

Legal Enforcement Model in The Eradication of Trawling as an Efforts To Accomplish SDG's 14: Blue Economy Case Study in Bengkulu

Tri Andika¹, Deli Waryenti², and Patricia Ekowati Suryaningsih³

^{1,2,3} Faculty of Law, University of Bengkulu, Bengkulu - Indonesia

Abstract

One of the goals of Sustainable Development is to protect and preserve the oceans, and the natural resources within them, which is known as the Blue Economy concept. Along the way, sustainable development in the management of fishery resources in Indonesia faces problems. This problem arose from the inconsistency of the trawling prohibition policy which ended in the prohibiting of fishing vessels to use trawls in the Indonesian Fishing Territory based on the Regulation of the Minister of Maritime Affairs and Fisheries Number 18/PERMEN-KP/2021 article 7. , the implementation of the ministerial regulation has been carried out with the transfer of fishing gear in Bengkulu City. Yet, fishermen who use trawls still use trawls. Based on the results of previous research, it was found that there are 100 boats using trawl fishing gear with the potential for conflict between fishermen getting wider in Bengkulu City. The research method used in this study is an empirical juridical research method with the desired outcome being the right model in law enforcement against the use of trawls in Bengkulu City. The ideal model in regulating trawl fishing gear is policy consistency by prohibiting trawling in fishing areas that are harmful to their use both in marine ecosystems and economically, socially, and culturally by fishermen in each region.

Keywords: models; enforcement; law; trawling; SDGs 14.

Abstrak

Salah satu tujuan dari Pembangunan Berkelanjutan tersebut adalah menjaga dan melestarikan lautan, dan sumber daya alam yang ada di dalamnya, yang dikenal dengan konsep Ekonomi Biru (Blue Economy). Dalam perjalanannya, pembangunan berkelanjutan dalam pengelolaan sumber daya perikanan di Indonesia menghadapi permasalahan. Permasalahan tersebut muncul dari inkonsistensi kebijakan pelarangan trawls yang berakhir pada dilarangnya kapal penangkap ikan mempergunakan trawls di Wilayah Penangkapan Ikan Indonesia berdasarkan Pasal 7 Peraturan Menteri Kelautan dan Perikanan Nomor 18/PERMEN-KP/2021. Di Kota Bengkulu, inkonsistensi kebijakan tersebut memunculkan persoalan yang mengakibatkan terjadinya pertikaian antara nelayan tradisional dengan nelayan pengguna alat tangkap trawls. Berdasarkan hasil penelitian terdahulu, ditemukan bahwa di Kota Bengkulu sampai saat ini terdapat 100 kapal yang menggunakan alat tangkap trawls dengan potensi konflik antar nelayan yang semakin meluas. Metode penelitian yang digunakan dalam penelitian ini adalah metode penelitian yuridis empiris dengan luaran yang ingin dicapai adalah model yang tepat dalam penegakan hukum terhadap penggunaan alat tangkap trawls di Kota Bengkulu. Model ideal dalam pengaturan alat tangkap trawls adalah konsistensi kebijakan dengan pelarangan trawls pada wilayah penangkapan ikan yang berbahaya bagi penggunaannya baik secara ekosistem laut maupun secara ekonomi, sosial dan budaya nelayan di masing-masing wilayah.

Kata kunci: model; penegakan; hukum; pukat; SDGs 14.

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Introduction

The sea is a gift from God Almighty. Law of the Sea states every country that has a

✉Corresponding Author: andikatri17@gmail.com

Sea is the lucky one. The exists potential in the sea, both biological and non-biological, has been able to support the economy of a country. A report by the World Bank and the World Food Organization (FAO) states that in 2030 around two-thirds of the world's food consumption comes from the fisheries sector. The marine sector has contributed 22.42% of the Gross Domestic Product in Indonesia in 2005. Nowadays, it is not an exaggeration sustainable development, it is also combing the marine area contained in Sustainable Development Goal 14 (SDG14): Conserve and sustainably use the oceans, seas, and marine resources or known as the Blue Economy.

In 2015, SDG14: Blue Economy was appointed through United Nations General Assembly Resolution No. 70/226. The goal is to create conditions to balance both the economic sector and the government policies in providing sustainable use of marine resources. In other words, the use of the sea must be accordance with the conservation of the marine area to create sustainable development.

