

Nonpenal Effort in Addressing Illegal Fishing in the Lampung Province

By Maya Shafira

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6

PROCEEDINGS

INTERNATIONAL CONFERENCE

2nd SHIELD 2017

52nd Dies Natalis Unila



Bandar Lampung - 18-20 September 2017 - 4 International Speakers

Organized by:



Postgraduate Program
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Bandar Lampung, September 18-20th 2017

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Foreword

In this globalization era, advancement in science and technology has led to remarkable gains in life. However, despite the remarkable gains, many countries particularly Asian countries face inequalities and uneven progress. Even worse, these countries are facing many problems such as poverty, terrorism, drug abuse, and other social issues. These problems are complex and multidimensional. We should give a real contribution to solving these problems. Because the problems are multidimensional, we need people from cross-disciplinary interests to work hand in hand with strong commitment, not only to face, but also to change these problems into opportunities.

Therefore, the Postgraduate Program in collaboration with Institute of Research and Community Service of University of Lampung provides a place for academicians, practitioners, policy makers, researchers and professionals from multi-disciplines related to Social Sciences and Humanities, Economics, Education, Law, and Sustainable Development (SHIELD) to meet and interact with members inside and outside their own particular disciplines. All participants are challenged to give their real contribution to helping solve the real-world problems.

The authors of Proceeding of 2nd SHIELD International Conference come from academicians, practitioners, policy makers, researchers and professionals from multi-disciplines related to Social Sciences and Humanities, Economics, Education, Law, and Sustainable Development.

This conference aims to share information and discuss recent developments and innovations arising from research in a wide range of disciplines. Through this conference, it is expected that the research articles can be documented and communicated throughout the countries.

Head of Committee

Prof. Dr. Muhammad Akib, S.H., M.Hum.

**Welcome Address
Report by the Organizing Committee**



Dear distinguished guests and participants,

In this globalization era, advancement in science and technology has led to remarkable gains. However, despite the remarkable gains, many countries particularly Asian countries face inequalities and uneven progresses. Even worse, these countries are facing many problems such as poverty, terrorism, drug abuse, and other social issues. These problems are complex and multidimensional. We should give a real contribution to solving these problems. Because the problems are multidimensional, we need people from cross-disciplinary interests to work hand in hand with strong commitment, not only to face but also to change these problems into opportunities.

Therefore, the Postgraduate Program in collaboration with Institute of Research and Community Service of University of Lampung holds The 2nd SHIELD Conference as a place for academicians, practitioners, policy makers, researchers and professionals from multi-disciplines relating to Social Science and Humanities, Economic, Education, Law, and Sustainable Development to meet and interact with members inside and outside their own particular disciplines. All participants are challenged to give their real contribution to helping solve the real-world problems.

At this second international conference, four keynote speakers from different disciplines and different countries were invited. Seventy-five authors initially submitted their abstracts before submitting their full papers, but finally only 49 full papers were accepted for publications. The authors are academicians, practitioners, policy makers, researchers and professionals. This conference aims to share information and discuss recent developments and innovations arising from research in a wide range of disciplines. Through this conference, we hope that the research articles can be documented and communicated throughout the countries.

I would like to thank you for your participation and look forward to having productive discussion among participants.

Sincerely yours,

Professor Muhammad Akib

Remarks by the Rector of the University of Lampung



¹² The Honorable keynote speakers, committees, participants, ladies and gentlemen,

It gives me a great pleasure to welcome all of you and chair the Opening Ceremony this morning to the Second SHIELD International Conference, jointly organized by Postgraduate Program and Institute for Research and Public Services, the University of Lampung. We'd like to say how grateful we are to all the keynote speakers who have accepted our invitation. Also, we are delighted to have all of participants here to participate and share in the Second SHIELD International Conference.

Along with an increase in the activity of national development and dynamic development of the international world due to globalization, then it always be followed by the emergence of complex social, humanity, economics, education, law and sustainable development issues. Therefore, the University of Lampung, which has a vision to be the best 10 among public universities nationwide, a mission to be a world class research university, and as the third largest state university (outside Java Island) feels compelled to draw up concepts and provide solutions to the various issues.

