

# Prohibited Fish as a Form of Local Wisdom of West Sumatra Traditional Law Communities

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## ABSTRACT

This paper dissects the standards of business contracts in the time of globalization in Indonesia. Regularizing law is utilized in planning the investigation in this paper. The outcomes show that the standards of agreement law are the establishment of business exercises in Indonesia. The rule of agreement law is directed in the Indonesian Common Code and persistently existed and was created in the realm of exchanges in the globalization of the unrestricted economy. Fundamental and by and large material traditional standards for each business contract in this time of globalization are the opportunity of agreement, understanding of the gatherings, arrangements that tight spot the gatherings with great morals. Agreement law assumes an indispensable and critical part in business exercises, both in beginning a business relationship, keeping up with the execution of deals, and settling business questions. Subsequently, contracts/arrangements are the primary systems utilized to decide connections for financial entertainers.

**Keywords:** *Custom, Law Local Wisdom, Society.*

## 1. INTRODUCTION

Standard law is the entire custom (the unwritten) and lives in the general public as conventionality, propensities, and customs that have lawful consequences. [1] This common law usually is not recorded in authoritative guidelines, including living guidelines that, albeit not specified by the specialists, are clung to and upheld by individuals dependent on the conviction that these guidelines have legitimate power. In Indonesia, common law is one of the wellsprings of law that lives and creates in the public eye. This standard law has contrasts in every area, with its qualities in its framework and rules. Standard law controls different parts of Indonesian individuals' lives, and individuals who utilize this standard law are called standard law networks.

Standard law networks are a gathering of individuals who keep on living deliberately and inside which there is an arrangement of influence and autonomously, who have unmistakable or immaterial riches, where the individuals from the unit live in the regular general public, the individuals from which do not think to disintegrate the securities. or then again split away from that bond. The standard law local area is additionally a human unit that is interconnected with a fixed repeating design, in particular, a general public with a similar standard of conduct, where the conduct develops and is showed by the local area, from this example, the principles to direct public activity are figured it out. A

daily existence social action with a similar social example will possibly happen in case there is a local area of associations with a fixed rehashing design [2]

This standard law local area, by and large, has three types of construction, specifically first, genealogically, it is an efficient local area unit where its individuals are bound to a typical genealogy from a progenitor either straightforwardly as a result of blood relations (relatives) or by implication because of conjugal ties or ancestral ties.

Second, the region is a perpetual and precise society whose individuals from the local area are identified with a specific legitimate home space, both in standard terms as a position of life and in otherworldly terms as a position of love. Third, the genealogical region is a local area unit that stays ordinary. Its individuals are bound to their home place in a specific region and limited by direct relations of connection [3].

As per standard law specialists during the Dutch East Indies time, these genealogical social orders can be recognized. In particular, patrilineal social orders are those whose arrangements are attracted by the dad's genealogy (male line), while the maternal line is prohibited. Second, a matrilineal society is one whose social design is defined as dependent on the maternal boundary (female line), while the fatherly genealogy is avoided. Third, a two-sided or parental society is one whose local area structure is attracted by the heredity of guardians, specifically the dad and mother together [4].

Minangkabau is probably the most significant type of matrilineal standard law network in Indonesia. As a general rule, Minangkabau words have two implications. First, Minangkabau is where the Pagaruyung realm was established. Second, Minangkabau is one of the ethnic gatherings that possess the region. Minangkabau common law is one of all common laws in Indonesia that live and should develop[5].

Nearby insight is the personality or social character of a country that makes the country have the option to ingest, even deal with culture starting from outside/different countries into its person and capacities score. [6] Nearby shrewdness is a method for developing society and protecting oneself from unfamiliar societies that are bad. Nearby astuteness is a perspective on life and information just as different life techniques as neighborhoods' exercises in noting different issues in addressing their requirements.

The local neighborhood area does different procedures to keep up with their way of life. Precisely the same thing was additionally communicated by Alfian [7]. Neighborhood astuteness is characterized as a perspective on life and information just as a day-to-day existence procedure as exercises did by nearby networks in addressing their requirements. In light of Alfian's assessment, it very well may be deciphered that neighborhood astuteness is a practice and custom that has been done by a gathering of individuals from one age to another, which is as yet kept up with by certain standard law networks in specific regions. Because of the above comprehension, it very well may be deciphered that nearby intelligence (neighborhood astuteness) can be perceived as nearby thoughts that are shrewd, brimming with shrewdness, of sound worth, which is inserted and followed by individuals from the local area.

