

Awig-Awig Effectiveness In Protection Of Marine Natural Resources, Indigenous Communities Of Lombok

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Abstract.

Sources of income for fishermen are not only generated through fishery resources but also carry out fish cultivation in ponds, seaweed cultivation and traditional fish processing. Fish farming, and development activities are carried out by fishermen because the results obtained from the sea are not sufficient for their daily needs. This study is to determine the effectiveness of the application of Awig-Awig in the protection of marine natural resources of the indigenous peoples of East Lombok. The approach chosen in this research is empirical juridical. The choice of this approach was taken because what will be studied in addition to laws and regulations is also the influence of customary law that develops in society, especially in East Lombok. Awig-awig Teluk Jor area is divided into 13 chapters and consists of 17 articles. The chapters contained in the awig-awig of the Teluk Jor area regulates general provisions, types and facilities of fishing gear, fishing areas, and the operation of fishing gear, cultivation, conservation, pollution of the coastal environment, security, shipping, institutions and sources. management funds, sanctions, procedures for administering sanctions, additional and transitional rule, and closings. About conservation, the awig-awig of the Teluk Jor area regulate the use of mangroves that can be used for research, tourism, and other business activities that do not damage the surrounding environment as well as protection from illegal logging, and conversion of mangrove land into ponds.

Keywords: *Effectiveness, Awig-Awig, Natural Resources Marine*

I. INTRODUCTION

The National Legal System Development in Indonesia in the diversity and local knowledge with the local legal system enriches the national legal system. Moh Koesno stated that customary law is a legal model for the Malay ethnic group as a legal statement of the ethnic culture. The existence of customary law systems in various regions in Indonesia continues to be explored, discovered, and introduced in the context of establishing a National Legal System. This is because whether we realize it or not, in several contexts of legal, and social issues, customary law *trigges* a more effective than national law. Management of marine resources cannot be separated from overall environmental management. Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) places local wisdom as one of the principles in environmental protection and management. Local wisdom is the noble

value that live in the community related to environmental management. In customary law communities, local wisdom is often implemented and protected by customary law. In its explanation, UUPPLH recognizes that customary rights are a form of local wisdom.

UUPPLH requires attention to local wisdom in the preparation of the Environmental Protection and Management Plan (RPPLH). UUPPLH also instructs the Central Government and provincial governments to establish policies regarding the procedures for recognizing the existence of indigenous peoples, local wisdom, and rights of indigenous peoples related to environmental protection and management. Currently, the policy in question is being formulated. With the various provisions discussed above, it is clear that UUPPLH places customary law in a central position in environmental protection and management. Planning and utilization of the environment pay attention to local wisdom that works based on customary law mechanisms, including in West Lombok.

In general, Indonesian laws, and regulations recognize customary law communities, and their rights to natural resources including marine, coastal and fishery resources. There are at least three directions of regulation regarding this matter, namely first, that the existence of customary law communities and their rights are constitutional rights guaranteed by the 1945 Constitution; secondly, that customary law communities have a position as legal subjects that should not be discriminated against; third, that the recognition and protection of the rights of indigenous peoples is a principle in the management of natural resources in Indonesia. Awig-awig is a standard of behavior, both written and unwritten, made by the community concerned based on a sense of justice, and propriety that lives in a society in the relationship between krama (members of Pakraman village), and God, between fellow manners and manners. with the environment.[1] Awig-awig is a rule that regulates actions that are allowed and prohibited, including sanctions including the authority of a person or local institution authorized by the community to impose sanctions.

Awig-awig is a form of local wisdom in the form of customary law norms in Bali and Lombok that are binding on all indigenous people. The socio-economic situation of fish cultivating communities in Indonesia can be said to be almost the same as those of fishermen in coastal areas in Indonesia. The lives of fishermen and fish raisers are generally still in patterns of poverty and economic uncertainty, due to the difficulties of life faced by fishermen and cultivators as well as their families. [2] Sources of income for fishermen are not only generated through fishery resources but also carry out fish cultivation in ponds, seaweed cultivation and traditional fish processing. Fish farming, and development activities are carried out by fishermen because the results obtained from the sea are not sufficient for their daily needs. This study is to determine the effectiveness of the application of Awig-Awig in the protection of marine natural resources of the indigenous peoples of East Lombok.

