

# Concept "*Larvul Ngabal*" Settings in Marine Resource Management in Southeast Maluku Kei Islands

Ahmad Lonhoir<sup>\*</sup>, A. Rashid Asba<sup>\*\*</sup>, H. Mahmud Tang<sup>\*\*</sup>, Supriya Hamdat<sup>\*\*</sup>

<sup>\*</sup> Graduate Student PhD, Study Program: Anthropology, Hasanuddin University, Makassar, Indonesia

<sup>\*\*</sup> Faculty of Social and Political Sciences, University of Hasanuddin, Makassar, Indonesia

**Abstract-** The purpose of this study to assess and analyze the existence of the management of marine resources in the Kei islands, to examine and analyze the order of juridical and anthropological towards setting marine resource management in the Kei islands and to assess and analyze the social institutions of society to the management of marine resources in the Kei islands between juridical and anthropological order, when correlated with cultural relations Kei islands community. The data collection process, which is done using several ways: interview studies, observational studies, literary studies (secondary data and primary data) and documentation study. The study found that: (1) the results of the assessment and analysis of the existence of the Management of Marine Resources in Kei Islands is based on the segmentation of the potential of the maritime field consisting of fields of fisheries and aquaculture, where the context of cultivation include the management of seaweed, sea cucumbers, trochus and several other fish species. (2) The paradigm of marine resource management organizations in Southeast Maluku between positive law and order arrangements customary law, a conflict between some of the rules and norms clash between customary law and positive law. (3) Analysis of social institutions of society to the concept of setting up and management of natural resources, based on the concept of civilization and culture progressivism to setting marine areas, according to the principles of customary rights sea consisting of principles derived from generation to generation; apply the principle of positive and not written; the principle of customary institutional existence; the principle of communal ownership; the principle of territorial borders and the division of marine customary rights to natural signs; norm ban, while the implementation of customary rights sea as a framework progressivism is the paradigm of positive law can be done by integrating the norms, culture, and values as well as the institutional customary rights sea as a basis progressive law in the form of regulations and statutory bodies of the region as well as enforce within the scope of regionalism.

**Index Terms-** setting, management, marine resources

## I. INTRODUCTION

**L**egal *Larvul Ngabal* in regulating the management of marine resources in the Kei islands (review anthropology of law), a title that was appointed by general overview of the phenomenon of tradition or habit of coastal communities in the Kei Islands in using the sea as a means of exploiting and exploring marine resources, where the use of the sea, referred to has become a

culture for generations in coastal community in the Kei Islands. Pre review of sociology in the maritime field against marine activities in Kei Islands, an activity that has been entrenched as a dynamic life of coastal communities that have existed since several centuries ago. Pre review of sociology in the maritime field to coastal activities in Kei Islands, an activity that has been entrenched as a dynamic life of coastal communities that have existed since several centuries ago, it can be seen from a review of historical society Kei, where civilization Kei island communities believed since the big boat coming from Bali sailing in the islands of the Kei Besar and Kei Kecil, where Kei Kecil as the origin of Customary Law *Larvul Ngabal* began to be formed (Jamal Rumagorong, 2012).

In various records anthropology shows social life Kei, largely sourced from the sea (sea cucumber, seaweed, pearl and several types of fish) and it became a means of improving the living standards of the economy of coastal communities in Kei Islands, making sea transportation not only as a means liaison between the island but the orientation of the economy through marine resources is also a priority to make the ship as a means of activity over the sea.

Local communities have developed an understanding of the maritime ecological systems in which they live. Exploitation of the maritime environment as well as the utilization of maritime facilities and infrastructure are closely coordinated with the specific social law by humans based on empirical experience. Violations of the law will be sanctioned socially, at no sanction from the community or a religious nature.