Nearby intelligence or neighborhood insight can be perceived as nearby thoughts that are astute, loaded with shrewdness, and great worth, which is inserted and followed by local area individuals.

Nearby shrewdness, as indicated by (Ratna, Nyoman Kutha. 2011) is the concrete that ties as the culture that now exists, so it depends on presence. Nearby astuteness can be characterized as a culture made by neighborhood entertainers through an iterative process,9 through the disguise and translation of strict and social lessons associated as standards and utilized as rules in regular day-to-day existence for the community [8].

In the interim, as per Law no. 32/2009 Concerning Ecological Insurance and The executives, respectable qualities apply locally's life, including ensuring and dealing with the climate in a manageable way.

In light of the specialists' assessments above, analysts can draw a repeating theme that nearby intelligence is a thought that emerges and constantly grows in the general public as customs, rules/standards, culture, language, convictions, and day by day propensities.

From the foundation of the presentation, the author is keen on looking at the issue how is the viability of the execution of the nearby insight of the Denied Fish in West Sumatra.

## 2. METHODS

The exploration technique utilized in this examination is juridical-standardizing, where the information considered is as library materials or optional information which incorporate essential lawful materials, legitimate auxiliary materials, and lawful tertiary materials, where the essential lawful material utilized is 1945 Constitution. The Constitution of the Unitary State Republic of Indonesia. Law Number 32 of 2009 concerning Natural Insurance and The board, optional legitimate materials, to be specific course books, lawful diaries, logical examination, and sources from the web, just as lawful tertiary materials, in particular Indonesian language word references, legal word references, reference books, and other lawful materials.

## 3. RESULT AND DISCUSSION

Indonesia as a Province of Law (Rechtsstaat) should make every one of the exercises of its residents dependent on the law, other than that. It withdraws from a typical arrangement that endeavors to understand the implementation of everyday freedoms (HAM) for standard law networks did by the State are to give legitimate insurance rights to native people groups as ordered in Article 18 B section (2) of the 1945 Constitution which peruses: "The State perceives and regards the solidarity of the common law local area and their conventional rights as long as they are alive and prosperous, with the advancement of society and the standards of the Unitary Condition of the Republic of Indonesia which are managed by law. ", one illustration of the legal privileges of native people groups is the nearby insight of illegal fish.

The illegal fish region is one of the neighborhood shrewdness destinations in West Sumatra. The nearby local area specifies some water regions as streams as denied regions for fish and different biotas to be taken by the cutoff points and time set. A few regions allude to the term lubuak restriction. In the language of lubuak, disallowance comprises two words, specifically lubuak, which implies waterway, and denial, which means precluded activities as indicated by the principles set. Notwithstanding, the term has a similar significance, specifically the waterway as a territory for fish and another biota into a denied region inside a specific timeframe as per the guidelines that have been set. Not just that, this region has restricting standards, both standard principles and neighborhood unofficial laws.

There are three types of restricted fish regions in West Sumatra: conventional, semi-customary, and present day. The gathering of the space depends on the presence of the controller, specifically savvy individuals who are considered to have supernatural capacities.

Before, the native individuals of West Sumatra (Minangkabau) utilized the overseer framework a great deal to oversee disallowed fish regions. Toward the finish of the 1990s, there was a change of the board through a

preservation framework from the public authority for this situation, the Nagari or Kampung:

A few investigations that have been directed have uncovered the nearby intelligence of precluded fish situated in Dharmasraya Rule, Limapuluh Kota Rule, and Pesisir Selatan Regency.[9]examined the prohibited fish area located in Dharmasraya Regency. The local community makes the 1 km long Batang Pangian river a prohibited fish area. The local community is familiar with the term "lubuak prohibition" Ngalau Agung.

Yuliaty & priyatna (2014) examine the prohibited fish area in Kapur District IX, Limapuluh District. City. The community formed a 700 m long prohibited fish area on the Kapur river [10].

