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Role of Traditional Leaders in Conservation of Fishery Resources in Mandah District Indragiri Hilir Regency Indonesia

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Abstract: Fishery resources in Mandah Subdistrict, Indragiri Hilir Regency in Riau Province, has considerable potential and are important resources for the community. However, the utilization of these fishery resources is sometimes carried out in ways that violate the provisions, both positive legal provisions and provisions in customary law that live in the Mandah community. For this reason, it is necessary to examine the role of traditional leaders in conserving fishery resources in Mandah District. The research method used is sociological legal research, with the main data source being primary legal materials, namely binding legal materials, both written and unwritten. The result of the research is that traditional leaders have an important role in conserving fishery resources. They act as institutions that disseminate customary provisions, receive reports on violations of the law that occur and become mediator or judges for violations of the law, especially in the field of fishery resources. Traditional leaders in Mandah play an important role in preserving fishery resources due to the geographical location of Mandah Subdistrict which is quite far from the Regency Capital, causing the government apparatus and legal apparatus on duty in Mandah to be limited in number. In addition, through sanctions against perpetrators of violations, traditional leaders contribute to the protection of fishery resources in Mandah District.

1. Introduction

Indonesia is the biggest archipelago country in the world. Based on data released by the Geospatial Information Agency through Letter No. B-3.4/SESMA/IGD/07/2014, the area of Indonesian waters is 6.32 km² which consists of a sovereign area of 3.37 km², inland and archipelagic waters covering an area of 3.09 km² and territorial sea waters covering an area of 0.28 km², while the length of the coastline of Indonesia is 99,093 km, and the number of islands is 17,504 islands.

The area of marine waters that has doubled is the result of the struggle of Indonesia's best son in the international arena. Starting from the concept of the Nusantara which is the forerunner of Indonesia's maritime law as an independent country, the concept of an archipelagic state was born [1]. And then, through the Djoeanda Declaration in 1957 and followed by an agreement on the law of the sea initiated by the United Nations in 1958 until the United Nations Convention on the Law of the Sea (UNCLOS) was agreed in 1982.



Thus, Indonesia has the potential of marine resources, which consist of renewable natural resources, non-renewable natural resources, marine energy sources, and very large environmental services. Renewable marine resources include coral reef ecosystems, seagrass beds, mangrove forests and various types of fish. With this extraordinary potential, it encourages an increase in fisheries and fishing businesses continuously and from year to year until the emergence of various fishing techniques that are not environmentally friendly by fishermen and many illegal fishing practices [2]. However, Indonesia's abundant fishery resources attract various parties to exploit these resources illegally. The act of illegal fishing is especially carried out by foreign fishermen around Indonesian waters, and then the fish caught are sold outside Indonesia [3].

The Ministry of Maritime Affairs and Fisheries has released data on marine capture fisheries in 2017 and 2018, as shown in table 1. From the data in table 1, it can be seen that Indragiri Hilir Regency is one of the regencies that produces a large number of marine capture fisheries in the Riau Province.

Table 1. Number of sea capture fisheries in Riau

Regency	2017 (kg)	2018 (kg)
Bengkalis	6.567.314,00	6.268.397,42
Indragiri Hilir	49.389.582,00	51.878.827,80
Kepulauan Meranti	1.544.759,00	2.695.631,43
Kota Dumai	945.178,00	1.832.647,08
Pelalawan	3.597.550,00	3.606.705,09
Rokan Hilir	45.797.787,00	52.562.727,21
Siak	971	1.176.738,00
Total	107.843.141,00	120.021.674,02

Source: <https://statistik.kkp.go.id/>

As one of the sub-districts in Indragiri Hilir, Mandah is an area rich in fishery resources. Thus the existing fishery resources must be maintained and even preserved. However, applying local wisdom in life activities is believed to be important to maintain harmony between individuals, communities and the environment [4]. In addition, the Mandah community is a community that still upholds the existence of customary law and still recognizes existing customary institutions. For this reason, it is necessary to know how the role of traditional leaders in Mandah is to protect and preserve existing fishery resources.

2. Methods

The research was conducted from September to November 2020. The research method used is sociological law research, with the type of research on legal identification in society [5]. The data sources in this study are primary legal materials consisting of primary legal sources, namely legal rules that are binding or are positive legal rules for Indonesia, both written and unwritten, secondary legal sources are legal sources that provide explanations for primary legal materials, for example are the results of interviews and tertiary legal sources are legal materials that further explain primary legal materials and secondary legal materials, for example a dictionary. In addition to analyse written legal rules, the study also examines customary/unwritten laws in the Mandah District, through interviews with traditional leaders.

