-watt vessel make reflected light. The mini purse seine small fisherman feels that the fish in his catchment area are attracted by the very bright purse seine lights, as a result the catch is always decreasing.<sup>5</sup> In Bali, small fishermen are in conflict because of restrictions on the fishing area of small fishermen because part of the sea area is designated as a conservation area. On the North Coast of Java, small fisherman conflicts occur because of the use of arad nets.<sup>6</sup> In Mukomuko District, Bengkulu Province, a small fisherman conflict also occurred. Conflicts occur between small fishermen using traditional fishing gear and small fishermen using trawlers.

<sup>1</sup> Archipelagic states is specially set out in Chapter IV UNCLOS 1982

<sup>2</sup> Law Number 23 of 2014 on Regional Autonomy

<sup>3</sup> Definition of small can be found in article 1 number 11 of Law Number 45 of 2009 on Amandement of Law Number 31 of 2004 on Fisheries.

<sup>4</sup> Rahmah, A., Nurani, T., Wisudo, S., & Zubainarni, N. (2017). Pengelolaan Perikanan Tonda Dengan Rumpon Melalui Pendekatan Soft System Methodology (Ssm) Di PPP Pondokdadap Sendang Biru, Malang. *Jurnal Teknologi Perikanan Dan Kelautan*, 4(1), 73-88. doi:<http://dx.doi.org/10.24319/jtpk.4.73-88> accessed on 9 September 2018

<sup>5</sup> E. S. Hadi, A. W. B. Santosa dan Sumardi. 2013. Ipteks Bagi Masyarakat Nelayan Tangkap Tradisional Melalui Penggunaan Alat Bantu Pengumpul Ikan Ramah Lingkungan. *Jurnal Info Lembaga penelitian dan Pengabdian kepada Masyarakat*. 15(2), 974-975 melalui <https://ejournal2.undip.ac.id/index.php/info/article/view/1288> accessed on 9 September 2018

<sup>6</sup> Ratna Indrawati dan Ari Wahyono. 2009. Pengoperasian Jaring Arad di Perairan Pantai Jawa Utara. *Jurnal Sosial Ekonomi Kelautan dan Perikanan*. 4(1), 81-85 melalui <http://ejournal-balitbang.kkp.go.id/index.php/sosek/article/view/5821> on 9 September 2018

Actually the regulation on zoning or limitation of the sea area as agreed by Mukomuko fishermen is not in Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009. The law only provides a prohibition on the use of fishing gear that can endanger marine and fish ecosystems. Regarding fishing gear, further arrangements can be found in the minister of maritime affairs and fisheries.

To ensure the sustainability of these resources, the management must be carried out in a planned and integrated manner and provide great benefits to all stakeholders, especially coastal communities. At present there is Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands. But in its implementation there are still problems both in terms of legal substance, institutions and legal apparatus, legal services and the legal culture of the community. For example in Article 27 of Law No. 23 of 2014 concerning Regional Governments only regulates the granting of territorial management authority to provincial governments, while Law No. 1 of 2014 concerning Management of Coastal Areas and Small Islands states that management of coastal areas can be carried out by governors and regents / mayors in accordance with their authorities.

Conflicts of small fishermen in Mukomuo District have often occurred and until now there have been no concrete efforts taken by the Regional Government to overcome this problem. In addition, the practice of using trawl fishing equipment by several small fishermen, which triggers the emergence of conflict, will cause fisheries in the Mukomuko waters to diminish and damage the marine environment. If the right model of regulation is not immediately sought for the use of marine areas by small fishermen, the conflict between them will be unending stories and the extinction of fisheries resources and environmental degradation. In addition, trawling will lead to overfishing which has been overseen not only in Indonesia but in Southeast Asia.<sup>7</sup> This article tries to figure out a regulation model of marine utilization by small fishermen which can be an alternative solution to recurring conflicts in the area and can be a preventive effort so that similar conflicts do not recur.