With such an arrangement could be avoided over-exploitation of marine resources, as well as the regulation of all activities on the sea, which includes shipping. The setting is based on empirical experience that fosters ecological wisdom maritime be the main pillar of local wisdom in setting humans and the environment. Open access nature of marine waters have a huge potential for conflict between local coastal communities (especially the traditional sailor) with modern society in the interaction of marine resource use. Modern society is meant here mariner community with modern facilities which usually come from the top economy (companies, shipping / fisheries), which have geographic boundaries very close to the coast in question. This clash originated from dualism between customary laws upheld by coastal communities with formal legal laws (national) referenced by modern fishermen.

Social behavior in relation to the utilization of marine resources comprise at least two dimensions. The first dimension is always the case in traditional societies, where there is a high dependence on the natural environment changes. The second dimension usually occurs in modern society, due to the mastery

of knowledge and high technology has led that man is able to regulate and control the environmental conditions (Munsi Lampe, 2001). People in Southeast Maluku islands are at the pattern of this transition, the traditional ways that they run have to deal with the modern ways that begin to affect their lives system.

Apart from the cultural perspective and local knowledge, to the shipping activities in the community in Southeast Maluku, then the life of coastal communities with activity voyage, both as a means of exploiting marine resources, as well as a means of liaison between the islands, when seen from the sociological point of view, is essentially an act involves the interaction between someone with others, between a group of people with the other communities, as well as among a group of life (human) with another life (nature), in which these interactions when viewed from a review of sociological then essentially a series of legal actions, which calls for rules to be adhered together where laws or rules used as a counterweight in the order of social life, both among the public with each other, between society and nature and between the community and regulatory community itself (administration) through a set of rules or legislation applicable and is pleased with the living conditions of the community itself.

Correlation sociology of law, with regard to the issues raised showed that the habits of the people in Southeast Maluku on the utilization of marine resources, it is very different from the efforts of the government as policy maker regulating the procedures for the management of marine resources in the Kei Islands, both from the sea boundaries, setting fishing gear, vessel used, to the type of marine resources are explored, so it appears to look like government regulation of the activity of marine applies only to the interests of the government and private interests in a large scale, while the interests of the community that was based on custom rules, tend neglect, where people are bound and bent forcibly indirectly by government rules that are repressive, so in other words the situation allows the presence of legal dualism between laws governing the repressive, sourced from government rules and laws governing the sociologically based context local wisdom, so that if viewed objectively from the preliminary observations, the presence of legal dualism which enables the legal clash between the local and national laws on the location of the same exploitation.

Fundamental differences in setting the rules for the implementation of the management of marine resources in the Kei islands, (national and local), can be based on the paradigm of the idea of law itself, where the frame of national law based on the paradigm of positive law referred through approaches consensus, logical and textual methods of formulation of repressive norms, while the local legal framework based on the paradigm of traditional law referred through contextual approaches, values and traditions even ideology.

By him that, comparatively it is understood that the reality of managing natural resources if followed up by order of the local law, it would clash with national law, and vice versa, if the context of national law in force, there will be a dysfunction of the legal order locally will lead to distortion of local culture were pleased with the management of marine resources in the Kei Islands, it is thus to understand the contextual local law as a legal basis the management of marine resources, the existence of this

paper, intended as a study and analysis of the system Settings management of marine Resources in the Kei Islands in Review Legal anthropology.

## II. MATERIALS AND METHODS

### Unit Analysis

This study reveals and illustrates the social dynamics of coastal communities that make a means of marine as a source of life in Southeast Maluku based sociological juridical approach qualitatively, and as usual, sociological juridical approach is applied to analyze paradigm law is based on a social fact of society, both derived from common law (*larvul ngabal* law) as well as positive law (legislation). This method has the steps that begins with selecting the problem in developing the research sites, collect data anthropology, sociology, and normative which have relevance to the community conditions and activities of marine communities Kei in Southeast Maluku, analyze the data in question, and give the interpretation of the data have been analyzed.

