

Marine Resources Management for the Welfare of Fishing Community based on Pancasila

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Abstract- The welfare of fishing community in coastal and marine areas must be fulfilled, to achieve that goal related to the level of destruction in marine ecosystems and regulatory policy regarding the marine resource management. This article is a normative legal research with a conceptual approach. This is a descriptive research and uses prescriptive method. The conclusion of this research is that *Pancasila* which is placed in the highest level in the hierarchy of legal norms brings the consequence in the laws and regulations in marine resources. The protection and management of marine resources in Indonesia need to replicate the constitutional principles of *Pancasila* including: (a) the principle of divinity; (b) the principle of humanity; (c) the principle of unity and integrity; (d) the principle of democracy; and (e) the principle of social justice. The success of marine resource development is not only about increasing the national income in the marine sector, but also being followed by the welfare of fishing community around coastal and marine areas in giving justice for fishing community in utilizing marine resources to fulfill their daily needs.

Keywords- Marine Resources, Welfare, and Pancasila.

I. INTRODUCTION

Indonesia is the largest archipelagic country in the world with plentiful potential and natural resources. This is a gift from Almighty God and is of great significance to the Indonesian people as a place of residence. Two-thirds of Indonesia's territory is ocean, and it's miles one of the nations with the longest shoreline withinside the world. In addition, geographically, Indonesia is located between the two oceans of Pacific and Indian and the two continents of Asia and Australia which is the most dynamic economically and politically region. This strategic location gives Indonesia an advantage, while at the same time relying heavily on the maritime sector.

In Indonesia, marine resources have the potential to have abundant natural resource. This is a gift and grace from God Almighty and contains non-biological and biological resources that are very beneficial for the sustainability of the life of the fishing community. This potential can be taken from the seafloor and subsoil, water column and sea surface, including small islands and coastal areas, it makes a lot of sense that the marine economy is used as the basis for national economic development.

As a maritime country, Indonesia has more than 3,351 million km² of marine resources, as well as 2936 km² of Exclusive Economic Zone and continental shelf territorial waters. Indonesia's own fishing area has a distribution of approximately 5.8 million km², divided into 11 national Fisheries Management Areas of the Republic of Indonesia (WPPNRI). According to data from PODES 2018, approximately 15.32 percent of village-level administrative areas are located on the waterfront, and about 21.82 percent of the population's main income comes from the fisheries sub-sector.

The welfare of the coastal and marine fishing community is something that must be fulfilled, to achieve the level of welfare of the traditional fishing community and fishermen according to the level of destruction of marine and coastal ecosystems. According to data from the Central Bureau of Statistics (2018), coral reef conditions in Indonesia based on 2016 satellite imagery is 6.39 percent great, 23.40 percent is good, and 35.06 percent is average. Meanwhile, 35.15 percent is poor. The condition of coral reefs is not only closely related to the environmental conditions of various regions, but also affected by human activities. The pollution of sediments, domestic and industrial waste, the development of coral extracts for buildings, and non-environmentally friendly fishing are the causes of coral reef destruction. [1]. According to the results of coastal research, it was revealed that more than 83% of Indonesians are worried about the future condition of the marine environment. From the results of this research, it was also found that only about 25% of Indonesians understand about marine resource management [2]

Philosophically, *Pancasila* is the inspiration on Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (then abbreviated as the 1945 Constitution of the Republic of Indonesia). This article is the legal basis for the control, protection and management of marine resources by the State which is used as much as possible for the prosperity of the people. In accordance with the objective of the Indonesian nation is to promote general welfare [3]. To reach the goals of the nation of Indonesia and as a consequence of the concept of "state of law", all regulations regarding the welfare of fishing communities are regulated in national law (read: laws and regulations) [4], and are implemented to provide the maximum benefit for the prosperity of the fishing community.

The wealth of marine resources could be used as a means of achieving the welfare and prosperity of the community around the coastal zone, whereas preserving the supports and capacities of the environment. The role of government is needed for the marine resources management, because the right to control and protect marine resources has been granted. This research focuses on how marine resource management based on the principles of *Pancasila* can have an impact on the welfare of fishing communities.

