

**LEGAL POLITICS OF MEASURED FISHING IN GOVERNMENT
REGULATION NUMBER 11 OF 2023 CONCERNING MEASURED
FISHING
THESIS**

By:

MUHAMMAD RASYID

NIM 200203110004



CONSTITUTIONAL LAW (*SIYASAH*) STUDY PROGRAM

FACULTY OF SHARIA

**MAULANA MALIK IBRAHIM MALANG STATE ISLAMIC
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**LEGAL POLITICS OF MEASURED FISHING IN GOVERNMENT
REGULATION NUMBER 11 OF 2023 CONCERNING MEASURED
FISHING**

Thesis

Submitted to fulfill one of the requirements to obtain a bachelor of law degree
(S.H.) in the Constitutional Law (*Siyasah*) study program.

By:

Muhammad Rasyid

NIM 200203110004



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FACULTY OF SHARIA

MAULANA MALIK IBRAHIM MALANG STATE ISLAMIC

UNIVERSITY

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STATEMENT OF THESIS AUTHENTICITY

For God's sake,

With full awareness and a sense of responsibility for scientific development, the author states that the thesis with the title:

LEGAL POLITICS OF MEASURED FISHING IN GOVERNMENT REGULATION NUMBER 11 OF 2023 CONCERNING MEASURED FISHING

It is a final project in the form of a thesis prepared by myself based on the Guidelines for Writing Scientific Works in 2022, Faculty of Sharia, State Islamic University Maulana Malik Ibrahim Malang which can be accounted for. If in the future this thesis research report is proven to be the result of plagiarism from others, either in part or in whole, then the thesis as a prerequisite for obtaining a bachelor's degree is declared null and void.

Malang, May 28, 2024

Author,



Muhammad Rasyid
200203110004

APPROVAL PAGE

After reading and correcting the thesis of MUHAMMAD RASYID NIM:
200203110004 State Administration Law (*Siyasah*) Study Program, Faculty of
Sharia, Maulana Malik Ibrahim State Islamic University Malang with the title:

LEGAL POLITICS OF MEASURED FISHING IN GOVERNMENT REGULATION NUMBER 11 OF 2023 CONCERNING MEASURED FISHING

Then the supervisor states that the thesis has met the requirements to be submitted
and tested by the Board of Examiners.

Malang, May 29, 2024

Knowing,
Head of Study Program
Constitutional Law (*Siyasah*)



Dr. H. Musleh Harry, S.H., M. Hum
NIP. 196807101999031002

Supervisor



Sheila Kusuma Wardani Amnesti, M.H.
NIP. 198905052020122003

ENDORSEMENT PAGE

The board of examiners of the thesis of Muhammad Rasyid NIM. 200203110004, Student of Constitutional Law (*Siyasah*), Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, with the title:

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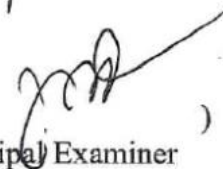
Has been declared passed in the thesis session held on Friday, June 07, 2024.

Examiner:


1. Teguh Setyobudi, S.HI., M.H
NIP.197903132023211009

()
Chief Examiner

2. Dra. Jundiani, SH, M.Hum.
NIP.196509041999032001

()
Principal Examiner

3. Sheila Kusuma Wardani Amnesti, M.H.
NIP.198905052020122003

()
Secretary Examiner

Malang, June 21, 2024

Dean of the Faculty of Sharia,




Prof. Dr. Sudirman, MA, CAHRM.
NIP.197708222005011003

MINISTRY OF RELIGION OF THE REPUBLIC OF INDONESIA
















MAULANA MALIK IBRAHIM MALANG STATE ISLAMIC
UNIVERSITY

FACULTY OF SHARIA

Jl. Gajayana 50 Malang 65144 Phone (0341) 559399 Facsimile (0341) 559399
Faculty Website: <http://syariah.uin-malang.ac.id> or Email: syariah@uin-malang.ac.id