### Research Sites

Chosen city of Tual and Southeast Maluku regency, is the choice of geographical area of research in which a centralized geographic concentrated in the coastal areas of society Kei, regional productivity fishery resources marine Kei Islands, the central transaction of goods and services resources marine fisheries, shipbuilding traditional fishery and fishing ports, as well as some government agencies that have a relation to the scope of the study.

### Data collection technique

The process of data collection, which in this research is to use several ways : Study interviews, observation studies, Literacy Study (secondary data and primary data) and Study Documentation.

### Data analysis technique

Methods of data analysis in this study, intended after the data has been collected or obtained during research activities, will be analyzed descriptively. Analyzing the data is a form of business in getting an answer to the problems. The measures referred to in the data analysis method that classify data or data display, data reduction, interpretation and transcription of data.

## III. RESULTS AND DISCUSSION

### A. Conflict Paradigm In the Settings Marine Resources

Conflicts of norms between legislation on management of coastal and marine areas can occur because there is a mismatch of material or article between legislation, both the legal basis, the consistency of the use and formulation of understanding /terms, institutions and authorities, land designation, permit or sanction and conditions cover. Identification of conflict or disharmony norm or authority in the regulation of marine resources in the waters of Southeast Maluku can be seen in the legislation governing the limits of authority management of marine resources and the authority of licensing, which Juridical

regulation of the authorities to manage marine resources are managed by the government center while the authority of the management of marine resources in the area level I (province) limited in scope boundaries, and while in the second level (district /city) is not given the authority to manage the resources of the sea, this interpretation may be referred to the regulation division of authority between Central Government, Provincial Government and District Government / City as stipulated in Article 14 paragraph (6) and (7) of Law No. 23 of 2014 on Regional Government confirming the arrangements for the management of marine areas for the District Municipality, as well as Article 27 paragraph (3) and (4) of Law No. 23 of 2014 on Regional Government which confirms the authority to manage Sea region province, namely, that the sea area as far as 12 miles away is the authority of the Provincial Government, while the Government of the District Municipality was not given the authority to manage ocean resources.

Reality norm setting management of marine resources in the territorial waters of Southeast Maluku, when analyzed based approach to community culture Kei, it can be said that the instrument setting management of marine resources based legislation is deemed not in accordance with the form of sociological Kei, which has the characteristic of a society fishermen, the conflict would lead to a conflict of interest between central and local government, the provincial government with local government districts of the city and even between communities and government, where the potential for conflict is based on the consideration of usurpation of natural resources. In addition to conflicts of interest as described above collisions also occur on aspects of setting boundaries between the norms of positive law based on the Regulation of the Minister of Home Affairs Number 76 Year 2013 in conjunction with Regulation of the Minister of the Interior No. 1 Year 2006 on Guidelines of Region Emphasis in Annex Rule letter A on Technical Assertions Boundary Regions, Number 2 on the boundary area is in the Sea, figure 5) on measurement limits that determine measurements of sea areas both marine provinces and sea district of the city, based on straight baselines (straight baseline), and baselines of the usual (normal baseline) is deemed not appropriate and in line with the cultural communities of Southeast Maluku.

Accordingly, based on straight baselines (straight baseline), and baselines of the usual (normal baseline) is deemed detrimental to the area distinctively archipelago. In other words, the method of measurement to harm the region as a region of Southeast Maluku islands. So that the measurement model or the delimitation of the territorial sea of the principles of measurement prescribed by the Convention on Law of the Sea 1982 (baseline, straight baselines, archipelagic baseline), if applied in the archipelago, it should apply the measurement model is based on the principle of measurement of the archipelago (archipelagic baseline), this will greatly benefit the region are patterned and characteristic islands, both for measurement waters and waters provincial districts of the city, including the determination of the domestic waters.

