The Concept of the Right to Management of Coastal Communities in the Regional Autonomy Era: Experience from Community Assistance to Obtain the Right to Manage Sea Cucumbers in Sunsak Bay, East Lombok.

A Wahyono ¹ and M Illiyani ²

¹,²Researcher at Maritime Study Group. Center for Social and Cultural Studies, Indonesian Institute of Sciences.

Corresponding author: maulidailliyani@gmail.com

Abstract. The purpose of this research is having experience from around the world shows that fisheries management that produces lasting economic and ecological performance requires the use of fishing rights (rights-based fisheries management/RBFM) integrated as part of a well-designed management system that includes sustainable catch limits and effective monitoring and enforcement. The concept of fishing rights is not a new thing in Indonesia – in fact, many adat (traditional) customs such as sasi, awig-awig, and penglima laut are consistent with fishing rights and have been recognized for centuries. Such customary systems can provide a foundation for a new and effective system of fishing rights specially tailored to the culture, customs and needs of Indonesia. This research is using a qualitative method to identify what exactly happened in a coastal zone area. In reality, the concept of the Right to Management of Coastal Communities in the Regional Autonomy era has never been implemented in regional regulations that explicitly consider the rights needs of local communities. From the case of processing sea cucumber management permits in Sunsak Bay, East Lombok, it shows that local communities have never been a priority in the regional regulations to obtain the right to manage sea cucumbers.

1. Introduction
Since the reform era, the Indonesian government has issued a regional autonomy policy. This regional autonomy becomes a momentum of freedom for regional governments to determine regulations or policies in accordance with the character and potential of their respective regions. The regional autonomy policy has been subject to change. Satria [1] add Regional freedom brings the spirit of decentralization because it opens the centralized confinement that has been echoed during the New Order era. The first regional autonomy policy was issued Law No. 22 of 1999 concerning Regional Government, but along with the changing conditions it turns out that Law No.22 / 1999 experienced weaknesses so that the law was revised to become Law No. 23/2004 concerning Regional Government. Ten years later, the local government law was changed again to Law No. 32 of 2014. This law has abolished regency authority over coastal and marine waters (0 to 4 miles) and was handed over by the province so that provincial authority over coastal and marine waters is 0-12 miles. The amendment to this law is based on the reason for the integration of development in the interests of one region because it is often stalled as a result of local selfishness in the interests of the development
of other regions. Satria [1] add Environmental or natural resource conflicts that often occur between districts are a picture of how autonomy is only understood by the district in a narrow and primordial way.

The implication of the amendment to the Law on Regional Governments is that the derivative regulations, especially those related to coastal and marine management are also being adjusted. For example, Law No. 27/2007 concerning the management of coastal and small islands which is valid until 2013 changes to Law No. 1/2014 concerning Amendment to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands. This amendment is related to the decision of the Supreme Court concerning the article on the Rights of Coastal Water Entrepreneurship (HP3) which is considered detrimental to the community. Communities that need attention in coastal and marine management.

Law Number 1 of 2014 concerning Changes to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands then became the basis for each province to issue Regional Regulations on the zoning of the use of territorial waters under its authority. West Nusa Tenggara Provincial Government only issued zoning utilization of coastal and marine areas in 2017 (NTB Provincial Regulation Number 12 of 2017 Concerning Zoning Plans for Coastal Areas and Small Islands of NTB Province 2017-2037).

This research is important for look at the dynamics of coastal and marine management regulations above, the main problem raised in this paper is whether coastal and marine management policies in Indonesia are linear with community-based management practices, how the state sees the rights of coastal communities in the control of coastal and marine resources since HP3 was revised. This needs to be emphasized, bearing in mind that coastal people who generally seek their livelihood depend on marine products, most of their lives are still poor, and so far have not had the right to participate in managing the sea (management right), except for being granted access rights and the right to capture marine resources.

2. Materials and methods
2.1 Literature review

Management is utilization by considering aspects of sustainability. Thus there is a planning dimension in it, related to what needs to be done and how to do it. This is different from utilization, which is done solely to meet needs, without any consideration of sustainability in it (exploitation). It may be that in the utilization there is an element of management, but the management carried out is an ongoing process. There are 3 (three) things related to resource management, namely resources that are managed (resources), practice management (system management), and those who manage (human management). For management to be effective, the clarity of the resources managed is very necessary, so that an appropriate management system can be determined. However, because the resources are in a certain sea area, the problem of these resources is often presented in the form of clarity of the management area.

