Strengthening the local culture of west coastal Sumatera sustainability in supporting sustainability of fisheries resources in the globalization era

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Abstract. Bengkulu Province is located on the west coast of Sumatra, part of Fisheries Management Area of Indonesia Republic (WPP-RI) 752 based on the Regulation of the Minister of Maritime Affairs and Fisheries No. 1 of 2009. The population living in this region consists of various tribes, both native and immigrants. Communities living in the coastal areas have a maritime culture characteristic which exists for a long time. At the era of globalization, these socio-cultural values are still a guide for some coastal communities. However, some people in certain regions is no longer pay attention and even ignore these social values. Therefore, with the socio-legal research method, this research attempts to examine the problem of how to strengthen and sustain the socio-cultural values as a legal culture of coastal communities in supporting the sustainable fisheries resources in the era of globalization. This paper is the result of research that shows how to support the sustainability of fisheries resources in the era of globalization. The result shows that it is necessary to strengthen the social values of marine culture as the legal culture of the people of the west coast of Sumatera. This can be done by giving recognition to the existence of the community legal culture through the establishment of legal regulation in the area concerned.

1. Introduction
Sumatra Island is one of the regions in the Indonesian archipelago which has coastal areas in the west and east. In the west directly face with the Indian Ocean. Geographically it has a coastal area that stretches from Lampung in the south to Aceh in the north along approximately 620 km. During this period, from 1819-1906, the west coast of Sumatra was a very dynamic maritime area, especially in trade and shipping activities [1].

With an ocean area of around 5.8 million km² (75.7%) and a coastline of 95,181 km, it has very potential natural resources. One of the potentials marine resources is fisheries which according to Minister of Marine and Fisheries Affairs Regulation No. 18 of 2014 [2] is divided into 11 fisheries management areas (WPP RI). The coastal water of West Sumatra is part of WPP-RI 752 whereas this WWP itself covers the rea of Indian Ocean of West Sumatra and the Sunda Strait. At present, the administrative area is located in the Provinces of Lampung, Bengkulu, West Sumatra, North Sumatra, and Aceh Darussalam Province.

The dynamics and development of the western coastal region of Sumatra to date cannot be separated from the role of residents living in the region. During the kingdom of Srivijaya and Majapahit which had the basis and characteristics of strong maritime affairs, this region was a busy sea trade and shipping zone. In addition, it is also an area rich in natural resources in the terrestrial. In the daily lives of people in the west coast region, up to now, they are still guided by local values, cultures, and customs. Although it has undergone a shift and change in several places since the presence of the VOC which applied the politics of "fertile, barren leave" an analogy to exploitative behavior [1]. With
the existence of the Giyanti Agreement by the Dutch with the King of Surakarta and Yogyakarta, it marked a decline in the spirit of maritime spirit and a shift in the socio-cultural values of the Indonesian people, thus originally characterized by maritime culture being shifted to tertiary culture[3].

Legal culture is reflected in the attitudes, values, behavior, custom, and views of society in everyday life. This is contained in a culture that has become a habit, the customs of the local community for generations [4, 5]. Some ethnic groups that inhabit the western coastal region include Minangkabau, Batak, Mentawai, Aceh, Melayu, Rejang, Pasemah. Likewise, the Europeans, Chinese, Arabs, Indians, Nias, including Javanese who has relatively moved in this region since the beginning of the 20th century. At that time various basic social, political, economic and cultural life areas were put in place and various changes occurred significantly in many aspects of life.

Indonesia is the largest Marine Mega-Biodiversity region in the world that rich in non-biological and marine biodiversity, has 8,500 species of fish, 555 species of seaweed and 950 species of biota associated with coral reef ecosystems [6]. The maritime and marine sector becomes a strategic aspect for Indonesia in terms of economic and environmental, socio-cultural, legal and security aspects. [3]. The potential of fisheries in the west coast of Sumatra is quite large therefore comprehensive management is needed in order to maintain sustainably of both legal culture aspects as well as natural resources.

Sustainable fisheries as a way of producing fish are carried out in such a way that it can continue at a reasonable level taking into account ecological health, minimizing the side effects that disrupt diversity, the structure, and function of ecosystems, and are managed and operated fairly and responsibly in accordance with local, national and international laws and regulations to meet the needs of present and future generations [7, 8]. Juridical, there are basically various laws and regulations that substantially regulate the use and management of fisheries resources. Similarly, to institutions that structurally apply the regulation. However, this is not sufficient because in the utilization and management of fisheries resources human factors have an important role as well.