Analysis of the juridical to the protection of indigenous peoples is based on the paradigm of positive law, can only be found in Article 33 paragraph (2) and (3) of the Act of 1945 on Branches Production & Natural Resources, Article 18b paragraph

(1) and (2) of the Constitution OF THE 1945 on Indigenous and traditional rights, as well as the context of Article 18 and 19 of Act No. 6 of 2014 about village, as already mentioned above, but in fact the mechanism of protection of local communities is not elusive as in ministerial regulations and or local regulations governing the management of marine resources, protection of the interests of local communities are limited to the concept of not implementation, this reality can interpretable based reality setting marine resource management, where technically arrangements marine resource management organized by the Ministry of Maritime Affairs and Fisheries, and the Department of Fisheries Maluku province, this would interpret the lack of regulation in regional (local), and considered contrary to the form of society Kei as coastal communities that have arrangements marine resources of its own that is based on customary law *Larvul Ngabal*, where the context of the clash between law *Larvul Ngabal* based on the principles of customary rights sea with the legislation the government can be identified on the concept of ownership of marine resources, setting the boundaries of the territorial sea, institutional and management authority, methodology management, as well as the norms of sanctions applicable, it is understood that the setting of marine resources based paradigm government based on national interests in terms of increasing the state budget (APBN) sector through taxes or other revenues in the marine field, whereas if it is based on legal paradigm *Larvul Ngabal* actually comes from the orders of local people who maintained from generation to generation in a consensus objectively stand alone, bound in a unitary system, because the integrity of the institutions that later became sociological juridical principle, based on various aspects such as communal ownership, genealogical, norms, religion, and politics.

## **B. The concept of *Larvul Ngabal* Against Setting and Management of Marine Resources**

### **1. *Larvul Ngabal* As Kei Public Institution**

Thus *Larvul Ngabal* embodies the culture of Southeast Maluku people who rely on the public mind Kei are not the same as controlling the minds of western legal systems, the positive law or other legal systems. Soedarsono mentioned that traditional Indonesian legal system is different from other legal system in Indonesia such as the Roman legal system brought by the Dutch to Indonesia (west), the rule of law Hindi India, the Islamic legal system, and various other legal procedures. Differences in the legal system of indigenous Indonesia with the legal system of another very natural to happen, because the people of Indonesia as a supporter of culture has a view and philosophy of life of society, further Supomo, states that customary law is the embodiment and the legal sense of the real people (Abbas, Syahrizal, 2011), Van Dijk in Suhardi suggests that there are four (4) the nature of customary law, which is as follows :

**a. Customary law is not codified**

**b. Customary law contains properties that are very traditional.**

Traditional term connotes that the common law is derived from the legendary ancestor, found in the stories of parents. Therefore, customary law which is so highly regarded. Members of the public who dared break the rules will have an impact on

the magical sanctions, (curse), but this view has changed according to the alternation of day and generation.

### c. Customary law can be changed.

The changes are intended not like the turn of the regulations in terms of changes happen? Changes that occur by the influence of the events, the effect of life events successive state. The traditional authorities shall introduce these changes to residents in certain events. The changes occurred almost unnoticed in such a way, that van Vollenhoven write that often people to think that the old rules still apply to the new circumstances.

*Ngabal Larvul* customary law as one of the natural systems that rely on the public mind Kei has the basic concepts, elements, parts, consistency, and completeness of all of which it is a unity that is strung. Van Vollenhoven, said construction of customary law in the form of job descriptions; form of customary law communities, private entities, government and justice, family law, marriage, inheritance, land, debts, offenses and sanctions system. Systematics and construction starts on the values and realities of society (Ngani, Nico, 2012).

Values and realities of society in the context of customary law Kei *Larvul Ngabal* have a view of life or *lebensaachung*, namely an objective view of the people in the community about what and how the world and life. From this arises the interpretation and assessment of everything that is faced daily. This view is the basis for the formulation of value or the rules that govern the behavior of individuals in the community as expressed in the materials customary law such *Ngabal Larvul-nev* law, law and legal *hanilit hawear*. The legal views provide an assessment of all that in the encounter in life. The assessment contents assortment in outline judgment on the good, bad, important, not important, and so forth, so it will give birth to traditional values and ideals customs. In understanding the tradition of natural resource settings, the customary law community, it should be understood by philosophical dimension to the value of a system of customary law communities. Consideration philosophy which is based on a view of life becomes very important, because it can measure the level of fairness, expediency and legal certainty, which is felt by indigenous peoples, on the decisions taken.