The management system is the way that is applied in managing resources. Related to that Anderson [2] for example, differentiates marine resource management systems, especially those related to fisheries, into two categories: limiting inputs and limiting outputs. Management by limiting inputs is carried out among others by limiting the number of actors, the number and type of vessels, and the types of fishing gear used. The output limitation is done by limiting the number of catches and the size of the resources captured. Relating to the party that manages (human management), can be distinguished in three forms, namely: management by the state (state), by individuals (private) and by the communal. This is in line with the opinion of Schlager and Ellinor Ostrom [3] which distinguishes three categories of resource ownership, namely: (1) government property, (2) communal property, and (3) not owned by anyone. While David Fenny et al [4] add one category to four categories of resource ownership in relation to common property resources, namely: (1) individual property; (3) communal property, (4) state property and (4) open access.
State management was proposed by Hardin [5], with the assumption that the state has the power to force all parties to comply with management practices. In the management by the state, the state regulates the level of exploitation so that there is an equal use right of every citizen. In its later development, it was proven that the regulation by the state by treating all existing sea areas in the country with the same pattern, was not able to prevent environmental damage. That is because the government is not able to enforce the rules that have been set, partly because of the vast territory owned and the limitations of the apparatus that must oversee. Thus, state-based management experiences problems, that is, everyone has the same opportunity to exploit resources without being responsible for preserving them, resulting in environmental damage that is marked by a decline in environmental carrying capacity. A further consequence is a threat to the survival of the user community, which Hardin called "tragedy of the commons" [5].

Based on this problem, Cheung [6] and Scott [9] proposed the need for private ownership by contracting over a resource area. With the exclusivity of private ownership, it is expected that people will tend to regulate the use of resources as effectively as possible so that damage can be avoided. In these private property rights to natural resources only apply to the owner of the rights, and these rights can be transferred to other people. However, this also does not guarantee the preservation of resources, because in this way the damage to resources still occurs, especially for areas that are nearing the end of their contract period. Under such conditions, people will tend to be rational, that is, to drain resources in the contracted area, to then contract other areas that are still rich in resources.

To overcome the weaknesses of the two approaches, Wantrup [7] proposes communal property management. In such management, Berkes and Fikret [8] add a community group bound by territorial similarity or kinship ties and the same social norms make rules that must be obeyed together by citizens, in the use of natural resources. Therefore the use of resources is exclusive, which means that outsiders who are not members of the group are not allowed to use existing resources, except with permission from the community.

Coastal waters are areas that up to now the ownership and management are generally controlled by the state. Indeed the community utilizes the area, but the only rights they have are the rights to access (access rights) and to use resources, without the right to manage (management rights). Such conditions result in the community only thinking of utilization, without regard to aspects of sustainability. A further consequence is that if violations occur that threaten sustainability, it is difficult for the community to participate in management so that the community becomes apathetic towards the violations that occur. Meanwhile, Ostrom and Schlager [3] add community rights to coastal waters resources as follows: (a) access rights, (b) rights to withdraw resources, (c) rights to manage (management right), (d) the right to exclusivity (restrict access and operational level (exclusion right), and (e) the right to sell or lease any part of the right they have (Alienation right).

2.2 Sea cucumber cultivation: action research experience
Overfishing that occurs in East Lombok waters is the background for action research. Overfishing occurs because these waters are open access, there is no fishing management. The symptoms of overfishing can be seen from the increasingly distancing fishing ground of East Lombok fishermen. Overfishing also results in damage to coastal ecosystems and environmental pollution, which has an effect on fish farming activities in this area. Sea Cucumber Cultivation is the solution chosen to reduce the overfishing. As is known, sea cucumbers in the past is a source of income for the surrounding population. Sea cucumbers began to be known as a source of livelihood for the population in 1985. At that time, sea cucumbers were abundant until around the 2000s. After that, the results of sea cucumbers began to decline and are no longer a mainstay of additional livelihoods of the population.

Bengen proposes sea cucumbers live in seagrass waters. Seagrasses (seagrass) are flowering plants (Angiosperms) that are able to adapt in high salinity waters, live immersed in water and have rhizomes, leaves, and true roots. As an ecosystem, seagrass beds are a habitat for several marine organisms. Seagrass beds have ecological functions including being a producer of detritus and nutrients; bind sediments and stabilize soft substrates; shelter, foraging, growing and spawning areas.
for several types of marine life, including sea cucumbers. The wide distribution of seagrass beds on the coast of East Lombok reaches 1,631.66 ha [10].