## METHOD

This is a socio legal research, a research which based on normative science observing how reactions and interactions that occur when norms work in society. This study is important as Holmes said that laws is not just been logic but experience.<sup>8</sup> On this study, the laws will be inventoried and then analyzed systematically, some legal theories will also be used. After that, empirical data collected will help to get to know why the law does not work properly in society. Data is collected by literature studies, FGDs and informal discussions with respondents. Respondents were FGDs participants consisting of: from the government side is the officer from the Capture Fisheries sub-district Department of Marine and Fisheries Mukomuko, Head of several coastal villages, Head of Ipuh Sub-District Head. From society side, chairmen of small fishermen, chairman of the Indigenous Consultative Body, small fishermen and trawlers fishermen. The research located in the Ipuh sub-district because there were coastal villages that have been involved in a conflict. This research is the second (last) year research.

## RESULT AND DISCUSSION

Zoning or sea boundary determination by small fisherman Mukomuko stipulated in the Minutes of Agreement on the determination of fishing grounds and use of fishing gear in Mukomuko District, which was made on Friday, December 13, 2013, took place at the Mukomuko District Marine and Fisheries Service Hall. The meeting was chaired by the Secretary of the Office of Marine and Fisheries of Mukomuko district. The meeting was attended by the Comander of Navy Post, Water Police, Head of Coastal Villages, chairmen of Fishermen's, Community Monitoring Groups, Community Leaders, Secretary of Department of Marine and Fisheries of Mukomuko. Substance of the agreement are as follows:<sup>9</sup>

1. All meeting participants agreed that the problem of fishing between fishing villages was resolved according to the agreement made on March 15, 2013, which was returned to the Village Head and Village Chairperson.
2. The fishing area boundaries by fishermen using 5 GT vessels are 1.5 miles from the shoreline.
3. The boundary of the fishing area between Teramang Jaya sub-district fishermen and Mukomuko City sub-district is the South End of the Abrasion
4. Boundary The fishing area between Teramang Jaya sub-district fishermen and Ipuh sub-district is Bakung bay.
5. If there is a violation of the rules, the following sanctions will be imposed:
  - a. Between fishermen in the District of Ipuh and Teramang Jaya, a fine of Rp. 25,000,000, -
  - b. Between fishermen in Teramang Jaya District and Kota Mukomuko Subdistrict, a fine of Rp. 10,000,000
  - c. Between villages one sub-district will be fined 10,000,000
6. On Friday all fishermen in Mukomuko Regency are not allowed to go to sea, for fishermen who violate will be subject to sanctions in accordance with the agreement of each village officials.
7. If there is a violation of the fishing area and fishing gear so that it is not settled in the middle of the sea, it is settled on land by the head of the fisherman and village officials.

The things that are of concern in the agreement are: zoning based on boat weight and sub-district boundaries, fines sanctions, prohibition on fishing based on local wisdom, resolution of violations.

<sup>7</sup>Kim J. DeRidder, Santi Nindang, Southeast Asia's Fisheries Nearly Collapse From Overfishing, March 28, 2018 accessed from <https://asiafoundation.org/2018/03/28/southeast-asias-fisheries-near-collapse-overfishing/> accessed on 29 October 2018

<sup>8</sup> Cited from Mukti Fajar and Yulianto Achmad. 2017. *Dualisme Penelitian Hukum Normatif & Empiris*. Pustaka Pelajar. Yogyakarta. P. 47-49

## Governing Laws on Fishing Lanes

Fishing lanes are territorial waters which are part of the area of fisheries management of the Republic of Indonesia (herinafter will abbreviated as AFMRI) for the management and management of fishing activities that use fishing equipment that is permitted and / or prohibited.

Arrangements regarding fishing routes are in Article 7 paragraph (1) letter f, letter g, and letter h, and Article 9 of Law Number 31 of 2004 on Fisheries as amended by Law Number 45 of 2009 on Amendment to Law - Law Number 31 Year 2004 on Fisheries. The follow-up of the article Minister of Maritime Affairs and Fisheries set Regulation number 71 / PERMEN-KP / 2016 on Fishing Lines and Placement of Fishing Equipment in the State Fisheries Management Area of the Republic of Indonesia in lieu of Regulation of the Minister of Marine and Fisheries Number 2 / KP PERMEN / 2015 on Prohibition on the Use of Trawls and Seine Nets in the Fisheries Management Areas of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2015 Number 31).