Human behavior, attitudes, and views both individually and community in some cases determine the use and management of fisheries resources, likewise in the application of the substance of the legislation. This is a legal culture of the society that can move the enactment of the relevant regulations. The culture is the whole system of ideas, actions, and results of human work in the framework of the life of the people that are used by humans by learning it [9]. The legal culture is one part of the human culture which shows the patterns of behavior of individuals as members of society who describe the same response (orientation) to the legal life that the community is concerned with.

Local wisdom is values, norms, laws, and knowledge, which are formed by religious teachings, beliefs, traditional values, experiences inherited from ancestors which eventually form a local knowledge system that is used to solve everyday problems by the community [10]. The implementation or non-implementation of positive law in society can be based on legal culture [11], since the implementation of positive law is largely determined by attitudes, views, and values that are lived out [12]. Local wisdom is a product of the past culture that should be continuously taken into account in life. However, the existence of local wisdom has not yet received full recognition, one of the indicators is that it is not strong in national legal instruments [13].

The shift or degradation of Indonesia's legal culture, including in the western coastal region of Sumatra, continues to this day. Internally and externally development of knowledge and technology in the era of globalization through the openness of Indonesia as a developing country to global development including the culture that follows it has a profound influence on Indonesia's legal culture. Therefore it is necessary to anticipate and strengthen the legal culture that is still present and obeyed by the community. Strengthening the legal culture oriented to the sea or characterized by maritime nature is very important to support the preservation and sustainability of fisheries resources. This paper seeks to examine and describe the problem of how efforts can be made to strengthen the legal culture which in turn enhances sustainable fisheries. This is very important in order to restore the glory
of Indonesia as a maritime country and achieve the aspiration to put Indonesia back as the world's maritime axis.

2. Materials and Method

In the implementation of sustainable fisheries management, the management should be conducted in integrated ways incorporating six sustainable dimensions namely the economic, ecological, social, ethic, technology, and institutional [8, 14]. Based on the Republic of Indonesia Law on Fisheries, UU No. 31 Tahun 2004 [15] article 6, paragraph 6 stated that fisheries management in the fisheries management area of the Republic of Indonesia (WPP RI) should be aimed at achieving optimal and sustainable benefits, as well as ensuring the sustainability of fish resources. This study specifically focuses on legal culture and its relation to fisheries management.

This research is non-doctrinal legal research using the method of social-legal research approach since this is a study of law using the approach of law and social sciences [16]. The study was conducted in Bengkulu Province, especially in Bengkulu City and Mukomuko Regency, part of fisheries management area of the Republic of Indonesia (WPP 752). Population and sample or research subjects are captured based fishermen and fish processing fishermen as well as intermediary traders who are actively involved in fishing activities in coastal areas. Observation method and in-depth interview approach were used to collect information relating to research issues.

3. Results and Discussion

Fish is a natural food resource which is very important for human life since it contains a substantial amount of protein animal, minerals and fatty acid especially \( \omega -3 \) fatty acid [17]. The potential of Indonesian marine fisheries resources is large enough to be developed as a national food source. Constitutionally Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia has determined that Indonesia's natural resources are controlled by the state to be used to the greatest extent of the people's prosperity. Furthermore, judicially the use of fisheries resources is based on Law No. 31 of 2004 amended by Law No. 45 of 2009 [18] concerning Fisheries. In its use in accordance with Article 33 paragraph (4) of the 1945 Republic of Indonesia Constitution, its implementation is through a national economy based on economic democracy and based on the principles of sustainability and environmental insight. This is then regulated by Law No. 32 of 2009 concerning Environmental Protection and Management [19].

Article 1 of Law No. 31 of 2004 concerning Fisheries stated that fisheries are business activities which include pre-production, production, processing, and marketing of fishery products. The pre-production and production stages in the primary sector are activities that are directly related to marine ecosystems as a habitat for fish resources. The process of fishing by fishermen in the sea and cultivation in coastal areas greatly affects the marine ecosystem, likewise, onshore processing is generally carried out in coastal areas. Fisheries activities in the three primary, secondary and tertiary sectors are inseparable from the role of humans. The human system plays an important role in relation to sustainable fisheries. As developed by Charles (2001) [20] in his book 'Sustainable Fishery System', sustainability of resources is achieved through a community approach. Sustainability of resources is sought by giving primary attention to the sustainability aspects of the community as a community system. The concept of sustainable fisheries development must contain aspects of ecological sustainability, socio-economic sustainability, community sustainability and institutional sustainability [8, 14].