According to Regional Regulation No. 12 of 2017, the Jor Bay waters are included in the aquaculture zone (Article 43) and at the same time as a marine tourism sub-zone (Article 27). The location of sea cucumber cultivation developed by LIPI is in the waters of Jor Bay, precisely in the location of Sunut Bay. The waters in Sunut Bay are waters located in the southern part of East Lombok which is in the administrative area of Sekaroh Village, Jerowaru District, East Lombok Regency. The area of waters used as a restocking and sea cucumber cultivation area is around 15 hectares.

The purpose of this action activity is to strive to restore sea cucumber stock in the waters of Sunut Bay so that it returns to normal as before, this activity was carried out collaboratively by involving all elements (fishermen, NGOs, LIPI, Regional Government). This action research also resulted in rules for the utilization of fisheries resources that were set together, otherwise known as Awig-awig. This action research activity is expected to encourage the community to obtain a location permit and management of Sunsak Bay sub-waters exclusively for the cultivation of sea cucumbers in Sunut hamlet residents (see picture). The action research method is the method of diagnosis and management of small-scale fisheries. Following are the stages of the planned Awig-awig planning activities as follows:

| Table 1. Awig-awig planning activities |
|---------------------------------------|
| **Objective** | **Strategies** | **Targets** | **Indicators of success** | **Stakeholders Involved** |
|------------------------------- |---------------- |------------- |------------------------ |------------------------ |
| Formulation of Awig-awig Regulation on the use of Resources in the waters of Sunut Bay | Social Preparation | Sea cucumber cultivation training and establishing mutual agreement rules | Knowledge of sea cucumber cultivation and local rules for sea cucumber | LIPI, NGOs, Fishing Communities, Local Government |
| Establish a group of sea cucumber management organizations | Formulated local sea cucumber management rules | Ratification sea cucumber management organization | LIPI, NGOs, Fishing Communities, Local Government |
| Establish “Awig-Awig” Rules for the Conservation of Coastal Waters in Sunut Bay | Formulated “Awig-Awig” Rules for the Conservation of Coastal Waters in Sunut Bay | Ratification “Awig-Awig” Rules | LIPI, NGOs, Fishing Communities, Local Government |
| “Awig-awig” Campaign for the Conservation of Coastal Waters in Sunut Bay | Increase Knowledge Community | Community obedience | LIPI, NGOs, Fishing Communities, Local Government |

3. Result and discussion
3.1 Strengthening coastal communities: implementation issue
Normatively, the Regional Government has prepared a policy to strengthen the institutional community of coastal communities and small islands, which includes among others increasing the capacity of community groups and empowering cooperatives and community small businesses and
small islands (Articles 8 and 9). However, it is not clear what the purpose and objectives of the policy are to increase community capacity in the context of obtaining territorial rights of ownership, whether this relates to one of the requirements required to obtain a location permit and management permit in the form of a cooperative. As regulated in Act Number 1 of 2014 concerning Amendment to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands, the government granted location permits and management of water areas to the community in the form of cooperatives. This cooperative organization is the main requirement when the community wants to obtain permission for the location and management of coastal and marine waters. Likewise, article 67 of Perda No 12 of 2017 does not mention the word community, but every person or legal entity that utilizes a part of the territorial waters must have a location and management permit. This means that coastal communities must form cooperative organizations if they want to apply for location and management permits because communal communities are not considered legal entities.

In addition, groups or organizations for people who live more marine are not easy. Ordinary people living in the sea do not know life on land. Coastal communities do not know the ins and outs of the organization, such as the Statutes, Bylaws, Legal Entities and so on. In short, coastal communities can be said to be rarely or unable to form cooperatives without outside assistance. This means that coastal communities need outside assistance to obtain rights to water resources. In addition, in reality, community strengthening in coastal communities has never been carried out unless there is a government assistance program, such as the provision of fishing gear that must form a fishing group, even if the local government actively provides assistance to the community to obtain business results from location permits and can management provided, in fact, the regional government gets profit sharing and through a partnership scheme as mentioned in Article 12 and 29 of UU No. 7 Tahun 2016 Regarding Fishermen's Protection, Fish and Salt Cultivators.

