DE LEGA LATA Jurnal Ilmu Hukum
Volume 8 Nomor 2, July – December 2023
E-ISSN: 2477-7889 I ISSN: 2477-653X I Akreditasi: SINTA 3
http://jurnal.umsu.ac.id/index.php/delegalata

URL: http://jurnal.umsu.ac.id/index.php/delegalata

Study of Fisheries Law For The Development of the Aquaculture Sector In Land Based Areas

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Accepted: 09-06-2023 Revised: 15-06-2023 Approved: 22-06-2023 Published: 03-07-2023
DOI: 10.30596/dll.v8i2.15158

How to cite:

Taufiqurrohman, A. H. A, et.al., (2023). "Study of Fisheries Law For The Development of the Aquaculture Sector In Land Based Areas", De Lega Lata: Jurnal Ilmu Hukum 8 (2): p. 253-259

Abstract

Aquaculture sector is an important fishery agribusiness activity. The purpose of this research is to find out the problems in the application of fisheries law in the aquaculture sector in land based areas as well as efforts to develop strategies. The research method used is normative legal method by taking respondent samples by deep interviews and questionnaire distributions. Aquaculture activities in land based areas are a profitable agribusiness development option. Aquaculture activities problem in land based areas include socio-cultural, economic, and resource management issues. Based on the existing problems and potential maps several options for resolution strategies are generated, such as: establishing special conservation regulations, education of UU No. 31/2004 and its implementation, developing agribusiness businesses, making standard management procedures, product innovations, and forming active communities. Implementation of the strategy will be developed in 2 aspects this non-legal aspects (public education, making regulations, community participation) and legal aspects (preventive and repressive actions). The conclusion of this study is that the main problem of the weak fisheries law application on aquaculture sector in land based areas is that aquaculturist still lack knowledge about the fisheries legal context, then to overcome this problem an implementative strategy is needed from the study of legal aspects and non-legal.

Keywords*: *Fisheries Law, Aquaculture, fishery, Strategic.

INTRODUCTION

I The potential of Indonesia's fishery resources is extraordinary to be managed properly (Ariadi & Abidin, 2019). Based on marine and fishery resources data, Indonesia's sea area is estimated at 6.32 million km^2, of which 5.8 million km^2 can be managed properly (Ismantara et al., 2021). Seeing the extraordinary potential for fisheries and marine resources, it is fitting that aquaculture activities always pay more attention (Wafi & Ariadi, 2022). Aquaculture activities are generally classified into two, namely brackish water cultivations and fresh water cultivations (Ariadi & Mujtahidah, 2022). Aquaculture sector are currently being widely developed, one of which is in mountainous areas. Many aquaculture activities have been developed as a form of mitigation with capture fisheries activities whose productivity levels continue to decline[3]. Aquaculture activities in land based areas are also expected to provide

more diverse resource management options. The development of aquaculture activities is a supporting and protective legal basis is needed (Rayfuse & Rosemary, 2019).

The legal bases that can be used for regulations in aquaculture activities is UU 31/2004). The main purpose of the creation of UU 31/2004 is as a regulation in the utilization of fish resources aimed at the welfare of a just and sustainable society. In its journey, UU 31/2004 underwent several substantive changes as outlined in UU 45/2009. It is hoped that clear regulations will be able to oversee aquaculture activities so that they remain sustainable and productive (Permatasari & Ariadi, 2021). Aquaculture activities in land based areas which are currently starting to be carried out in practice, still face many problems (Putri, T. D, 2014). The minimal role of the government, conflicts of interest, environmental issues and social problems are one of the reasons why aquaculture activities are difficult to develop (Ismantara et al., 2021a).

The existence of UU 31/2004 should be able to protect aquaculturist to remain productive in developing their business, but not all of them can work like that. Aquaculturist also tend to lack information regarding the implementation of UU 31/2004 for fishery resource management activities (Manik & Noviayanti, 2018). From the literature, the purpose of this research is to find out the problems in the application of fisheries law to the aquaculture sector in land based areas and the strategy development efforts. From the results of this study it is hoped that a strategy for managing fisheries resources in land based areas through productive aquaculture activities will be found which is based on the enforcement of UU 31/2004.

