

The ASEAN Economic Community and Its Implications for Traditional Fishers of Muara Angke in the Utilization of Coastal Areas

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Abstract. The implementation of the ASEAN Economic Community (AEC) is also a challenge for the marine and fisheries sector. The consequence of the AEC is the increasing level of competition among ASEAN member countries. The ASEAN market will be large and growing, which is an opportunity in the marine and fisheries sector as well as a challenge to be addressed so that it can adapt in the ASEAN Economic Community era. This research is empirical legal research with a socio-legal approach. The data used are secondary data consisting of primary legal materials and secondary legal materials. The purpose of this study is to analyze the implications of the existence of the ASEAN Economic Community for traditional fishers in Muara Angke, and to analyze the role of the state in advancing the welfare of traditional fishers in Muara Angke. The results of the study revealed the traditional fisherman of Muara Angke is still a marginal community. So, the implications needed juridical, philosophical, sociological. Second, the role of the state is needed in the form of empowering traditional Muara Angke fishers in the utilization of the north coast of Jakarta to provide welfare for traditional fishers, given that Indonesia is a welfare state.

Keywords: AEC, implications, traditional fishers

INTRODUCTION

ASEAN as an association of countries in Southeast Asia which was established on August 8, 1967 with five member countries at the beginning of its formation, namely Indonesia, Malaysia, Singapore, Thailand, the Philippines. It was established in Bangkok, Thailand, through the signing of the Bangkok Declaration. The founders of ASEAN realized the importance of creating an ASEAN region that is peaceful, safe, stable, and prosperous given the conditions at that time were faced with a situation that was less conducive, namely a situation that was prone to conflict due to the struggle for the ideology of major powers.

Therefore, the beginning of the formation of ASEAN was focused on political and security cooperation [1]. The development of economic globalization has caused the focus of the cooperation of ASEAN member countries to shift towards the economy. One form of cooperation between ASEAN member countries is the formation of the ASEAN Economic Community (AEC). The establishment of the ASEAN Economic Community is based on the ASEAN Economic Community (AEC) Blue Print 2025 [2].

The existence of the ASEAN Economic Community in this paper will be related to the existence of traditional fishers in Muara Angke, North Jakarta. Therefore, the discussion in this paper is focused on the main objectives of the ASEAN Economic Community in fisheries that enter into the sub-topics of food, agriculture, and forestry, namely: first, increasing trade and competition levels of fisheries products/commodities, both intern and extern of ASEAN; second, promoting cooperation and technology transfer with regional, international, and private sector organizations; third, promoting cooperation between agricultural cooperatives as a medium for strengthening and increasing market access for agricultural products and providing benefits to small-scale fisheries in the Southeast Asian region [3].

The traditional fishers of Muara Angke utilize the water of the north coast of North Jakarta to catch fish. These traditional fishers are members of the Traditional Fishers Community (KNT) with a membership of around 200 traditional fishers. The education level of most Muara Angke traditional fishers is not complete primary school. Generally, the traditional fishers in Muara Angke are men. The facilities used by traditional fishers of Muara Angke to catch fish are boats with a size below ten gross tonnages (GT) [4].

Traditional fishers (peasant-fisher) were initially fishers who made fishing activities more oriented to meeting their own needs and not to be reinvested in business scale development. The fishing gear used is still traditional in the form of paddles or non-

motorized canoes. While the labour used is still a family member [5].

The development of fishery motorization has made traditional fishers (peasant-fisher), turned into post-peasant fisher. This change is marked by the use of outboard motors or motorboats. It shows an increase in the use of more advanced fishing technologies. This change is marked by the use of outboard motors or motorboats. It shows an increase in the use of more advanced fishing technologies. The use of more advanced fishing technology by using outboard motors or motorboats makes fishers post-peasant fishers can go to sea to more distant waters; these waters are generally coastal areas. Family members no longer use other changes in the workforce or crew members. Likewise, traditional fishers in Muara Angke have also experienced developments using outboard motors.

The social condition of traditional fishers in Muara Angke, North Jakarta as mentioned above, is related to the dynamics of the formation of the ASEAN Economic Community (AEC) which has been formed since 2015. It causes the first problem, how are the implications of the formation of the ASEAN Economic Community (AEC) for traditional fishers of Muara Angke? What is the role of the state to advance the welfare of traditional fishers in Muara Angke?

