

The Government Policy in Realizing the Sustainability of Labeobarbus Douronensis "Dewa Fish"

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How to cite : Suwari Akhmaddhian, et.all. "The Government Policy in Realizing the Sustainability of Labeobarbus Douronensis "Dewa Fish" *Unifikasi: Jurnal Ilmu Hukum*. 8(2). 2021.193-199. DOI : <https://doi.org/10.25134/unifikasi.v8i2.3277>

Submitted : 01-02-2021

Revised : 08-10-2021

Accepted : 09-11-2021

Abstract : The present study aims to identify the regulations on the conservation of natural resources and their impact on community welfare. This study applied an empirical juridical approach. The primary and secondary data used in this study were collected through interviews, observation, and literature study. As results, it can be identified that fish conservation in Indonesia is regulated by various laws and regulations, including Law on Fisheries, Law on Environmental Protection and Management, Government Regulation on Conservation of Fishery Resources, Government Regulation on Fish Farming, Regulation of the Minister of Environment and Forestry on Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment, Regional Regulation on Implementation of Tourism, Regional Regulation on Preservation of Local Culture, as well as Regional Regulation on Conservation of Birds and Fish which give the authority to Kuningan District Regional Government in the conservation of 'god fish'. The conservation of 'god fish' based on local wisdom of 'pamali' is in the form of prohibition on damaging the spring in Cibulan Tourist Attraction and prohibition on disturbing 'god fish'. To conclude with, the conservation of natural resources, especially 'god fish', through water-based tourism management has positive implications for community welfare.

Keywords: Conservation; God Fish; Local Wisdom 'Pamali'

Kebijakan Pemerintah dalam Mewujudkan Kelestarian Labeobarbus Douronensis "Ikan Dewa"

Abstrak : Tujuan penelitian yaitu untuk menganalisis pengaturan pelestarian sumber daya alam dan dampaknya terhadap kesejahteraan masyarakat. Metode yang digunakan dalam penelitian ini adalah pendekatan yuridis empiris dengan menggunakan data primer dan data sekunder serta alat pengumpul data yang digunakan melalui wawancara, observasi dan studi pustaka. Hasil penelitian ini pengaturan dan implementasi pelestarian sumber daya alam dan dampaknya terhadap kesejahteraan masyarakat yaitu pengaturan pelestarian ikan berdasarkan hukum yang berlaku di Indonesia diatur oleh beberapa peraturan perundang-undangan meliputi undang-undang tentang perikanan, undang-undang tentang perlindungan dan pengelolaan lingkungan hidup, undang-undang pemerintah daerah, peraturan pemerintah tentang konservasi sumber daya ikan, peraturan pemerintah tentang pembudidayaan ikan, peraturan menteri lingkungan hidup dan kehutanan tentang pengakuan dan perlindungan kearifan lokal pamali dalam pengelolaan sumber daya alam dan lingkungan hidup, peraturan daerah tentang penyelenggaraan kepariwisataan, peraturan daerah tentang pelestarian kebudayaan daerah, serta kewenangan Pemerintah Daerah Kabupaten Kuningan dalam melestarikan ikan dewa tertuang dalam peraturan daerah tentang pelestarian satwa burung dan ikan. Implementasi perlindungan dalam melestarikan ikan dewa berdasarkan kearifan lokal pamali yaitu larangan merusak mata air di cibulan dan larangan mengganggu ikan dewa. Simpulan yaitu bahwa perlindungan sumber daya alam khususnya ikan dewa berimplikasi positif terhadap kesejahteraan masyarakat melalui pengelolaan pariwisata berbasis air.

Keywords: Pelestarian; Ikan Dewa; Kearifan Lokal; Pamali

INTRODUCTION

Kuningan District is located in West Java Province with territorial boundaries, namely Cirebon District in the north, Brebes District in the east, Ciamis District and Cilacap District in the south, and Majalengka District in the west. Kuningan District has great potentials in various sectors, such as tourism, industry, trade, transportation, and mining sectors, which can be used to increase local own-source revenue. Basically, tourism sector has been the mainstay of foreign exchange for the country.