In relation to these issues, practically the University of Lampung through its Postgraduate Program in collaboration with its Institute Research and Public Services organizes the Second International

³ Conference with such disciplines as social sciences, humanities, economics, education, law and sustainable development. This international conference presents several keynote speakers who come from leading universities in the world. These activities are held in Lampung, which is one area that has a nationally important role, because it is the gateway of Sumatera Island and is strategically located for the development progress.

As the arena for discussion, communication, and enrichment of the knowledge of participants, this conference is expected to provide a significant contribution to capturing opportunities for the development of science today. This conference is intended to function as a forum among the participants from various walks of

life for dissemination of research results in the fields of ³ social sciences, humanities, economics, education, law and sustainable development. The participants include practitioners, researchers, academics, students, industrialists and science observers from various organizations such as industries, state-owned enterprises, research institutions, government agencies, and public and private universities.

To expand the horizons of thinking for the participants and to share the experiences of international researches from world experts, this conference invites four keynote speakers from four countries who will present their main papers. These speakers are:

1. Prof. Dr. Arief Hidayat, S.H., M.S., Chairman of the Constitutional Court, Republic of Indonesia
2. Prof. Ryohei Kada from Shijyonawate Gakuen University, Japan.
3. Dr. Fonny Dameaty H. from University of Malaya, Malaysia.
4. Dr. Jenny H. Panchal from James Cook University, Singapore.

We are honored to have you all the speakers here in this conference, and thank you for being our keynote speakers in this conference.

Finally, I do hope that this seminar can run well and all participants can participate actively.

Sincerely yours,
Rector,

Prof. Dr. Hasriadi Mat Akin



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Nonpenal Effort in Addressing Illegal Fishing in the Lampung Province

Maya Shafira

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Abstract

Measures to address the crime of illegal fishing can be undertaken through penal and non-penal means. Non-penal measures are needed to generate output with respect to efforts to address illegal fishing. This study combines two methods of research, namely research on normative laws and supported by an empirical study of the law and qualitative analysis. Result of the research shows that non-penal efforts (preventive measures) in response to illegal fishing in the Lampung Province comprises of, The first: the patrol/supervision activity routinely conducted and integrated, the second: strengthening the role of local government in the economic improvement of fishermen, the third: strengthening local regulations based on local wisdom: the forth: the strengthening of traditional sanctions and administrative sanctions: a fifth socialization activities by law enforcement officials as well as other related service agencies.

Keyword: *nonpenal, illegal fishing, Lampung Province*

1. Introduction

Lampung province as a region which oversees waters contributed in order to declare Indonesia as the world's maritime axis. The province located in the southern tip of Sumatra Island is part of the maritime sector development interests/marine fisheries sector in particular. Lampung province has 645 km² water area, the area is a potential to be developed as a power of natural resources, especially fisheries resources (Lampung Post January 17, 2015: 1) . Lampung Province is one of the provinces with the production of fishing caught ¹¹ included in the group 2 , with an average production of between 120-220 thousand tons / year (Ministry of Marine Affairs and Fisheries Republic of Indonesia, 2015). Regarding to this condition, creates the territorial waters of Lampung become a strategic location occurrence of insecurity and crime associated with the practices of illegal fishing, especially with the use of explosives (bombs), trawl (trawls ²⁹ nducted by the local fishermen and visitors from outside the waters of Lampung. This is certainly a major threat to the sustainability of marine resources in Lampung Province. Regional insecurity Lampung territorial waters will be outlined in a map/image below:



Picture. Vulnerability map Lampung Police Bodies

(Source: Secondary data on the Police Directorate of Police Bodies in Lampung in 2016).

The picture above shows that, with the wide of Lampung territorial waters will certainly lead to the occurrence of several criminal offenses including illegal fishing. Based on the above, the following will be presented some data in case of illegal fishing in 2013-2016 Lampung Regional Bodies:

Table. Case Data of Illegal Fishing Year 2013-2016.

No.	Case Type	Year			
		2013	2014	2015	2016*
Total – Amount		9	15	22	11
1	Explosive case	7	4	8	6
2	The usage of fishing gear that is not environmentally friendly Case	2	10	4	3
3	Violation ship documents	-	1	10	2

(Source:Secondary data is processed, Police Directorate of Water Lampung 2016)

Information : January – September 2016

According to the table above, the number of cases of illegal fishing that occurred in Lampung water territorial by the year 2013 increased in 2014 and 2015 and will be increased or decreased in 2016 with varying types of case. Increase the number of such cases, as well as the issuance of Ministry of Marine Affairs and Fisheries No. 2 of 2015 on the Prohibition of the Use of Hela Fishing trawler (trawls) and pull trawl (Seine Nets) in Regional Fisheries Management of the Republic of Indonesia.