METHOD

This research is an empirical legal research using a socio-legal approach. The socio-legal approach is two research characters with the socio-legal approach, firstly, conducting textual studies, policies, implications. Second, developing various new methods of marriage between legal methods and social methods. The data used are secondary data that is data obtained from official documents, books related to writing this paper, research reports contained in the dissertation and legal journals.

Secondary data is divided into primary legal materials and secondary legal materials. Primary legal material is legal material that has authority (authoritative) [6], in this paper the primary legal material used is legislation namely Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management Coastal Areas and Small Islands. Draft Regulation of the Province of the Special Capital Region of Jakarta Regarding Zoning Plans for Coastal Areas and Small Islands Province of the Special Capital Region of Jakarta in 2019-2029. Secondary legal materials are all legal publications consisting of books relating to the writing of this paper, including dissertations and legal journals.

RESULT & DISCUSSION

The ASEAN Economic Community and Its Implications for Muara Angke Traditional Fishermen in Utilizing Coastal Areas.

The year 1997 was a milestone or the beginning of the idea of the ASEAN 2020 vision, ASEAN Heads of State agreed to create a stable, prosperous and highly competitive ASEAN economic region by implementing liberalism precisely on December 15, 1997, at the 2nd ASEAN Summit in Kuala Lumpur Malaysia.

The acceleration of liberalization is stated further in Chapter I of the introductory part of the Decree of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 51A / KEPMEN-KP / 2014 concerning the Asean Economic Community Roadmap for the Maritime and Fisheries Sector. Accelerating trade liberalization in services; increase the movement of professionals and other services freely. To realize the vision of the ASEAN 2020, a 6th and 7th High-Level Conference was held. Furthermore, in 2003 the 9th ASEAN Summit was held in Bali. The result of the agreement of the Heads of ASEAN Countries was the formation of the ASEAN Community in various fields, one of which was the formation of the ASEAN Economic Community [7].

The acceleration of liberalization has already appeared in the material of Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. We can see this in the provisions of Article 1 Number 30 which determines the elements of the main stakeholders as users of coastal resources and small islands who have a direct interest in optimizing coastal and small island resources. The main stakeholder elements consist of traditional fishermen, modern fishermen, fish growers, tourism entrepreneurs, fisheries entrepreneurs, and the community.

Traditional fishermen become one of the main stakeholders, along with modern fishermen, fish growers, tourism entrepreneurs, fishery entrepreneurs, and the community will potentially marginalize traditional fishermen. On the other hand, now is the era of the ASEAN Economic Community. There are at least three implications that must be considered, namely juridical, philosophical, sociological implications.

Juridical implications of the Asean Economic Community for traditional Muara Angke fishermen in the use of coastal areas is the production of responsive legal products. Responsive legal products are legal products whose character reflects the fulfilment of the demands of both individuals and various social groups in society [8]. The legal product in question is a responsive Coastal Zones

and Coastal Areas (RZWP3K). The process of making a responsive Zoning Plan for Coastal and Small Islands (RZWP3K) is done by openly inviting participation and aspirations of traditional fishermen.

Responsive legal products for the Indonesian people are not new, because in the 1945 constitution it has given direction to responsive law. To find that out in reading the 1945 Constitution of the Republic of Indonesia must be carried out meaningfully, so reading is not like reading a normal text. Ronald Dworking mentions the term moral reading, namely reading moral behind the constitution [9]. Meaningful reading or moral reading results in the construction of a conscientious Indonesian law state or a state of concern (a state with conscience and compassion).

Zoning Plan for Coastal Areas and Small Islands (RZWP3K) as a guideline for utilizing coastal areas, overcoming overlapping use of coastal areas and preventing conflicts in the use of coastal areas. This shows that the Zoning Plan of Coastal Areas and Small Islands as one of the laws and regulations that specifically regulates the management of coastal areas and small islands is expected to be able to integrate various planning sectorally, avoid overlapping and prevent conflicts in the use of coastal and island areas of small islands [10].