Kuningan District itself has a big share in tourism sector. The potential of the tourism sector of Kuningan District has a bright prospect in the future¹. One of the tourism potential in Kuningan District is 'God Fish' which attracts tourists to visit. Hence, a conservation and protection of 'God Fish' needs to be done in order to maintain its existence. The protection itself can be in the form of legislations or customs.

As a tool of social engineering, law has a crucial role in supporting national life. The essence of law as a tool of social engineering is to change people's behavior, either related to the relationship between the state and its citizens, the relationship between citizens and other citizens, the relationship between the state and natural resources, or the relationship between the state and citizens in relation to natural resources management.² One of natural resources in Kuningan District is fish. Fish have enormous benefits for humans, including preventing heart disease and cholesterol, facilitating a healthy diet program, increasing intelligence, stabilizing high blood pressure, etc. Hence, it needs to be protected so that they can provide the greatest benefit to humans. Legal provisions regulating the protection, management, and utilization of fish are known as fisheries law. The state has a vital role in regulating the management and utilization of fishery resources. Here, the state has the role to make various laws and regulations as well as policies related to the protection, management, and utilization of fishery resources³.

RESEARCH METHODS

The method used in this study is normative legal research. This particular method was chosen because the objects of the study are the legal principles, rules, theories, and doctrines of legal experts. Peter Mahmud Marzuki explains that normative legal research is: "... a process to find the rule of law, legal principles, and legal doctrines to answer the problems of law. ... Normative legal research is conducted to produce new arguments, theories or concepts as prescriptions in solving problems."⁴ This research was conducted to develop new arguments, theories and concepts of forest management based on Dayak Kotabaru local culture compared to national laws to implement the idea of norms (see Figure 3). It primarily aims to create an understanding of binding legal material such as legislation and court decisions, and non-binding laws, such as code of conduct, guidelines, social ethics and common values⁵.

RESULTS AND DISCUSSION

Basically, the conservation of fishery resources is regulated in the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia No. 31 of 2004 on Fisheries, Law of the Republic of Indonesia No. 32 of 2009 on Environmental Protection and Management, Law of the Republic of Indonesia No. 45 of 2009 concerning Amendments to Law of the Republic of Indonesia No. 31 of 2004 on Fisheries, Law of the Republic of Indonesia No. 23 of 2014 concerning Local Government, Government Regulation of the Republic of Indonesia No. 60 of 2007 on Conservation of Fishery Resources, Government Regulation of the Republic of Indonesia No. 28 of 2017 concerning Fish Farming, Regulation of the Minister of Environment and Forestry of the Republic of Indonesia No. P.34/MENLHK/SETJEN/KUM.1/5/2017 on Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment, Regional Regulation of Kuningan District No. 10 of 2009 on Conservation of Birds and Fish, Regional Regulation of

¹ Kuningan, 2000. *Kuningan Menembus Waktu*. Kuningan: Citra Nuansa Info Kuningan

² Salim, 2018. *Pengantar Hukum Sumber Daya Alam*. Jakarta: RajaGrafindo Persada.

³ Salim, 2018. *Pengantar Hukum Sumber Daya Alam*. Jakarta: RajaGrafindo Persada.

⁴ Akhmaddhian, S., 2016. Penegakan Hukum Lingkungan dan Pengaruhnya Terhadap Pertumbuhan Ekonomi di Indonesia (Studi Kebakaran Hutan Tahun 2015). *Unifikasi : Jurnal Ilmu Hukum*, 3(1), pp. 1-23.

⁵ Akhmaddhian, S., 2017. Partisipasi Aparatur Pemerintah Daerah Kabupaten Kuningan Dalam Konservasi Sumber Daya Air. *Sosiohumaniora*, 19(3), pp. 274-281.

Kuningan District No. 2 of 2013 on Implementation of Tourism, and Regional Regulation of Kuningan District No. 08 of 2018 on Preservation of Local Culture. In Regional Regulation of Kuningan District No. 10 of 2009 on Conservation of Birds and Fish, fish are defined as all types of organisms whose life cycle wholly or partly is in inland water. Meanwhile, prevention is an effort to protect fishery resources from hunting activities carried out by everyone. Indonesia's natural resources and their ecosystems have an important position and role for human life so that they need to be managed and utilized effectively for the purpose of community welfare⁶.