## 2. *Larvul Ngabal* As Progressive Setup Concepts and Marine Resources Management

In such a context, the implementation of customary law *Larvul Ngabal* evolving in the way society thinks concurrently with the development time can be referred to as a legal move, as stated by Satjipto Rahardjo about progressive law, that the law is for man, and not vice versa, rather say that the Law it's not just the building regulations, but also the building of ideas, culture, and ideals (al-Muhtar, Zain, 2012). Satjipto Raharjo stated that legal thinking needs to go back to the philosophical essence, which is legal for humans. With the philosophical, then man becomes decisive and orientation point of law. Legal duty to serve people, not vice versa. The law is not an institution that is separated from the human interest. Quality of law determined by its ability to serve human welfare. This causes progressive law embraces "ideology": the Law of the pro-justice and law Pro-people (al-Muhtar, Zain, 2014).

Culturally, Maluku as one of the cultural values of local wisdom that is maintained and sustained in the regulation of natural resources, including oceans. In line with the concept of Sea Land Rights based *Larvul Ngabal* legal order, which form the basis of the arrangement and progressive concepts or management of marine resources in the waters of Southeast Maluku, can be described philosophically as follows:

### a. Retrieved hereditary principle;

In the description of the principle of acquired hereditary understood as an ontological basis as a form of customary norms that prevail in managing marine resources and is based on the rights acquired by generations (genealogical) with a form of communal ownership (Dominikus Rato, 2009).

### b. Positive Applies principles and not written;

SASI unwritten principle of law has become part of the way of life of the Moluccas. When produce cloves, nutmeg, coconut start flowering or harvest of the sea began to emerge, the government of the country / Ohoi with all the devices feel the need to protect the results of land and sea is to announce the implementation of the SASI that is not taken up by the time the results can be harvested up to the quality of the results of the earth and the sea, so that it can economically productive (Nendissa H. Reny, 2010). This tradition is in addition intended to preserve the natural environment, as well as the form or manner of the Moluccas in maintaining the productivity of agricultural products and other marine. SASI also the protection measures for the continuation of the economy and the ecosystem of living things in the sea and on land can take place fairly, so that damage to the environment will not occur or is reduced, and setting the SASI is called SASI Land and Sea, the law SASI regulating management sea and land resources follows preservation and maintenance of the environment, while setting public relations called SASI country (Nendissa H. Reny, 2010).

### c. The existence of Institutional Indigenous principle;

Principles of Institutional Indigenous existence and authority demonstrated the ability to manage objects Sea Land Rights. With that capability also shows that it is the authority of the traditional communion against other indigenous fellowship. The ability to manage the wealth contained Land Rights Sea region can have an impact on the recognition of other indigenous fellowship will exclusivity owned, so it will respect each other. The authority of the mastery of the marine resources in the area of Sea Land Rights carried out according to customary institutions.

In addition, Maluku know *Kewang* as a traditional institution that plays a role regulating resource management in nature, both at sea and on land, in this case the institutional *Kewang* into the back of the main priorities successful implementation of resource management in the wild in the country, because of the institutional *Kewang* given authority to organize, supervise and utilize natural resources as well as act as law enforcement is based on custom rules within the community. Therefore *Kewang* agency mission is to manage natural resources with the principles of the relationship between the human norm with its environment, its presence is seen as a control function to regulate the management of natural resources (Indrawasih, Ratna, 2000).

#### **d. Characteristically Communal ownership principle;**

Characteristically Communal ownership principle is defined as belonging to the object of customary rights. Communal ownership is defined as a shared ownership, causing the right and duty to manage, maintain and preserve it together as a form of existence of indigenous fellowship. In the context of ownership, resource and marine areas considered to be owned collectively, not individually, so that SASI is a form of management that is done on the instrument community region to communal ownership.