3.2 The problem of gaining access to resources
In the context, the context for submitting location permits or managing coastal areas and small islands is almost certainly without community strengthening. However, in relation to the granting of permission to obtain community rights to control coastal waters, it is clearer in granting facilities from the local government. Obligations of regional governments are more explicit in facilitating communities to have location permits and management permits (Article 71 Perda No 12 of 2017). This is done to prepare the community to access water resources. The forms of the facilities are as follows.

- Facilitation of granting location permits and management permits to local communities and traditional communities in the form of easiness in terms and fast service.
- The governor in accordance with his authority can provide permit processing locations that can be easily reached by local communities and traditional communities.
- Issuance of location permits and management permits for local communities and traditional communities are free of charge.

The provision of facilities to obtain the community's right to control the territorial waters is a matter that distinguishes it from the corporation, and this can be seen as a policy of special treatment for the community, however this is not enough to help the community obtain access rights because the main problem is more focused on the formation of cooperative organizations which is not easy. The community needs outside assistance in order to form a cooperative. Even though it is stated in the regulation that the regional government is obliged to help the community, it is almost certain that the local government has never helped the formation of cooperatives in the context so that the community can have location permit and area management rights, and in fact there is no location permit rights granted to the community (cooperatives) in West Nusa Tenggara province. The holder of a location and management permit can be ascertained from a corporation that has a large capital. The absence of a community that has a location permit and management permit can be caused by the inability and ignorance of the community to meet the requirements to obtain the right to control coastal waters, namely to organize in the form of cooperatives.
The development of sea cucumber cultivation in East Lombok carried out by LIPI for 2 (two) years is the only effort to assist the community to gain community ownership rights over the sea-cucumber aquaculture area. LIPI conducts assistance ranging from community strengthening to the filing of location permits and management of sea cucumbers in order to get business certainty guarantees for people who carry out sea cucumber cultivation business activities. This is in line with West Nusa Tenggara Province Regulation Number 12 of 2017 concerning Zoning Plans for Coastal Areas and Small Islands of West Nusa Tenggara Province 2017-2037 stipulated, among others, to realize the utilization of coastal resources and small islands to improve community welfare and guarantee legal certainty (Article 7). This business certainty guarantee includes part of efforts to protect farmers (Article 12 of Law Number 7 of 2016 concerning Protection of Fishermen, Fish Cultivators, and Salt Patambak). In reality, there has never been a small business doing licensing because it is considered unstable and temporary (interviews with NTB Province KKP officials), this is different from corporations because it brings large investments.

4. Conclusion
In the context of optimizing the management of coastal areas and small islands, the state gives control to the private sector and individuals through licensing. Therefore the term concept of community ownership of aquatic resources is unknown. The right of ownership of the coastal waters for the community conducting cultivation activities refers to the ownership of the location permit and management permit. This means that the government views the same, both small and traditional businesses with corporations and large businesses.

Law Number 1 of 2014 concerning Changes to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands has indeed accommodated the interests of people living in coastal areas and small islands with the right to control coastal waters through licensing mechanisms but in the form of cooperatives. Cooperative as a legal entity organization is considered a representation of the community. This means that the perspective of privatization forms the basis of Law Number 1 of 2014 in granting rights to control water resources. If the community is reduced in the form of a cooperative, it will not guarantee that the management of the coastal areas and small islands will give the rights of coastal communities that have long lived in coastal areas and small islands. Cooperatives are unlikely to contest with large-capitalized corporations. This is what the state does not pay attention to in granting control over coastal and marine resources.

Although in the explanation of this Act it is explained that the management of coastal areas and small islands is carried out while still recognizing and respecting the unity of the community, including local communities who live in coastal areas. The description of recognition and respect is only limited to being recognized as a stakeholder in the utilization, but there is no affirmative policy support given by the government because, without special treatment, the community will always be left behind to be able to apply for location permits and management permits for coastal areas and small islands. Therefore, it is impossible for people to compete with corporations that have a large capital. The imbalance in the ability to access coastal water resources in reality is not realized by the government and the government seems to have a concern or seriousness to advance the welfare of coastal communities.

Demanding awareness of the organization of coastal communities is not easy. The social capital of coastal communities is very low. As a result, coastal communities cannot compete with corporations so that they are increasingly distant in gaining access to water resources. Finally, the process of marginalization of coastal communities, silencing of community rights, violations of public rights, discriminatory treatment, disregard for the rights of local communities as a result of uncertainty over the rights of land tenure is increasingly happening, or the luckiest residents of coastal communities only become laborers in the fishing industry, business marine tourism or corporate cultivation business located in the waters where they have lived so far that should be used for the location of coastal community activities.
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