



Impact Analysis of the Implementation of Law No.16 of 1964 concerning Fishermen's Profit Sharing in Gebang District Cirebon Regency

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Abstract. Fisheries product sharing agreements are recognized by positive law in Indonesia, which is governed by Law Number 16 of 1964 Governing Fisheries Product Sharing. In reality, the law is ineffective because the fishing community in Gebang District, Cirebon Regency, continues to conduct its business as usual. Observation, interviews, and literature study are the three methods employed in the juridical-empirical technique, which uses two categories of legal resources: primary and secondary legal materials. With the help of this study, fishing communities in Gebang District, Cirebon Regency, would be able to share fisheries products in accordance with the law. According to the study's findings, regulations that aim to empower fishermen through initiatives like business-verified mentoring, cooperative procurement, and auctions incorporate the legal components of sharing fishery products. Law Number 16 of 1964, which also governs fundamental issues like the quantity of product sharing to which fishermen are entitled, regulates product sharing in the fishing industry. For this reason, it is advised that local governments be more proactive in performing monitoring and control so that the enforcement and implementation of rules and regulations can proceed as they should. This includes bringing legal aspects of the sharing of fishery products closer to the community.

Keywords: Fisheries, Fisherman, Cirebon, Positive Law, Profit Sharing

INTRODUCTION

The Indonesian waters must be used to their full potential as a maritime nation with a wealth of natural resources. It is not unusual for Indonesian citizens to make a career as fishermen due to the country's rich maritime resources. This is a result of Indonesia's huge landmass, which stretches from Sabang to Merauke and is almost entirely encircled by the ocean. With these plentiful fishery resources, fishing communities—which typically make up a rural community—rely on resources in coastal areas for their livelihood. In order to ensure the prosperity of the community, the natural resources found in the ground and water must be managed by the State and utilised as much as possible, according to article 33 paragraph (3) of the Preamble to the Constitution of the Republic of Indonesia, which was adopted in 1945.

Due to its location along the ocean in Cirebon Regency, West Java, Gebang District has a large population of fisherman as a means of subsistence. In reality, fisherman don't just head out to sea by themselves. They can instead set out alongside other fisherman who do not own boats or boats but supply the electricity. This type of activity is known as capture fisheries business activities through profit sharing, which is also governed by Law Number 16 of 1964 concerning Fisheries Product Sharing. The fishermen, boat owners, and passenger fishermen all participate in this profit-sharing arrangement. It is referred to as *nyimbat* in the fishing community of Gebang Mekar Village, Gebang District. Fishermen are referred to as *juragan*, as are boat owners.

In the meantime, this is referred to as a *pawn* by the Gebang Mekar fishing community or cultivators in Gebang District. The profit-sharing technique used by the fishing community in Gebang District, Cirebon Regency, continues to be based on regional customs, including oral practices. In fact, in the fishing community of Gebang District, the profit sharing pattern, in general, can be computed by dividing gross income by gasoline expenses + debriefing and then by four if the owner fisherman travels to sea with one guest fisherman or cultivator. According to the distribution's findings, there are three parts: one for owner fisherman, one for passenger fishermen/cultivators, and two for capital and boat finance for owner fishermen.

This is different from what is specified in the rules guiding the distribution of fisheries products. While this is happening, fishing communities continue to apply provisions based on long-standing practices. Consequently, it can be said that the cooperation agreement implemented by the fishing community in Gebang District is not constrained by the rules that have been established so that the profit-sharing agreement is stated in the Law.

LITERATURE

The Law Number 45 of 2009 Concerning Amendments to Law Number 31 of 2004 Concerning Fisheries defines fisherman in article 1 paragraph (10) of that law. Fishermen are those who make a living by engaging in fishing activities. Generally speaking, Indonesian laws and regulations cover sharing of fisheries products, which is expressly regulated in Law Number 16 of 1964 concerning Fisheries Product Sharing. When evaluating the pros and cons of this law, it is stated that the establishment of this regulation was made with this goal in mind. First of all, it represents a step toward the establishment

of a socialist society in Indonesia and raises the standard of living for fisherman, both owners and growers. Second, to ensure that fishermen receive their fair part of the fishing industry, production sharing agreements for fisheries should be set up to remove any signs of extortion.