II. RESEARCH METHOD

The research type that used in this article is normative legal research with conceptual approach consisting of views that is developing in law science, so it can create an ideal concept in the management and utilization of marine resources in the future. This research is also a descriptive which uses the ideology of the Indonesian nation, *Pancasila* as source in the forming laws and regulations in the field of marine resources.

Primary legal materials and secondary legal materials are used in this research through literature study. After that, a prescriptive method is used to analyze.

III. FINDINGS AND DISCUSSION

As state in Article 193 of the United Nations Convention on the Law of the Sea (hereafter abbreviated as UNCLOS 1982), each country must have a policy regarding the obligations and rights of the State to protect and preserve marine resources in every region. Based on the provisions of UNCLOS of 1982, the state of marine resources in each country improves and in 1982, through the United Nations in Rio de Janeiro, Brazil, on the environment and development (UNCED - United Nations Conference on Environment and Development) discussed efforts to stop damage occurring at sea and in coastal areas around the sea, as described in Agenda 21.

As stated in Chapter 17 of Agenda 21 approved by 178 countries, involving Indonesia, it has approved a new information plan on the management and use of marine and coastal areas, comprising (a) integrated coastal areas sustainable and management development, containing exclusive economic zones; (b) sustainable development of small islands; (c) protection of the marine environment; [5] (d) strengthen regional and international cooperation and coordination; (e) notes the significant impossibility of climate change and management of the marine environment; and (f) sustainable use and conservation of marine living resources on the high seas and in waters under national jurisdiction [6]. According to the above description, this Chapter aims in an integrated manner to guarantee the management and protection of marine resources and benefit current and future generations.

Pancasila is the way of life for the Indonesian which expresses the views of the Indonesian about the relationship between human and God, human and human,

and human and the universe which is based on a belief about the place of individual in fishing communities and the universe. In addition, human beings are also indissoluble from their dependency on God and natural environment. The togetherness with other people and dependency on God and nature are the basic structures essential for existence of human. The basic structure of togetherness with the human other and attachment to the nature of God is formulated in the form of the *Pancasila* principle. [7]. Based on Sudjito, human is always encouraged to greet each other, give each other, share, and not hate, berate, or reduce every entity created by God [8].

An act is essential not only if it does not correspond to *Pancasila's* values, *Pancasila's* values are the crystallization of values living in the national social, religious and cultural reality of Indonesia, and *Pancasila's* values are also universal and can be accepted by anyone and anywhere.

Those five principles have strong ontological, epistemological, and axiological basis, have relevant historical dimension, rationality, and actuality. The rest is a demand for a deepening of understanding, affirmation of belief and a serious commitment to practice the values of *Pancasila* in all levels and fields of state and nation life. The position of *Pancasila* as a philosophy can be reviewed based on 3 (three) facts as follows: (a) Material Reality; (b) Practical Functional Reality; and (c) Formal Reality [9]. The above three facts show that *Pancasila's* philosophical status will inspire human attitudes and regulate its behavior. As a philosophical system, *Pancasila* is an inner network of core values. As the source of national ideology or philosophy, *Pancasila* is the source of Indonesia's nation and state.

The state law adopted by Indonesia places *Pancasila* as the source of all sources of law (read: laws and regulations) [10]. It means that there is still a higher and highest norm, namely *Pancasila* as the basic norm, above the constitution (UUD NRI 1945). Hans Kelsen names it *grundnorm*, while Hans Nawiasky calls it *staatsfundamentalnorn* or the state's fundamental norm [11]. *Pancasila* that is placed as the highest position in the hierarchy of legal norms has brought consequence in the formation of legislation that is to use the legal principles of *Pancasila* in every process of formation, application and implementation of these laws and regulations [12]. The legal principles of *Pancasila* include: (a) the principle of divinity; (b) the principle of humanity; (c) the principle of unity and unity; (d) the principle of democracy; and (e) the principle of social justice.

The consequence of a state law building upon the 1945 Constitution of the Republic of Indonesia and *Pancasila* [13] each legal product created by the executive along with the legislature must reflect the principles of *Pancasila* as the basic norm in the formation of each legal product and legislation.