Many cases of illegal fishing is happening in the waters of Lampung, motivated by various factors such as: custom/the tradition fishing by bombs usage, lack of the awareness among the fishing communities due to the preservation of the coastal environment, the weakness / lack of supervision and decisive action from law enforcement sea and relevant agencies, factors lack of socializations to the government policies are not touching fishing communities, and lack of involvement of cooperatives in supporting the activities / activities of the fishermen as well as the cost factor is relatively high in associate with obtaining a fishing permit (source: primary data processed, 2016).

Based on some factors above, law enforcement efforts are needed to combat these activities. Normative rule of law, especially criminal law should be carried out as the statutory provisions (based on the Code of Penal (Penal Code, the Code of Criminal Procedure (Criminal Code)) as well as relevant legislation such as Fisheries Law. But in this case law enforcement efforts in overcome illegal fishing activities especially those conducted by the local fishermen should also notice to the basic background of why they are doing these activities as described above.

As a rational effort to overcome crime (criminal policy), not only can be done by means of "penal" or the criminal law, but can also use means "nonpenal" or without the criminal law (Muladi and Barda Nawawi Arief 1998) .This may mean that in order to achieve a balance in the fight against crime, not only use the/forward penal but also accompanied by the means nonpenal. Or it can be said that the prevention and control of crime must be done with the "integral approach" that there is a balance between the penal and means nonpenal (Barda Nawawi Arief, 2010). Furthermore, from the point of criminal policy, the policy of the most strategically by means nonpenal, as more preventive and penal policies have limitations because/weakness (Barda Nawawi Arief, 2008).

Based on the above background, efforts are needed beside penal effort to be able to overcome the illegal fishing. The balance between effort penal and nonpenal in order overcome illegal fishing in the waters of Lampung region, also is oriented for the purpose of social welfare and protection of the community especially fisherman. This is the concern and consideration of researchers to examine and discuss further the efforts of nonpenal in overcome illegal fishing in Lampung province in research question which are:

1. What are the factors behind the occurrence of illegal fishing in Lampung province?
2. How to cope with illegal fishing in Lampung Province through nonpenal policies and constraints?

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2. Research Methods

2.1 Types of Research

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This research is a study that combines two types of research, namely the normative legal research and supported by empirical legal research. Normative approach is done by examining and reviewing the general principles of law, the rules of law or legal theories relating to crime prevention policies (criminal policy) either penal or nonpenal to answer the problem. While the empirical approach is used to address the problem by looking at the law in reality through the opinions, behaviors and attitudes are real. The combination of both is performed to find a more comprehensive answer related nonpenal due to overcome illegal fishing in Lampung Province.

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2.2 Types and Sources of Data

Type of data in this research is secondary data and primary data. Secondary data was sourced from materials library. As for the secondary data comprises: primary legal materials, namely: Act No. 45 of 2009 on the Amendment of Act No. 31 of 2004 on Fisheries; secondary law include: government regulation, regulation and other regulations in the field of maritime affairs and fisheries; materials tertiary law include: scientific works, workshop materials and results of research scholars on the issues to be discussed. As for the primary data obtained directly from the results of research in the field through observation and in-depth interviews (depth interview) to the persons, namely those who are directly able to provide an answer in this study.

2.3 Location of Research

Location / region specific study conducted in Lampung province by taking samples of the area that is in Bandar Lampung (around the Bay of Lampung) and Pesawaran District. Both of these areas are considered to represent some of the areas that promote medium / nonpenal efforts in overcome illegal fishing activities.

2.4 Determining Sources

The sources in this research are: 1 Sub Director of Law Enforcement Police Directorate of Water Lampung, 1 person of Investigator Police Directorate of Water Lampung, 1 person of Police directorate of Water of Lampung, 1 person of the Head of the Law Enforcement Affairs of Naval Port Lampung, 1 person of the High Court Judge Lampung, 1 person of Officer Department of Marine and Fisheries Lampung Province, 1 person of Head of Tourism and Creative Economy Pesawaran District, 1 person of Chairman of HNSI Lampung, WALHI Chairman, 1 person of the management of NGO, 6 fishermen, and 2 theoreticians / academics. With a total resource amount of 17 people.