II. METHODS

In the realm of legal research methodologies, there are two types (typologies) of legal research, namely doctrinal (normative) legal research and non-doctrinal (empirical) legal research. Following the classification of this type of legal research, this research is included in the realm of non-doctrinal legal research (socio-legal research) because the object studied is not only law in a normative concept but also law in an empirical concept. The approach chosen in this research is empirical juridical. The choice of this approach was taken because what will be studied in addition to laws and regulations is also the influence of customary law that develops in society, especially in East Lombok.

The data that has been collected from the study of documents on primary, and secondary legal materials supported by interviews are then analyzed using descriptive qualitative methods, namely [3]: qualitative analysis method analyzes data obtained from research results that are descriptions of theories and views or legal arguments from competent people to obtain systematic and comprehensive conclusions by the problems raised by researchers. As well as using the descriptive obtained and then elaborated on the data authentication, and the significance of the correlation with the problems studied. Based on this analysis, it is expected to obtain a comprehensive overview of the session as an effective customary regulation in the sustainability of natural resources in Teluk Jor located in Jerowaru and Pare Mas villages.

III. RESULT AND DISCUSSION

Local wisdom is part of the customary law conception of land, and water rights. The linkage of local wisdom with norms in the process of social life in society. Customs with customary norms have the aim of creating harmonization in society. [4] Local wisdom is a system of integrating culture, knowledge, institutions, and practices of natural resource management. [5] Local wisdom is related to how to relate well to all the contents of nature.[6] Customary law is formulated as a “communalistic”, religious conception, which allows individual land tenure, with private land rights, as well as containing elements of togetherness. [7] Customary rights have at least 3 main elements, namely:

1. The legal community as the subject of customary rights;
2. A leadership institution that has public and civil authority over ulayat rights;
3. The area is the object of customary rights, which consists of land, waters, and all the natural resources contained therein. The customary territory they inhabit is an inheritance from their ancestors which has been passed down from generation to generation. The right to own or manage the customary community emphasizes 3 (three) fundamental elements, namely:

1. Legal authority to manage the environment.
2. Full authority to self-determination.

3. The right to approve to any planned activities/state policies that have an impact on the fate of the community itself.

At present, the relationship between marine and coastal resources and the management authority of indigenous peoples is starting to become the attention and interest of the government and policymakers. In addition, several initiatives from the community and international encouragement have begun to emerge to support fishing communities even though specific national laws, policies, and other legal instruments that recognize the authority of indigenous peoples to manage marine and coastal resources do not yet exist in Indonesia. However, the implementation of regional autonomy and the delegation of authority that is currently being carried out by the central government to the regions is a promising and worrying step to support the management of marine and coastal resources by indigenous peoples, although this still needs to be looked at further. One of the local wisdom that is very interesting to discuss is the local wisdom of the people of East Lombok, NTB province, which is called 'Awig-awig'.

In the field research that has been carried out, researchers obtained data that they felt were very supportive and influential on legal knowledge in Indonesia, especially in the context of customary law, and environmental law. After conducting intensive interviews with several sources, including one of the teams who drafted the Teluk Jor awig-awig script and the Secretary of LPATJ (Indigenous Stakeholder Institution of Teluk Jor), the results showed that the local community was very obedient in implementing the provisions in awig-awig. The community around Teluk Jor is more familiar with, and obeys the awig-awig of Teluk Jor itself than the laws and regulations governing the conservation of marine resources. Awig-awig Teluk Jor has an institutional system in carrying out its duties, and functions. This is intended so that the order of the fishing communities around Teluk Jor, especially the people of Jerowaru and Pare Mas villages understand and implement the awig-awig of Teluk Jor which regulates among others related to fishing procedures, maintenance of fish resources around Jor Bay and efforts to preserve the environment around the Bay. Jor for the peaceful life of the fishing community around Jor Bay. The awig-awig institutional system of Teluk Jor consists of management area boundaries, organizational systems, regulatory systems, sanctions systems and legalities that apply to the communities of Jerowaru, and Pare Mas villages around Teluk Jor.