These principles are also delivered by Hardin in 1968 with an article titled common property (public property), where Hardin insists on natural resources is not an object of ownership can be defined as an object that does not belong to anybody (free for all) and tend to be managed by over-exploitation. This is due to the natural resources that no ownership (Hardin, G, 1968). Further explained that the condition of the individual may give rise to the motivation to optimize the benefits themselves without considering the adverse impacts that will arise for humans and the environment. However, this principle different from the principle of the management of marine resources by traditional communities with Sea Land Rights that have indigenous detainees as an instrument in marine resource management settings.

#### **e. Principle Boundaries With Natural Signs**

In general, coastal communities in Maluku recognizes the region (sea and land) as a unified land together. It is, as mentioned by Soselessa that the Garogos and Kei assume that the sea is part of the mainland (Soselessa, Hermin, 1999). An area / region of the country is composed of land and sea as an extension of the ground up at certain distances from shore based on concepts or specific folklore (genealogis). The boundaries of the sea is from the coast towards the sea. This limit is restricted from imaginary lines expanded / extended from the boundaries on land and sometimes marked with the signs of nature, such as small bays, large rocks or reef , the tip of the promontory, island- as well as certain islands in the ocean depths. Determination of the natural boundaries of the marine region determines ownership of a certain communal society.

Thus, the description of the six points of interpretation of the legal position of indigenous *larvul ngabal* in the context of the customary rights of the sea to the management of marine resources in Southeast Maluku gave birth to a draft regulation that serve as the source institution management arrangements marine resources based locally genus, it is envisaged based on the principle of ecology Characteristics communities living and culture of society which, according to custom order *larvul ngabal*.

As in the context of management (management) in addition based on an arrangement with a local law, the management of marine resources can be approximated by two approaches, community-based approach, in which the management of marine resources based society (PSKBM) can be defined as a process of empowerment, responsibility, and opportunity to the community to manage its own resources by first defining the needs, desires, goals and aspirations. This PSPBM also involves giving responsibility to the community so that they can make decisions that ultimately determine and influence on their welfare, it must

be accommodated on marine resources management arrangements based on local wisdom paradigm context.

But in the context of the society in this definition is limited to people who gathered in Ohoi community, this is because that quantity Ohoi society on a level that only between 500-1500 families per Ohoi analyzed essentially the people who live in coastal areas and considers the sea as part important of his life, to him that the existence of these communities is not confined to exploit marine resources, but also to maintain and organize so that these marine resources remain sustainable, it is reflected in the rules in the context of *lavul ngabal* SASI. This approach became one of the approaches mainstay in managing a wide range of potential and resource conflicts that exist in coastal areas, because of the authority of the management of marine resources, will be segmented by characteristic of the environment, boundaries and ownership of resources, causing clarity in making authority and responsibility for the management of marine resources.

Progressive management of marine resources in the Moluccas southeast based on the condition of the community who has experienced the evolution of ethnic communities into the realm of organic society, to show the existence of enforceability of law in the regulation of marine resources, on the other hand people Kei organic is derived from the order of culture, society Kei mechanical , the patterns of these changes are based solely on economic considerations, where prosperity is more effectively measured by the paradigm of organic society and the context of organic question is a community who switched professions from fishing communities towards community service workers, government employees, private employees and the company, and in particular orientation of greatest interest is in the area of the Civil Service, it is then indirectly reflects the culture clash and clash of institutions between the institutions of society based on the legal context *larvul ngabal* and positive law, which on the one hand society Kei dominated by the structure of an organic society (government) which has a cultural background based on the order of customs, but is bound by the interests of the government, and the two can not be separated from one another, even attachment to social institutions which are dominated community settings based on the paradigm of positive law, according to the order of legislation in force.

