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The Irony of Fishermen's Condition in Makassar City (The Tiplogy Analysis Based on Laws Number 45 Years 2009)

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ABSTRACT

This research purposed to describe condition of fisherman in Makassar City and analyze factors that caused those fisherman are marginalized and related with the policy of laws, specifically the laws Number 45 Years 2009 about fishery. The writing techniques of this research use qualitative-descriptive with lots of data are obtained from direct interview result and observation. The interviewee determination technique using purposive sampling in three places, they are PT.Pelindo IV Makassar; Pasar Lelong; and Nelayan Village. The result of research indicates that fisherman societies in Makassar City are divided by traditional fisherman and modern fisherman. Moreover, the factor which affected traditional fisherman becomes marginalized is related with the Laws Number 45 Years 2009 and some articles are not synchronized with the reality.

Keywords: Laws Number 45 Years 2009; Modern Fisherman; Policy; Traditional Fisherman

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INTRODUCTION

Indonesia is an archipelagic country that has abundant marine natural resources. Water resources are available along the Indonesian islands with a water area of 2/3 of the territorial area. Indonesia is known as a country rich in coastal ecosystems consisting of 18% coral reefs, 500 species of coral, 2,500 species of fish, 2,500 species of molluscs, 1,500 species of crustaceans, and various other marine biota (Setiawan, 2022). This shows that Indonesia is not lacking in marine natural resources and has the potential for marine natural resources that can be superior as a national power.

Indonesia's marine natural resources require policies in their management with the aim that they are properly distributed throughout the country. For this reason, policies in the form of regulations are needed which become the operational basis for the enactment of policies that bring prosperity to all Indonesian people. The first regulation that became the basis for the enforcement of Indonesia's marine natural resource

management policy was the 1945 Constitution. Article 33 paragraph (3) of the 1945 Constitution stipulates unequivocally that land and water and the natural resources contained therein are controlled by the state and used for the maximum the great prosperity of the people. Article 25A of the 45th Constitution also stipulates explicitly that the Republic of Indonesia is an archipelagic state characterized by the archipelago with territories whose boundaries and rights are stipulated by law.

Specifically in the field of fisheries, there are policies that regulate the distribution of fish resources in all regions in Indonesia as well as policies for fishermen, which are regulated in Law Number 45 of 2009. This law is the result of an amendment to Law Number 31 of 2004. The reason for the change is because Law Number 31 of 2004 has not been fully able to anticipate technological developments and legal requirements in the management and utilization of potential fish resources. In addition, the utilization of fish resources, according to the government, has not provided a sustainable and just standard of living through optimal fishery management, supervision and law enforcement systems.

However, based on the amendment to Law Number 31 of 2004 to Law Number 45 of 2009 there is an inconsistency of the articles governing fisheries with conditions in the field. For example, in this article, the government regulates catchment areas for fishermen who are more profitable for private companies. In addition, outreach to the community regarding fish catches is also still lacking in the field.

Especially in Makassar City, which has territorial water and its certainly rich of marine resources. However, the magnitude of the marine resource potential of Makassar City is not comparable to the ranking of the area of Makassar's waters in particular and Indonesia in general at the world level as one of the countries that has the longest coastline with abundant marine resources. This is because there is one party that may be overlooked by stakeholders, employers and the community in the activity of providing food supplies sourced from the sea.

The Fishermen are actors who play an important role in supplying fish resources for the whole community, especially in Makassar City. Therefore, welfare for fishermen is needed to support the productivity of fish catches and their management. However, in reality in Makassar City, fishermen are a marginalized group of people. This is what makes researchers interested in raising the theme of the living conditions of fishermen in Makassar City seen based on the policy of Law No.45 of 2009.

METHODS

This research is located in three places in Makassar City, namely: Port (Pelindo IV Makassar); Auction Market; and Fishermen's Village. Data collection techniques use direct interview techniques with fishermen; fishmonger; foreman; and other fishing communities. In this study using a purposive sampling technique with the consideration of researchers who determine the sample or informants who want to be interviewed. However, the informants obtained were people who directly knew the conditions and activities at the research location. In addition, this study describes descriptively the condition of fishermen in Makassar City and analyzes the factors that affect the marginalization of fishermen. After that, the author relates it to Law Number 45 of 2009 for the discrepancies in several articles.

The first research location is at Pelindo IV Makassar Jalan Sabutung Paotere 1, which is known as the Paotere Port. The second research location is at Pasar Lelong, which is located 1.5 km from Paotere Harbor. The third research location is in Fishermen's Village, Untia Village, Biringkanaya District, Makassar City.