Ilhami & Riandi's research (2018) about the prohibited fish area in Pandan Gadang, Gunung Omeh sub-district. The local community divides three forms of prohibited areas still preserved by the community[11].\In the Barung Barung Balantai area, Pesisir Selatan Regency, communities have also established a prohibited fish area in the Batang Tarusan river (Firdaus & Huda, 2015) [13]. Several studies that have been conducted related to prohibited fish areas in West Sumatra show the value of environmental conservation (Firdaus & Huda, 2015; Ilhami & Riandi, 2018; Pawarti et al.,2012; Susilowati, 2000).

The existence of prohibited fish areas is almost owned in every district/city in West Sumatra, as presented into Data I.

#### **Data I.**

No	Kabupaten/Kota Kecamatan
1.	Kab. Limapuluh Kota Gunuang Omeh, Payakumbuh, Guguak, Suliki, Akabiluru
2.	Kab. Pesisir selatan Basa Ampek Balai Tapan, Tarusan, Lengayang
3.	Kab. Sinjungjung IV Nagari, Lubuak Tarok
4.	Kab. Agam Baso
5.	Kota Padang Padang Utara, Koto Tengah, Pauh, Lubuk Begalung
6.	Kab. Pasaman barat Pasaman, Kinali, Lembah Malintang Distribution of Prohibited Fish Areas in West Sumatra Province
7.	Kab. Tanah datar Salimpauang, Sungai Tarab, Tanjung baru
8.	Kab. Pasaman Lubuk Sikaping,
9.	Kota Pariaman Pariaman tengah
10.	Kab.Padang Pariaman 2 X 11 anam lingkuang, Lubuk aluang, IV Koto Aur Melintang
11.	Kab. Solok Kubung
12.	Kota Padang panjang Padang Panjang timur
13.	Kota Solok Lubuak Sikarah,Junjung sirih
14.	Kota Payakumbuh Lampasi Tigo Nagari, Payakumbuh Barat

So it can nearly be said that the neighborhood insight of the restriction fish, also called the forbiddance lubuak, is spread in practically all regimes. Urban communities in West Sumatra Territory and light of the consequences

of a few examinations show the worth of ecological preservation, particularly for biodiversity in stream regions where the prohibition on fish or lubuak is denied.

The progression of investigation to create delegate logical reasoning, the creator utilizes an examination that begins from the General set of laws hypothesis started by Lawrence Meyer Friedman to see if the Nearby Shrewdness of Precluded Fish in the Standard Law Society in West Sumatra can be viewed as an Overall set of laws, A typical theory from Lawrence M. Friedman is identified with his hypothesis that the hypothesis in each comprehensive set of laws consistently contains three parts, in particular: lawful design, lawful substance, and legitimate culture.

Friedman's comprehension of lawful design is as follows: First numerous highlights of working general set of laws can be called underlying The moving parts, so to discuss the machine courts a straightforward and precise model, their construction can portray a board of such and such a size, sitting and such and such a period, which either constraint on purview. The shape, size, and powers of the council are different components of the design. A composed constitution is as yet another significant element in the underlying scene of law. It is or endeavors to be the articulation or diagram of fundamentals. The highlight of the country's legitimate cycle is the association and system of government [12]

As per Friedman, the ID of the components of a comprehensive set of laws are: First, the framework should have a design (the first content peruses "regardless the general set of laws has structure." The general set of laws in the restriction fish law in West Sumatra follows the comprehensive set of laws customary in Sumatra In the West, to be specific the Matrilineal Standard Law framework (drawing ancestry from the female side), in Minangkabau common law, which assumes a part in common law, the Nagari chiefs are typically called ninik mamak, which are agents of the clans in the Nagari. Sialang has 8 ninik mamak addressing the Eight clans that possess Nagari Sialang. This ninik mamak sits in the Nagari Adat Thickness organization. The executives of Fish/Lubuak Larangan are passed on to POKMASWAS (people group administrative gathering) somewhere else is controlled by Dubalang. At the same time, the standard government (KAN) and neighborhood governments do the administrative capacity.

The second component of the comprehensive set of laws, as indicated by Friedman, is substance. The second kind of part can be designated "considerable." There is the natural result of the general set of laws that the appointed authorities, for instance, really say and do. Substance incorporates rules, typically enough, those suggestions alluded to as legal guidelines rea-~listically it likewise incorporates rules which are not recorded for example those guidelines of conduct that could be diminished to general proclamation each choice to is a meaningful result of the comprehensive set of laws similar to each teaching reported in Court or ordered by

lawmaking bodies or embraced by an office of government.[13].

