



# Fishermen's Legal Awareness of The Use of Fish Bombes In Bombana District Water Area (Study At Direktorat Pol.Air Sultra)

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## ABSTRACT

The Republic of Indonesia is one of the largest archipelagic countries with a sea area of 3,257,483 km<sup>2</sup>, not including the waters of the Exclusive Economic Zone (EEZ) with 13,667 islands. Apart from that, Indonesia is rich in culture, language, and abundant natural resources. As stated in the 1945 Constitution, "The Unitary State of the Republic of Indonesia is an archipelagic country characterized by an archipelago with territories whose boundaries and rights are determined by law." The sea and coastal areas surrounding Indonesia contain enormous and diverse economic potential, so Indonesia is known as the largest archipelagic country with the greatest marine biodiversity. Biological resources found in Indonesian seas include fish, mangroves, coral reefs, and seagrass beds, and non-biological resources in the form of petroleum, natural gas, and mining. This research is planned for two months and is planned to be carried out with the completion of the Proposal Seminar in March after which it will be continued with research which will be planned in March and April 2023 in Bombana Regency, Southeast Sulawesi Province. Based on the results of the research analysis and discussion, the following conclusions can be drawn: 1). The level of legal awareness of fishermen in Lora Village, Mata Oleo District, Bombana Regency is classified as low. 2). Factors that influence the level of legal awareness of fishermen in Taspuhai Village, Central Rumbia District, Bombana Regency, namely: a. Internal factors (1) Fisherman's legal knowledge is high, (2) Fisherman's understanding of the law is low, (3) Attitude towards the law is low, (4) Fishermen's legal behavior patterns are low. b. External Factors (1) Education, (2) Economic Conditions, (3) Lack of cooperation between Fishermen and the Government. 3). Efforts made to increase the legal awareness of fishermen in Lora Village, Mataoleo District, Bombana Regency, namely conducting socialization of the law, having COREMAP placed in each village, and providing alternative aid funds.

**Keywords:** Bombana District Water Area, Fishermen's Legal, Fish Bombes,

## I. INTRODUCTION

The Republic of Indonesia is one of the largest archipelagic countries with a sea area of 3,257,483 km<sup>2</sup>, not including the waters of the Exclusive Economic Zone (EEZ) with 13,667 islands. Apart from that, Indonesia is rich in culture, language, and abundant natural resources. As stated in the 1945 Constitution, "The Unitary State of the Republic of Indonesia is an archipelagic country characterized by an archipelago with territories whose boundaries and rights are determined by law."

The sea and coastal areas surrounding Indonesia contain enormous and diverse economic potential, so Indonesia is known as the largest archipelagic country with the greatest marine biodiversity. Biological resources found in Indonesian seas include fish, mangroves, coral reefs, and seagrass beds, and non-biological resources in the form of petroleum, natural gas, and mining.

Indonesia's marine potential, especially in the fisheries sector, is one of the economic potentials that can be used for the country's development. It is necessary to make optimal use of the sea through tourism, mining, or fish resources while still paying attention to marine sustainability. This is based on the contents of the United Nations (UN) Convention on the Law of the Sea in 1982 which was ratified by Law Number 17 of 1985 concerning ratification of the United Nations Convention on the Law of the Sea (UNCLOS) 1982, stating that Indonesia has sovereign rights. to utilize, conserve, and manage fish resources in the Indonesian Exclusive Economic Zone (EEZ) and the high seas, which is implemented based on applicable international requirements or standards.

Indonesia is a country of law as confirmed in the Constitution of the Republic of Indonesia article 1 paragraph 3 that "Indonesia is a country of law". So of course there are legal regulations regarding maritime affairs in Indonesia, one of which is Fisheries Law Number 31 of 2004, which was later changed to Law Number 45 of 2009 concerning fisheries. These regulations regarding fisheries have enormous goals and benefits for the condition of fisheries in the territory of Indonesia in the context of development and improving the standard of living for the community.

However, the existence of Law Number 45 of 2009 in its implementation is not necessarily carried out by the community because in reality there are still many fishermen who bomb fish. This indicates that fishermen's legal awareness is still very lacking. Talking about issues of legal awareness means talking about knowledge, understanding, obedience, and respect for the law as well as the effectiveness of implementing the law.

On the other hand, legal awareness is not only seen as an issue in law enforcement and development but is related to the implementation of development as a whole as in MPR Decree No. IV/1978-TAP MPR No. IV/1999 has included the principle of legal awareness as one of the principles of national development which states that "the principle of legal awareness is that every Indonesian citizen must always be aware of and obey the law and obliges the State to enforce and guarantee legal certainty."