This Ministerial Regulation is intended as a reference for regulating fishing lines and the placement of fishing gear (FG) and fishing aids (FA) in each of the Republic of Indonesia state fisheries management regions. The purpose of this Ministerial Regulation is to realize responsible, optimal and sustainable use of fish resources and reduce conflicts of utilization of fish resources based on the principles of fish resource management.

The Fisheries Management Region of the Republic of Indonesia is a fisheries management area for fishing, fish farming, conservation, research and fisheries development which includes inland waters, island waters, territorial seas, additional zones and Indonesia's exclusive economic zone.

In the Regulation of the Minister of Maritime Affairs and Fisheries No. 71/2016 determined 3 fishing lines, namely:

1. Fishing line I; consists of
  - a. Fishing line IA, covering coastal waters up to 2 (two) nautical miles measured from sea level at the lowest ebb; and
  - b. Fishing line IB, covering waters up to 2 (dua) nautical miles to 4 (four) nautical miles.
2. Fishing lane II; Fishing lane II as referred to in Article 3 letter b, covering waters outside the fishing lane I up to 12 (twelve) nautical miles measured from sea level at the lowest tide.
3. Fishing lane III includes EEZ and waters outside fishing lane II.

Furthermore, it was confirmed that the fishing lane at the AFMRI was determined based on the characteristics of the depth of the water. The characteristics of the water depth as referred to in paragraph (1) are divided into 2 (two), namely:

1. Shallow waters ( $\leq 200$  meters) consists of:
  - a. AFMRI 571, covering Malacca Strait waters and Andaman Sea;
  - b. AFMRI 711, covering Karimata Strait waters, Natuna Sea and South China Sea;
  - c. AFMRI 712, covering Java Sea waters;
  - d. AFMRI 713, covering makasar Strait waters, Bone bay, Flores Sea, Bali Sea; and
  - e. AFMRI 718, covering Aru Sea waters, Arafuru Sea, and south of Timor Sea.
2. Deep waters ( $> 200$  meters) consists of:
  - a. AFMRI 572, covering Hindia Ocean waters-West of Sumatra and Sunda Strait;
  - b. AFMRI 573, covering Hindia Ocean waters-South of Jawa to South of Nusa Tenggara, Sawu Sea, and West of Timor Sea;
  - c. AFMRI 714, covering Solo bay waters and banda Sea;
  - d. AFMRI 715, covering Tomini bay waters, Maluku Sea, Halmahera Sea, Seram Sea, and Berau bay
  - e. AFMRI 716, covering Sulawesi Sea waters and North of Halmahera island;
  - f. AFMRI 717, covering Cendrawasih bay waters and Pacific Ocean.

## Trawl: Disturbing and Destructive Fishing Gear

Besides the sea lane, Regulation of the Minister of Marine and Fisheries No. 17 of 2016 also regulates fishing gear that interferes with and damages the sustainability of fish resources.

According to this regulation fishing gear is catagorized to be annoying and damaging if its operation will:

1. threatening the extinction of biota;
2. resulting in habitat destruction; and
3. endanger the safety of users.

Trawl is one of fishing gears that disrupts and damages the sustainability of fish resources as referred to in the Minister regulation it is active and is prohibited to be operated on all fishing lines and in all AFMRIs.

## The Use of Trawl by Mukomuko Fishermen and Community Initiative to Prevent Conflict

Conflicts between small fishermen and trawl fishermen have been started since 2009 when trawlers have been used in the coastal area of Mukomuko. This conflict repeated until finally the fishermen made an agreement facilitated by Department of marine and

Fisheries of Mukomuko in 2013.<sup>10</sup> The agreement is about fishing ground zoning, customary sanctions, and methods of settlement if violation occurs.

