

Reinforcement of Local Law into Government Policy to Address Conflict of Utilization of Sea among Small Fishermen

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Abstract : The problem begins with the imposition of fine penalties by Ipuh small fishermen for customary fishing vessels encroaching catchment area in the Ipuh, a village in Muko-Muko, Bengkulu, Indonesia. Two main reasons for that are fishermen from out of Ipuh came and fished in Ipuh water using trawl as the gear and the number of fish decrease time by time as a result of irresponsible fishing practice. Such conflict has lasted since long ago. Indonesia Governing laws do not rule the utilization of sea territory by small fishermen that when the conflict appears there is a rechtvacuum on how to solve the conflict and this leads to a chaos in society. In Ipuh itself, there has been a local law in fisheries which they still adhere up to present because they believe holding to the law will keep the fish sustain. This is an empirical legal research with socio legal approach. The results of this study show even though laws do not regulate in detail about the utilization of sea territory by small fishermen, there is an article in Fisheries Act stating fisheries activity has to put attention to local law and community participation. Furthermore, constitution governs that the land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people. With the power, Government has to make a policy that reinforces what has been ruled in Ipuh local law. Besides, Bengkulu Governor has to involve Ipuh community directly in managing their fisheries to ensure the fisheries sustainability therein.

Keywords : local law, reinforcement, conflict, sea utilization, small fishermen

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