Apart from the GBHN above, the real problem with legal awareness is the effectiveness of implementing the law. public protests, and the period for the formation of the law. Legal awareness is known to include factors, whether the law is respected and obeyed because if someone only knows that there is a law then it can be said that their legal awareness is low. Therefore, to increase legal awareness, the government as law enforcer makes various efforts to increase legal awareness. Symposium on Legal Awareness of Society in Transition" has stated that the way to train legal awareness is through counseling, guidance, education, and legal assistance.

When the issue of legal awareness is related to the use of fish bombs, fishermen in particular need knowledge about maintaining marine resources as a community that lives and depends on the sea. This is mandated in the Law of the Republic of Indonesia Number 16 concerning agricultural, fisheries, and forestry extension systems.

However, apart from fishermen's legal awareness of economic demands and great needs, fishermen are looking for shortcuts to get bigger profits. The use of fish bombs for fishermen has become practical knowledge for its own sake and has become a hidden habit. This action is mostly carried out during the day because this time is used for rest.

Fish bombs are very popular among fishermen throughout Indonesia because the manufacture and materials used in assembling fish bombs are very simple and produce abundant catches. This is in line with the economic principle of obtaining maximum results through minimal effort and capital, which is the driving force for fishermen to carry out bombing. The connection to the survival of people who depend on catching fish in the sea apparently makes fishermen reckless in using fish bombs to get large catches without caring about their safety and the natural environment around them.

One of the areas in Southeast Sulawesi that is experiencing damage to coral reefs is Bombana Regency, especially in Mataleo District, which is one of the sub-districts in Bombana Regency and the islands. One of the villages is Lora Village, which has a coastal area and 5 very large marine resources, and this is There is a tendency for the potential destruction of coral reefs resulting in a reduction in fish in the sea. Damage to coral reefs is mostly caused by human activities, whether from fishermen, entrepreneurs, tourism actors, pollution, sedimentation, dredging, bombing, use of poisons, and beach development.

In island areas, of course, the majority of the population earns their living as fishermen. However, the use of fishing gear does not fully follow statutory regulations. Such as the use of fishing gear that is not environmentally friendly which results in damage to coral reefs. This may be due to fishermen's lack of legal knowledge or the low quality of education in island areas or because of economic demands.

## II. RESEARCH METHODS

### 2.1 Research Location

This research is planned for two months and is planned to be carried out with the completion of the Proposal Seminar in March after which it will be continued with research which will be planned in March and April 2023 in Bombana Regency, Southeast Sulawesi Province.

### 2.2 Types and Sources of Data

The types and sources of data that the author uses in this writing are divided into two types of data, namely:

#### a. Primary Data,

Data and information obtained directly from interviews with related parties as well as other data obtained from places conducting research related to the problems in this research.

#### b. Secondary Data,

Sources that the author obtained indirectly, namely in the form of data obtained from literature books, articles, documents, statutory regulations, and other sources related to the problem under study.

### 2.3 Data Collection Techniques

In this research, the author collected data in the following way:

- a. Field Research In this case, the author conducts direct and open interviews in the form of questions and answers with respondents or parties related to the problems in this research to obtain the necessary data and information.
- b. Library Research (Library Research) Apart from collecting data through direct interviews, the author also collects data sources through library research, namely research carried out to obtain data by studying literature books,

magazines, articles, laws, and regulations. -invitations and data obtained from writings in various media that are relevant to the problems discussed.

### III. RESEARCH RESULTS AND DISCUSSION

#### 3.1 Factors influencing the level of legal awareness of fishermen

Researchers divide into two factors that influence the level of legal awareness of fishermen regarding the use of fish bombs in Bombana Regency, namely internal factors (from within the individual) and external factors (factors from outside meaning those that occur within the fishing community). This research on legal awareness from an internal perspective is based on the indicators of legal awareness proposed by Soerjono Soekanto, namely This can show the factors that influence the level of legal awareness of fishermen regarding the use of fish bombs and the efforts that must be taken. Here's the explanation:

##### 3.1.1 Internal Factors

###### 1) Legal Knowledge,

Legal knowledge means someone knows that certain behaviors are regulated by law. The legal regulations referred to here are written or unwritten laws. This knowledge includes knowledge that is prohibited by law or that is permitted by law. In this research, the legal knowledge referred to is the extent to which fishermen know the regulations for using fish bombing. Based on (an interview on May 3, 2023) with Abdurrahman a member of the Fishermen's Group who stated: "What we know is that the use of fish bombs is prohibited, and only the authorities, namely the police and law enforcers, are subject to regulations."

Furthermore, another Fisherman Group Interview was conducted by Lewanda and Bakhtiar who stated: "Using fish bombs is indeed prohibited by the government, it is stated in the law that using fish bombs is prohibited, we will be arrested if we do that

The information from the 3 respondents illustrates that fishermen know the rules or laws regarding the prohibition of the use of fish bombs contained in the law. Legal knowledge is very important in implementing regulations so that the law runs according to its objectives. Furthermore, to further clarify fishermen's knowledge, the following respondents' opinions can be seen.