This conflict happened every year. Resort police and Department of Marine and Fisheries tried to hold mediation but fail. The police did not enforce laws because they still because it still promotes customary law. A similar conflict occurred throughout the last 4 quarters of 2017. In 2017, there was a re-occurrence between traditional instincts with trawling users. Conflict occurs because traditional fishermen catch fishing boats trawling users in waters that are prohibited according to their agreement. There has not been any settlement in legacy because one of the contents of their agreement is if a violation occurs, the head of fishermen and village officials will conduct the settlement. The police in charge of the area also emphasized that they respected the customary law in force in the Mukomuko community so if there is conflict caused by the violation of the fishing ground, the village customary institutions will take care of it. The practice of using trawlers has an economic impact on fishermen who use traditional fishing gear. The number of their fish catches decreases. Responding to this conflict, the head of the capture fisheries said that the village head and the fishermen's chairman must jointly guard the sea area which they had agreed to and the agreed traditional rules regarding the boundaries of the fishing grounds so that they would be protected.

Based on data from the Bengkulu Provincial Department of Marine and Fisheries, there are 20,724 fishermen in the coastal area of Bengkulu. 445 of them still use trawl and of these, 275 fishermen are from Mukomuko and 170 fishermen are from Bengkulu city.<sup>11</sup>

### **Utilization of Marine by Small Fishermen in The Frame of Region Autonomy**

From the foregoing description it is known that the use of marine areas by small fishermen is regulated by laws and regulations in the field of fisheries, but the administration of government affairs in the field of maritime affairs and fisheries is left to the regions in accordance with the mandate of Law No. 23 of 2014 concerning Regional Government.

Regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of the local community in the system of the Unitary State of the Republic of Indonesia. Government Affairs consists of absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs are Government Affairs which are entirely under the authority of the Central Government. Concurrent government affairs are Government Affairs which are divided between the Central Government and the Provincial and District / City Regions. Concurrent government affairs submitted to the regions are the basis for implementing Regional Autonomy. Concurrent government affairs as intended in Article 9 paragraph (3) which are the authority of the Region consist of Mandatory Government Affairs and Preferred Government Affairs.

One of preferred government affairs is marine and fisheries. Based on this rule, Regions have the right to determine Regional policies to organize Government Affairs which are the authority of the Region.

Even though it has been given the authority, to establish regional policies must be guided by norms, standards, procedures, and criteria set by the Central Government, if not, then the Central Government cancels Regional policies. If within the period of 2 (two) years the Central Government has not established norms, standards, procedures and criteria, the Regional Government organizers carry out Government Affairs which are under the authority of the Region.

In carrying out concurrent government affairs which are under the authority of the Provincial Region, the Provincial Government has three choices, namely:

1. Organize the affairs on its own
2. Assign district / city regions based on the principle of Co-Administration
3. Assign the Village.

If the Provincial Region assigns co-administration tasks to the regency / city area and to the Village, it is stipulated by the governor's regulation in accordance with the provisions of the legislation and funding for implementing Government Affairs assigned to the Village by the Provincial Government is borne by the provincial regional expenditure budget.

### **Authority of Region on Marine**

The Provincial Region is given the authority to manage natural resources in the sea in its territory. The authority of the province to manage natural resources at sea includes:

- a. exploration, exploitation, conservation, and management of marine wealth outside oil and gas;
- b. administrative arrangements;
- c. spatial arrangement;
- d. participate in maintaining security at sea; and
- e. participate in maintaining state sovereignty.

The authority of the provincial region to manage natural resources in the sea is within 12 (twelve) nautical miles measured from the coastline towards the open sea and / or towards the islands waters. If the sea area between two provincial regions is less than

<sup>10</sup> Interview with head of subdistrict of Ipuh on 3 June 2017

<sup>11</sup>Redaksi. Konflik Nelayan Belum Berakhir. Rakyat Bengkulu. From <https://harianakyatbengkulu.com/2016/10/22/konflik-nelayan-belum-berakhir/> accessed on 3 March 2017

24 (twenty four) miles, the authority to manage natural resources at sea is divided equally in distance or measured according to the midline principle of the area between the two provincial regions. However this does not apply to fishing by small fishermen.