Awig-awig as the local wisdom of the Lombok people regulates the relationship between humans and humans, humans with their natural surroundings and humans with their creators. In essence, awig-awig is a local rule that is mutually agreed upon by the local community as part of the community's right to regulate their own environment and becomes a rule or agreement made by the local community to be carried out and obeyed together. Awig-awig comes from the word "wiq" which means damaged, while the word "awig" is defined as not damaged or good. Literally awig-awig is defined as the provisions or rules of social life in society to realize the karma of life in society for the better. Jor Bay is one of the bays in East Lombok Regency.

Administratively, Teluk Jor is bordered by two villages, namely Jerowaru Village and Pare Mas Village.

The growing public perception of marine and fishery resources as public property plus the absence of regulations related to the use of marine natural resources are the causes of the damage to Teluk Jor. To repair the damage in the Teluk Jor area, community participation is needed to find alternative solutions, especially for fishing communities as beneficiaries but also as guardians of marine resources around Jor Bay. Since 2001, the people of East Lombok in collaboration with the Department of Fisheries and Maritime Affairs of the Province of West Nusa Tenggara (NTB) have taken the initiative together to formulate awig-awig in the field of fisheries and marine affairs that applies to all territorial waters of East Lombok Regency. The territorial waters in East Lombok are divided into 7 (seven) waters, namely:

- 1) Ekas Bay water area Serewe
- 2) Bay water
- 3) area Jukung Bay
- 4) waterEast Sakra
- 5) areawater area Labuhan Haji
- 6) waterPringgabaya
- 7) areawater area Sambelia water area

Role of local government, and community in the area East Lombok agreed on the arrangement of awig-awig related to the Management of Fishery Resources in each region. However, the management of fishery resources after the formation of the awig-awig has not functioned optimally. One of the reasons is that the vast waters of Jor Bay that fall into the waters of Jukung Bay have an impact on the weak supervision of the management of the waters around Jor Bay. With these conditions in 2013 the fishing communities around the bay Jor initiative and agreed to make awig awig relating to the management of fisheries resources in the Gulf region Jor stages formulation awig awig Gulf Jor done through several steps including a public consultation to capture the aspirations of the whole community of Desa Jerowaru and Pare Mas, the formulation of awig-awig followed by workshops at the village and sub-district levels. After the awig-awig design was formulated, the results were disseminated to the community around Teluk Jor, especially the people of Jerowaru and Pare Mas villages.

After going through a series of processes starting from discussions starting from June to September 103, finally on November 28, 2013 it was agreed with the awig-awig of Teluk Jor Area, Jerowaru District, East Lombok Regency on Fish Resource Management. The awig-awig of the Teluk Jor area was put together in the form of a joint regulation with the people of the Teluk Jor area, namely Jerowaru Village and Pare Mas Village which was signed by the Head of the Village Consultative Body and the Village Heads of each Jerowaru Village and Pare Mas Village. The provisions regarding the entry into force of the awig-awig of the Teluk Jor area only started 3 (three) months after being ratified. To be able to implement awig-

awig in the Teluk Jor area effectively, the LPATJ (Lembaga Pemangku Awig-awig Teluk Jor) was formed. The LPATJ institution is an authorized and responsible institution for the awig-awig that has been formed.

Awig-awig Teluk Jor area is divided into 13 chapters and consists of 17 articles. The chapters contained in the awig-awig of the Teluk Jor area regulates general provisions, types and facilities of fishing gear, fishing areas and the operation of fishing gear, cultivation, conservation, pollution of the coastal environment, security, shipping, institutions and sources. management funds, sanctions, procedures for administering sanctions, additional and transitional rules and closings. With regard to conservation, the awig-awig of the Teluk Jor area regulates the use of mangroves that can be used for research, tourism and other business activities that do not damage the surrounding environment as well as protection from illegal logging and conversion of mangrove land into ponds.