Indonesia is one of the countries with the largest marine area in the world. With 17,508 islands and a coastline of 81,000 km, Indonesia's ocean area, which reaches 5.8 million square kilometers, holds extraordinary marine wealth, ranging from fishery potential, marine industry, and marine transportation services, to marine tourism. In addition, Indonesia was given the status of an Archipelagic State. Based on the geographical conditions, the marine sector becomes important in supporting the economic life of the Indonesian nation. One of them is by maximizing fisheries management in Indonesian waters.

Fishery management is one of the efforts to prosper the people of Indonesia as mandated by the 1945 Constitution of the Republic of Indonesia. With the current condition, the vast marine area, and the large potential for fishery resources, Indonesia has not been able to maximize it. It can be seen from the number of Indonesian fish exports which are still inferior to Vietnam and Papua New Guinea throughout 2017, Vietnam was able to export fish and its processed products worth US\$ 8.3 billion, while Indonesia was only able half to export. Not only with Vietnam, but Indonesia also lags behind Papua New Guinea for tuna exports. In 2012 Indonesia's tuna exports were three times that of Papua New Guinea. Currently, Papua New Guinea's tuna exports are eight times larger than Indonesia's. In 2016, Indonesia's neighboring country managed to export 872,744 tons, while Indonesia only had 115,953 tons.

The condition of Indonesia's fisheries management has not been maximized. Because there are still fishermen who use prohibited fishing gear, thus damaging the marine ecosystem. The regulation of using fishing gear has been regulated in the Minister's regulations of Maritime Affairs and Fisheries of the Republic of Indonesia 18/PERMEN-KP/2021 concerning Placement of Fishing Equipment and Fishing Aid Equipment in The Fisheries Management Area of The Republic of Indonesia and The High Sea and Structure of Fishing Andon. This regulation is a replacement for the Minister's regulations of Maritime Affairs and Fisheries of the Republic of Indonesia Number 59/PERMEN-KP/2020

concerning Fishing Routes and Fishing Tools in The Country's Fisheries Management Area the Republic of Indonesia and The High Sea.

Article 7 of the Minister's regulations of Maritime Affairs and Fisheries of the Republic of Indonesia Number 18/PERMEN-KP/2021 stimulates that fishing gear that interferes and destroys the sustainability of fish resources is prohibited from fishing lanes operating in Indonesian waters. The prohibited fishing gear are Seine nets, Hela trawls, and Aerial traps. This arrangement is the fulfillment of Sustainable Development in the Ocean Sector based on SDG14: Blue Economy. Its vision is to create conditions for the use of marine resources that are environmentally friendly.

The Food and Agriculture Organization of The United Nations (FAO) in a report "...on the contrary, stable, hard, and highly structured habitats (such as coral reefs, seagrass beds, sponge beds) will be easily damaged. One well-documented example is the use of modern towed gear (trawls and dredges) which caused, inter alia, the destruction of seagrass beds (*Posidonia Oceanica*) in the Mediterranean and the destruction of the oyster (*Cassostrea virginica*) habitat in Chesapeake Bay". In the report, FAO states the use of trawl has contributed to the destruction of marine ecosystems in several countries, including Indonesia. Illegal fishing activities are generally detrimental to existing water resources (Harianto, 2017).

Based on previous research conducted by researchers, it was found that currently, 100 ships are using Hela Trawls (Trawls) in Bengkulu City. Several steps have been taken by the Government, in this case, the Central and Regional Governments as well as agencies that have the authority in the Sea Sector to transfer prohibited fishing gear that is still used by Bengkulu City fishermen. However, this has not produced results and it has created conflict in the community. On April 4, 2019, there was a conflict between traditional fishermen and "trawler fishermen" in Bengkulu. The conflict resulted in 4 people being injured and 2 fishing boats being burned. This conflict was triggered by differences of opinion regarding the prohibition on using trawls and seine nets. Since 2015 the Bengkulu Air and Air Police have taken action on 4 cases of using trawl fishing gear and have been sentenced. The obstacle in law enforcement against the use of trawl fishing gear in Bengkulu Waters is the uncooperativeness of trawling fishermen and the surrounding community. POLAIRUD Bengkulu has tried repressively to curb the use of trawling but has always clashed with the community. The Bengkulu Fisheries Supervisory Unit experienced the same thing, which once carried out control but was attacked by trawler fishermen, and the office building used was heavily damaged.