PROOF OF CONSULTATION

Name : Muhammad Rasyid
NIM / Department : 200203110004 / Constitutional Law (*Siyasah*)
Supervisor : Sheila Kusuma Wardani Amnesti, M.H.
Thesis Title : LEGAL POLITICS OF MEASURED FISHING IN
GOVERNMENT REGULATION NUMBER 11
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Malang, May 29, 2024
Knowing,
Head of Study Program
Constitutional Law (*Siyasah*)



Dr. H. Musleh Harry, S.H., M. Hum
NIP. 196807101999031002

MOTTO

وَهُوَ الَّذِي سَخَّرَ الْبَحْرَ لِتَأْكُلُوا مِنْهُ لَحْمًا طَرِيًّا وَتَسْتَخْرِجُوا مِنْهُ حِلْيَةً تَلْبَسُونَهَا وَتَرَى الْفُلْكَ
مَوَاجِرَ فِيهِ وَلِتَبْتَغُوا مِنْ فَضْلِهِ ۗ وَلَعَلَّكُمْ تَشْكُرُونَ

Dialah yang menundukkan lautan (untukmu) agar kamu dapat memakan daging yang segar (ikan) darinya dan (dari lautan itu) kamu mengeluarkan perhiasan yang kamu pakai. Kamu (juga) melihat perahu berlayar padanya, dan agar kamu mencari sebagian karunia-Nya, dan agar kamu bersyukur.

(Q.S An-Nahl:14)

TRANSLITERATION GUIDELINES

The transliteration of Arabic words used in the preparation of this thesis is guided by the Joint Decree between the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number 158 of 1987 Number 0543 b/U/1987 Dated September 10, 1987 concerning Arabic-Latin Transliteration Guidelines with some adjustments as follows:

1. Consonants

Arabic letters	Name	Latin letters	Name
ا	Alif	Not symbolized	Not symbolized
ب	Ba	B	Be
ت	Ta	T	Te
ث	ša	Š	es (with a dot on top)
ج	Jim	J	Je
ح	ħa	Ĥ	ha (with dot below)
خ	Kha	KH	ka and ha
د	Dal	D	De
ذ	Zal	Ż	zet (with dot above)
ر	Ra	R	Er
ز	Za	Z	Zel
س	Sin	S	Es
ش	Syin	Sy	ice and ye
ص	šad	Š	es (with a dot below)
ض	ḍad	Ḍ	de (with a dot below)
ط	ṭa	Ṭ	te (with a dot below)
ظ	ẓa	Ż	zet (with a dot below)
ع	'ain	...!...	inverted commas up
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Ki
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em
ن	Nun	N	En
و	Wawu	W	We
ه	Ha	H	Ha
ء	Hamza	'	Apostrophe

ئ	Yes	Y	Ye
---	-----	---	----

2. Vocal

a. Single vowel

Single vowels of Arabic whose symbols are signs or harakat, are transliterated as follows:

sign	Name	Latin letters	Name
َ	Fathah	A	A
ِ	Kasrah	I	I
ُ	Dammah	U	U

Example: يَذْهَبُ - *yazhabu*

فَعَلَ - *fa'ala*

b. Double Vowels (diptong)

Vowels double in the language Arabic which The symbol is a combination of harakat and letters, the transliteration is as follows:

Signs and Letters	Name	Combined Letters	Name
يَا	<i>Fathah and ya</i>	<i>Ai</i>	a and i
وَا	<i>Fathah and Wawu</i>	<i>Au</i>	a and u

3. Maddah

Maddah or long vowels whose symbols are harakat and letters, transliterated in the form of letters and signs, namely:

Signs and Letters	Name	Letters and Marks	Name
-------------------	------	-------------------	------

ا..... ا.....	<i>fathah</i> and <i>alif</i>	\bar{A}	a and the line above
ي..... ي.....	<i>Kasrah</i> and <i>ya</i>	\bar{I}	i and the line above
و..... و.....	<i>damah</i> and <i>wawu</i>	\bar{U}	u and the line above

Example: قَالَ qāla - قِيلَ - qīla

رمى ramā - يقول yaqūlu -

4. *Ta Marbūṭah*

There are two transliterations for *ta marbūṭah*:

a. *Ta marbūṭah* Alive

Ta marbūṭah that lives or gets *ḥarakat fathah*, *hasrah*,

and *dammah*, the transliteration is /t/.

b. *Ta marbūṭah* dies

Ta marbūṭah that dies or gets *ḥarakat sukun* is transliterated as /h/.

c. If a word ending in *ta marbūṭah* is followed by a word that uses the article *al*, and the two words are read separately, then *ta marbūṭah* is transliterated with *ha* (h).