Division of affairs in marine and fisheries among Central Government, the province and the regions as stipulated in Law No. 23 of 2014 are as follows:<sup>12</sup>

- A. Central Government
  1. Management of fishing in marine areas above 12 miles.
    - a. Estimation of national fish stocks and allowable fish catch (JTB).
    - b. Issuance of capture fisheries business licenses for:
      1. fishing vessels measuring over 30 Gross Tonnage (GT)
      2. below 30 Gross Tonnage (GT) that uses foreign capital and / or foreign workers.
    - c. Determination of the location of development and management of national and international fishing ports.
    - d. Issuance of licenses for the procurement of fishing vessels and fishing vessels of over 30 GT.
    - e. Ship registration
    - f. Supervision of marine and fisheries resources on 12 miles, national strategic and certain marine space.
- B. Provincial Government
  1. Management of fishing in the sea area up to 12 miles.
  2. Issuance of capture fisheries business licenses for fishing vessels measuring more than 5 GT up to 30 GT.
  3. Determination of construction sites and management of provincial fisheries ports.
  4. Issuance of licenses for the procurement of fishing vessels and fishing vessels over 5 GT to 30 GT
  5. Supervision of marine and fisheries resources up to 12 miles
- C. Regency / City Government
  1. Empowerment of small fishermen in the district / city area.
  2. Management and implementation of Fish Auction Places.

The division of government functions chosen in the field of maritime affairs and fisheries as regulated in Law No. 23 of 2014 differs from the provisions of Law No. 32 of 2004 (previous regional government law) which gives authority to districts / cities to manage fishing in the sea area up to 12 miles, issuance of 5GT capture fisheries business permits to 30 GT and supervision of fisheries resources.

Regarding fishing, the thing to consider is supervision. Supervision is very important to ensure compliance with laws and regulations in the fisheries sector. Including the prohibition on using certain fishing gears such as trawls used by some fishermen in Mukomuko Regency. With the transfer of authority, span control or range of control for marine and fisheries affairs is high and more difficult because supervision is only carried out by the Provincial Government. This difficulty is compounded by the small number of fisheries supervisors and monitoring facilities such as the surveillance vessels which are also very limited.<sup>13</sup>

To organize this affairs, Law No.23 of 2014 on Regional Government gives 3 choices to the Provincial Government, namely:

1. Organize the affair on its own
2. Assign District / City with co-administration duties
3. Assign the Village (delegation)

### **Regulation Model on Marine Utilization by Small Fishermen in Mukomuko In The Frame of Regional Autonomy**

Small fishermen is traditional Indonesian fishermen who use traditional fishing equipment and materials, and for them are not subject to business licenses and free of taxes, and are free to catch fish in all fisheries management within the territory of the Republic of Indonesia.<sup>14</sup>

The agreement of Mukomuko fishermen is mainly because the use of trawl as fishing gear by several fishermen. The fishing gear has been proven to damage the marine environment and reduce the number of fishermen's catches. Even though the agreement was successfully made between fishermen using traditional fishing gear and trawl fishermen, actually fishermen using traditional fishing gear, customary leaders and heads of the Indigenous Consultative Body wanted trawlers to no longer be used considering the consequences of the practice of using trawlers were very detrimental. Those who counter the trawlers realize that the use of trawlers only provides short benefits. Behind that, the loss and damage of a long-standing marine ecosystem will be felt by their offspring in the future.

Of the 3 options for organizing government affairs in the field of maritime affairs and fisheries, the most rational and effective way is to assign villages. This is due to the long distance between the Province and Mukomuko Regency, the limited number of fisheries supervisors, and customary tools that still have a large role in the life of the Mukomuko community. By giving direct assignments to the Village, a sense of belonging to the coastal and marine areas in the Mukomuko District will emerge and will provide wider opportunities for customary tools to apply the values of local wisdom that grow and live in the Mukomuko community. Giving

<sup>12</sup> Annexed to the Law number 23 of 2014 of District Government

<sup>13</sup> FGD on Model Pemanfaatan Wilayah Laut oleh Nelayan Kecil di Kabupaten Mukomuko Dalam Kerangka Otonomi Daerah, on 19 Mei 2017 in Ipuh, Mukomuko