2.5 Data Collection and Processing Procedures

Secondary data collection is done through a study to some documents by examining some regulation, literature or library materials related to the issues discussed. Searches of legal materials above, can be done by reading, viewing, quoting, listen to and search through the internet media (Mukti Fajar & Achmad Yulianto 2013). Furthermore, in the case of primary data collection can be through in-depth interviews (depth interview) the sources that are competent in their field to provide answers to the problems in the research.

Once the data is collected, secondary data processing can be done by the selection of secondary data (material law), then classify and collate data from systematic research to get a general overview of the research results. While the primary data processing can be done in a way to re-examine the results of the interview obtained from informants. In this case there must be clarity, consistency answers or information and its relevance to the study. Must be some connection between the primary data with secondary data, and amongst legal materials collected. Furthermore, researchers do editing with the intention that the completeness and validity of data and information is guaranteed.

2.6 Data analysis

Analysis of the data to obtain answers and conclusions of the problems studied, done qualitatively, comprehensive and complete (Abdulkadir Muhammad 2004). Qualitative analysis is done by parsing data from the results of research into the sentence is good and right, so that the

analysis can be deduced inductively, i.e. thinking in order to draw any general conclusions to be based on special facts.

3. The Research Results

31. *Illegal Fishing by Local Fisherman.*

Legal fishing practices not only among foreign fishermen who harm the country, and threaten the interests of fishermen, fish cultivation person, as well as the national fishing entrepreneur, but it is also done by the local fishermen. Illegal fishing practice carried out by fishermen or local businessmen could be classified into to (three) categories (Mukhtar 2013), namely:

- (1) Indonesian flagged fishing ship former foreign fishing ship which had fake document or even no document permit
- (2) Indonesia Fishing Ship (KII) document realfake or "real or fake" (in the sense of issuing official is not authorized, or counterfeit documents);
- (3) Indonesian ships were undocumented at all, that means to catch fish without any permit.

Mardjono Reksodiputro (2015) also suggested that illegal fishing can be included also in a way of fishing (although with permission or based on law of Indonesian local fishermen), were carried out in violation of rules such as "trawling" or by "dynamite". The usage of dynamite to catch fish, mostly conducted by our traditional fishermen. This method will certainly damage the reef and ultimately reduce a fish to breed.

There are several ways and types of illegal fishing activities that are often carried out by Indonesian fishing ships (KII) up to now (Nunung Mahmudah 2015), i.e:

1. Fishing without a license (Fishery Business License (License) and a letter Fishing Permits (SIPI) or even Permit Fish Boat Transportation (SIKPI);
2. This activity has licensed but violate the conditions specified (violation of fishing areas, fishing gear violation, violation of obedience-based);
3. Forgery or manipulation of the document (document procurement, registration and licensing of ships);
4. Transshipment in the middle of the ocean;
5. Non actived transmitter (specifically for ship required to install the transmitter); and
6. Destructive fishing practices (destructive fishing) marine environment by using chemical, biological, explosives, equipment or means, and / or buildings that endanger the preservation of fish resources.

Several modus and types of illegal fishing activities in the above, especially at points 1,2, and 6, are still common in territorial waters of Lampung Province. As has been shown in the table on the background of the above, these types of illegal fishing cases that occurred in the territorial waters of Lampung can be classified into three types, namely:

- 1) Fishing using explosives / bomb; in this case the doer can be charged under Emergency Law No. 12 Year 1951 on Explosives;
- 2) Fishing using prohibited fishing gear (associated with Ministry of Marine Affairs and Fisheries No. 2 of 2015 on the Prohibition of the Use of Hela Fishing trawler (trawls) and pull trawl (Seine Nets);
- 3) Violations of an administrative such as the completeness of permits/ documents of the ship.

To point 1 above, the perpetrators can be charged under Emergency Law No. 12 Year 1951 on explosives, while to point to 2 and 3, the doer can be charged under Law No. 45 of 2009 on the Amendment of the Law No. 31 of 2004 on Fisheries. It also shows that, these kinds of cases of illegal fishing that is done by the fishermen in the waters of Lampung region can be categorized as a crime because of fishing with destructive fishing tools (destructive), such as blast fishing, trawling (trawls) and can also be categorized as a violation related to administrative requirements.