روضه آل طفال	<i>Raudah al-Atfāl</i>
املدینه المنوره	<i>al-Madīnah al-Munawwarah</i>
طلحه	<i>Ṭalḥah</i>

5. *Syaddah (tasydid)*

Syaddah or *tasydid* in the Arabic writing system is symbolized by a *syaddah* or *tasydid* sign. In this transliteration, the *syaddah* sign is symbolized by a letter, which is the same letter as the letter marked with the *syaddah* sign.

Example:

ربنا *rabbānā* -

نزل *nazzala* -

6. Interpretation

The article in the Arabic writing system is symbolized by a letter, namely ,الbut in transliteration the article is distinguished between the article followed by *syamsyiyyah* letters with the article followed by *qomariyyah* letters.

- a. The article followed by the letters *syamsyiyyah*, the article followed by the letters *syamsyiyyah*, is transliterated according to its sound.

The article followed by *qomariyyah* letters is transliterated according to the rules outlined in front and according to its sound. Whether followed by a *syamsyiah* letter or a *qomariyyah* letter, the article is written separately from the word that follows and is connected with a conjunction or hyphen.

Example:

الرجل- al-rajulu

القلم- al-qalamu

7. *Hamza*

It was stated earlier that the hamzah is transliterated with an apostrophe. However, it is only located in the middle and at the end of the word. When the Hamzah is located at the beginning of a word, it is symbolized because in Arabic writing it is in the form of an alif.

Example:

Hamza at the beginning	اكل	<i>Akala</i>
Hamza in the middle	أأخذون	<i>ta'khuz ūna</i>
Hamza at the end	آل نوء	<i>an-nau'u</i>

8. **Word Writing**

- a. Basically, each word, whether fi'il, isim or letter, is written separately. For certain words whose writing in Arabic letters is commonly combined with other words because the letters or harakat are omitted, then in this transliteration, the writing of the word can be done in two ways: it can be separated per word and also combined. However, the author chooses to write this word by word.

Example:

وان هلا هلو خريالرازقني *ar-rāziqīn khair lahuwa innallāha wa :*

فاوفوا الكيل وامليزان *waal-mīzan al-kaila aufū fa* :

9. Capital letters

Although capital letters are not recognized in the Arabic writing system, they are used in this transliteration. The use of capital letters is used to write the initial letter of the proper name, not the initial letter of the article.

Example:

وماحمد ال رسول	<i>Wa mā Muḥammadun illā rasūl.</i>
ولقد راه بالفق امليبي	<i>Wa laqad raāhu bi al-ulfuq al-mubīn</i>

FOREWORD

Praise *be* to Allah *Subhanahu Wa Ta'ala*, the Lord of Glory. With His grace and help, the author was able to complete the writing of the final project in the form of a thesis with the title "Legal Politics Of Measured Fishing In Government Regulation Number 11 Of 2023 Concerning Measured Fishing". The author's salutations and greetings go to the Prophet Muhammad *Saallahu Alaihi Wassalam*, because of his example and enthusiasm, the author is motivated and able to seek knowledge until college.

The teaching, service, and dedication of the teaching and administrative staff of UIN Maulana Malik Ibrahim Malang, the author expresses his gratitude. To the Rector of Maulana Malik Ibrahim State Islamic University Malang Prof. Dr. H. M. Zainuddin, M.A., Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang Prof. Dr. Sudirman, M.A., CAHRM, Head of the Constitutional Law (*Siyasah*) Study Program at Maulana Malik Ibrahim State Islamic University Malang Dr. H. Musleh Harry, SH, M.Hum with the direction and guidance of all of them, the author was able to complete the lecture until the end.

