

Factors Causing Destructive Fishing in the Waters of the West Seram Sea

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Abstract

The use of fishing gear that is not environmentally friendly, which has led to the emergence of destructive fishing activities, is still carried out by fishing communities around the waters of West Seram. The aim of this research is to examine and analyze policies for dealing with the use of non-environmentally friendly fishing gear in the fisheries sector in West Seram Waters. The research method in this research is normative legal research equipped with a socio-legal approach. The approach used in this research is a statutory approach and a conceptual approach. The data collection technique is a literature study and is complemented by field data obtained through observation and in-depth interviews with stakeholders. Next, the data was analyzed qualitatively. The research results show that the fishing communities in Hatusua Village, Kamal Village and Waisarisa Village, which are located around the West Seram Waters, often use fishing gear that is not environmentally friendly when catching fish. The factors that cause them to carry out destructive fishing are factors such as a fairly long span of control making supervision difficult, economic needs; very simple fishing gear; providing assistance is not on target; Pokmaswas are less empowered; and lack of supervision between institutions. Meanwhile, countermeasures to overcome destructive fishing can be carried out through penal and non-penal approaches.

Keywords: *Destructive Fishing, Sea, West Seram.*



A. INTRODUCTION

Capture fishing activities tend to involve the use of fishing gear that is not environmentally friendly (Munyi, 2009). Amazaki and Nomura grouped API (fishing equipment) into eight types. This classification is a form of grouping using groups of nets, fishing rods and other fishing equipment (Sudirman, 2013).

The legal basis for regulations regarding fishing equipment can be seen in Ministerial Regulation Number 71/Permen-Kp/2016 concerning Fishing Routes and the Placement of Fishing Equipment in Fishery Areas of the Republic of Indonesia as an extension of the implementation of the provisions of Article 7 paragraph (1) letter f, letter g, and letter h, and Article 9 of Law Number 31 of 2004 on Fisheries which has been amended by Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 on Fisheries.

In Article 85 of the Fisheries Law, it is stated that: "Every person who intentionally owns, controls, carries, and/or uses fishing equipment and/or fishing aids that disturb and damage the sustainability of fish resources on fishing vessels in the management area "The fisheries of the Republic of Indonesia as intended in Article 9 shall be punished with imprisonment for a maximum of 5 (five) years and a fine of a maximum of IDR 2,000,000,000.00 (two billion rupiah)."

As for fishing equipment or equipment whose use is prohibited by law because it is considered dangerous, Article 9 of the Fisheries Law states: (1) Every person is prohibited from owning, controlling, carrying, and/or using fishing equipment and/or fishing aids that disturb and damage the sustainability of fish resources on fishing vessels in the fisheries management areas of the Republic of Indonesia. (2) Provisions regarding fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources as intended in paragraph (1) are regulated by a Ministerial Regulation.

Even though there are a number of regulations regarding the use of fishing gear that is friendly and does not damage the environment, especially marine resource ecosystems, capture fishing activities using dangerous response gear still occur in a number of Indonesian waters (Asri et al., 2019).

Republic of Indonesia State Fisheries Management Area (WPPNRI) 715, apart from being intended for fishing, cultivation, research and development, is also used for conservation. The Seram Sea, which is included in WPPNRI 715, is still used by the community to catch fish using fishing gear that is not environmentally friendly. The use of homemade bombs, potassium, compressors, and even fishing using bores (fish anesthesia using certain plant sap) is still practiced by fishermen. Even though there is already Decree of the Minister of Maritime Affairs and Fisheries Number 114/KEPMEN-KP/SJ/2019 concerning the National Action Plan for Supervision and Management of Destructive Fishing Activities for 2019-2023 (Asis & Lewerissa, 2021).

Thus, this research will focus on the factors that cause destructive fishing activities in the waters of West Seram Regency, especially in Hatusua Village, Kamal Village and Waisarisa Village, and efforts to overcome them.

B. METHOD

This type of research is qualitative research. In this research, researchers analyze the reciprocal relationship between law and social facts. Normative legal research is research that analyzes the reciprocal relationship between legal facts and social facts. Legal facts as independent variables and social facts as dependent variables. So, the law functions as a tool of social order (Aziz, 2013).