3. Results and Discussion

Indigenous peoples are groups of people who live in a certain area and have genealogical or geological ties [6]. They live communally and have their own rules in their group. Along with the development of thinking, especially about human rights, the recognition and respect for indigenous peoples tends to increase. International movement and support have started since the 1970s for indigenous peoples in various countries to gain international recognition, among others with the agreement of ILO Convention No. 169 [7]. A form of respect for the existence of indigenous and tribal peoples in the 1993 Indigenous People Year by the United Nations (UN). This is a follow-up to a series of world conventions that emphasize the importance of the governments of UN member countries to immediately implement the empowerment of indigenous and tribal peoples [8]. In Indonesia, the term of “adat” refers to an entity formed from morality, customs, legal institutions and ethnic groups that exist in society. In its development, customary law became the basis for political and economic claims and confirmed the role of traditional leaders in village governance and became the basis for recognition of control over natural resources [9]. In general, indigenous peoples occupy areas that are rich in natural resources. They then protect these resources from exploitation. If indigenous peoples are able to maintain their control over the natural resources in their territories, and are able to preserve their customs, traditions and way of life, they may resist development that could damage these resources [10].

Mandah District is one of the sub-districts in Indragiri Hilir Regency with an area of 1,479, 24 km² or 147,924 Ha. The total population based on BPS data in 2018 is 41,520 people. There are 16 villages and 1 Urban vilage, namely Pulau Cawan Village, Batang Tumu Village, Aceh Bakau Village, Pelanduk Village, Igal Village, Bente Village, Belaras Village, Bekawan Village, Bantayan Village, Bolak Raya Village, Batang Sari Village, Sepakat Jaya Village, Independent Surraya Village, Cahaya Baru Village, Belaras Barat Village, Bidari Tanjung Datuk Village and Khairiah Mandah Village as the capital of the sub-district.

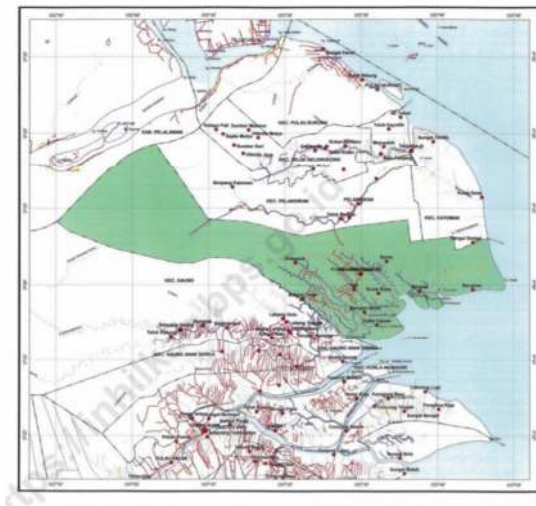


Figure 1. Mandah District Map [11]

Prohibitions that have been passed down for generations in Mandah include the prohibition of catching small fish and certain types of fish, catching fish using toxic materials, catching fish that are almost extinct and the prohibition of using fishing gear that can damage the environment. In addition, other prohibitions are not allowed to catch the young crabs and female crabs that are still laying eggs,

and the prohibition of cutting mangrove forests indiscriminately, because of concerns that these activities will damage food sources for the fish around the mangroves.

If there are people who violate this provision, the mechanism used is to report it to traditional leaders in Mandah District. Role is a dynamic condition in which a person, in this case a traditional leader, has rights and authority based on their position so that they can carry out that role [12]. The reason for reporting the community to customary leaders is because the act is based on customary law and positive law is a violation. However, due to the location of Mandah Sub-district which is quite far from the Regency capital and the lack of law enforcement officers, the role of traditional leaders becomes important in processing community reports. The public can report violations that occur either orally or in writing to the Sri Amanat or Datuk Penghulu Adat [13].

The next process is customary leaders invite perpetrators of violations to be asked for information related to reports from the community. If necessary, traditional leaders will summon people who can be witnesses in the reported violation. Then the traditional leaders will call the perpetrators and bring them together with the complainant and witnesses to obtain further information regarding the violations committed. In this meeting the parties were asked to bring evidence to strengthen their respective arguments. After the meeting, the traditional leader (Datuk Penghulu Adat) will give a decision whether the perpetrator has indeed been proven to have committed a violation or not. If it is proven that there has been a violation of good law, customary law or positive law, then the customary leader will impose sanctions on the perpetrator. The sanctions are in the form of fines, determination of the time of payment of fines. If there is peace, there will be a traditional banana cleansing event. That is the traditional ceremony of roasting bertih (rice seeds) and then eaten with bananas. The traditional ceremony of eating bananas is believed by the Mandah community as a symbol of rejecting reinforcements. If the case that is being resolved is a serious crime, the feast in the banana beet procession can last for three days and three nights [13].

With a series of activities carried out by traditional leaders, besides being judges, traditional leaders in Madah District also have a role as an institution that socializes customary law through traditional ceremonies as well as an institution that receives reports of violations of the law.

This is different from the structure of state organizations in Indonesia, where the party who receives reports of violations of the law from the community is the police, while the judiciary, through the judges, is the party who decides the violations of the law that occur. Thus, the organizational structure of indigenous peoples is simpler and more concise.

4. Conclusion

The location of the Mandah sub-district which is quite far from the sub-district capital and the minimal number of law enforcement officers are obstacles in resolving violations of law related to fisheries. However, the customary law rules are still obeyed by the people in Mandah District, and customary institutions still play an important role in law enforcement in the community. In addition to being judges, traditional leaders also act as mediators and parties who socialize existing customary law rules.

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