RESULTS AND DISCUSSION

The Port of Paotere' provides an overview of fish buying and selling activities by fishermen; refueling of large ships; as well as passenger transportation routes to cross the island. Around 800 fishermen are at Paotere' port to refuel or to sell the fish they catch. These fishermen are classified as medium to high income fishermen, or in the typology of commercial fishermen to industrial fishermen. This is indicated by the shape of their large to medium-sized ships. Fishing boat equipment is powered by an engine equipped with fuel. Based on information obtained from one of the informants who stated that machine tools and fuel were not provided by the government, but were provided by ship owners. So, the researcher assumes that ship owners have large capital to provide ships; machine; and fuel to hire fishermen to work. None other than industrial fishermen whose role is to move their ships so that they become industrial passenger ships.

The Paotere Port is not only functions as a fish market, but also as a means of inter-island transportation such as Makassar-Lae-lae Island; Makassar- Baranglombo Island and so on. The entrance fee set by Pelindo is IDR 3,000.00/person and IDR 15,000.00/car. So, Pelindo only provides a place as a port, and does not provide ships and fuel for fishermen. The fishermen who stop at Pelindo must share the results with Pelindo, in the form of parking fees.

The selection of the second location which is in the Lelong Market aims to obtain more information about commercial fishermen and traditional fishermen. However, researchers found that there were no signs of traditional fishermen in that place. There are no commercial fishermen either because the retainers control the market. This *punggawa* has capital obtained from a cooperative which is located not far from the market with an interest of 0.1% to 0.2%. In addition, when the Retainer takes capital of 10 million (as an example) from the Cooperative and has not been able to repay the loan to the Cooperative, the Retainer is given time to pay it off without additional interest or taxes being charged to them, and there is no time limit for paying off the loan. . Meanwhile, according to the informant, the cooperative did not ask for feedback on the loan.

The capital given to the *Punggawa* is used to sell in the market; providing ice blocks and boxes (fish boxes) for fishermen; to employ fishermen. *Punggawa* stated that income per day could reach 20 million earned by commercial fishermen. However, they were numerous and had to pay taxes to the ports; profit sharing to the Retainer; transportation costs to the city; the cost of ice blocks and boxes; as well as fuel costs.

It turns out that not many of these fishermen live in Makassar, they mostly come from Barang Lombo Island; Lae-Lae Island; etc. They need 14-15 hours from the island where they are caught until they arrive at the Auction Market to sell their catch. Their catchment area has reached the territorial waters of Bali Island, Lombok Island, Kalimantan Island and so on. As for fishermen's fishing gear, there are arrows for small

boats. The term small boat for researchers is a medium-sized ship and is included in the typology of commercial fishermen. The boat is filled by 3 fishermen to catch fish.

The fuel subsidy itself for fishermen is limited in amount, for example, the amount of fuel that should have been provided was 500, but it was reduced to 200 on the grounds that fuel was scarce. As for socialization, the government has also given an appeal not to go to sea during the rainy season. In addition, there is an appeal not to fish in tourism areas because it is prohibited by the government. As for equipment in the form of boats and fishing gear there is no government intervention in helping fishermen. So that the Punggawa's hope is that the price and quantity of fuel should not fluctuate, because it affects the catch.

Fishermen's Village is inhabited by 459 families. The people's livelihood is no longer dominated by the profession as a fisherman, but has switched professions to become casual laborers who work in factories around the area. The residents of Nelayan Village are residents who have moved from Lae-Lae Island since 1998, where part of their houses were evicted by the government to be used as a tourist area. Some of the informants we managed to interview are as follows.

The first informant works as a traditional fisherman. We met him on the coast where the sea water had receded, leaving only mud. He is currently repairing his boat for use again at sea. He provided information that he and several of his friends only owned small boats, in the typology of fishermen including traditional fishermen. The ship is in disrepair and there is no engine on board. He did not receive any information that the government had distributed machinery. The catchment area is not far from the coast because it only catches tude (clams). The number of catches is erratic every day. If the catch is large, for example 1 sack, the informant usually divides it for sale and consumption. This fisherman caught clams using his hands, so his hands became itchy from the sea water.

The second informant is a fisherman who looks for fish using a fishing rod, who leaves at night and returns home at 10 am so these fishermen spend the night at sea. Fish catches are erratic every day, sometimes a lot; a little; in fact no fish at all. The catch is prioritized for consumption for the family, if there is any remaining catch, then the catch is sold up to the Auction Market. According to him, eating is more important and when there is no catch at all, they buy fish from fish sellers who pass by in the area.