In this research, three data collection methods will be carried out, namely through literature study, observation and interviews. It is hoped that these three data collection methods can produce sufficient data for analysis and interpretation purposes. The research location is on Seram Island, precisely in West Kairatu District, West Seram Regency, Maluku Province. This location was chosen because the majority of the population makes a living as fishermen. The villages targeted for data collection are Hatusua Village, Kamal Village and Waisarissa Village. The estimated time for collecting field data is between April and May 2023.

The approach used in this research is a statutory approach and a conceptual approach. the statutory approach or juridical approach is research on legal products (Nasution, 2008). Furthermore, the conceptual approach is an approach that is taken

because there are no legal regulations for the problems faced, thus giving birth to legal understanding and legal principles that are relevant to the problems faced (Ibrahim, 2007). The data collection technique used in this research was literature study and then analyzed qualitatively.

In this research, apart from using observation and interview methods, researchers also conducted literature studies. It is hoped that the literature study can support the data obtained in the field. Through literature studies obtained through digital channels, institutional and private libraries and written sources from the field or government in the form of manuscripts, demographic data or regulations, it is hoped that the literature study can provide a variety of perspectives from various parties in looking at the factors that cause destructive fishing activities and how to overcome destructive fishing activities in West Seram Regency. After all the data has been collected, data analysis will be carried out using qualitative data analysis, namely by describing the data through word forms and used to interpret and interpret oral or written data from people or observed behavior (Moleong, 1991).

C. RESULT AND DISCUSSION

Fishing activities using materials, tools, or methods that damage fish resources and the environment, such as using explosives, toxic materials, electric shocks, and other fishing tools that are not environmentally friendly are fishing activities that are not environmentally friendly or commonly called destructive fishing. (Mansur & Marzuki, 2018). Destructive fishing causes widespread damage to coral reefs. Damaged coral reefs cause fish to lose their habitat and make it difficult for fishermen to catch fish. Apart from that, it takes a very long time to restore the condition of damaged coral reefs (Lampe et al., 2017; Ranjan, 2023; Javaid et al., 2017; Jawad, 2021).

There are several factors that cause destructive fishing activities in several Indonesian waters, including:

1. Raw materials for making explosives in the form of ammonium nitrate and potassium cyanide can be obtained easily due to smuggling practices or because they are sold freely on the market. Handling destructive fishing is complex and complicated because there are many links in the chain that must be disentangled, especially related to the trade in raw materials for making explosives;
2. The high demand for live fish for consumption has triggered widespread fishing activities using toxic materials;
3. In some areas, fishermen are trapped in debt to their retainers/masters so they are encouraged to get their catch quickly, including by using explosives or poisonous substances;
4. The lack of skills of some fishermen in using fishing equipment has encouraged them to catch fish using easy methods, namely using explosives and poisonous substances;

5. The perpetrator's lack of understanding of the negative impact of destructive fishing on human health, as well as the sustainability of fish resources and the environment;
6. Court sentences for perpetrators of destructive fishing and perpetrators of possession of explosives are considered so low that they do not have a deterrent effect (Lewerissa, 2023).

West Seram Regency (hereinafter abbreviated as SBB Regency) is one of the regencies in Maluku province. This district has a population of 212,393 people in 2020 and the people have very diverse backgrounds, both ethnic and religious. Meanwhile, the government center is in Piru, part of West Seram sub-district, which has a population of 16,628 people. Administratively, SBB Regency in the north and south borders the Seram Sea, in the east it borders Central Maluku Regency, and in the west it borders Buru Regency.

Destructive fishing activities in the waters of SBB Regency are the two villages that are the research locations. These villages were chosen because the majority of the people make their living as fishermen and fishing activities using dangerous materials and damaging the environment are often carried out by fishermen in these two villages.

The factors that cause destructive fishing activities in the North Seram and West North Seram Marine Conservation Areas are very diverse from various information gathered both from the fishing communities of the two villages, as well as from the West Seram Resort Police, Maritime Affairs and Fisheries Services, West Seram Regency and the Directorate General of Water and Air Police, Maluku Regional Police.

In interviews conducted with the fishermen of Hatusua Village, the fishermen admitted that they were still carrying out capture fishing activities using explosives (bombs) and chemicals such as potassium and grass spraying agents and even compressors. Fishermen know the negative impact that if destructive fishing activities are allowed to occur, it will cause damage to coral reefs and the destruction of fish resources around the Western Seram Waters Area. However, economic necessity factors cause fishermen to continue carrying out these destructive fishing activities. Fishermen have difficulty going to sea very far because very simple types of fishing gear and very traditional types of fishing vessels cannot reach fishing areas that are further away. So that the marine areas around West Seram become a destination for capture fisheries activities, even though they use fishing gear that damages the marine environment.