The preservation of environmental functions is a shared-task between the government and the community so that the goal of environmental preservation can be achieved. Hence, community participation is crucial in supporting the success of environmental preservation⁷. Kuningan District has a lot of natural potentials that can be managed to become tourist attractions. Yet, this study focuses on exploring *Kancra Bodas* fish or often called as 'Dewa Fish' which is one of tourist attractions in Kuningan District. *Kancra Bodas* (*Labeobarbus dourenensis*) is a scarce freshwater fish species in Kuningan District, West Java. Based on data, the population of *Kancra Bodas* fish in Cigugur, Cibulan, Pasawahan, and Darmaloka tourist attractions is 5.000, 4.800, 2.400, and 2.000 fish, respectively. However, as confirmed by the pond guards, the current number is far from the data⁸. In general, as stated by Soerjono Soekanto, there are 5 (five) factors affecting law enforcement, namely⁹:

1. Factor of law – the regulations made relating to the conservation of 'God Fish' in Kuningan District, such as the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia No. 31 of 2004 on Fisheries, Law of the Republic of Indonesia No. 32 of 2009 on Environmental Protection and Management, Law of the Republic of Indonesia No. 45 of 2009 concerning Amendments to Law of the Republic of Indonesia No. 31 of 2004 on Fisheries, Law of the Republic of Indonesia No. 23 of 2014 concerning Local Government, Government Regulation of the Republic of Indonesia No. 60 of 2007 on Conservation of Fishery Resources, Government Regulation of the Republic of Indonesia No. 28 of 2017 concerning Fish Farming, Regulation of the Minister of Environment and Forestry of the Republic of Indonesia No. P.34/MENLHK/SETJEN/KUM.1/5/2017 on Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment, Regional Regulation of Kuningan District No. 10 of 2009 on Conservation of Birds and Fish, Regional Regulation of Kuningan District No. 2 of 2013 on Implementation of Tourism, and Regional Regulation of Kuningan District No. 08 of 2018 on Preservation of Local Culture. However, there is no regional regulation that specifically regulates 'Dewa Fish'.
2. Factor of law enforcers – the parties who form or implement the law, including Civil Servant Police Unit, Police Officers, Forest Rangers, Caretakers, etc. Socialization on the laws and regulations regulating 'Dewa Fish' as well as the conservation of 'Dewa Fish' is needed so that there is no more illegal fishing in Kuningan District.
3. Factor of facilities that support law enforcement – including the Regional Government of Kuningan District, *Dinas Lingkungan Hidup* (Environmental Service) of Kuningan District,

⁶ Akhmaddhian, S., 2017. Pengaruh Kebijakan Pemerintah Daerah Dalam Konservasi Sumber Daya Air Terhadap Kesadaran Lingkungan Masyarakat Kabupaten Kuningan. *Unifikasi : Jurnal Ilmu Hukum*, 4(1), pp. 1-13.

⁷ Akhmaddhian, S., 2019. *The government policy on the conservation of natural resources and ecosystems in Kuningan, Indonesia*. Bandung, IOP.

⁸ Muhammad Qur'anul Kariem, *Kewenangan Kepala Daerah Dalam Konteks Pemerintahan Menurut Peraturan Perundang-Undangan*, JCOMENT (Journal of Community Empowerment), Volume 1 No 1, Mei 2020, p. 14.

⁹ Widdy Yuspita Widiyaningrum, *Kepemimpinan Kepala Daerah Melalui Strategi Aura: Sebuah Kajian Teoritis*, Jurnal JISIPOL Ilmu Pemerintahan Universitas Bale Bandung Volume 5, Number 1, January 2021, p. 52.

Perusahaan Daerah Aneka Usaha (Various Businesses Local Public Company) of Kuningan District, and *Dinas Pendidikan dan Kebudayaan* (Office of Education and Culture) of Kuningan District. There is still a lack of facilities to support the conservation of 'Dewa Fish' and there is no facility to support the breeding of 'Dewa Fish'.