RESEARCH METHOD

The research method used in this study is a normative legal method with qualitative analysis referring to literature study. The research respondents were aquaculturist in Beji Village, Purwokerto. Data collection was carried out by technical deep interviews and distribution of questionnaires to research respondents, then the data were analyzed descriptively qualitatively.

DISCUSS AND ANALYSIS

Aquaculture Activities in Land Based Areas: What and How ?

In Aquaculture is one of the fisheries agribusiness sub-activities that has been widely developed in Indonesia (Ariadi & Mahmudi, 2019). Aquaculture activities can be carried out in wet or dry land which includes freshwater, brackish water and ocean water categories (Wafi et al., 2021). Commodities reared in aquaculture activities include fish, shrimp, seaweed, shellfish and other organism. Aquaculture activities are much in demand by the community because of their good productivity levels and easy management systems. Aquaculture activities are also mostly carried out in highland or mountainous areas. Aquaculture activities in highland areas are one of the productive natural resource management options. Cultivation in highland areas is a way to minimize the impact of carrier and vector distribution on pond ecosystems. Even though it is quite productive, aquaculture activities in the land based are also under threat from agricultural agribusiness activities which are considered more suitable based on the surrounding environmental conditions.

Aquaculture activities carried out in land based areas urgently have had a major impact on other aspects. The aspects that are affected by the existence of aquaculture activities are the

socio-cultural, economic and resource management aspects. The socio-cultural aspect here is related to the impact of cultivation activities on the surrounding community (Ariadi, Soeprapto, et al., 2022). The economic aspect is related to how this aquaculture activity has an impact on the economic growth of the surrounding community and its potential in the future (Muqsith et al., 2021). The resource management spec is an explanation regarding how aquaculture activities are an implementable example of aquatic resource management for productive activities (Ariadi, Madusari, et al., 2022). Although aquaculture activities can have a positive impact on several aspects of people's lives, there are still some problems found. The problems encountered include over-exploitation of resources and inappropriate cultivation management systems. Apart from that, there are other problems related to the application of legal access that the majority of aquaculturist do not really understand. The aquaculturist lack of understanding of the application of the law is due to the fact that fish farming activities are carried out based on options for utilizing existing resources. Implementation of law in the field of fisheries is classified as difficult because the cases in the field are dynamic (Sasvia, 2019).

Weak legal knowledge of aquaculturist can also be caused by minimal socialization of related laws (Ariadi, Hasan, et al., 2022). In UU No. 31/2014 Pasal 7 ayat (1) in points (m) and (n) is written regarding the protection of aquaculturist and wise management of aquatic resources. The existence of the basis for these regulations still cannot be implemented perfectly, because aquaculturist have never paid attention to the regulations contained in the law. The practice of law enforcement in the field of fisheries which is still weak is possible because there are quite different scopes of study (Banjarani & Rakhma, 2020). In addition, it is difficult to apply the law in the aquaculture sector due to the legal substance that is still lacking in support, inadequate human resources, unsupported facilities, and the legal awareness by the community which is relatively low (Ismantara et al., 2021).

The Strategy Development of Aquaculture Activities in Land Based Areas: How Does It Work?

Strategy development effeorts for applying the UU to aquaculture activities in land based areas are carried out by analyzing in detail the strengths, weaknesses, opportunities and threats of the internal and external conditions of this aquaculture activity. The strategy matrix for implementing the UU 31/2004 in aquaculture activities in land based areas can be seen in Table 1.

	Strength	**Opportunity**
	1. Easy to practice cultivation system 2. Have an impact on economic growth 3. Profitable level of crop productivity	1. Have a positive impact on the social condition of the community 2. Wide open cultivation development options
Weakness 1. Legal awareness of weak cultivators	1. Establishment of special regulations on the management of aquatic resources	1. 1. Making SOP (Standard Operational Procedure) for fish farming in accordance with

2. Resource exploitation potential 3. Improper cultivation management system	2. Education on the role of Law 31/2004 for fish farmers 3. Creation of a business agribusiness system	mountainous environmental conditions
Threat 1. The existence of business competitors in the field of agricultural agribusiness 2. Minimal implementation practices of Law 31/2004	1. Create a cultivation innovation system 2. Implementation of Law 31/2004 in cultivation practices	1. Forming communities/groups of fish farmers to strengthen institutional systems

