

Protection Efforts for Small Fishermen in Jakarta Bay Due to Reclamation

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Abstract. Jakarta Bay Reclamation begins with the issuance of Presidential Decree Number 52 of 1995 concerning the Reclamation of the North Coast of Jakarta. In 2014, the construction of 17 reclamation islands began with the laying of the first stone in October, and after the project went on, it caused many pros and cons regarding the impacts, especially on fishermen whose daily activities use the Jakarta Bay as a source of livelihood. The method used in this research is the normative juridical approach. The data obtained are secondary data with interviews as support, while, this study is specified as a descriptive analytical study using qualitative analysis methods. The results obtained in writing this paper are that the reclamation did indeed cause a variety of impacts such as impacts on the environment, impacts on social aspects, as well as impacts on economic aspects, so that with the enactment of Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Pembudi Daya Fish and Salt Farmers The government is expected to provide protection for small fishermen affected by the reclamation.

Keywords: Reclamation, Jakarta Bay, Protection of Small Fishermen.

1 Introduction

The 1945 Constitution of the Republic of Indonesia Article 33 paragraph (3) states that the Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The article has mandated the Indonesian people to manage and utilize all natural resources they have, including abundant marine resources as well as possible for the prosperity of all the people of Indonesia. The State of Indonesia as an archipelagic country which two-thirds of its territory is a territorial waters and consists of thirty-four provinces stretching from Sabang in the west to Merauke in the east which are all connected and united by the sea.

Based on the Data, Statistics, and Information Center of the Ministry of Maritime Affairs and Fisheries 2018, for the DKI Jakarta area the number of capture fisheries production in 2017 reached 135,619 tons with the number of fishermen tending to decrease each year starting from 2012 which initially amounted to 61,813 people and then drastically reduced to 2,863 people in 2016.[1] This condition is very unfortunate even though the Jakarta Bay as one of the container management and utilization of fisheries resources that have long been the main source of livelihood of traditional fishermen on the north coast of Jakarta.

The Jakarta Bay reclamation project began with the issuance of Presidential Decree No. 52 of 1995 concerning the Jakarta North Coast Reclamation [2] which states the Jakarta North

Coast as a Mainstay Area. The Perpres was then followed up with DKI Jakarta's Regional Regulation No. 8 of 1995 concerning the Implementation of the Reclamation and Spatial Planning for the North Coast of Jakarta.[3] In the view of Save M Dangun's expert, the definition of reclamation is an uneconomic land use for the interests of settlements, agriculture, industry, recreation, and others which includes preservation of land, preservation of water sources, freezing of barren land, drainage of swamp or valley areas and tidal projects.[4]

Article 3 of the DKI Jakarta Regional Regulation No. 8 of 1995 concerning the Implementation of the Reclamation and Spatial Planning of the Jakarta North Coast Area has stated that the Jakarta North Coast Region is divided into 3 (three) sub-regions. The intended sub-region is the western sub-region, the middle sub-region, and the eastern sub-region.

In 2012, DKI Jakarta Governor Regulation No. 121 of 2012 concerning Spatial Planning for the Reclamation of the North Coast of Jakarta [5] stated that there would be 17 islands named islands A to Q. Seventeen islands were then divided into western sub-regions consisting of Islands A to with Island H, the central sub-region consists of Island I to Island M, and the eastern sub-region consists of Island N to Island Q.

Related to how the fate of small fishermen on the north coast of Jakarta after the reclamation project should not be a big problem. The birth of Law No. 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers [6] is a form of state responsibility for the protection of business actors whose main livelihood comes from the sea such as fishermen, fish farmers, and cultivators. Regulations provided by the government are a form of concern for the natural resources owned by Indonesia that really need to be maintained for the sustainability of these natural resources. In order to be able to manage fisheries in Indonesia, its principles have been regulated in fisheries laws. In addition, laws and regulations concerning Fishermen Protection play an important role in providing security for fishermen in carrying out activities and as a form of government concern for small fishermen who depend their lives on Fish Resources.[7]

2 Method

The method used in this legal research is the normative juridical approach. The research specifications used are analytical descriptive through description. The data collection method is carried out by means of literature study to obtain secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials.

