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RESEARCH ARTICLE

PROTECTION FOR POOR FISHERMEN'S ECONOMIC RIGHT THROUGH STRENGTHENING OF THE INSTITUTION FOR COMMUNITY EMPOWERMENT IN SOUTHEAST SULAWESI, INDONESIA

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Abstract

The life of poor fishermen in Southeast Sulawesi, very alarming. Supposedly, they are more prosperous life. Because of the Province of Southeast Sulawesi is a region very rich maritime fishery resources. This paper describes the role on the Institution for Community Empowerment as an institution which can struggle poor fishermen's economic rights. Method used, is a method of empirical legal research. The research shows, the existence of the Institution for Community Empowerment, has not effectively played its role as an institution which to fight for economic rights of poor fishermen.

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Introduction:-

Province of Southeast Sulawesi is one of the maritime area in Indonesia. This province, as the maritime area, has potential fishery resources. In the western part of this province, it is located underwater park surrounded by coral islands. There beautiful and fantastic sea panorama, it is very nice as a place of recreation. The beautiful and fantastic sea panorama is located in Wakatobi Island. Also, as the maritime area, this province is inhabited by fishermen community. In the fact, fishermen who lives in this area, still in poor condition. Whereas, this province has potential fishery resources, which of course, it can provide to increase in economic welfare for fishermen (La Sara, et.all 2011). In 2007 years, the Coremap's result of study shows that the most fishermen of Southeast Sulawesi get income of around 280 thousand to 300 thousand rupiah, which is far below the Indonesia per capita national income. Also, the result's research of Abdul Azis Mutalib reports that poverty in more 3000 persons or 34 percent of total in 114.000 of Wakatobi people. In 2014, the Indonesia Central Bureau of Statistics reports that poor fishermen in 14, 5% in total of Southeast Sulawesi people (Abd. Azis Mutalib, et.all. 2015; BPS Sultra 2014).

One of strategy to anticipate the poverty of fishermen community in Southeast Sulawesi, is to empower community institutions in existence. The Institution for Community Empowerment is only institution which does exist in Southeast Sulawesi. This institution is very expected to fight for the economic rights of poor fishermen in Southeast Sulawesi. In the fact, this institution has not been able to fight for fishermen's economic right effectively.

This research tries to observe some factors which cause weakness of the Institution for Community Empowerment in the frame work of struggle in fulfillment of fishermen's economic right. A research based on empirical legal approach.

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Method of Research and Materials:-

This research is a legal research (Olson, Kent C. 2009), which based on observation of behavior of fishermen toward existence of the Institution for Community Empowerment as institution, which in struggle of fulfillment of fishermen's economic right according to regulation for legal protection of fishermen's economic right in Indonesia. As a legal research, in its procedure, authors collect data of research which derive from some regions in Southeast Sulawesi, they are regency of Konawe, regency of Bombana, regency of Konawe Island, and Kendari City. Data Collecting is derived from interview to respondents. Respondents including this research, are as follows:

- a. Poor fishermen in the chosen sampling of the random collecting.
- b. Officials of the Institution for Community Empowerment in the chosen sample of the purposive sampling.
- c. Government officials of village and district of Southeast Sulawesi as respondents who give information or data to authors on poor fishermen and the existence of the Institution for Community Empowerment.

The materials of this research in the data collecting, also use Act No. 31 of 2004 on Indonesia Fishery, including Act No. 27 of 2007 on Management of Coastal Areas and Small Islands of Indonesia, as written document. Actually, both document are materials to analyze the effectiveness of regulation for legal enforcement by Indonesia government in order to empower the Institution for Community Empowerment, as an institution, which in struggle of fulfillment of fishermen's economic right.

Result and Discussion:-

Description of Poor Fishermen in the Province of Southeast Sulawesi, Indonesia:-

In David Gordon's view on poverty, he writes Poverty is a widely used and meaningful concept in all countries in the world. In September 2000, the governments of 189 countries adopted the United Nations Millennium Declaration and resolved to "spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty. Although poverty is a universal concept, its definition is often contested. The term 'poverty' can be considered to have a cluster of different overlapping meanings depending on the subject area or discourse. In the Poverty and Social Exclusion (PSE) Survey both poverty and social exclusion have been measured using a range of different definitions and techniques so that the results can be usefully compared with other work and a better scientific consensus developed (Gordon, David. 2006).

Based on authors' observation and interview with respondents, show that the most of community fishermen are from Bajo Tribe, the others are tribal Buginese, tribal Macassar, Munaninese, Javanese, Buthuninese, and Tolakinese. In the fact, Bajo Tribe since ancient, hereditary, has been living in the coastal region of Southeast Sulawesi. Bajo Tribe has been creating a fishing village which can be found in some islands of Southeast Sulawesi. The fishing village of Bajo Tribe almost spread in all the islands in Southeast Sulawesi, among others: coast of the Konawe Island, the Muna Island, the Kabaena Island, the Wakatobi Island, the Bungkutoko Island, the Buton Island, etc.

Some researchs on Bajo Tribe in Southeast Sulawesi, show that Bajo Tribe as fisherman live in the coastal area. They like which in a community who live in the sea, known as boat people. Today, Bajo Tribe lives each others with family and relation in a village, known as Bajo Village. Since modernization, many of Bajo who mate with tribes not Bajo in Southeast Sulawesi. They have no longer lived in the Bajo Village, but they have already lived on the mainland. Actually, Bajo Village is a unique village which found in Southeast Sulawesi until now (Hartini Batoa, et. all. 2015).