The third informant is a community figure, namely the village priest in the Untia family. Previously he was a fisherman who had switched professions to become a casual laborer since arriving in Makassar. He provided information that as much as 50% of Lae-Lae Island residents had moved to Makassar. Many of his friends and neighbors have switched professions to become freelance workers. The reason is that the ships they brought to Makassar cannot be adapted to muddy areas. These environmental conditions make the boats damaged so that they are sold and change professions, but some of them are consistent as permanent fishermen.

In the village, there is a fish management which also has a fisherman group head. His job is to manage the catch in groups, like brain food; shredded and then marketed. However, researchers see that fish production is not consumed in their own area, even though they need more food nutrition from fish. They sell more fish caught in the market. In addition, he said that the city government often visited fishing villages and

provided the main assistance in the form of rice; groceries. This area is a priority area in terms of assistance provided by the city government.

1. Fisherman Typology in Makassar City

According to Mulyadi (Ginting 2022), Fishermen are individuals or groups of people whose lives depend directly on marine products, either by catching or cultivating. Fishermen consist of three groups in terms of ownership of fishing gear, namely: labor fishermen, skipper fishermen, and individual fishermen (Ginting 2022).

A typology can be interpreted as the division of society into groups according to certain criteria. The typology of fishermen is the division of society into groups according to certain criteria (Subhan, et.al., 2022) The criteria in the typology of fisheries communities can be seen from five points of view (Suyanto, 2013), they are:

- a. From the mastery of production or fishing equipment owned by fishermen.

From this point of view, fishermen can be divided into two groups, namely fishermen who have their own means of production (owners of the means of production) and groups of fishermen who do not have their own means of production (labor fishermen), in this case labor fishermen can only contribute their labor services in fishing activities and get a smaller wage than fishermen who own the means of production.

- b. From the scale of business capital investment

Fishermen viewed from this point of view can be classified into two types, namely large fishermen who provide large amounts of investment capital for fishing activities and small fishermen who can only provide small amounts of investment capital.

Capital in fishermen such as ships, fishing gear and fuel used in the production process to find fish. Part of the fisherman's capital is used for production or operating costs, provision of production inputs (production facilities), such as for owning a boat/ship, the fishing gear used, and fuel for the boat. Meanwhile, in supporting infrastructure, fishermen are used as capital to buy ice, fish baskets, and food supplies that are brought.

- c. Based on the Level of Fishing Equipment Technology

Based on fishing equipment technology, fishermen can be divided into modern fishermen and traditional fishermen. Modern fishermen tend to use more sophisticated technology and earn more than traditional fishermen. This is because modern fishermen in their production areas can reach farther waters. Modern fishermen can be found at Pelindo Makassar and Pasar Lelong with the characteristics of having sophisticated fishing gear, boat propulsion engines, employing many fishermen and large catches. Whereas traditional fishermen only use simple equipment without engines on their boats, and the number of fish caught is limited.

- d. Based on the Labor

The income's distribution of the catch pattern is very unequal between the owner and the crew. In general, the net share received by the crew and the owner is half each. However, the portion received by the ship's crew must be shared with the number of crew involved in the activities on the ship. The more the number of crew members, the smaller the share that each crew member gets.

Every fishing business that will be carried out definitely requires manpower, the number of workers needed must be adjusted to the capacity of the motorized boat being operated so that it will reduce the cost of going to sea (more efficiently) it is hoped that the income of the workforce will increase because the additional workforce is professional.

e. Based on their sea time fishing

At least there are three fishing patterns that are commonly practiced by fishermen. The first is the pattern of arrests for more than one day. Fishing like this is offshore fishing. The distance to the catchment area and the size of the boat used determines the length of time at sea. The second is the one-day fishing pattern. Usually fishermen go to sea around 14.00, landing back at around 09.00 the next day. Fishing like this is usually also classified as offshore fishing. Third, the midday fishing pattern. This type of fishing is nearshore fishing. Generally they depart around 03.00 in the morning or after dawn, and return to land in the morning around 09.00 in the morning or until 15.00 in the afternoon.

The length of the trip is the time needed by fishermen to arrive at the fishing target. This is influenced by how long fishermen are at sea to be able to find an ideal place. The longer the fishermen are at sea, the more time they spend looking for fish and it can be assumed that the more time they spend at sea, the more fish they produce depending on the fish they get. The length of time needed to get the maximum catch is between 10-17 hours and is measured in hours.