<sup>14</sup> Article 27 paragraph 5 Law number 23 of 2014 on District Government

trust and recognition to the people who come in direct contact with the coastal coastal areas has proven effective to carry out supervision and preservation, such as Panglima Laot in Aceh Province which has received formal recognition from the central and regional governments with a significant role in realizing sustainable fisheries because of local wisdom values many elements of fisheries that are environmentally friendly.<sup>15</sup> Another example is the recognition of Sasi culture in fisheries management in Maluku. This regulatory model can also be seen as a manifestation of policies that directly put poor groups /people as targets of policies or policies aimed at reducing poverty.<sup>16</sup>

The selection of a regulatory model by giving direct assignments to coastal villages to carry out fisheries supervision is actually the application of populist concepts in Pancasila because there is recognition of the local wisdom of the people of coastal villages. In local wisdom according to Armada Riyanto, the people are considered as the subject of wise and wise life. Power is first from the nature of the "people's" because "people" means "masters" (rulers) for their daily lives and for the survival of their children and grandchildren.<sup>17</sup>

Laws on Village gives the authority to village which includes: a. authority based on origin rights; b. village scale local authority; c. authority assigned by the Government, Provincial Government, or Regency / City Government; and d. other authorities assigned by the Government, Provincial Regional Government, or Regency / City Regional Government in accordance with statutory provisions.<sup>18</sup>

With the concept of regional autonomy as described above, the use of marine by small fishermen does not have to present zoning as practiced by fishermen in Mukomuko. Vertical marine zoning is the same as separating one area from another, especially if the zoning is followed by a ban on small fishermen in one area to enter and catch fish, which is contrary to the concept of regional autonomy and the concept of populist in Pancasila.

From the substance of the Minister of Maritime Affairs and Fisheries Regulation Number 17 of 2016, the provisions regarding fishing grounds bound by fishermen using 5 GT vessels are 1.5 miles from the shoreline not suitable and detrimental to fishermen using 5 GT vessels. It is not a rule that limits fishermen from certain areas to catch fish in other areas as long as they use the appropriate fishing gear. Whereas trawlers that are still used by some fishermen in several villages in Mukomuko are fishing gear which are prohibited by law from being used.

The use of marine areas by small fishermen before the use of trawlers takes place orderly. Fishermen used environmentally friendly fishing gear, fishermen from other villages or sub-districts may catch fish in other villages or sub-districts. At that time the harmony of life between small fishermen was beautifully intertwined. When trawling began to be used, a conflict of interest between small fishermen who uses traditional fishing gear and trawling fishermen began to occur which ends with the agreement. The formation of zoning for fishing is a middle ground taken so that two groups of fishermen who use different fishing gear can continue to do each other's activities and there is no conflict between them. In the popular concept, an agreement like this is not appropriate because deliberation and consensus in local wisdom is not only a formal meeting at a meeting to determine public policy. The value of deliberation and consensus belongs to the people's daily lives. Not just being in the verbal order, but also real life for a better and more beautiful future.

The use of trawlers which have been realized and proven to have a negative impact on the sustainability of fisheries resources is explicitly permitted for certain marine zones, namely outside 1.5 nautical miles. This agreement will certainly cause the lives of fishermen and their generation, marine ecosystems and fisheries resources will be degraded and even threatened with extinction. This is contrary to the real populist concept and must be adapted to the objectives of the establishment of Minister of Marine and Fisheries Regulation number 71 of 2016 that to perform responsible, optimal and sustainable use of fish resources and reducing conflicts over the use of fish resources based on the principles of fish resource management.

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<sup>16</sup> Moch Nurhasim, et al. 2014. *Model Kebijakan yang Memihak Kelompok/Orang Miskin Berbasis Good Governance*. LIPI Press. Jakarta. Hlm. 33-36.

<sup>17</sup> Armada Riyanto dkk. 2015. Kearifan Lokal Pancasila Butir Butir Filsafat Keindonesiaan. PT. Kanisius. Yogyakarta. Hlm.38-40

<sup>18</sup> Article 9Law number 6 of 2014 on Village

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Law number 6 of 2014 on Village

Law Number 23 of 2014 on District Government

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