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Both parents, my father Dawam, and my mother Nyaminah, thank you very much for the support and prayers that are endlessly *prayed for* the smooth journey of the author's life, including in completing the author's lectures. May the support and prayers from him during the author's study be a record of goodness that never stops flowing. The teacher who became a role model, as well as a guide to return to the path blessed by Him, Kiai Haji Ahmad Badrus Sholeh, the author expresses his sincere gratitude. Also to Dr. Kiai Haji Marzuqi Mustamar M. Ag., who has educated the author to become a student as well as a student who is persistent in studying both in the hut, campus and in society. may His health and help always accompany both of them.

To all parties involved, who cannot be mentioned one by one, may your path be made easier, the author thanks you. The completion of this final project may make this scientific paper a thing that brings benefits. For mistakes and shortcomings in this thesis, the author apologizes. Open to criticism and suggestions for improving this final project so that it can be improved in the future by the author.

Malang, May 28, 2024

Author



Muhammad Rasyid

ABSTRACT

Rasyid, Muhammad, 2024. *Legal Politics Of Measured Fishing In Government Regulation Number 11 .Of 2023 Concerning Measured Fishing*. Thesis. Constitutional Law (*Siyasah*) Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.

Supervisor: Sheila Kusuma Wardani Amnesti, M.H.

Keywords: *Adz-Dzararu Yuzalu* Perspective, Justice, Legal Politics, Measured Fishing.

Measured fishing is a new fisheries management model implemented in Indonesia. It aims to preserve fisheries resources and optimize socio-economic benefits for fishermen and other business actors. A fishing policy that is based on *output control* by utilizing the potential of existing fish resources, which was previously carried out through *input control*. It is clearly written in Government Regulation Number 11 of 2023 concerning Measured Fishing, which will have an impact on fishing actors as well as on the environment or marine resources. The type of research used is normative research, using a research approach in the form of a statutory approach to Government Regulation Number 11 of 2023 concerning Measured Fishing and a conceptual approach using John Rawls' Justice Principles and *Adz-Dzararu Yuzalu* Rules. The data sources of this research include: laws and regulations as primary legal sources, and books and other scientific literature as secondary sources. The use of library methods in collecting legal materials. And in the processing of legal materials, based on data examination, classification, verification, analysis and conclusions. Measured fishing in the legal product of Government Regulation Number 11 of 2023 concerning Measured Fishing shows the character of legal products that have a conservative nature. The concept of environmental protection initiated is in accordance with the rule of *adz-dzararu yuzalu*, it just does not fulfill the principle of gradual enactment. Rawls' *fairness* justice shows that fishermen as subjects and objects of law have lost the rights and opportunities they should have received. The measured fishing policy still leaves a lot of homework, there are articles that have multiple interpretations, lack of readiness in the field, and there are still unsynchronized with other laws and regulations.

ABSTRAK

Rasyid, Muhammad, 2024. *Politik Hukum Penangkapan Ikan Terukur Dalam Peraturan Pemerintah Nomor 11 Tahun 2023 Tentang Penangkapan Ikan Terukur*. Skripsi. Program Studi Hukum Tata Negara (*Siyasah*), Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Pembimbing: Sheila Kusuma Wardani Amnesti, M.H.

Kata Kunci: Keadilan, Penangkapan Ikan Terukur, Politik Hukum, Perspektif *Adz-Dzararu Yuzalu*.