The application of the principles of sustainability and environmental insight in development including in the field of fisheries is based on Law No. 32 of 2009. Article 1 number (3) states that sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into development strategies to ensure the integrity of the environment and the safety, capability, welfare, and quality of life of present and future generation. Referring to the definition, the implementation of sustainable fisheries development must combine three main elements, namely the economic, ecological and social dimensions. These three elements are basically related to the
sustainability of the community which includes the sustainability of welfare from the community system. Community sustainability is supported by institutional sustainability that includes the quality of sustainability of the regulations, policies, and organizations to support the achievement of ecological, economic and community sustainability [21].

In this context, the law is one of the instruments in the utilization and management of fish resources in sustainable ways. As said by Roscoe Pound in his legal concept that law can act as a means of changing society (law as a tool of social engineering) [22]. According to Pound concept, the law is the most important institution in implementing social control. Law has gradually replaced the function of religion and morality as an important instrument for achieving social order. According to Pound, social control is needed to preserve civilization because its main function is to control "internal aspects or human nature", which he considers indispensable to conquer external or physical aspects [23].

Referring to the Pounds opinion, then Law No.31 of 2004 [15] in conjunction with Law No. 45 of 2009 [18] and Law No. 32 of 2009 [19] as a statutory law is an instrument for achieving social order in sustainable fisheries activities. Law as an instrument or set of regulations and policies includes three components as well as legal system theory which Friedman exposed it as substance, structure and legal culture. In the case of the Fisheries Law and the Environmental Management Protection Act and other implementing regulations are legal substances that form the basis for the sustainable use and management of fisheries resources. In addition, the structure or institution associated with fisheries activities to support the application of these substances is sufficient. However, from the aspect of legal culture related to the local wisdom of the community, especially those living on the west coast of Sumatra is having some decline and will be further described below.

Communities in the west coast of Sumatra today are generally traditional fishermen. The daily life of this community depends on natural resources in the surrounding marine and coastal environment. With simple methods and guided by local wisdom they utilize and manage fisheries resources to support their livelihoods. This has been done downwardly from ancestors as cultural heritage. In Article 1 number (30) Law No. 32 of 2009 [19], it is stated that local wisdom is the noble values that apply in the order of life of the community to protect and manage the environment in a sustainable manner. For example, there is a ban on fishing on Friday. This provision applies to almost all coastal villages in Bengkulu Province. This prohibition basically from the religious aspect (religious values) is intended so that fishermen especially those who are Moslem can carry out their religious obligations. From the ecological aspect, indirectly with the absence of fishermen's activities in the sea, the natural marine ecosystem can sustain life without interference from human activities. But in its development at this time, fishermen in some regions did not follow the ban anymore. There are various factors that cause this, including economic factors, knowledge and technology, culture and modernization, globalization and so on.

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This condition is a social dynamic change caused by interaction between community members and the development of science and technology in the era of globalization. But these changes did not occur in the whole area. In some areas, such as in several villages in Muko-Muko Regency, they still obey the ban, even reinforced by agreements between fishermen and community members in the region. Likewise related to other problems, for example, the resolution of fishermen's conflict regarding the use of fishing gear is done in traditional ways that are based on local wisdom values [13]. Based on the results of the research exemplified, conflict resolution based on local wisdom does not rule out the current law relating to the problems that occur. But the settlement actually supports the enactment of existing regulations. In this case, the problem of the community can be solved without causing turmoil which means that order and peace can be created and laws and regulations can be effective.

4. Conclusion

Based on the description that has been stated, the legal culture of the people in the coastal areas west of Sumatra is basically still guided some people in the area, especially those engaged in fishing activities. The legal culture is the values, norms, and customs contained in local wisdom which are still guidelines for everyday life of the community. A maritime or marine culture which is local wisdom has actually become the culture of Indonesian society in general. Although in general maritime culture in Nusantara has undergone a shift since the Dutch colonial, but some people, including those in the western coast of Sumatra, still hold fast maritime culture as a guideline and carry out in their daily lives. In some cases, the application of local wisdom values and norms as a basis for solving social problems encourages the effectiveness of legislation that is normally aligned with the values and norms in society. For this reason, strengthening is needed for the transformation of local wisdom values as a legal culture of the community in the formulation and drafting of legislation both at the regional and national levels.

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