3.2 The factors behind the occurrence of Illegal Fishing in Lampung Regional Bodies

Based on the results of field research conducted by interviewing several sources, it can be argued that the background factors that the practical of illegal fishing still occurs in the waters of Lampung region, i.e:

1. Tradition Factor

The tradition of bomb usage to catch fish has been associated since long/ hereditary for fishermen around the Bay of Lampung. For this reason as if this practice became legal they do. The fish they got from bomb, they sell direct in the middle on the sea with the "pembakul". The fish bombers are not only come from local fishermen but also from outside Lampung (when interviewed on 20 September 2016, Anonymous, Fisherman).

Besides the bomb usage, as a tradition / the fishermen habits also use nets cantrang (trawls modifications) to catch fish. Fishermen have their own groups which are groups of fish bombs and cantrang group. In contrast to the fish bombing, the fish from cantrang fishermen will be sold on land through an auction process (when interviewed on 20 September 2016, Anonymous, Fisherman) ..

Associated with prohibit the nets trawls (pukat harimau) has existed since 1980, with the issuance of Presidential Decree No. 39 of 1980 on the Elimination of nets trawls (Djoko Tribawono 2013). And this rule was reinforced by Ministerial Decree No. 2 of 2015 on the Prohibition of the Use of Hela Fishing trawler (trawls) and pull trawl (Seine Nets) in Regional Fisheries Management of the Republic of Indonesia.

2. Knowledge and awareness Factors

Lack of knowledge and awareness of the law / rules to prohibit destructive fishing environment and the lack of awareness of the importance of preserving the marine environment to be the cause of the illegal fishing that is stil exist in many illegal fishing activity in waters of Lampung. In fact, they are less aware of the dangers that threaten their safety associated with the use of bombs to catch fish. (When interviewed on 14 October 2016, Mr. Mashabi, WALHI Lampung) The lack of their knowledge and understanding is related to the lack of socialization-conducted by the Marine and Fisheries Agency of Lampung Province regarding to government policies are not realized or totally reach the fisherman.(when interviewed on 5 October 2016, Mr. M. Fauzi, The Police Directorate of Lampung Water and on 14 October 2016, Mr. Mashabi, WALHI Lampung).

3. Firmness and supervision factors from law enforcement officers in the sea area.

Less strick of law enforcement agencies regarding illegal fishing practices which related to the settlement of the case in the middle of the sea (when interviewed on 14 October 2016, Mr. Mashabi, WALHI Lampung). While still a lack of supervision due to weak of coordination Marine and Fisheries Agency of Lampung Province with The Police Direktorat of Lampung Water on the activities of the operations surveillance / patrolling for fishing ships around the territorial waters of Lampung is not maximized, causing the actors freely practice proficiency level (when interviewed on 6 October 2016, Mr. Susanto, Police Directorate of Lampung Water).

4. Sanction Factor

The lack of wary effect of sanctions imposed on the doer to be the cause of the existances of illegal fishing practice . Low sanctions imposed make them to become common to enter and out of the prison (when interviewed on 14 October 2016, Mr. Mashabi, WALHI Lampung). It is also an issue when the application of sanctions/ punishment carried out against the small fishermen as a result of their ignorance factor (Carkum and Saikum Cases in Lampung Tribune 16 September 2014: 11).

5. Economic factors and low cost

The economic factor is always the classic reason why the fishermen still doing illegal fishing practice in the waters of the Republic of Indonesia. The economic argument is more directed to the calculation of the short-term, operational costs are much lower bombings and the increase of market demand (Prone Areas Violation 2015). Fish bombing activity is considered as a low cost activity that is an efficient and effective way to catch fish with a specific target. Because it's only done in a short time and need a little amount of people with a simple simple equipment (Conference Report Regional

Anti-Fish Bombing Symposium 2012). This condition above is also used by fishermen in the waters of Lampung. They argued that the bomb-making materials obtained from their network outside of Lampung, ie from Bandung. In the beginning they know this issue from word of mouth and eventually they take part since the amount of their catcehr can be a lot \pm 5-6 tons during their fishing. The result of the catch is daily consume fish such as: mackerel, grouper, yellow tail even ornamental fish (when interviewed on 20 September 2016, Anonymous, Fisherman).