Based on the description above, the researcher is interested in researching the Law Enforcement Model in Eradicating Trawls which is an Effort to Fulfill Sustainable Development Goal 14: Blue Economy. This research accordance with the Bengkulu University Research Master Plan that focuses on the study of coastal areas and the Bengkulu tropical rain forest, the study aims to increase adaptation and survival. In addition, this research is also following the theme of the fourth UNIB Leading Research

Scheme, namely: Assessment and development of the coastal areas management and tropical forests for the creation of natural sustainability and community independence.

Research Problems

There are three issues to be answered in this paper: (1) What are the problems faced by the Government and Law Enforcers in enforcing the ban on trawling in Bengkulu? (2) What are the ideal law enforcement models to eradicate Trawls in Bengkulu?

Research Methods

The study used empirical legal research methods with examining law enforcement models for the use of prohibited fishing gear, especially trawls in Bengkulu City as part of the implementation of SDS 14: Blue Economy. The main source of legal material used is in the form of statutory regulations because this research is a legal study of statutory regulations. In addition, supporting legal sources are also used, namely the views of law enforcement in the marine area, Traditional Fishermen and Fishermen using Trawls in Bengkulu City which were found in several Focus Group Discussions (FGD) to find the most appropriate model in law enforcement of using trawls.

Discussion

Identification of Problems in Implementation of The Trawls Prohibition

Bengkulu Province is one of the coastal areas which is geographically located between 20 16' – 50 31' South Latitude (LS) and 1010 01 - 1030 41' East Longitude (BT). Bengkulu Province is located in the west of the Bukit Barisan mountains. The area of Bengkulu Province is approximately 1,991,933 hectares or 19,919.33 square kilometers with a coastline of approximately 525 km². Bengkulu Province is divided into 10 (ten) regencies/cities and 7 (seven) of them are regencies/cities with coastlines, namely Bengkulu City (as the provincial capital), Kaur Regency, South Bengkulu Regency, Seluma Regency, Central Bengkulu Regency, North Bengkulu Regency and Mukomuko Regency. The data shows the number of households that utilize coastal resources in Bengkulu Province is 7,794. If one household is assumed to consist of one family head, one wife, and three children, then there are at least 31,176 people who depend on coastal resources for their livelihoods.

The economic and non-economic activities of coastal communities in the coastal area of Bengkulu Province have an impact on coastal community ecosystems. The most obvious impact in coastal areas with resource exploitation is the degradation of the biophysical condition of coastal resources. However almost area in the coastal area of Bengkulu Province, seawater abrasion occurs, which means sedimentation and a decrease in the area of the mangrove forest ecosystem. Fishing activities at sea are carried out by fishermen with fishing systems that are not environmentally friendly and cause damage to coral reefs. For example, several conflicts that occurred in the coastal areas of Bengkulu

Province, such as conflicts between trawler fishermen and traditional fishermen in Bengkulu City. There were threats from trawler fishermen to traditional fishermen in Malabero Village. Based on information from the Head of Supervision of the Bengkulu Province Maritime and Fishery Service, Mr. Ariawan, conflicts between traditional fishermen and Trawlers fishermen have occurred since 1987, and tend to reappear during “democracy parties”, general elections, or local elections.

The trawl fishermen’s history in Bengkulu began with the operation of Bai Island Harbor, Bengkulu City. At that time, there were still a few native Bengkulu fishermen who caught fish in Bengkulu waters, resulting in Bai Island Harbor being still quiet and tending to not be able to meet the Bengkulu people's needs for fish. So, the Governor of Bengkulu invited fishermen from outside the Bengkulu Province to meet the Bai Island Port and take fish in Bengkulu waters. The fishermen include fishermen from Sibolga, North Sumatra, and Bugis fishermen from South Sulawesi. Fishermen from Sibolga came with trawls that are operating currently.

On the progress, there is often friction between traditional fishermen and trawler fishermen. Currently, there are 130 vessels using Trawls. This number is an increase compared to the number of vessels using trawls last year, which only amounted to 100 vessels. It was confirmed by fishermen in the Black River Waters who are members of 3 (three) Joint Business Groups (KUB), Selengek, Ombak Challenge, and Muaro Duo. In the Focus Group Discussion, it was found that there are more and more vessels using trawls and operating in an area of 1-2 nautical miles, thus damaging coral reefs and marine ecosystems. In addition, with the operation of trawling in the sea area 1-2 nautical miles from the shoreline, traditional fishermen do not have the opportunity to catch fish. Currently, traditional fishermen only earn 100 thousand rupiahs per day, while the operational costs at sea exceed this income. Trawler Fisherman often operate at night so there is minimal supervision. The Fishermen Group has also formed a Community Supervisory Group (Pokmaswas) that was formed by the Directorate General of PSDKP-KKP which plays an active role in assisting the supervision of marine and fishery resources. However, the establishment of this institution in the fishing community has also not been effective due to the unavailability of facilities and infrastructure for fisheries supervision.