Additionally, the goal of this rule is to promote the creation of cooperatives for the fishing industry that include all stakeholders. It is anticipated that the owner fishermen and cultivator fishermen will operate in line with the provisions as stated above in the fishery product sharing agreement to prevent misunderstanding or arbitrariness. The amount is determined by the rules governing this pooling agreement for fishery products. According to the article above, cultivator fisherman are entitled to 75% of net profits under the profit-sharing agreement that uses sailboats. This means that certain expenses, such as fuel, auction fees, meals, and cigarette prices, are deducted from the sales revenues when fishermen's catch is sold.

METHOD

The juridical-empirical technique is employed in this study to examine the law as a symptom that is not codified and experienced by every member of society by looking at the law's concept of reality or reality in action. In the Gebang District of Cirebon Regency, fishing communities are being studied in relation to the application or implementation of Law Number 16 of 1964 concerning Fisheries Product Sharing. This study used a qualitative approach, which refers to the process of gathering legal descriptions in the form of phrases, paragraphs, or oral testimony from the actions of the observed object. The qualitative technique is used to gather all available data, including secondary and primary, and to explain each piece of evidence in order to gain legal certainty and better understand and address the study's issues.

The subject of the study will be the use of fishing practices in the Gebang District's fishing communities' fishery product sharing, which is related to the implementation of the system for sharing fishery products that is governed by Law Number 16 of 1964 concerning Fisheries Product Sharing. Researchers will use an open questionnaire to complete the legal data collected, and informants will answer questions by conducting unstructured interviews to delve deeper into respondents' perspectives in responding to questions for this study.

DISCUSSION

Indonesia's rich marine wealth has not been able to improve the lives of coastal communities, which is somewhat ironic considering that it is a maritime nation with a variety of potentials. It should have the proper laws and regulations in place to optimize these natural resources in order to prevent problems with coastal area management and to strengthen the community's role in coastal resource management in order to increase the social, economic, and environmental benefits. Fisheries management is essentially conducted in accordance with the principles of expediency of justice, partnership, equity, openness, integration, efficiency, and sustainable sustainability, according to Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries.

Other goals of fisheries resource management are also governed, including raising the living standards of small fishermen, boosting state foreign exchange, promoting job growth, increasing the availability and consumption of fish protein, optimizing fish resource management, raising productivity, quality, added value, and competitiveness, and ensuring that raw materials are available for fisheries resource management. Article 3 of Law No. 1 of 2014 Concerning Amendments to Law No. 27 of 2007 Concerning Coastal Area Management's explanatory point states that coastal area management must be used wisely in order to maintain, protect, and restore coastal resources while adhering to the principles of sustainability, consistency, and legal certainty.

With the help of the community and the government, fishing communities are being given more power in order to maximize their potential and bring prosperity to their economies. Article 3 of Law No. 7 of 2016 Concerning the Protection and Empowerment of Small Fishermen, Fish Farmers, and Salt Farmers outlines the goal of empowering fishermen. By developing the community's capacity for thought, fisheries management will become more inventive, raising living standards and the caliber of human resources. According to Article 15 of Law Number 16 of 1964 Concerning Fisheries Product Sharing, it is necessary to form fishery cooperatives made up of fishermen, both cultivators and owners, pond cultivators and pond owners in areas where there are marine and inland fisheries businesses.

This is one way to empower the fishing community and ensure its welfare. Because of this, the consideration section of Cirebon Regency Number 8 of 2009's Regional Regulation for the Implementation of Fish Auction Places states that the implementation of fish auction sites intends to boost the income and welfare of Through regional regulations,

fishing communities may ensure that consumers and fishermen will pay fair rates for fish and can strengthen fishery cooperatives. The Regional Regulation of Cirebon Regency Number 8 of 2009 concerning the Implementation of Fish Auction Places' article 3 also specifies that fish catches must be sold at auction, with the exception of side dishes used for the purposes outlined in the article's article 2.

This auction must be held in order to secure as many purchasers as possible at the best price without incurring losses. Additionally, auctions may enhance the function and role of Village Unit Cooperatives (KUD) in commercial fishing activities. Article 14 of the Regional Regulation of Cirebon Regency Number 8 of 2009 concerning the Implementation of Fish Auction Places, which mandates that fishery cooperatives collect 3% of the selling value transactions at the auction sites, specifies that the implementation of the auction in accordance with Article 13 of the Regional Regulation of Cirebon Regency Number 8 of 2009 concerning the Implementation of Fish Auction Sites is carried out by Fisheries Cooperatives with the levy of funds.