4. Factor of community – the community in which the law applies or is applied; community awareness of the law is still low.
5. Factor of culture – as a result of work, creativity and taste based on human initiative in social life, local wisdom of 'pamali' is still strongly attached to community to this day so that it is still trusted and developed by the community.

The five factors previously mentioned are closely related because they are the essence as well as the measure of the effectiveness of law enforcement. According to Mertokusumo, law enforcement describes how the law must be implemented. Thus, in enforcing the law, the following elements must be considered¹⁰:

1. Legal certainty requires how the law is implemented, regardless of how bitter it is (*fiat justitia et pereat mundus*: even though the world collapse, the law must be enforced). Law is intended to create order in society. Hence, sanctions are needed for a person or a community group who does not implement regulations regarding the conservation of 'God Fish' in Kuningan District. Law is expected to be able to regulate the people of Kuningan District to protect and conserve 'God Fish' which is the hallmark of Kuningan District.
2. The implementation of law enforcement must provide benefits to the community. It means that these regulations are made in the interests of the community. The regulations on the conservation of 'God Fish' aim to maintain the existence of 'Dewa Fish'. Hence, in addition to the local wisdom of 'pamali', the community also needs to obey the laws and regulations which are the basis on the conservation of 'God Fish' in Kuningan District.
3. In upholding the law, justice must be considered. However, law is not synonymous with justice because law is general in nature, binds everyone, and makes it equal. Legislation such as Regional Regulation of Kuningan District No. 10 of 2009 on Conservation of Birds and Fish does not only apply to the people of Kuningan District, but it also applies to the parties forming the regulation. It means that this regulation applies to all groups, starting from the regional government to the community in Kuningan District. Besides, the regulation also applies to people who visit Kuningan District.

The conservation of 'God Fish' by the Regional Government of Kuningan District is based on the local wisdom of 'pamali' as it is still strongly attached to the community. This local wisdom is still being developed by the village government as well as the community from the past until now. The people of Kuningan District are still unfamiliar with the regulations regulating fishery so that legal awareness of the community is still low. The community trust local wisdom more than law. This local wisdom certainly brings benefits for the conservation of 'Dewa Fish' in Kuningan District, but law is the basic foundation that should be believed and implemented in order to realize the conservation of 'Dewa Fish'. Public awareness of the written law (legislations) is highly needed in order to conserve 'God Fish' in Kuningan District as it is more coercive and binding. Yet, maintaining and preserving the local wisdom of 'pamali' is also important as it is a characteristic of Kuningan District.

¹⁰ Supriatna, A. & Redjeki, S., 2004. Pertumbuhan Dan Kelangsungan Hidup Gelondongan Ikan Kancra (*Labeobarbus Douronensis*) Pada Padat Tebar Yang Berbeda. *Jurnal Ilmu-Ilmu Perairan dan Perikanan Indonesia*, 11(1), pp. 11-14

CONCLUSION

The conservation of natural resources, especially 'God Fish', is based on the existing laws and regulations in Indonesia, including; a) Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, stating that the land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people and Regulation of the Minister of Environment and Forestry of the Republic of Indonesia No. P.34/MENLHK/SETJEN/KUM.1/5/2017 on Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment, stating that the minister, governor or regent/mayor in accordance with their respective authority actively encourages and facilitates the inventory, verification, and validation of Local Wisdom and the existence of community upholding Local Wisdom; and i) Regional Regulation of Kuningan District No. 10 of 2009 on Conservation of Birds and Fish, describing the purpose of the conservation of birds and fish in the region, the prohibition of hunting birds and fish, and the obligation of the local government and the community to protect the population and habitat of birds and fish. However, there is no Regional Regulation that specifically regulates 'Dewa Fish'.

SUGGESTION

Based on the description above, the advice given is the internalization of existing regulations so that the community knows and participates in conservation efforts.

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Legislations :

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Government Regulation of the Republic of Indonesia No. 28 of 2017 concerning Fish Farming,
Regulation of the Minister of Environment and Forestry of the Republic of Indonesia No. P.34/MENLHK/SETJEN/KUM.1/5/2017 on Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment,
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