One of the fishing groups that has always fought for the enforcement of regulations regarding the prohibition of trawling is the Tunas Harapan Fishermen's Group. The head of the Tunas Harapan Fishermen's Group, Mr. Hariyanto, said that the presence of trawling had damaged Bengkulu's aquatic ecosystem. It affects to decrease in the number of fish caught. Tunas Harapan Fishermen Group has been exporting fisheries to South Korea. Currently, fishery production that can be exported has decreased drastically from previous years due to the massive use of trawl fishing gear. In addition, with the price war carried out by trawling fishermen on fish catches, traditional fishermen are suffering even more. This is because trawler fishermen out n once go to sea to get abundant fish and then sell them at low prices resulting in traditional fishermen, the fish catch is limited, cannot

fulfill their daily lives, especially people who prefer fish from Trawler Fisherman at different prices.

The government has made various efforts to stop the use of Trawls in Bengkulu Waters. Some of the efforts include:

1. Replace fishing gear with environmentally friendly fishing gear.

The transfer of the Trawls fishing gear has been carried out since 2017. This program is carried out by the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia directly. Fishermen are given environmentally friendly fishing gear as part of stopping the use of trawling in Bengkulu waters. However, only Muko-Muko fishermen are willing to change their fishing gear in 2018. Meanwhile, Bengkulu City fishermen are not willing to change their fishing gear because the nets provided by the Ministry are not following the wishes of Trawler fishermen. The nets desired by Trawler fishermen are nets with a width of 2 inches while those provided by the Ministry are above 4 inches.

The replacement of fishing gear in the Muko-Muko Regency is not working effectively. According to the head Supervisory Community Group (Pokmaswas) of Ipuh Village, Mr. Ramli, information was obtained that the Muko-Muko Trawler fishermen, after being given environmentally-friendly fishing gear, returned to using trawls. Pokmaswas often find fishermen using trawls within 1-2 miles of the shoreline. This condition causes a conflict between traditional fishermen and trawler fishermen in Muko-Muko Regency. According to Mr. Eki Candra, Fisheries Extension Officer of the Muko-Muko Regency Marine and Fishery Service, there are still many trawler fishermen operating in the Muko-Muko waters making conflicts with traditional fishermen often occur. In early 2020, there was an incident of burning fishing boat Trawler by traditional fishermen Muko-Muko.

2. Tightening Vessel Licensing

The managing ship licensing in Bengkulu starts from the manufacturing permit, SIPI, and SIKPI, fishermen are required to make a statement that the fishing gear used is environmentally friendly following the laws and regulations. Fishermen who wish to obtain a recommendation to operate their vessel are required to make a statement letter on stamp duty. A vessel used is free from trawl fishing gear.

3. Massive guidance has been carried out

Department of Marine Affairs and Fisheries, Bengkulu Air and Water Police, Bengkulu Navy, and Bengkulu Fisheries Supervision Unit have provided guidance to fishing groups about the importance of marine ecosystems for fishermen's lives. The use of trawl fishing gear will harm fishermen in the future because if the marine ecosystem is damaged due to the use of trawling gear, it will result in a reduced number of catches.

The program undertaken by the government, it has not been effective in eradicating the use of trawl fishing gear in Bengkulu Waters. This is due to the following problems:

1. Policy Consistency

The policy of banning trawls has existed since the time of President Soeharto's administration. In 1980 Presidential Decree No. 39/1980, it was regulated the abolition of net trawls to encourage increased production of traditional fishermen and avoid social tensions. Then in 1997 through the Decree of the Director General of Fisheries No. IK.340/DJ.10106/97 issued fishing gear of cantrang, arad, otok and geruk shellfish from fishing gear type Trawls and may be used for small fishermen with a maximum boat size of 5 GT with a maximum boat engine 15 PKs. Then in 2011-2014 through the Minister of Marine Affairs and Fisheries Regulation No. 2/2011 Jo. Number 08/2011 Jo. Number 18/2013 Jo. Number 42/2014 stipulates that Operation Cantrang is regulated with a bag mesh size of > 2 Inches or 50.8 mm and operates over 4 miles on lines II and III with a maximum vessel size of 30 GT. In 2015-2016 through the Minister of Maritime Affairs and Fisheries Number 02/2015 and the Ministerial Regulation of KP Number 71 of 2016 the Cantrang Fishing Tool was prohibited from being operated in all Fisheries Management Areas of the Republic of Indonesia (WPP-NRI). In 2017 through the Circular Letter (SE) of the Director General of Capture Fisheries Number B664/2017, Assistance in the Replacement of Fishing Equipment was carried out which was prohibited from operating in WPP NRI. The extension of the transfer of fishing gear for trawls started from June 2017 to December 2017. However, it was then extended again until the fishermen were ready to replace fishing gear with trawls.

In 2020, the Ministry of Maritime Affairs and Fisheries issued a regulation that allows the use of trawl fishing gear in Indonesian fishing areas with the Minister's regulations of Maritime Affairs and Fisheries of the Republic of Indonesia Number 59/PERMEN-KP/2020. one year later, forbidden to return through the Minister's regulations of Maritime Affairs and Fisheries of the Republic of Indonesia 18/PERMEN-KP/2021 concerning Placement of Fishing Equipment and Fishing Aid Equipment In The Fisheries Management Area Of The Republic Of Indonesia And The High Sea And Structure Of Fishing Andon.

This inconsistency of policy regarding the prohibition of trawling has an impact on the confusion of the community and law enforcement so that it raises doubts regarding the prohibition of trawling, the impact of which is the occurrence of conflicts between fishermen who use trawl and traditional fishermen. Inconsistency in the prohibition of trawl fishing gear triggers the polemic and clashes in society. Moreover, the Circular Letter of the Director General of Capture relaxes the use of fishing gear until the process of transferring fishing gear is complete without any clarity on time. This has an impact on increasing the use of trawls in the area, one of which is in Bengkulu waters. Mr. Dwi Kris from the Bengkulu Navy Base in an interview said that if the Government is firm in eradicating Trawls, the Navy is ready to follow up the policy.

2. Economic and Social

The following issue is the economic and social problem in the use of trawl fishing gear.

a. Aspect of Economic

The problem of eradicating trawls also comes from the economic aspect. According to the Head of Sub-Directorate for Gakum of the Polairud Bangkulu Directorate, economic factors are factors that affect the eradication of trawl fishing gear in Bangkulu. The practice of using trawls in Bangkulu so far has supported many fish traders, especially salted fish. Thus, when trawl fishing gear is brought under control, many traders protest and even tend to be anarchic. In addition, the use of trawls also has a major impact on the availability of fish in Bangkulu.

b. Social Aspect

Social problems also affect handling the trawl fishing gear in Bangkulu waters. Most users of trawls are fishermen from Sibolga, North Sumatra who have been fishermen in Bangkulu for a long time. Differences in origin also trigger conflicts between traditional fishermen and trawler fishermen. Traditional fishermen still argue that trawler fishermen are fishermen outside the area who spend fish in their homeland. This issue has become a trigger for conflict in the past. Fish caught using a trawler, with this tool small fish will enter and be caught in the trawl net so that the reproduction of the fish ecosystem breaks which will eventually lead to extinction (Syahputra, 2021).

c. Law Enforcement

The enforcement of trawl fishing gear leads to law enforcement which undertaken. Since 2015 the Bangkulu Air and Air Police have taken action on 4 cases of using trawl fishing gear and have been sentenced. The obstacle in law enforcement against the use of trawl fishing gear in Bangkulu Waters is the uncooperativeness of trawler fishermen and the surrounding community. Polairud Bangkulu has tried repressively to curb the use of trawler fishermen but has always clashed with the community. The Bangkulu Fisheries Supervisory Unit experienced the same issue, which once carried out control but was attacked by trawler fishermen, and the office building used was heavily damaged.

d. Fishermen Awareness regarding the Use of Trawl Fishing Gear

Awareness of fishermen is also a problem in law enforcement. Trawler fishermen assert that the tools used by them are different from trawling which is prohibited by the Government because it does not damage the environment (sweeping coral reefs). Thus, they still feel that the fishing gear used does not damage the environment.