According to article 16 of Cirebon Regency Regional Regulation Number 8 of 2009 concerning the Implementation of Fish Auction Sites, the collection mentioned above is used for auction costs, fishermen's savings, famine funds, social funds, securing fish auction sites, village cash assistance, and insurance funds. According to article 1 paragraph (15) of Cirebon Regency Number 17 of 2009 concerning Fish Auction Place Retribution, each use of the auction site will be subject to a fish auction levy fee. By retribution is meant the use of facilities at the Fish Auction Place owned by the Regional Government. Article 20 of the Regional Regulation of Cirebon Regency Number 17 of 2009 concerning Retribution for Fish Auction Places threatens imprisonment for 6 months or a maximum fine of four times the amount of retribution owed if the mandatory levy is not implemented and results in losses to regional finances.

The State will continue to make an effort to control and guide all of its citizens' conduct based on predetermined patterns in order to fulfill the socially desired legal goals. One strategy is to publish specific legal regulations. Roles should be played and should not be played according to this criteria. However, there is frequently a discrepancy between what the law requires and what really transpires. This has to do with how the law operates in society or how well a legal provision is carried out. Regular counseling sessions are required to raise legal awareness to ensure that the public is aware of the presence of a regulation since this has an impact on how that legislation is implemented. The Fisheries

Office of Cirebon Regency therefore works to enhance the welfare of fishermen in an endeavor to promote fishing business operations for fishermen to realize wellbeing.

The Law Number 7 of 2016 concerning the Protection and Empowerment of Small Fishermen, Fish Farmers, and Salt Farmers explains that empowerment can be accomplished through education and training as well as counseling and coaching. This is indicated in article 12 paragraph (3) of the law. The Fisheries Office of the Cirebon Regency actively performs coaching and socializing through coaching both from fishing techniques, with their more advanced fishing tactics, more effective fishing gear, and more outcomes, in accordance with these regulations. To control the outcomes of fishing business activities by involving women, there is also company diversification coaching.

Train and support fishermen in the program so they can rely less on catches. Through business diversification, such as the management of crab goods into crackers, shredded, or other processed items in the hope that they will be added value and can increase the shelf life of these preparations, fishermen are encouraged to be able to understand the notion of market economy. According to Law Number 7 of 2016's article 46 on the protection and empowerment of small fishers, farmers, and salt producers. Along with other support programs, there is also assistance with the transfer of fuel conversion and the purchase of fishing equipment, which coincides with the nation's economic recovery. Free certificate support for fishermen is still available with the purpose that they can use it as collateral when applying for loans from banks for company capital.

Whether it be corporate expansion or other tried and true endeavors. The Cirebon Regency Fisheries Service is still actively engaged in this. The protection policy strategies outlined in article 12 paragraph (3) of Law Number 7 of 2016 concerning the Protection and Empowerment of Small Fishermen, Fish Farmers, and Salt Farmers include institutional strengthening, business partnerships to facilitate access to science, technology, and information, counseling and mentoring, and education and training. The Fisheries Office of Cirebon Regency also offers an empowerment program through tiny passes and fisherman's kusuka cards as the identity of business actors, including fishermen, farmers, and salters, in an effort to realize the welfare of the fishing community.

In collaboration with BRI Bank, the Kusuka Card will be developed. With the banking system, it is intended that transactions can be completed through banking, and that results will be deposited in savings for the fishermen's own subsistence. Consequently, there is a need to alter the routines of fisherman who typically make money each day.

Considering how strongly their work system is tied to the conversation concerning fisherman. Generally speaking, they still only work one day or one day of fishing every week. The welfare of fishermen is low as a result of these conditions or practices since they lead to subpar fishing results. In addition to being a result of the ships and fishing equipment used, this type of work culture has developed into a habit.

According to Law Number 16 of 1964 about Fisheries Product Sharing, the execution of fishery business activities in the fishing community of Gebang Mekar Village, Gebang District, Cirebon Regency, is not based on the sharing of fishery products. The owner fishermen can decide who is qualified to become a sharecropper based on their own personal references. Numerous circumstances, including those related to friends, family, neighbors, and acquaintances, may have an impact on this. But trust is the primary factor in boat owners' decisions to hire cultivator fisherman. But in general, owner fisherman take into account their standards, which include integrity, accountability, diligence, cooperation, and good faith.