The philosophical implications of the Asean Economic Community for the traditional fishermen of Muara Angke in the utilization of coastal areas are to realize justice and prosperity. The formation of a Regional Regulation on Zoning Plans for Coastal Areas and Small Islands (RZWP3K) which is oriented towards the preservation of coastal areas and small islands is a responsive legal product believed to be able to realize justice and prosperous law. Laws that can sustainably build themselves to realize justice and welfare [11].

In addition to the ability of law to realize the justice and welfare, the sociological implications of the Asean Economic Community for traditional Muara Angke fishermen in the use of the coastal area are the continued access to fishing in the north coast of Jakarta. Maintaining a fishing ground (fishing ground) so that traditional fishermen can still fulfil their lives because of the availability of access to search for fish in the fishing ground (fishing ground). The development policy carried out by the government does not override the right of traditional fishermen to continue to be able to take advantage of coastal waters. So that traditional fishermen can enjoy development. This can be related to sustainable development which requires four principles, namely equity, participation, diversity, integration, long-term perspective [12].

The Role of the State to Promote the Welfare of Traditional Muara Angke Fishermen

A prosperous life is the goal of life for all people; all countries are formed with the aim of obtaining welfare for their citizens. Indonesia, in its struggle to achieve independence, one of its main objectives is to obtain prosperity. This is as mandated in paragraph four of the Constitution of the Republic of Indonesia. Protect the entire nation and the whole of Indonesia's blood spills; promote public welfare; educating the life of the nation, and participating in carrying out world order. The fourth paragraph in full states:

"Then from that to form an Indonesian state government that protects the entire nation and all of Indonesia's blood and to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, lasting peace and social justice".

The struggle for prosperity does not stop only after the achievement of independence. The real action is needed to fill the independence that has been achieved by the Indonesian people. For this reason, the government carries out development in all fields (legal, economic development, etc.) to achieve prosperity for Indonesian citizens. Grateful that the Indonesian people have carried out development even though they have not attained the full target for the achievement of prosperity for all Indonesian citizens. Data from the International Monetary Fund (IMF) 2018 shows a per capita income figure of \$ 4,052 or around 56,728,500 IDR per year, still below the world average, which has reached \$ 11,727. At the ASEAN level, Indonesia is still below Malaysia with a per capita income of \$ 11,237, Brunei Darussalam having reached \$ 33,233, Singapore has reached \$ 61,767 [13].

On the other hand, there are still poor people and workers in the informal sector, this shows that most of them have to live a life without adequate protection. Informal sector workers refer to the National Commission for Enterprises in the Unorganized Sector as scavengers, homeless people, tire makers, farmers, fishermen, street vendors. Informal sector workers are those who do not have employment security, work security and social security. They do not have full protection from the state, do not have job security, and do not have social protection, such as health insurance, accident insurance or retirement [5]. Data from the Central Bureau of Statistics in 2017 revealed the number of informal workers was 58.35% while the number of formal workers was 41.65% [6]. The number of poverty figures based on Central Bureau of Statistics (BPS) data as of March 2018 is 25.95 million people or 9.82% of the total population [14].

Muara Angke traditional fishermen are categorized as informal workers according to the

National Commission for Enterprises in the Unorganized Sector. Such reality is connected with the mandate of the constitution to advance public welfare into a program that must be carried out in development in Indonesia. The real program is empowering traditional Muara Angke fishermen. Community empowerment is an effort to provide facilities, encouragement, or assistance to the community and traditional fishermen to be able to determine the best choice in utilizing coastal resources and small islands in a sustainable manner [15]. The same norm is also contained in Article 1 Number 31 of Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands.

CONCLUSION

The existence of the *ASEAN Economic Community* by creating a stable, prosperous and highly competitive ASEAN economic zone by applying liberalism will impact on the flood of products and services from abroad. Expected implications include juridical, sociological and philosophical aspects, because if not, traditional fishermen will be a community that is marginalized, and isolated from their lives. Of course, this does not need to happen because the Indonesian state was established, maintained, and developed for the benefit of all the people, to guarantee and advance the general welfare as stipulated in the Preamble to the 1945 Constitution the fourth paragraph. Therefore, to realize these implications, the role of the state is needed. What can be done is to empower traditional fishermen.

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