6. Licence Factor.

Licence Factor associated with the difficulty of letter permit procedure to the permits oil fuel; (BBM) where to buy one drum of oil they have to pass six tables of agency related (Coordination Meeting Investigator, investigators and Local Regulations Lampung Province on 26 November 2014). It has also become one of the causes of illegal fishing practices such as fishing without a license violation.

The factors above, not only the causes of the practice of illegal fishing in the waters of Region Lampung but also occur in the waters of Southeast Sulawesi province, where the tradition, the circulation of raw materials, bombers from other regions as well the lack of specifically legal sanctions become the main cause of illegal activities fishing/destructive fishing in those waters (Mukhtar 2008). Whereas in developing countries, especially in coastal areas of illegal fishing activities have become a mainstay of the population along the coast as their livelihood. (Akpalu, W & Normanyo, AK 2014).

3.3 The Prevention Efforts of Illegal Fishing In Lampung province Through Nonpenal Policy

As the effort of criminal reduction (criminal policy) through the [28](#) ports nonpenal according G.P. Hoefnagel can be reached by "prevention without punishment" and [Influencing views of society on crime and punishment / mass media](#) "(Barda Nawawi Arief, 2010: 41-42). Nonpenal efforts inserted through the "prevention without punishment" of which include "social policy" and "administrative law". While that through the "Influencing views of society on crime and punishment / mass media" can be done with the usage of technology (techno prevention) and utilization of the potential effects of preventive law enforcement officers to conduct patrols are carried out continuously (Barda Nawawi Arief, 2010: 46-49):

The matter above, if it is reflected in the results of field research were obtained through interviews the sources of some of the relevant authorities, it can be explained that efforts to control illegal fishing in the waters of Lampung province through such nonpenal policy carried out by the following efforts:

1. Patrol Activity/Supervision

Tasks and role of the Police could be seen from various aspects of law enforcement, one of which related to "Aspects of Law Enforcement Nonpenal". Police activity in this case a service-oriented and community service which is a must and a duty or juridical mandate outlined by Police Constitution (Barda Nawawi Arief 2005: 15). This activity is realized in the form of patrols and supervision at vulnerable points of the practice of illegal fishing in the waters of Lampung (see map above). Water patrol activities undertaken by *Satrola Polair* Lampung Police have carried out each month with different type of activities. (when interviewed on 7 October 2016, Mr. Huari Muis Kasatrola Ditpolair Lampung Police). In the case of the patrol/ supervision in the field if they catch the fishermen associated with violations case of license/uncompleted document, then handling the case transferred to the Marine and Fisheries Agency of Lampung Province to follow the guidance process and to apply the completing license. (when interviewed on 5 October 2016, Mr. M. Fauzi, Ditpolair Lampung Police).

The ongoing of these activities, is not without obstacles. There are internal barriers in the activity related to the limited fleet owned Ditpolair Lampung Police, the limitations of qualified personnel in the field of investigation as well as marine sciences and fisheries, limited fuel oil (BBM) allocated to Ditpolair Lampung Police. While the external obstacle related to weather factors, geographical factors Lampung waters, as well as the factor of knowledge and the low of legal awareness of fishing communities to receive direction from the Police. (Report of the Lampung Police Patrol Ditpolair 2016).

As with Ditpolair, the efforts of the Navy in securing the territorial waters of the activities carried out by the patrol and arrest the perpetrators if it found violations. Especially for the region Bodies Lampung, the role of the Navy is not too dominant, especially in the case of illegal fishing handle. This is due to the limitations of a fleet of ships that still rely on the center (when interviewed on 9 September 2016, Mr. Zainal Arifin, Lanal Lampung).

Patrol activities are also conducted by the Department of Marine and Fisheries Province, Regency / City. This integrated patrols activity conducted jointly with the Navy and Ditpolair Kamla (Radar Lampung in 2016). But unfortunately a routine patrol activity programmed by DKP is done after the increasingly widespread cases of illegal fishing in the waters of Lampung. As has been described above, that lack of coordination related patrols in an integrated manner has become one of the causes of the existing cases of illegal fishing in the Gulf of Lampung. But at least this activity should be appreciated in order to minimize the number of those involved in illegal fishing in the waters of Lampung. Event routine patrols and integrated at least can remove doubt about the lack of coordination between institutions in supervision conducting and can reduce the number of cases of illegal fishing in the waters of Lampung.