The Model of Law Enforcement on The Use of Trawls

The definition of law enforcement in accordance with Satjipto Raharjo is a process to realize legal desires into reality which are called legal desires, in this case, the thoughts of the legislature that are formulated in the legal regulations. Law enforcement in the State is carried out in a preventive and repressive manner. Preventive law enforcement is held to prevent violations of the law by citizens and this task is generally assigned to

executive bodies and the police. Meanwhile, repressive law enforcement is carried out if preventive efforts have been made but it turns out that there are still violations of the law.

In law enforcement at sea, there are 2 (two) models of law enforcement, namely Prevention and Eradication. In general, prevention is an action by the authorities to prevent, stop or reduce, and stay away from the impact or consequences of the occurrence of risks that have been predicted and guaranteed. Meanwhile, eradication comes from the word “*brantas*” which means exterminating, fighting, and eradicating, which means eradicating and destroying illegally so that bad deeds do not happen again. Dealing with the conception of law enforcement, these two models cannot be separated from each other for the effectiveness of the law in society.

Responding to the efforts that have been undertaken by the Government in dealing with the use of trawls in Bengkulu, it can be concluded that currently, the government is still making prevention efforts. Prevention efforts include providing time lag in eradicating trawl fishing gear, changing fishing gear, and outreach to fishermen. Prevention efforts that have been carried out so far have not obtained maximum results. An indication of the less than optimal use of prevention efforts is that trawls are still operating in Bengkulu waters. The next indication is that there are still conflicts between Trawler fishermen and traditional fishermen in Bengkulu waters. The ineffective use of prevention efforts is due to several factors, namely:

1. The change of fishing gear is not carried out thoroughly for all trawler fishermen in Bengkulu waters accompanied by strict sanctions if the trawler fishermen return to using trawls after the transfer of fishing gear.
2. The time limit for the transition of trawl fishing gear has not been determined, either in the legislation or in the circular letter of the Ministry of Maritime Affairs and Fisheries.

Besides prevention efforts, law enforcement on the use of trawls in Bengkulu waters is also carried out using eradication efforts. Some of the eradication efforts carried out are legal action against fishermen who operate trawls in Bengkulu waters carried out by the Bengkulu Air and Water Police and the Fisheries Supervision Unit of the Ministry of Maritime Affairs and Fisheries. Since 2015 the Bengkulu Air and Air Police have taken action on 4 cases of using trawl fishing gear and have been sentenced. However, this eradication effort always causes turmoil in society, in the end the Government issued a Circular Letter of the Director General of Capture Fisheries Number B664/2017 regarding the extension of the transition period of fishing gear which has resulted in legal action against users of trawl fishing gear in Bengkulu waters being postponed until an indefinite period of time.

As described above, the current law enforcement uses prevention and eradication efforts. However, from the evaluation carried out regarding law enforcement on the use of trawls in Bengkulu waters, improvements are needed. Some improvements that need to be made in preventing and eradicating trawls in Bengkulu waters are:

1. The Consistency of Policy

As a state of law, every regulation is part of the state's efforts to handle the activities of citizens in the territory of the state. Citizens are required to obey the regulations made by the authorized official to create an orderly society. Roscoe Pound said that the law is used as a means to manipulate people's lives. The prohibition set by the Government is an effort to improve people's lives and protect the environment.

The rule in the utilization of marine resources in Indonesia is regulated in Law Number 31 of 2004 concerning Fisheries as amended in Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Article 9 paragraph (1) stipulates that every person is prohibited from owning, controlling, carrying, and/or using fishing gear and/or fishing aids that interfere with and damage the sustainability of fish resources on fishing vessels in the fishery management area of the Republic of Indonesia. Further, in paragraph (2) it is regulated that the provisions regarding fishing gear and/or fishing aids that interfere with and damage the sustainability of fish resources as referred to in paragraph (1) are regulated by a Ministerial Regulation. In the elucidation of Article 9, it is stated that fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources include trawl nets or tiger trawls, and/or compressors.

Regulations prohibiting the use of trawls have been regulated in Law No. 45 of 2009. The regulation is regulated due to the impact of damage caused by trawl fishing gear is very dangerous for marine ecosystems and their sustainability. Further elaboration on trawls is regulated in the Regulation of the Minister of Marine Affairs and Fisheries Number of Fishing Paths and Placement of Fishing Equipment in the Fisheries Management Area of the Republic of Indonesia which prohibits the use of trawls.