Based on the matrix strategy analysis in general, several important strategies are obtained for implementing UU No. 31/2004 and developing aquaculture businesses in land based areas, including: establishing special regulations for aquatic resource management, education related to UU No. 31/2004, making stadart operational procedure, developing agribusiness businesses , making product innovations, implementing UU No. 31/2004 practices, and efforts to form aquaculture coorperation. The determination of strategies for aquaculture activities is intended to optimize the utilization of potential resources (Ariadi, Hasan, et al., 2022b). Optimal utilization of aquatic resources will have a real impact on the aspects involved in it (Wafi & Ariadi, 2022a). Then, the optimize function of implementing fisheries law in the aquaculture sector as well as efforts to develop these activities, the government must establish an implementable strategy that can be viewed from legal aspects related to regulation and its application, as well as non-legal aspects aimed at program development.

The legal awareness of aquaculturist regarding consumer protection in UU No. 31/2004 is still limited, due to ignorance of several aspects contained in the law. Aquaculturist communities also tend to be apathetic from the law. Apathy can be caused by those who do not know anything about UU No. 31/2004 and are still relatively unfamiliar with its application (Manik & Noviayanti, 2018). Based on this analysis, guidance is needed regarding legal image and public awareness of legal protection through counseling activities. The government or related stakeholders need to take educative-persuasive actions as a preventive step. In addition, it is also important for aquaculturist to be equipped with legal knowledge to minimize their level of ignorance of the UU No. 31/2004 implementation. Then, special regulations are needed. The special regulations is intended as a wise step in managing water resources in a more sustainable manner. In Article 13 paragraph (1) and (2) UU No. 31/2004 there is a message that the management of aquatic resources requires a conservation effort to maintain the level of existing fish resources sustainability. The development of the management concept on water resources is specifically aimed at utilizing resources wisely in the long term. The ecological side is a sub-study that needs to be considered in drafting a resource management regulation.

Resource management is also intended as a way for aquaculture activities to continue to develop and be enjoyed by our children. The resource management principle that is based on institutional strengthening, system strengthening, and policies will make it easier for aquaculturist to implement it. The drafting of a resource management law is also considered very important in overseeing the system of aquaculture activities which have been developed by the community (Manik & Noviayanti, 2018). In Article 6 paragraph (2) of Law no. 31/2004 concerning fisheries, it is stated that the interests of fish farming need to pay attention to the level of local wisdom and the active role of the community. The level of local wisdom and active community participation includes various things such as local knowledge, skills, local resources, community group solidarity, and procedures for joint decision making (Widarmanto, 2018). The involvement of the fish cultivating community is considered very important to strengthen the aquaculture development system that is being worked on (Ariadi & Abidin, 2019b). Society participation can be implemented in the business development and the practical application of the points contained in the article on the fisheries resources management of about UU No. 31/2004. The aquaculturist community is an important actor that will determine how successful aquaculture activities can run from the roles they play. The level of community participation itself will Important key if these aquaculture activities can develop rapidly and have good feedback for the surrounding environment (Putri et al., 2014).

On other hand,The strategy that needs to be carried out regarding the implementation of legal aspects in aquaculture activities in this land based area is preventive and repressive actions in one action; and also the Preventive Actions Preventive actions referred to here are efforts to formulate relevant regulations or laws accompanied by increased monitoring efforts. Making related regulations can be carried out by involving the government or related agencies to make a standard rule that can be implemented by aquaculturist. Oversight efforts are carried out by implementing UU No. 31/2004 regularly and firmly by all parties involved. Thus, Repressive action is an act of control over the implementation of the law that is currently running in the society. Repressive measures were taken after the socialization of No. UU 31/2004 to aquaculturist. It is hoped that the government or related stakeholders can exercise control and provide better service efforts.

CLOSURE

Conclusion

The main problem of the weak application of fisheries law in the aquaculture sector in land based areas is that aquaculturist still lack, especially about the legal knowledge context of fisheries.

Suggestion

The strategy that needs to be carried out regarding the implementation of legal aspects in aquaculture activities in this land based area is preventive and repressive actions in one action; and also the Preventive Actions Preventive actions referred to here are efforts to formulate relevant regulations or laws accompanied by increased monitoring efforts

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