The provisions of Article 3 of Law Number 16 of 1964 about Fishery Product Sharing are not followed by the sharing of the proceeds of the fishing community's business activities in Gebang District, Cirebon Regency. However, doing things their own way, which has been done for a while. In general, the profit sharing can be determined by subtracting the gross income from the debriefing and gasoline costs, then dividing the result by four if the owner fisherman sails with one passenger fisherman or cultivator. According to the distribution's findings, there is one portion for owner fisherman, one portion for passenger fishermen/cultivators, and two portions for capital and boat finance for owner fishermen. Depending on the equipment used for fishing.

The aforementioned revenue sharing provision amount is divided into general parts. If the fishing equipment and the crew size (ABK) are also varied, the number of parts mentioned will also differ. Cultivator fishermen receive a greater portion of the catch while employing crab net fishing equipment for revenue distribution. One of the factors influencing the viability of fishing business ventures between fishermen owners and fisherman cultivators is the seasonal aspect. Not all fisherman use fishing equipment that is appropriate for the weather and marine resources that are available. The selling price of fishing gear and fishing capital determine how much money fishing communities make. The selling price, the catch's selling worth, and the availability of natural resources come next.

The cost and availability of the fuel, supplies, and logistics needed to sail depend on the size of the ship and the number of crew members. To increase the revenue of Regarding the implementation of fish auction sites, the Cirebon Regency Government enacted Cirebon Regency Regional Regulation Number 8 of 2009. The economy of fishing villages can benefit when fishermen sell their catches at fish auctions. since auctions are the most profitable venues for selling fishermen's catches. In actuality, practically all fisherman sell their catch in baskets, and the Gebang Mekar Fish Auction Place is just open and unmanaged. Additionally lacking are an ice factory and storage basketball containers for catches at the Fish Auction Place.

Fish quality deteriorates as a result, which may have an impact on fish selling prices. The basket originally served as a source of funding for the fishing enterprise, but now fisherman sell their catches to it because of their close familial ties. Capital for a fishing business is fairly expensive, and fishermen typically don't have a lot of money. The basket thus plays a part in the fisherman's fishery industry, particularly for small fishermen. Although the repayment terms of the working capital loan are not specified, the fishermen are required to sell their catch to Bakul. Sales to baskets or baskets are just a little bit less expensive than if they were sold outside of the basket or basket, depending on how the availability of catch affects the price of purchasing and selling.

Only debt attachment relationships explain the price of fish; there is no unique determinant. The fisherman is required to settle these debts before switching out baskets or discarding a basket. Debt to the basket acts as a financier, a tie-breaker, and a guarantee of the long-term viability of the fishing industry. Fishermen and baskets or baskets have reciprocity in this relationship. Because of this attachment, fishermen are heavily reliant on baskets, which leads to a tendency for baskets to dictate fish prices. As a result, there is no set method for establishing fish pricing because baskets set the price. The improper use of the auction system is one of the causes. Because of this, the Mina Bumi Bahari Gebang Mekar Village Unit Cooperative (KUD) is unable to effectively perform its cooperative obligations.

CONCLUSION

The legal features of sharing fisheries products govern a variety of issues relating to the conduct of fishery business activities, including the substantial income sharing in fishing communities and empowerment initiatives to enhance the welfare and standard of

living of fishermen. The Cirebon Regency Fisheries Office, under the direction of the Regional Government, offers initiatives for fishermen such as business verification and the creation of fisherman passes. Additionally, the establishment of cooperatives aims to enhance fishermen's commercial fishing operations in order to advance their welfare and sense of empowerment.

As part of an endeavor to prosper through legal functions in the community as a guideline or foundation in carrying out fishery business activities, this arrangement is meant to realize legal certainty and fairness in fishing communities. The Law No. 16 of 1964 Concerning Fisheries Product Sharing does not apply to the implementation of fishing business activities in fishing villages in Gebang District, Cirebon Regency. The Law establishes the percentage of fisheries income sharing that entitles fisherman cultivators to receive 75% of the net proceeds.

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