By him that, based on the study of juridical regulation of marine resources in Southeast Maluku, it is understood that the centralized issue management of marine resources, are conflict and disharmony norms derived from legislation and legal material formulation of local regulations are more likely to be hierarchical , wherein the formulation of local regulations tend to follow the formula above legal norms. By him that as a conceptual framework progressive thinking to the management of marine resources in the Kei Islands, based on the freedom of legal actors in determining the law itself intuition, man as the foundation stone of legal certainty, not as a servant of the law itself. Applications written law which is a series of positive law concept which calls for the position of legislation as a measure of legal certainty is seen is not in line with the concept of community culture Kei bound in custom rules *larvul ngabal*.

In answer to the problem paradigm clash of setting of marine resources in the region of Southeast Maluku, between positive law with customary law, it should be the interpretation of the

norms of the arrangement marine can not be interpreted within the scope of the norms of positive alone (positivism), but it must be interpreted to accommodate charges progressive law that its entry into force in their entirety based on the principles Sea Land Rights, which is then legislated in the national legal system within the scope of regionalism.

Aspects of internalizing the concept of progressive law into the national legal system is understood as a form of framework "positivism progressive" which imposed a progressive law in the realm of positive law, though the paradigm Sajipto Rahardjo about progressive law that was born as a result of dissatisfaction with the validity of positive law so that he tends to polarize even give bulkhead between progressive law and positive law, but with paradigm is motivated by the deviation values sociological and cultural values in an indigenous detainees, it is at the centralized legal debate between the positive and progressive law.

By him that as a conceptual framework of progressive thought needs to be directed in a contemporary context, where the progressive-based marine regulatory issues in the national legal order to be accommodated based on cultural values in the order of Sea Land Rights as Retrieved hereditary principle; Positive Applies principles and not written; The existence of Institutional Indigenous principle; Characteristically Communal ownership principle; Principles of Boundary and Marine Division of Land Rights to Natural Signs; Norma transformed into domestic laws, regulations along the cognate region (genealogical) and regulations at the provincial level to accommodate allied regulations in the form of regional regulations, which formulations establishment and implementation of these regulations is based on the concept of authority that comes from the Law (attribution) and delegation of authority (delegation).

Thus the context of the progressive concept of the arrangement marine in the Moluccas, which is intended in this paper is interpreted as an expansion order authority Land Rights Sea within the scope of the country/Ohoi with a distance of 4 nautical miles, the scope of the region allied with a distance of 8 miles and the scope of the provinces a distance of 12 miles, where each point of the baseline or baseline measurements carried out by the method of archipelagic baseline (straight line archipelago), given the Maluku is an archipelago geographically has a genealogical relationship between the island the one with the other islands. In other words, the government at the district level, the district cities and provinces in regulating and managing marine resources Maluku, no longer based on laws (repressive), but the scale of regionalism, the base regulation and management of marine resources should be based on the principle It Sea customary (bottom up responsiveness).

Context progressive of the arrangement and management of marine areas based on communal land of the Sea in the internal legal system can be mapped in three regions, wherein the first region is the region of the country with the order system is customary as the basic framework of regulation of marine, the second area is the communal area or region allied in aspects of genealogical and anthropological district level or at the district level which establishment is deliberative in the region or district on a few countries that have the same interests, so it will be formed institution *Kewang* that authorities regulate marine areas

with boundaries broader than the territorial waters of the country and object settings which is different from the setting in the territorial waters of the country, while the third region is the province where the setting on the sea area at the provincial level was expanded based on the interests of local scale, so the establishment of *Kewang* provincial level is the accumulation of personal level of countries parent or district or districts with jurisdiction extended over authority *Kewang* country and *Kewang* or district or city, it is interpreted as *Kewang* an institution that acts as a regulator or natural resource managers, both at sea and on land, institutional *Kewang* as imposed on the people of Maluku, also present in other coastal communities such as mustard Punggawa Traditional System in South Sulawesi, Marine commander in Aceh, Society in West Java and others. Interpretation institution *Kewang* can also be interpreted in the system of formal government as Port Administrator, Department of Fisheries and Marine Affairs, the Department of Transportation, Water Police and Maritime Security Coordinating Board, but against governmental bodies are in terms *Kewang* is an institution that is integrated into a unity of command and unity institutional