According to Bakri, he stated that: "Alhamdulillah, as a fisherman, I have never used fish bombs because I know that apart from being prohibited, it can also cause disability, even death. Indeed, I admit that the catch from using fish bombs is more than those who don't use them. However, it also depends on one's luck."

###### 2) Legal Understanding,

According to Tappu': (Interview on 7 May 2023) I don't know the law. So how can I understand the meaning of the law? One of my understandings is that this is prohibited by the government

In general, fishermen know and understand that the use of fish bombs is prohibited. However, the understanding intended by researchers here is whether fishermen specifically understand the contents of Fisheries Law Number 45 of 2009 Article 8 and the sanctions that must be applied, namely in the article.

The results of the interview above show how fishermen understand the law regarding the Fisheries Law. Fishermen do not understand the aims and objectives of why the use of fish bombs is prohibited and in particular fishermen do not understand the specific legal regulations prohibiting the use of fish bombs, all they know is that using fish bombs is prohibited by the government.

###### 3) Legal Attitude,

The attitude towards legal regulations referred to in this research is the attitude of the community towards the rules for using fish bombs. This is also supported by the attitude of fishermen regarding regulations on the use of fish bombs.

Mr. Muji's response to the regulations for using Fish Bombs is:

*As a fishing community, I certainly agree with the regulations that have been made by the government, especially the regulations regarding fish bombing, fishing, and trawling. However, this is very difficult because even though you know the rules, implementing them is difficult. Sometimes when I found a bomber they would be warned that they should stay away from this location. However, that's the only thing that can be done because I don't have a handle on the police, but it's even more dangerous to me. Those of us who are half-dead reporting are the ones who are affected.*

Based on information from Mr. Mukti above explains the legal attitude of fishermen in Lora Village, Mata Oleo District. Fishermen agree to the existence of these legal regulations. However, from an applicative perspective, there are still inhibiting factors. Factors that inhibit fishermen from responding to the law prohibiting the use of fish bombs are influenced by fishermen being afraid of the damage to ties of friendship, fishermen being afraid that perpetrators will retaliate if they are reported because this will not be followed up, and a lack of cooperation between fishermen and the authorities to deal with perpetrators of using fish bombs.

###### 1) Legal Behavior Patterns.

The pattern of legal behavior in question is someone who carries out regulations by applicable legal provisions. About the extent of the legal behavior of fishermen in Lora Village, Kec. Oleo's eyes on the regulations for using Fish Bombs are proven by

Patterns of negative legal behavior carried out by fishermen in Lora Village, District. It turns out that Mataoleo is not only caused by the fishermen's understanding of the law and legal attitudes. But it is also caused by the

economic situation of fishermen. They know that the use of fish bombs is clearly prohibited and the legal regulations clearly exist. However, the economic conditions of fishermen are not supportive. Meanwhile, from an external perspective, it can be seen from the economic conditions of fishermen and the lack of cooperation between fishermen and the government. This can show the factors that influence the level of legal awareness of fishermen regarding the use of fish bombs and the efforts that must be taken. Here's the explanation:

### 3.1.2 External Factors

Based on the explanation above, the factors that influence the level of legal awareness are not only internal. However, it is also influenced by supporting factors, namely in terms of education, fishermen's economy, and lack of cooperation between the government and fishermen.

#### 1. Education

Education, if viewed from a broad perspective, is defined as a human psychological phenomenon in the form of an urge to learn to gain new knowledge from all kinds of experiences and thoughts that arise throughout the course of life and living. Meanwhile, if viewed from a narrower perspective, education is understood in a limited way. From this point of view, education is defined as all activities that are planned and carried out in an orderly and directed manner. Education is very important for society and individuals because education will influence how a society thinks both in its environment and in its personal life. The education in question is not limited to formal education but also informal education.

#### 2. Economic conditions

Fishermen are a very poor community and are generally poorer than families of farmers and craftsmen. This is exacerbated by economic needs which are increasing every day. Fishermen Shows fishermen's livelihood based on the fishing gear used, time spent, and daily income. shows that the time fishermen spend fishing for squid is 2-3 days with an income of 1-3kg or even more or nothing at all, meaning it is uncertain. Likewise for fishermen, even though they spend less time, their income also depends on luck. Sometimes a lot, sometimes a little or not at all.

This data provides an understanding of the relationship between fishermen's legal awareness and the income they generate. Many fishermen know that using fish bombs is against the law, but still do it.

#### 3. Lack of cooperation between the government and fishermen

One indication of why fishermen in Lora and Tapohai Villages have low legal awareness is, according to researchers, the lack of cooperation between the government and fishermen. Then this is what gave birth to passive bombers and fishermen's lack of concern for fish bombers. Without good cooperation between the government and fishermen, it will only increase cases of using fish bombs. Therefore, good cooperation between the government and fishermen is needed.