In its implementation, the implementation of this regulation has been postponed due to turmoil in society. The postponement of the implementation is regulated through the Circular Letter (SE) of the Director General of Capture Fisheries Number B664/2017 concerning Assistance in the Replacement of Fishing Equipment that is prohibited from operating in WPP NRI. The extension of the transfer of fishing gear for trawls started from June 2017 to December 2017. However, it was then extended again until the fishermen were ready to replace fishing gear with trawls. The postponement of this arrangement has caused conflict in the community, especially between non-trawl fishermen (traditional fishermen) and fishermen using trawl fishing gear.

In the research conducted, it was found that nowadays traditional fishermen understand that trawls are fishing gear that destroys the environment and threatens the extinction of fish in the future so that there is nothing left for their children and grandchildren. Meanwhile, trawler fishermen think that with the delay in implementing regulations, the ban on trawl fishing gear can be reviewed regarding the damage to the ecosystem in Bengkulu waters. These two thoughts are the triggers of conflict in the community so there are often clashes between trawler fishermen and traditional fishermen.

In terms of improving the law enforcement model, policy consistency is needed by the Government in implementing the rules. This consistency will ultimately confirm the prohibition of trawls that damage ecosystems and the sustainability of marine fisheries resources.

2. The Complete Change of Fishing Gear

The Circular Letter (SE) of the Director General of Capture Fisheries Number B664/2017 concerning Assistance in the Replacement of Fishing Equipment that is prohibited from operating in WPP NRI has been implemented in Bengkulu Province. Efforts that have been made are to fishermen in Bengkulu City and Muko-Muko Regency. The results of the study found problems in the implementation of the transition of fishing gear Trawls. In Bengkulu City, trawler fishermen refuse to change fishing gear because the specifications provided by the Government are considered not in accordance with the characteristics of the sea in Bengkulu City. Fishermen want a net with a net width of 2.5 inches, while what is provided by the government is a net with a width of 4 inches. This has led to the rejection by the trawler fishermen because the net with a width of 4 inches was considered inappropriate for the character of Bengkulu waters.

The effectiveness of the implementation of the Circular Letter (SE) of the Director General of Capture Fisheries Number B664/2017 is also constrained in Muko-Muko Regency. Trawler fishermen who have changed their fishing gear to environmentally friendly fishing gear are returning to using trawl fishing gear. This is because the transfer of fishing gear is not carried out thoroughly so it still creates jealousy from the economic aspect among trawler fishermen. As a result, trawler fishermen in Muko-Muko returned to using trawls even up to 1 mile from the coast which resulted in clashes with traditional Muko-Muko fishermen.

Based on the evaluation of the two regions, it can be concluded that the policy for the transfer of fishing gear has not gone well in Bengkulu waters. It is necessary to provide structured assistance in the transition of fishing gear by supervising the transition fishing gear. The fishing gear provided for the transition must be able to meet the characteristics of Bengkulu waters which are directly facing the Indian Ocean and be carried out thoroughly for all trawl fishermen to avoid the return of trawl fishermen using trawls fishing gear.

3. Determination of the time limit for the implementation of Trawls eradication.

Currently, the clear timeline for the change of the use of trawls to eco-friendly fishing gear has not been set yet. This hinders law enforcement against it. The Bengkulu Air and Air Police and the Bengkulu Navy are ready to make backups in eradicating trawling. However, without a clear transition period, law enforcement has not been able to carry out its role optimally. For this reason, it is necessary to clarify the time limit for changing fishing gear so that the law on the use of trawls is effectively enforced.

Conclusion

1. Dealing with the results of the description of the legal issues above, it can be concluded that the problem of law enforcement on the use of trawl fishing gear was constrained due to policy consistency, economic and political conditions, law enforcement, and awareness of fishermen.
2. The law enforcement model for the use of trawls in Bengkulu waters was carried out with a prevention and eradication model, the implementation must be strengthened by policy consistency, complete shifting of fishing gear, and setting a clear time limit in the transition period of trawls fishing gear accompanied by structured assistance.

Suggestion

In its improvement, it is expected that the government and law enforcement in the Bengkulu waters can be consistent in enforcing the law regarding the use of trawls fishing gear in Bengkulu waters to support the sustainable development of marine fisheries resources.

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