Supervision efforts can also be done by re-strengthening the role of the Supervisory Society Community (Pokmaswas) in each region accompanied with the giving of regular incentive so that the supervision is from them and for them can run maximally.

2. Strengthening the Role of Local Government in the Development of Fishermen Economy.

Nonpenal efforts in overcome illegal fishing in the waters of Lampung is inseparable from the role of Local Government. Among the role of Marine and Fisheries Agency can be realized through a program oriented to the welfare of fishermen. This can be realized by developing the aquaculture sector in the right area because not all waters is appropriate since the usual obstacle occurs and the environmental pollution.

Another effort is to promote the potential of marine tourism, where there is a change in the mindset of fishermen not to only rely on the results of capture fisheries as the main livelihood, but they get more income from the tourism sector by renting out their boats to the tourists. This happened on Pahawang island that was once too risky to illegal fishing practices have now changed (when interviewed on 2 September 2016, Mr. Jaka Sungkawa, the Head of the Department of Tourism and Creative Economy Pesawaran District). This change certainly would take a long time especially to change the mindset of fishermen. It took 10 years (1996-2006) for WALHI to do this mentoring (when interviewed on 14 October 2016, Mr. Mashabi, WALHI Lampung).

3. Strengthening Regional Regulation Based on The Local Wisdom

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It is associated with the planning of the Region Regulation about the Zoning Plan Coastal Areas and Small Islands Lampung Province. The substance of Region legislation at least reflect the cultural values / based on local wisdom that is by involving the community in the management and sustainable use of marine resources and fisheries in coastal areas and small islands. With these rules they can find zones where they can utilize the fishery resources without damaging the environment.

Moreover to the Village Regulations on the Prohibition of Fishing with Capture Device that is not environmentally friendly is a concrete example of the strengthening of regulations based on local wisdom as a form of familial, deliberation, proprietary social, created by them and to be obeyed altogether as well (when interviewed on 28 July 2016, Mr. Barda Nawawi Arief).

4. Strengthening Customary I sanctions and administrative sanctions.

Strengthening sanctions customary in village regulation can raise effect for the community especially the fishermen. Existing rules relating to the offenses in the field of marine and sanctions can they easily understand and obey. With this regulation can prevent fishermen doing illegal fishing practices.

Moreover, to the sanctions which are administrative, the judge has the right to act as a form of the principle of saving, the principle of restraint, the principle of selective and limitation in the sentences of imprisonment. In this case of a criminal target movement that is no longer the object of law but to the interests of the law (when interviewed on 28 July 2016, Mr. Barda Nawawi Arief).

5. Socialization

Preventive socialization activities carried out by the police, by presenting their figures in every activity of coastal communities to carry out the program "anjausilau" (silahutrahmi) as local wisdom approach in overcome crime, especially illegal fishing in the waters of Lampung.

Further activities "sambang nusa" which involves visiting the small islands and outermost perform certain activities such as socializing, spiritual activity as well as the activities of other social awareness of coastal communities especially the fishermen due to the impact of environmental damage resulting from their behavior to catch fish by material that damage the environment.

Social Activities are also conducted by the Marine and Fisheries Agency related to the usage of environmentally friendly fishing equipment, guidance pathways catch and licensing application. This has been done although not maximum (when interviewed on 19 September 2016, Mr. Bidin Marine and Fisheries Agency of Lampung Province).

25 4. Conclusion

Based on the description above can be concluded that: efforts to control illegal fishing in Lampung province can be done through: 1). patrol and supervision activities are carried out routinely and integrated by the law enforcement agencies in coordination with other relevant agencies: 2). strengthening the role of local governments in economic improvement fishing is conducted by cooperation between relevant agencies in realizing the programs oriented towards the welfare of fishermen: 3). strengthening regional regulations based on local knowledge by involving them as key actors in the process of management and utilization of marine resources and fisheries: 4) strengthening of traditional sanctions and administrative sanctions, the apply for this traditional sanctions not only to provide strong preventive effect but also deterrent effect to community, especially fishermen because they are involved in the process of its formulation: 5). continuous socialization activities by law enforcement officials and other relevant service agencies can be an effective educational process for the fishing community.

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