3 Research Results and Discussion

According to Law Number 29 of 2007 concerning the Government of the Special Capital Province of Jakarta as the Capital of the Unitary State of the Republic of Indonesia, that DKI Jakarta Province is a special area that functions as the Capital of the Unitary State of the Republic of Indonesia and also as an autonomous region at the provincial level.[8] DKI Jakarta Province as the Capital of the Unitary State of the Republic of Indonesia, as the center of government, and as an autonomous region, so that Jakarta has characteristics that are very complex and different from other provinces. DKI Jakarta Province is always dealing with

problems of urbanization, security, transportation, environment, special area management, and other social problems.

The Special Capital Region (DKI) of Jakarta is divided into 5 urban areas and one regency, namely the City of Central Jakarta, East Jakarta City, South Jakarta City, West Jakarta City, North Jakarta City, and Kepulauan Seribu District which is a division of North Jakarta City. The northern boundary of Jakarta extends 32km along the coast, the western boundary of DKI Jakarta Province is the Banten Province, and in the south and east borders the West Java Province.

In 2018, the total population of DKI Jakarta Province will reach 10,467,630 people. The number of DKI Jakarta residents who work as fishermen in each administrative city varies. North Jakarta occupies the first position for the largest number of residents who work as fishermen with a total of 6,147 inhabitants. Followed by the Thousand Islands which has 4,232 inhabitants. The city of South Jakarta occupies the lowest position of the population who work as fishermen, with only 11 people.

According to the Big Indonesian Dictionary (KBBI) fishermen are people whose main livelihood is fishing.[9] Small fishermen according to Article 1 Number (11) of Law Number 45 of 2009 concerning Amendment to of Number 31 of 2004 Concerning Fisheries [10] is a person whose livelihood is fishing to fulfil daily necessities of life using the largest fishing vessels 5 gross tons (GT).

The level of knowledge of fishermen around the Jakarta Bay such as Cilincing, Muara Angke, and Muara Baru about reclamation activities is still very low at less than 50%. This is due to the low level of involvement of fishermen in the socialization of reclamation activities. The level of knowledge of fishermen in Cilincing shows the highest percentage of more than 40% compared to fishermen in Muara Angke and Muara Baru. This difference is suspected because the fishermen in Cilincing are mostly local residents and not migrant fishermen.[11]

Most of the fishermen said that they would move the fishing area if the catch decreased due to reclamation activities. In addition to moving the location of fishing, the possibility of the fishermen will also move to the village but will continue to fish. This shows that most fishermen will not change their work if the catch declines or even when they cannot do fishery activities due to reclamation activities. Fishermen will still try to search for fish even if they have to move to fishing areas or even move to villages.[11]

Definition of reclamation according to Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands,[12] is an activity carried out by people in order to increase the benefits of land resources in terms of environmental and socio-economic aspects by way of drainage, land drainage, or drainage.

The Jakarta Pantura reclamation project is a series of operational policies in addressing national development goals. Operational policy in the reclamation corridor is the process of developing empowering unproductive areas to be efficient. Problems arise when there are differences in interpretation of the reclamation understanding, thus requiring the government to temporarily suspend the Jakarta Pantura project. The polemic brought about the fact that the implementation process was not in accordance with the provisions and was allegedly not paying attention to social and environmental aspects.

3.1 Impact of Reclamation on the Environment

The reclamation of the Jakarta Bay coast has caused a change in the environment of the Jakarta Bay waters. The main changes that occur are in decreasing the brightness of the waters. Changes in water brightness indicate an increase in turbidity of the waters which is the

impact of the process on reclamation efforts caused by dredging and landfill. This is proven by the results of research conducted by the Fisheries Research Center in 2017 comparing the brightness level of Jakarta Bay in 2014 (before reclamation) and 2016 (after reclamation). The results showed a decrease in the level of water brightness in 2014 which amounted to 5.84m to 4.42 in 2016.[13] The possibility of further impacts from increased turbidity is the occurrence of sedimentation and sediment deposition to the bottom of the water that can change the bottom of the water.