The fishermen can be divided into two groups, they are (Pollnac, 1998):

a. Big Scale Fishermen

- 1) The large capacity of fishing technology and the number of fleets. Where they are more profit oriented (Profit Oriented) and involve fishing workers as crew members with a complex work orientation.
- 2) The pattern of relationships between various statuses in the work organization is also increasingly hierarchical. This makes big fishermen often referred to as industrial fishermen. Nevertheless, industrial fishermen are actually more accurately called capitalists or fishing entrepreneurs because in general the work organization they control is formal in the sense of legal entity status, and they are also not directly involved in the fishing business so they are often referred to as "land skipper".

b. Small Scale Fishermen

- 1) Operating in coastal areas that overlap with aquaculture activities.
- 2) Generally, they are labor intensive.
- 3) The small fisheries include various characteristics of fisheries, based on the capacity of technology (the fishing gear and fleet) or the culture.
- 4) Have not use the advance technology fishing gear yet.
- 5) Subsistence oriented so they often referred to as *peasant-fisher*.
- 6) Usually the catch is sold and then allocated to meet daily basic needs and not to be reinvested to multiply profits.

- 7) According to the 2004 Fisheries Law, small fishermen are people whose livelihood is fishing to fulfill their daily needs.

In general, a small-scale fishermen are the poorest of the fishermen for a relatively long time, also have a very high risk, both due to natural conditions and conditions of competition among fishermen, as well as uncertain income. This happens because being a fisherman does not merely make fishing a profession as a livelihood, but is the only way of life.

The portraits of traditional or small-scale fishermen are clearly depicted in the Fisherman's Village, Untia Village. The income of fishermen in the Fishermen's Village is uncertain every day, sometimes a lot, sometimes a little, or sometimes even none at all. The catch of these fishermen is only enough to meet their daily needs. However, if the catch obtained by fishermen is quite a lot, they share it to be sold in the market. The funds obtained from the fish sold are not enough for savings and then used as capital to open a fish management business. Lack of understanding of technology, and limited capital make traditional fishermen in Makassar City depicted as poor fishermen in the midst of the hustle and bustle of urban modernity. According to Raymond Firth (Suyanto & Karnaji 2005), there are characteristics that indicating the life of poor fishermen are:

- a. The fishermen's income is daily and uncertain every day.
- b. The low level of education of fishermen and children of fishermen's families makes it difficult for these fishermen to get other jobs
- c. The nature of the product which is easily damaged and must be marketed immediately creates a great dependence for fishermen on traders or collectors of the catch (product).
- d. The large amount of capital issued in the field of fishing business causes fishermen to prefer to engage in small-scale fisheries.
- e. Poor fishing families are generally very vulnerable and easily fall into the trap of harmful debts.

2. The Fishermen's Condition in Makassar City based on Laws Number 45 Years 2009

The Law Number 45 of 2009 as the basis for policies governing fishermen and fisheries catchment areas shows that the articles are out of sync with the reality on the ground. In fact, law 45/2009 should be more inclusive of the interests of small to medium fishermen. This shows that concern for Indonesia's Maritime Policy is a necessity which is still a challenge for Indonesia (Prasasti, et.al, 2021).

First, the researchers found an oddity in the statement of article 1 paragraph 5 which states "Fishing is an activity to obtain fish in waters that are not cultivated by any means or method, including activities that use ships to load, transport, store, cool, handle , processing, and/or preserving it." The strange thing according to the researcher is the sentence "fishing is an activity to obtain fish in waters.... by any means or method" which indicates the meaning that fishing can be carried out with fishing gear or any method used in catching fish . This is starting to show a discrepancy between the articles in Law 45 of 2009. Because the articles in this law clearly prohibit fishing by destroying marine ecosystems.

As explained in article 9 paragraph 1, which states "Every person is prohibited from owning, controlling, carrying, and/or using fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources on fishing vessels in the fishery management area. Republic of Indonesia." Coupled with the elucidation of Article 7 concerning regulations for everyone who carries out a fishery management business and/or activity, it is obligatory to comply with the provisions, including the prevention of pollution and damage to fish resources and their environment. This proves that the rules in Law 45 of 2009 prohibit fishing in any way that can damage aquatic ecosystems and fish resources.

In addition, the researcher found rules governing outbreaks and fish disease outbreak areas in article 7 paragraphs 1 and 2, where apart from having to be obeyed by every fisherman, the government also stipulates areas where there are outbreaks in the form of pollution of the aquatic environment which gives disease outbreaks to living fish. around these waters. However, the reality obtained in the field is that traditional fishermen are then affected by environmental pollution in marine waters as a result of factory waste located around the Fisherman's Village, Untia Village. Thus, the impact of relocating fishermen's residences to become tourism areas on Lae-Lae Island and being moved to factory areas which clearly pollute the aquatic environment, makes traditional fishermen experience skin infections due to soaking in sea water.