### 3.2 Efforts Made to Increase Legal Awareness

A problem will not be resolved without a solution. Regarding the factors that influence the level of legal awareness of fishermen regarding the use of fish bombs, efforts are needed to increase legal awareness. Efforts are being made to increase fishermen's legal awareness of the use of fish bombs in Tapohai Village, Bombana Regency

#### 1. Socialization/Education on Laws

Increasing legal awareness is not just important. But also to realize national development. Therefore, it is necessary to increase legal awareness. One of the methods taken is that there is a need for socialization or counseling. Counseling according to Law Number 16 of 2006 paragraph 2 confirms:

Agricultural, fisheries, and forestry extension, hereinafter referred to as extension, is a learning process for key actors and business actors so that they are willing and able to help and organize themselves in accessing market information, technology, capital, and other resources, as an effort to increase productivity, business efficiency, income, and welfare, as well as increasing awareness in preserving environmental functions. The definition above explains how important counseling is to increase fishermen's legal awareness. As Mrs. Sanawiah (Bombana Regency Fisheries Service staff) said as follows:

"There have been many efforts made by fisheries to increase fishermen's legal awareness, especially what has been done is socializing the law, the existence of COREMAP which is placed in each village. "COREMAP then has programs such as looking at fishermen's behavior patterns, providing alternative aid funds, and establishing information huts."

Furthermore, Mr. Abdurrahman (CORE MAP Staff) stated that:

"Efforts are made to increase fishermen's legal awareness of course by providing knowledge to fishermen through outreach, counseling, and workshops. "Sometimes when I catch the fish bomb user red-handed, I give chase and of course, we raise awareness that fish bombing is very detrimental to fishermen." Based on the interview above, illustrates the efforts the government has made to increase fishermen's legal awareness. To further clarify what efforts should be made to increase fishermen's legal awareness, opinions from the fishermen themselves are needed.

#### 2. Providing Assistance

The following is the narrative of Dg. Mone as a community figure stated:

"One way to reduce the use of fish bombs and increase fishermen's legal awareness, in my opinion, is by providing financial assistance to create side businesses for fishermen. One example is seaweed cultivation."

As Mone explained, one of the reasons why fishermen use fish bombs is because of the fishermen's economic factors. Therefore, financial assistance is needed to develop fishing businesses and provide capital to start other businesses. Apart from capital assistance, the government has also provided assistance in the form of trawlers and

fishing boats for fishermen in Loara Village, Mata Oleo District, and Taopuhai Village, Central Rumbia District, Bombana Regency.

Based on the research that has been carried out, another effort made by the government is the development of cooperatives in Lora Village and Tapohai Village, Bombana Regency so that in the future fishermen will no longer depend on using fish bombs as the only way. The results of the interview above provide an explanation of the efforts carried out to increase fishermen's legal awareness. If this effort is not just a discourse or just a work program.

#### IV. CONCLUSION DAN SUGGESTIONS

##### 4.1 Conclusion

Based on the results of the research analysis and discussion, the following conclusions can be drawn:

1. The level of legal awareness of fishermen in Lora Village, Mata Oleo District, Bombana Regency is classified as low.
2. Factors that influence the level of legal awareness of fishermen in Taspuhai Village, Central Rumbia District, Bombana Regency, namely:
  - a. Internal factors
    - (1) Fisherman's legal knowledge is high,
    - (2) Fisherman's understanding of the law is low,
    - (3) Attitude towards the law is low,
    - (4) Fishermen's legal behavior patterns are low.
  - b. External Factors
    - (1) Education,
    - (2) Economic Conditions,
    - (3) Lack of cooperation between Fishermen and the Government.
3. Efforts made to increase the legal awareness of fishermen in Lora Village, Mataoleo District, Bombana Regency, namely conducting socialization of the law, having COREMAP placed in each village, and providing alternative aid funds.

##### 4.2 Suggestions

Based on the conclusion, if the legal awareness of fishermen in Lora Village and Tapohai Village, Bombana Regency is to be improved, the following suggestions are proposed:

- a. Further Intensify Socialization of the Fisheries Law, to increase fishermen's legal awareness regarding the use of Fish Bombs.
- b. Building good cooperation between the government and local fishermen, in order to create a legally aware society.
- c. Providing assistance in the form of funds as alternative business capital for fishermen as well as assistance in the form of support.
- d. The fisheries service enforces the law strictly in accordance with what has been mandated in Fisheries Law No. 45 of 2009 concerning Fisheries for Fishermen who have violated the law.

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##### Legislation

Law Number 45 of 2009 concerning Fisheries

Law Number 27 of 2007 concerning management of coastal areas and small islands.

Law Number 16 of 2006 concerning agricultural, fisheries and forestry extension systems.