Coastal reclamation efforts causes the loss of complexity of the existing coastal ecosystems, such as the loss of mangrove forests and seagrass beds. The results of a joint research by UNEP and LPP Mangrove stated that the condition of mangrove forests in Jakarta Bay was severely damaged and some of them had changed functions to become settlements and cultivation. The condition of mangrove forests in the Bay of Jakarta has experienced degradation, which is a shrinkage of the area and reduced species diversity.[13]

The impact of the reclamation development of islands C and D that have been felt by fishermen is the increasingly routine occurrence of tidal or tidal events in their area of residence. The tide usually only occurred in the east season back then, but now, it happens almost every day. This has an impact on the inconvenience of their residence. In addition, siltation also often occurs in the area of the entrance and exit of the ship behind the TPI (Fish Auction Place), thus making the flow in and out of the ship from TPI into the sea becomes disrupted.

In dealing with the impact of the reclamation, the community is faced with actions that should be taken to survive and prevent losses from becoming more sustainable. These actions are adaptation strategies. Adaptation strategy is an effort to overcome or minimize the negative impacts arising from an event. In the Jakarta Bay community the adaptation efforts that have been made to overcome the negative impacts of reclamation are still very limited. This is due to limited capital and technology owned by fishermen.

The adaptability of the community to the impact of reclamation in relation to changes in the living environment is still very minimal. They surrender to the tide conditions that occur in their environment without making any adaptation efforts. Likewise with the silting problems that often occur in and out of the ship area, they usually only contact the developer to do the dredging.[14]

3.2 Impact of Reclamation on Social Aspects

Jakarta Bay Reclamation does not only raise technical and environmental problems, but also causes social and economic problems for the community. Social problems that arise in the fishing community is like the disruption of social network relations. The social network is an adaptation strategy that functions as a guardian for the continued subsistence of fishing households even if it is not to improve the quality of life or social welfare.

Some forms of relations and social networks that exist on the coast of Jakarta Bay are:[14]

- a. Relations and social networks between collectors and fishermen who own boats. This relationship was built to ensure the certainty of the catch fish are all sold.. Traders collectors provide facilities by selling fish caught by fishermen, so that the profit received by fishermen is that fishermen no longer need to market their catch because there are already those who directly market their fish.
- b. Relationships and social networks between Fishermen and Fishermen. The relationship between ABK fishermen and boat owners is based on their individual needs because ABK does not have a boat so that it can continue to sea, while ship

owners no longer have to struggle to look for ABK. Social relations between ABK fishermen and boat owners usually lead to the consequences of rights and obligations so as to give birth to a sharing system.

- c. Relationships and social networks between groceries and BBM traders and fishermen who have boats. This relationship was built to ensure certainty of production inputs such as rations and fuel. The groceries and BBM merchants provide debt facilities to the fishermen, so the benefits received by the fishermen are that the fishermen do not need to prepare cash because they can owe to the groceries and fuel traders. Usually traders provide a limit for taking 2-3 times the amount of the debt.

3.3 Impacts on Economic Aspects

The impact of reclamation will be felt both during the reclamation process and after the reclamation. The impact felt by fishermen is the loss of fishing areas, disruption to ship lines, loss of fish resources and disruption of fisheries aquaculture activities. Although most of the fishermen in Jakarta Bay are small scale fisheries, they still have a very large role in the Jakarta fisheries sector. Disruption to the small-scale fisheries sector can pose a serious threat to the economic stability of Jakarta's coastal communities.

Those who were directly affected by the implementation of the Jakarta Bay reclamation were 24,028 people consisting of 6,268 permanent fishermen (2,464 owner fishermen and 3,804 labor fishermen) and 17,760 migrant fishermen (515 owner fishermen and 17,245 labor fishermen).