Article 7 paragraph 2 explains that everyone is obliged to comply with the catchment areas that have been determined by the government. As happened in the field where fishermen or retainers received socialization from the government regarding areas or areas where catches were prohibited. There are water areas where fishermen are not allowed to fish in that area, such as tourism areas. This indicates that Law 45 of 2009 is more dominant in favor of corporations and the tourism business. In fact, waters are shared property which creates social inequality through the privatization of waters only for certain people to be able to access them.

Article 25 A paragraph 2 explains "The government and regional governments foster and facilitate the development of fishery businesses so that they meet fishery product quality standards." In addition, Article 25C paragraph 1 explains "The government fosters and facilitates the development of the national fishing industry by prioritizing the use of domestic raw materials and human resources." These two articles show that the government tends to facilitate the interests of industries or corporations engaged in the fishing business. In fact, most of the fisheries business actors do not come from fishermen, let alone traditional fishermen. Fishery business actors are held by retainers or other entrepreneurs. Meanwhile, traditional fishermen, whose numbers are more numerous, remain marginalized with unsupportive living areas and an unpromising sea climate for them.

Even though traditional fishermen are not subject to tax, as explained in article 48 paragraph 2 which explains "Fisheries fees as referred to in paragraph (1) are not imposed on small fishermen and small fish cultivators." The small fishermen in question are traditional fishermen. Although taxes or fishing levies are not imposed on traditional fishermen, there are no regulations that show the government's side in facilitating the interests of traditional fishermen, both in terms of the availability of boats and food; sanitation and health.

According to researcher, the cause of poverty or less well-being of fishermen is the absence of integrated policies, strategies and implementation of coastal area

development programs and fishing communities among development stakeholders. In addition, there is an inconsistency in the quantity of production (catch), so that the sustainability of the socio-economic activities of fisheries in fishing villages is disrupted. This is due to the condition of fishery resources which have reached over-fishing conditions, a prolonged famine and rising fuel prices.

As for the problem of geographical isolation of fishing villages, making it difficult for goods, services, capital and people to go in and out which disrupts socio-economic mobility, as experienced by residents in the fishing village of Biringkanaya sub-district, Untia village, where to access the city or access to the fish auction market it is very far from where they are. From the observations of researchers, the place seemed to be isolated.

Another cause is the limited business capital and investment capital that makes it difficult for fishermen to increase their economic activities, besides that there are exploitative socio-economic relations with boat owners, intermediary traders (middlemen/punggawa) or fishing entrepreneurs in fishermen's lives. The low income level of fishing households has a negative impact on efforts to increase their business scale and improve their quality. As is the case in the kelurahan, where all family members in one house work to make a living. Because they think the catch of fish will not suffice for their survival. So that education is not the main thing for the people in the Fisherman's Village and causes their low level of education.

Apart from that, the next factor is the location where the residents of the Fisherman's Village live around the factories which do face the sea. This resulted in a lot of factory waste being dumped into the sea. Thus, water areas become polluted and cause various diseases in fishermen. In addition, Fishermen's Village lacks clean water and sanitation is very bad. This resulted in the level of health for fishermen also not supporting them to find more fish to develop fishing businesses. Thus, the catch of the Fisherman Village community is on average only enough for a simple meal. The 4 healthy 5 perfect have not been fulfilled for traditional fishermen.

CONCLUSION

The fisheries community in Makassar City is classified into modern fishermen and traditional fishermen. Modern fishermen are characterized by the use of motorized engines and large vessels. Thus, the catchment area of modern fishermen is wide, even crossing the city border. In addition, the catches of modern fishermen are also large and the capital obtained from selling fish can be reused to open fish management businesses or employ other fishermen. However, these modern fishermen also depend on retainers or capital owners who arrange the buying and selling of fish at the Auction Market. Whereas traditional fishermen are characterized by the use of small boats without engines, fishing gear is only in the form of nets or even by hand. So that the catchment area is limited and the catch is small. The capital obtained by traditional fishermen is only sufficient to meet their daily needs.

Policies in the field of maritime affairs and fisheries aim to provide welfare for fishermen, but there are several articles out of sync in Law number 45 of 2009 concerning Fisheries with the conditions of fishing communities living in Untia Village. This policy is more concerned with investor groups which results in the marginalization of fishing communities in Makassar City.

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