The *Pancasila* principles function as guides in the establishment of legislation in the field of protection and management of marine resources in Indonesia. Therefore, the author proposes how the ideal management of marine resources for the welfare of fishing communities based on the principles of *Pancasila* include the first principle of *Pancasila*, i.e., Belief in One God, management of marine resources started from the independence of the Indonesian, is the greatest gift from God Almighty to Indonesia, which needs to be taken care of and maintained so that it can be accounted for to God Almighty [14]. Besides, the management of marine resources must not be excessive. In other words, there is a balanced relationship between human and nature. Almighty God created the universe both on land and in the sea for humans, yet humans sometimes forget that this causes excessive exploitation of natural resources. Therefore, it is urgent that nature and humans must be intertwined in a harmonious system and sustainable.

The second principle of *Pancasila* is that Indonesian must uphold human values. It is a compulsory for Indonesian people to establish partnership relations with other countries. Indonesia must be a model for the management of sustainable and environmentally friendly marine resources by other countries of the world.

The third principle of *Pancasila* is the Unity of Indonesia. The word 'unity' has the meaning of mutual need, interrelated and inseparable from one another. The value of unity has a close relationship to fishing communities and coastal and marine ecosystems since ancient age, and thus, the relationship between fishing communities and these coastal and marine ecosystems are mutual need and inseparable. Every policy making should not be in contrast with the local wisdom system that exists within the fishing community structure to avoid conflict or divisions within the fishing community.

The fourth principle of *Pancasila* is democracy based on deliberation that is able to bring social welfare into reality. Management of marine resources must be based on fishermen, by fishermen and for fishermen. The active involvement of fishing communities in the management of marine resources should help the government to create a policy containing the thoughts, ideas and expectations of the fishing community so that what has been formulated can be effectively implemented and followed together government.

The last principle of *Pancasila* must be a measuring instrument for the success of the state in managing marine resources. Each fishing community has the same rights to manage marine resources in a fair and sustainable manner, which will have an impact on the welfare of the fishing community as a whole, not an individual. Based on the elaboration above, the author hopes that the use of the principles of *Pancasila* will have an impact on elevating welfare for fishing communities who depend on their daily lives in utilizing marine resources. This is in line with one of the goals of the Indonesian people, which is to

achieve social welfare. The use of "social welfare" is meant for collective welfare, not individual.

Based on Soekarno's point of view in a speech on June 1, 1945 at the BPUKI Session, we can infer that, although it does not appear explicitly, elements of the state welfare can be identified in the *Pancasila* as the state basis. Both Sukarno's views in his ideas about *Pancasila* and the analysis of the authors above clearly point to social justice as the ultimate goal to be achieved. Meanwhile, based on the previous elaboration, it can be highlighted that social justice is the reason for the birth of the idea of a state welfare [15]. Meanwhile, Hatta suggested: Indonesia's social welfare is based on the understanding of Indonesian economic democracy, where the people prosperity is the main consideration, not the prosperity of an individual [16]. In addition to using the principles of *Pancasila* in realizing the welfare of the fishing community, it is also necessary to manage marine resources in an integrated manner.

The success of development in the field of marine resources is not only an increase in national income in the marine sector, but also followed by the welfare of fishing communities in providing a sense of justice for fishing communities around coastal areas to gain open access in the management and utilization of marine resources while still paying attention to the sustainability of marine resources for sustainable development for generations to come so that the development of the marine resource management system is carried out in an integrated, efficient and sustainable manner and provides the maximum opportunity for the fishing community to participate in any policy formation on marine resource management.

IV. CONCLUSION

Based on the elaboration above, according to the author, it can be concluded that a constitutional state depending on the 1945 Constitution of the Republic of Indonesia and the *Pancasila*, any legislative regulations formed by the executive jointly with the legislator must reflect the principles of *Pancasila* as the fundamental standard in the hierarchy of laws and regulations and the management and protection of marine resources in Indonesia must mirror the values contained in the principles of *Pancasila*. The first principle is the management of marine resources, which is not extreme or there is a stabilized relationship between human and nature. The second principle is that every human being has the same rights in the fair and sustainable management of marine resources. The third principle is that any political formation must not come into conflict with the moral values contained in the fishing community. Fourth principle, the management of marine resources must rest on the fishermen, on the fishermen and for the fishermen. The fifth principle is that each citizen in all areas gets equitable and equal treatment, without exception, in the utilization of marine resources.

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