Internalization of institutional arrangements *Kewang* in the national legal system for setting marine in Maluku, based on the paradigm of sociological empirical, sociologically society Kei has the traditions and values that are pleasing to the Land Rights of the Sea, as already mentioned above, the context of the customary rights of the sea is customary law framework that integrates as a unified system so that the society can not be removed enforceability separated between the community and the legal system itself. Although empirically, the development of the implementation of the norms of customary rights sea are thought to have undergone a transformation from classic models into modern models, where most of the instrument of sanctions under customary law (SASI) is no longer to establish the legal entity or physical, but replaced with fines and a penalty is seen as a practical punitive sanctions.

By him that, as a framework protective of the enforceability of Land Rights Sea as a whole, both at the state, district, city district to the provincial level, and based on the normative framework implementation of progressive law on the regulation of marine areas based on customary rights sea, can the positive within the framework of national legislation within the scope of regionalism, in other words, the problem setting, can be formulated in the form of regulations in the area of the municipal district and provincial level as the implementing regulations. It should be understood from the standpoint of objectivity jurisdiction, where the rule of law that applies nationally is a system of positive law, so that progressive law as a whole must be drafted within the framework of positive law, so that consideration of the interpretation of analytical jurisprudence to conflict norm regulatory authority ocean as mentioned above can be solved by legal concept in the paradigm of "Progressive Contemporary" is understood as the integrity of the system of customary law in the internal legal system, in which the internal legal system is viewed as a legal system which was born of the cultural values of the traditional order of a society and its entry is a partial positive on the region genealogically have the same culture as the bond Southeast Maluku with Indigenous unity *Larvul Ngabal*, where the enforceability of genealogically

regional context can be understood as a cultural sovereignty as applicable in the system of state sovereignty in the territory of the Republic of Indonesia..

#### IV. CONCLUSION

Based on the results of empirical research, the System Settings Marine Resources Management in Southeast Maluku, it can be concluded as follows :

1. The results of the assessment and analysis of the existence of the Marine Resources Management in the Kei Islands is based on the segmentation of the potential of the maritime field consisting of fields of fisheries and aquaculture, in which context includes the management of seaweed cultivation, sea cucumbers, *trochus* and several other fish species.
2. The paradigm of marine resource management organizations in Southeast Maluku between positive law and order arrangements customary law, a conflict between some regulation norms and clashes between customary law and positive law.
3. Analysis of social institutions of society to the concept of setting up and management of natural resources, based on the concept of civilization and culture progressivism against setting sea territory, according to the principle of Sea Land Rights consisting of acquired hereditary principle; Positive Applies principles and not written; The existence of Institutional Indigenous principle; Characteristically Communal ownership principle; Principles of Boundary and Marine Division of Land Rights to Natural Signs; Norma ban, while the implementation of customary rights sea as a framework progressivism is the paradigm of positive law can be done by integrating the norms, culture, and values as well as overhauls of customary rights sea as a basis progressive law in the form of regulations and statutory bodies of the region as well as enforce within the scope of regionalism.

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#### AUTHORS

- First Author** – Ahmad Lonthoir : Graduate Student PhD, Study Program : Anthropology. Hasanuddin University, Makassar, Indonesia. Email : [ahmad.lonthoir@yahoo.co.id](mailto:ahmad.lonthoir@yahoo.co.id)  
**Second Author** – A. Rashid Asba : Faculty of Social and Political Sciences, University of Hasanuddin, Makassar  
**Third Author** – H. Mahmud Tang : Faculty of Social and Political Sciences, University of Hasanuddin, Makassar  
**Fourth Author** – Supriya Hamdat : Faculty of Social and Political Sciences, University of Hasanuddin, Makassar.