This substance part is the consequence of the design, including legitimate standards, regardless of whether as enactment, choices, or doctrinal regulations As expressed by Friedman in *What is a general set of laws?* The law is not just in composed structure (laws or legal guidelines) as an authority result of requests but also as decisions or laws that come from outside the law. Accordingly, further Friedman, there are two different ways to see law, to be specific authority law beginning from the public authority and the other should be seen extensively (the first content peruses are made up solely of the authority administrative demonstration, while others adopt a more comprehensive strategy).

Concerning the denial fish law in the customary law local area, there are Nagari guidelines, for instance, in Nagari Sialang, Limapuluh Kota Regime. There are also village guidelines, for instance, in the Senamat Town region, Bungo Rule, and some areas an unwritten understanding which is an arrangement. For example, from Ninik Mamak, strict pioneers, and local area pioneers in Batu decay Town, Pauh Region, Padang City.

Likewise, as indicated by Friedman, the framework does not yet contain incorporates methodology, cutoff points of power, judges, and appropriate approvals. For instance, it directs grievances/reports, summons, the spot of preliminary, evidence or settlement, and existing approvals and practically all regions assigned as ensured regions for the Precluded Fish or Lubuk Larangan in West Sumatra contain systems for the limits of power, in particular the domain which is assigned as the Denied Fish region, for judges commonly held by Wali Nagari or Ninik Mamak who are designated by typical arrangement, and the authorizations forced are of two sorts, specifically fines and social assents.

Friedman said that the components of the general set of laws are not simply design and substance. Other than that, there is a third component, precisely lawful culture. As indicated by Friedman, legitimate culture can be characterized as those perspectives and qualities influencing conduct identified with the law and its organization either decidedly or adversely. Love of suit or scorn of it is essential for the Legitimate Culture as mentalities influence conduct which is essentially ostensibly represented by law. At that point, the lawful culture is an overall articulation for how the overall set of laws finds a way into the way of life in general society.

Lawful culture incorporates individuals' perspectives or qualities that they hold fast to that decide the exercises or exercises of the comprehensive set of laws concerned. These mentalities and qualities will affect conduct identified with the law, so legitimate culture signifies individuals' reasoning and qualities. Social powers decide how the law is utilized, kept away from, or maltreated [14].

As indicated by Friedman, lawful culture is the mentalities or upsides of society towards law. This lawful culture assumes a significant part in having the option to coordinate the improvement of the overall set of laws

since it identifies with insights, qualities, thoughts, and individuals' assumptions for the law. Friedman then, at that point, contends that "lawful culture is put as a factor that decides how the framework gets a spot with regards to local area culture, while in neighborhood intelligence as the disallowance fish law, other than containing rules identified with authorizations and rules in regards to episode reports, a pledge or reviles is typically made by the pioneers. customs or strict pioneers to reinforce consistency and give strict qualities as per the convictions held by the local area with the goal that they are more loyal to the guidelines made and are hesitant to submit infringement because, as well as containing fines, they additionally contain social assents which are generally felt to be heavier than fines.

#### 4. CONCLUSION

The existence of customary law community legal products that regulate prohibited fish is seen to have been effective in several Nagari or villages in West Sumatra and appropriate and according to its function will facilitate and facilitate the implementation of village government which aims to accelerate the process of community welfare in the West Sumatra region. The existence of customary law products in the form of local wisdom of prohibited fish concerning the regulation of prohibited fish also functions in regulating and increasing people's income and increasing various development programs in carrying out various functions correctly and adequately, such as the function of public services, development, and the function of protecting the community (society protection). In addition, local wisdom of prohibited fish aims to preserve the environment, especially concerning preserving the existence of prohibited fish.

From the results of the study, several suggestions can be given. Namely, it needs commitment from the government, especially the province of West Sumatra, in maintaining and protecting aquatic resources to maintain the authenticity of local fish species and the environment for the future, for example, in the form of legal products of regional regulations. It can be Make the prohibited fish area in West Sumatra as a tourist spot so that it adds value to the community's economy around the local wisdom of prohibited fish set.

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