Most of fishermen of Southeast Sulawesi do catch fish in a variety of ways. According to our research, most of them in catching of fish in unlawful fishing, also it called "illegal fishing". Such unlawful fishing, it can damage the marine environment, of course, it harms our generation future. Unlawful fishing, among others: fishing by using of fish drug, trawling, and fish bombs. Such fishing methods, it can damage coral reefs and kill all the fishes.

Efforts to prevent illegal fishing, have been done by officials of local government including the local police, among others: doing of counseling, especially to the poor fishermen not to commit illegal fishing. Today, they do not give punishment to fishermen who act in illegal fishing, because of illegal fishing is still poor fishermen's culture, which is difficult to be eliminated. According to respondents interview, illegal fishing almost an entrenched behavior fishermen, so that punitive measures will not be effective in preventing of illegal fishing. According to both of respondents, Arniati and Ruslan Ahmad, said that illegal fishing which was poor fishermen's culture of Southeast Sulawesi. Illegal fishing was one of ways to get the fish easily and practically. Illegal fishing methods, of course,

according to oceanographers had dire consequences for marine ecosystems, especially could damage coral reefs.

Generally, Illegal fishing methods of poor fishermen, also it is influenced by their way of thinking which do not care the marine environment sustainability. Low level of education, it also affects how they think. According to Kadim, one of respondents, said that there was relationship poor fishermen's thinking with their education background. According to him, also, poverty was one factor of low concern for preventing on the marine environment sustainability.

Poor Fishermen in trap of middleman:-

Illegal, unregulated and unreported fishing (IUU fishing) has long been considered a regulatory issue, a matter of different actors violating regulations, perhaps opportunistically or out of ignorance. However an examination of this widespread practice increasingly reveals that this description fails to capture the true nature of the problem. Practices commonly employed in IUU fishing more closely resemble, and can be considered, a form of transnational organized crime. Rather than fishers accidentally violating some regulations, we see systematic and highly coordinated efforts around the globe to violate fishing laws and regulations, putting the stability of marine ecosystems in serious jeopardy (Bondaroff, Teale N. Phelps, et.all. 2015)

One of the most problems which is faced by poor fishermen, among others the existence of middleman who has significant role for economic sustainability them. Middleman is capital owner who as a buyer or receiver of the fish catch. He also often acts to provide loan for fishermen who desperately need the money. Actually, it is no problem if middleman as a buyer or receiver of the fish catch only. But the main problem is the middleman, also, as a bounded offender. Fishermen were forced to sell the catch of fish at a low price. However, they may not sell their fish catches to other parties. They is Poor fishermen usually in a helpless condition, because of debt trap. The loan causing fishermen trapped in usurious. They have even more to be poor.

Based on that, it is very difficult to solve poor fishermen in poverty. They are increasingly difficult to obtain economic independence. Because of economic independence is one of conditions to get welfare. Although, Indonesia government has enacted regulation for legal protection of fishermen, among others: Act No. 31 of 2004 on Indonesia Fishery, including Act No. 27 of 2007 on Management of Coastal Areas and Small Islands of Indonesia, but such regulation not expressly contain rules that provide for protection of economic rights of fishermen.

In the fact, existence of middleman, is still a major barrier in the frame work of empowerment of economic poor fishermen. According to respondents that fishermen, generally, did sell their fish catch in low price to middleman. Meanwhile, the middleman sold it to traditional market in high price. According to respondents that circulation of fish sales in some areas of Southeast Sulawesi which has always benefited is the middlemen who has the large capital. The middleman who enjoyed the distribution chain selling of fish catch, while the fishermen getting deeper into a vicious circle of poverty.

Based on that, it should government create a selling system of fish catch in proper marketing. However, government should act quickly in frame work of empowerment for fishermen economy. If Indonesia government is not serious, and then the fishermen will not care in government's programme of economy empowerment through the budgeted projects in its.

Weakness Factors of the Institution for Community Empowerment As An Institution of Economic Empowerment of Poor Fishermen:-

The Institution for Community Empowerment is an institution which is at the level of the village administration, is established as a partner to assist the implementation of rural development programs. The appointment of its officials, is based on the appointment of the head of the village or even the appointment of regent. The main tasks of this institution, acting as act representative for village people to deliver the aspirations and the rights of village community, in order to realize the welfare and prosperity of village community.

According to our observation, there are weakness of The Institution for Community Empowerment, as a representative institution for village society, among others: First, existence of The Institution for Community Empowerment is only formal institution. This institution seems to have not been able to play its role as an institution which to fight for village people's economic right. Najamuddin as responden says that officials of The Institution for Community Empowerment, rarely followed by village government for discussion of economic village problems.

Second, village people, generally, does not care The Institution for Community Empowerment as an institution which to fight for village people's economic rights. People village distrusts The Institution for Community Empowerment, as only institution which serves for local government's interest, especially political interest of local election. Third, The Institution for Community Empowerment's officials have no a working plan how to fight for people village's economic rights. So that, people village assumes that is only lip service.

Closing:-

According to our view, there are strategic steps for The Institution for Community Empowerment in Southeast Sulawesi to be one of the institutions in fishermen's economic rights, among others: First, this institution should be an independent institution, no a part of the organ of local government. So that, this institution has the independence in order to fight for fishermen's economic rights. Second, villagers actually participating as a partisan who directly elect the institution's officials. It is not a mere formality. Their appointment is not based intervention of local government. So that, villagers truly have confidence in the Institution for Community Empowerment in Southeast Sulawesi, as one institution which to promote the villagers' aspirations in the framework of the improvement of their economic destiny. Third, in the context of Southeast Sulawesi Government, it should be created a special regulation at level in law of local to ensure the Institution for Community Empowerment, as a institution to struggle in poor fishermen's economic rights for their welfare.

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