Overall, the level of income of the owner's household per month decreased from an average of IDR 9,609,515 to IDR 2,267,655. The average income of fisherman household workers (ABK) per month is relatively stable from IDR 2,104,495 to IDR 2,158,832. The dynamics of the magnitude of this income level occur as a result of the existence of alternative sources of livelihood for ABK in other activities outside the fishing business field. Before the construction of artificial islands, many fishermen operated their fishing gear in the area that the islands had built. The area of construction of artificial islands is a good fishing ground with little operational costs. After the artificial islands were awakened, fishermen found it difficult to get fish. The operational costs required also increase by about 2-3 times, this is because fishermen are looking for a fishing ground that is farther than before so that it consumes more time, costs and fuel.

Other impacts also occur on the nets that are installed by fishermen. The nets are often hit by sand carriers which are used as material for reclamation. Because of the damaged nets, fishermen must pay additional fees to repair their fishing gear.

The impact of reclamation on capture fisheries ultimately affects the processing business. Before the construction of these artificial islands, the supply of fish raw materials was easier to obtain. However, after the reclamation islands, processors find it difficult to get raw materials and the price of raw materials is getting higher. The same thing is felt by fish traders who find it difficult to get fish so that the price of fish becomes higher.

The economic value of marine and fisheries resources is an important value in the utilization of resources. The results of the calculation of the value of losses due to economic potential lost from fishermen, growers and fishponds are as follows:[14]

1. Every 1 ha of lost water area causes an economic loss that is received by fishermen in the amount of IDR 26,899,369 per year. The total loss of fishermen due to the reduced waters in the Jakarta Bay is IDR 137,536,474,541 per year.

2. Every green mussel cultivation business unit affected by reclamation results in a loss of IDR 85,599,135 per annum. The total loss of green mussel cultivation in the Jakarta Bay area is IDR 98,867,000,590 per year.
3. Each area of 1 ha of ponds affected by reclamation results in a loss of IDR 27,992,943 per annum. The total loss suffered by farmers in the Jakarta Bay area is IDR 13,632,563,241 per year.

Adaptation efforts undertaken by fishermen in dealing with the impact of reclamation on the economy are that they only increase the amount of fuel and change the shipping lanes because they have not been able to change the technology from small vessels to large vessels. Fishermen also try to move the fishing area which was originally around Kamal Muara to move to the Thousand Islands area.

3.4 Protection of Small Fishermen in Jakarta Bay

In Article 1 number (1) of Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers it is stated that what is meant by the protection of fishermen is all efforts to assist fishermen in dealing with the difficulties of doing fisheries business.

In order to realize the protection that has been promised in Law Number 7 of 2016 concerning Protection and Empowerment of the Fishermen, Fish Hatchers and Salt Farmers, the Government has declared several protection strategies to be used as stated in Article 12 paragraph (2) of the Law - Law Number 7 of 2016 states that protection strategies are carried out through:

- a. Fishing Risk Guarantee;
- b. Providing fishing infrastructure;
- c. Providing Fishing Tools;
- d. Guaranteeing Business Certainty;
- e. Eliminating of High Cost Economic Practices;
- f. Controlling of Import of Fisheries Commodities and Salting Commodities;
- g. Assuring the Security and Safety; and
- h. Assisting and facilitating the Legal process

In providing protection to fishermen, fish breeders, and salt farmers must be based on the principles listed in Article 2 of Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Breeders, and Salt Farmers as follows:

- a. The principle of sovereignty, which means that the implementation of the Protection and Empowerment of Fishermen, Fish Resources and Salt Farmers must be implemented by upholding the sovereignty of Fishermen, Fish Fishers and Salt Farmers who have the right to develop themselves;
- b. The Principle of Independence, the intention is the implementation of Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must be carried out independently by prioritizing the ability of domestic resources;
- c. The Principle of Utilization, the intention is the implementation of the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must aim to provide maximum benefits for the welfare and quality of life of the people;
- d. The Principle of Togetherness, the intention is the implementation of Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must be carried out