Awig-awig Teluk Jor area has an institutional system in carrying out its functions and duties. This is necessary to maintain order in the fishing community in the Teluk Jor area which regulates fishing procedures, maintenance of fish resources and no less important is maintaining the environment around Teluk Jor for the peaceful life of the surrounding community. The institutional system consists of management area boundaries, organizational systems, regulatory systems, sanctions systems, and legality. Awig-awig Teluk Jor Area on Management of Fishery Resources consists of 4 (four) main sections related to its regulation, namely:

1. Related to coastal, and marine ecosystems, namely protection of coral reefs, against the impact of the use of bombs, potassium cyanide, pesticides, and toxic chemicals other

2. Relating to the zoning of capture fisheries and aquaculture in this section, the awig-awig of the Teluk Jor area regulates the use of fishing gear and tools for aquaculture. The regulated fishing gear includes nets, both sinking/bottom nets and floating/ngopal nets, oros fish, anchovies and other communities. The zoning regulated relates to the use of canoes/boats in the bay area, and regulates the placement of floating net cages not to be close together and restrictions on ownership and use of compressors.

3. Regulations related to the use of pesticides when harvesting shrimp in ponds, and safety of floating net cage fish farming.

4. Related to coastal environmental management.

This section regulates the disposal of shellfish waste and coastal pollution in the Teluk Jor area. Anyone who violates the agreement will be subject to sanctions in the form of material fines to social sanctions that have been agreed upon. These provisions are effective and adhered to by the local community.

IV. CONCLUSION

Indonesian laws, and regulations recognize customary law communities, and their rights to natural resources including marine, coastal and fishery resources. There are at least three directions of regulation regarding this matter, namely first, that the existence of customary law communities and their rights are constitutional rights guaranteed by the 1945 Constitution; secondly, that customary law communities have a position as legal subjects that should not be discriminated against; third, that the recognition and protection of the rights of indigenous peoples is a principle in the management of natural resources in Indonesia. Awig-awig is a standard of behavior, both written and unwritten, made by the community concerned based on a sense of justice and propriety that lives in society in the relationship between krama (members of Pakraman village), and God, between fellow manners and manners with the environment.

Awig-awig Teluk Jor Area on Management of Fishery Resources consists of 4 (four) main sections relating to the regulation relating to coastal and marine ecosystems, namely protection of coral reefs, against the impact of the use of bombs, potassium cyanide, pesticides, and other toxic chemicals; relating to the zoning of capture fisheries and aquaculture; In this section, the awig-awig of the Teluk Jor area regulates the use of fishing gear and tools for cultivation. The regulated fishing gear includes nets, both sinking/bottom nets and floating/ngopal nets, oros fish, anchovies and other communities. The zoning regulated relates to the use of canoes/boats in the bay area, and regulates the placement of floating net cages not to be close together and restrictions on ownership and use of compressors; pettings related to the use of pesticides at harvest shrimp in the pond, and the security of floating net cage fish farming; In relation to the management of the natural coastal environment, this section regulates the disposal of shellfish waste and coastal pollution in the Teluk Jor area. Anyone who violates the agreement will be subject to sanctions in the form of material fines to social sanctions that have been agreed upon.

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REFERENCES

- [1] Tjokorda Istri Puta Astiti, 2005, Pemberdayaan Awig-Awig Menuju Ajeg Bali, Lembaga Dokumentasi dan Publikasi Fakultas Hukum Universitas Udayana, pp 9.
- [2] Helmi Alfian dan Satria Arif, 2012, Strategi Adaptasi Nelayan Terhadap Perubahan Ekologis, Makara, Sosial Humaniora, pp 68.

- [3] Soekanto, Soerjono, 1986, Pengantar Penelitian Hukum, Jakarta: UI Press, pp. 251.
- [4] Rukmadi. Warsito. Transmigrasi Dari Daerah Asal Sampai Benturan Budaya Di Tempat Pemukiman. CV. Rajawali. Jakarta. pp. 284
- [5] Suhartini, 2009, Kearifan Lokal dan Konservasi Keanekaragaman Hayati, Yogyakarta: UGM Press
- [6] Eko Noer Kristiyanto. 2017. Kedudukan Kearifan Lokal dan Peranan Masyarakat Dalam Penataan Ruang Di Daerah. *Jurnal Rechtsvinding. Media Pembinaan Hukum Nasional*. Volume 6 Nomor 2, Agustus, pp. 161
- [7] Boedi Harsono, 1999, Hukum Agraria Indonesia: Sejarah Pembentukan Undang Undang Pokok Agraria Isi dan Pelaksanaanya, Djambatan, Jakarta, pp 15.