Fishermen from Kamal Village and Waisarisa Village also conveyed similar things. The fishermen also admitted that until now destructive fishing activities were still being practiced. Various factors cause them to continue carrying out destructive fishing activities, including that the fishermen's fishing gear and fishing vessels cannot reach fishing grounds that are further away so they can only carry out fishing activities around the West Seram Waters. West Seram is included in Island Cluster II, Class A in Piru, with a total of 8 employees. Pokmaswas is not found in Hatusua

Village, Kamal Village and Waisarisa Village. The distance from these three villages to Piru is very far. Limited infrastructure to support monitoring, limited human resources and a range of control that is difficult to reach are the factors causing fisheries practices to still occur using fishing gear that is not environmentally friendly. Lack of community participation to report and prevent destructive fishing activities from occurring. Likewise, Pokwasmas are less empowered due to budget limitations and lack of coordination between institutions.

Destructive fishing activities are often carried out by communities around the West Seram Waters area, which can be seen in the data submitted by the Directorate General of Water and Air Police (Dir Polair) of the Maluku Regional Police, which is shown in the chart below:

Table 1. Data on Handling of Destructive Capture Fisheries Cases Handled by the Director of Water and Fisheries of the Maluku Regional Police, 2017-2022

No	Year	Amount	Evidence
1	2017	1	Explosives
2	2018	1	Explosives
3	2029	1	Explosives
4	2020	1	Explosives
5	2022	1	Homemade bomb
Total		5	-

Source: Data from the Director of Water Police of the Maluku Regional Police

Based on the data above, the destructive fishing activities that can be handled by the Maluku Regional Police Director of Water and Fisheries from 2017 to 2022 are 5 cases. In detail, from 2018 to 2020 there was 1 case each, and in 2022 there was 1 case. The destructive fishing activities that occur around the waters of West Seram are generally fishing activities using explosives and compressors.

Based on the results of interviews with West Seram Police investigators, the village community's modus operandi for carrying out destructive fishing includes:

1. Fishing practices that are not environmentally friendly are usually carried out at night, making it difficult for law enforcement officials to detect them
2. Fishermen who catch fish using non-environmentally friendly fishing gear usually trick officers or the public by placing explosives such as potassium in clean 5 liter tanks, so that they think that what they are carrying is ordinary water.
3. Fishing equipment that is not environmentally friendly is usually assembled in a packaged bottle as a form of tricking officers or the public.
4. Fishermen who carry out capture fisheries activities that damage the environment usually smuggle raw materials for making explosives (wooden matches) in bales of used clothing (unloading claws), which are smuggled via the "rat route" from South Sulawesi Province to Maluku, a method that the same thing happens to destructive capture fisheries practices in the Surutbar Conservation Area.

The impact of destructive fishing carried out by fishing communities, if allowed to continue continuously, will cause:

1. Damage/disruption of the marine ecosystem around the West Seram Waters
2. Damage to coral reefs which has an impact on decreasing the quality and quantity of fish resources around the waters of West Seram
3. Disruption of marine tourism around conservation areas due to damage to coral reefs which are one of the attractions for tourists
4. Decreasing regional income from marine tourism activities as well as a shortage of raw materials (fish) due to capture fisheries activities which damage the environment.

D. CONCLUSION

Based on the description presented above, it can be concluded that the factors that cause destructive fishing activities around the West Seram waters are: economic needs factors; the difficulty of going to sea too far because the types of fishing gear are very simple and the types of fishing vessels are very traditional; the provision of assistance by the West Seram Regency Maritime and Fisheries Service was not on target; Pokmaswas are less empowered and even seem unable to work optimally due to the lack of budget and lack of coordination between institutions, including the West Seram Regency Maritime and Fisheries Service, the Maluku Province Maritime and Fisheries Service and the Pokmaswas itself; Fishermen do not heed the advice of the Maritime Affairs and Fisheries Service; there is a long span of control, as well as a lack of control and supervision functions between institutions.

By paying attention to the various limitations of criminal sanctions as a means of combating crime, it is necessary to pay serious attention to the factors that cause crime itself. Thus, there needs to be serious attention from all related components, including the government through the Maritime Affairs and Fisheries Service, the community and fishermen who carry out destructive fishing in order to prevent destructive fishing activities from occurring in the West Seram waters.

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