- jointly by the Central Government, Regional Governments, Business Actors, and the community;
- e. The principle of cohesiveness, the intention is the implementation of Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must harmonize various interests that are cross-sectoral, cross-regional, and cross-stakeholder;
 - f. The Principle of Openness, the intention is the organization of Protection and Empowerment of Fishermen, Fish Resources and Salt Farmers must be carried out by taking into account the aspirations of Fishermen, Fish Fishers and Salt Farmers and other stakeholders who are supported by information services that can be accessed by the public;
 - g. The principle of Efficiency-Equitable, the intention is the implementation of Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must provide equal opportunities and opportunities proportionally to all citizens in accordance with their abilities;
 - h. The principle of Sustainability, the intention is the implementation of the Protection and Empowerment of Fishermen, Fish Resources and Salt Farmers must be carried out consistently and continuously to ensure the improvement of the welfare of Fishers, Fish Fishers and Salt Farmers;
 - i. The Principle of Welfare, the intention is the implementation of the Protection and Empowerment of Fishermen, Fish Breeders, and Salt Farmers must be carried out in order to achieve welfare for Fishers, Fish Breeders and Salt Farmers;
 - j. The principle of Local Wisdom, the intention is the implementation of Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers must consider social, economic, and cultural characteristics and noble values that apply in the local community life; and
 - k. The principle of the preservation of the function of the environment, the intention is the organization of protection and empowerment of fishermen, fish breeders, and salt farmers must use facilities and infrastructure, procedures and technology that do not interfere with environmental functions, both biologically, mechanically, and chemically.

The safeguard measures that have so far been realized since the law came into force is the provision of fishing risk guarantees in the form of BPAN (Fisherman Insurance Premium Assistance). BPAN is one form of realization carried out by the Government through the Ministry of Maritime Affairs and Fisheries in providing guarantees and protection for fishermen who experience obstacles or accidents when fishing. Based on data from the Director General of Capture Fisheries of the Ministry of Maritime Affairs and Fisheries, throughout 2016 to 2019, the Government routinely provides BPAN to fishermen throughout Indonesia including fishermen in the Jakarta Bay.

2016 data shows that 2,123 North Jakarta fishermen have received BPAN from the Government. In 2017 to 2019, 423 North Jakarta fishermen had received BPAN.[15] The amount that decreased significantly compared to 2016 occurred because part of BPAN had been given using DKI Jakarta APBD funds.

Another effort that has been realized is the provision of fishing infrastructure in the form of fishing vessels. Throughout 2017-2018 the Government through the Ministry of Maritime Affairs and Fisheries has provided assistance in the form of fishing vessels that are seaworthy, worth catching, and worth keeping for fish as mandated by Law Number 7 of 2016.

A total of 8 (eight) units of 5 (five) GT vessels have been given to DKI Jakarta fishermen throughout 2017-2018 with details of the provision of 5 units of vessels in 2017 and 3 units of vessels in 2018. In addition to fishing vessels, the Government has also provided assistance in the form of fishing gear in the form of Gillnett Mid PA Multi Monofilament 10 ply (Millennium) mesh size 4 inch 500 meters/11 pis as many as 5 packages worth IDR 121,790,350 million.[15]

4 Conclusion

Based on these results, the researcher can conclude that the reclamation of Jakarta Bay has several impacts on small fishermen in Jakarta Bay, such as the impact on the environment in the form of decreasing water brightness and silting up, so that it is difficult for small fishermen to lean their ships. Impact on social aspects is in the form of disruption of relations and social networks between fishermen and fish traders, relations between ABK fishermen and boat owners, and relations between fishermen with food and fuel traders. The impact on the economic aspects is in the form of decreased fishing yields and the income of fishermen. In addition, the cost of fuel by fishermen is also added to the economic aspect.

Efforts to protect small fishermen guaranteed by Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Hatchers and Salt Farmers have not been fully realized. The safeguard measures that they have been realized so far include providing fishing risk guarantees in the form of BPAN (Fishermen Insurance Premium Assistance) to 2,546 fishermen, provision of fishing facilities and infrastructure in the form of 5GT fishing vessels totalling 8 units, and assistance in fishing gear in the form of Gillnett nets Millennium worth IDR 121,790,350 million.

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