Penangkapan ikan terukur merupakan model pengelolaan perikanan baru yang diterapkan di Indonesia. Tujuannya untuk menjaga kelestarian sumber daya perikanan dan mengoptimalkan manfaat sosial ekonomi bagi nelayan serta pelaku usaha lainnya. Sebuah kebijakan tangkap ikan yang dilakukan berbasis *output control* dengan memanfaatkan potensi sumber daya ikan yang ada, yang sebelumnya dilakukan melalui *input control*. Secara jelas tertulis pada Peraturan Pemerintah Nomor 11 Tahun 2023 Tentang Penangkapan Ikan Terukur, yang akan berdampak pada pelaku tangkap ikan juga terhadap lingkungan atau sumber daya lautnya. Jenis penelitian yang digunakan adalah penelitian normatif, dengan menggunakan pendekatan penelitian berupa pendekatan perundang-undangan pada Peraturan Pemerintah Nomor 11 Tahun 2023 Tentang Penangkapan Ikan Terukur dan pendekatan konseptual menggunakan Asas Keadilan John Rawls dan Kaidah *Adz-Dzararu Yuzalu*. Adapun sumber data penelitian ini meliputi: peraturan perundang-undangan sebagai sumber hukum primernya, dan buku serta literatur ilmiah lainnya sebagai sumber sekundernya. Penggunaan metode kepustakaan dalam pengumpulan bahan hukumnya. Dan dalam pengolahan bahan hukumnya, didasarkan pada pemeriksaan data, klasifikasi, verifikasi, analisis dan kesimpulan. Penangkapan ikan terukur dalam produk hukum Peraturan Pemerintah Nomor 11 Tahun 2023 Tentang Penangkapan Ikan Terukur menunjukkan karakter produk hukum yang memiliki sifat konservatif. Konsep perlindungan lingkungan yang digagas sudah sesuai dengan kaidah *adz-dzararu yuzalu*, hanya saja tidak memenuhi asas berangsur-angsur dalam pengundangannya. Keadilan *fairness* milik Rawls menunjukkan bahwa nelayan sebagai subjek dan objek hukum telah kehilangan hak dan kesempatan yang seharusnya diterima. Kebijakan penangkapan ikan terukur masih masih menyisakan banyak pekerjaan rumah, adanya pasal yang multitafsir, kurangnya kesiapan di lapangan, dan masih terdapat ketidaksinkronan terhadap peraturan perundang-undangan yang lain.

الملخص

رشيد، محمد، ٢٠٢٤. سياسة قانون الصيد بالقياس في اللائحة الحكومية رقم ١١ لسنة ٢٠٢٣ بشأن الصيد بالقياس. الأطروحة. برنامج دراسة القانون الدستوري، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج.

دليل الأطروحة: شيلا كوسوما ورداني أمنيستي م، هر

الكلمات الدالة: العدالة، أذز دزارو يوزالو، السياسة القانونية، والصيد المقياس.

الصيد المقتن هو نموذج جديد لإدارة مصايد الأسماك تم تطبيقه في إندونيسيا. وهو يهدف إلى الحفاظ على موارد مصايد الأسماك وتحسين المنافع الاجتماعية والاقتصادية للصيادين والجهات الفاعلة التجارية الأخرى. سياسة صيد الأسماك التي تقوم على التحكم في المخرجات من خلال الاستفادة من إمكانات الموارد السمكية الموجودة، والتي كانت تتم في السابق من خلال التحكم في المدخلات. وهي مكتوبة بوضوح في اللائحة الحكومية رقم ١١ لعام ٢٠٢٣ بشأن الصيد المقتن الذي سيكون له تأثير على الجهات الفاعلة في مجال الصيد وكذلك على البيئة أو الموارد البحرية. إن نوع البحث المستخدم هو البحث المعياري، باستخدام نهج بحثي في شكل نهج قانوني للائحة الحكومية رقم ١١ لعام ٢٠٢٣ بشأن الصيد المقيس ونهج مفاهيمي باستخدام مبادئ العدالة لجون رولز وقواعد أذز-دزارو يوزالو. وتشمل مصادر بيانات هذا البحث: القوانين واللوائح كمصادر قانونية أولية، والكتب والمؤلفات العلمية الأخرى كمصادر ثانوية. استخدام أساليب المكتبات في جمع المواد القانونية. وفي معالجة المواد القانونية، استنادًا إلى فحص البيانات وتصنيفها والتحقق منها وتحليلها واستنتاجاتها. يُظهر الصيد المقيس في المنتج القانوني للائحة الحكومية رقم ١١ لعام ٢٠٢٣ بشأن الصيد المقيس طابع المنتجات القانونية ذات الطبيعة المحافظة. إن مفهوم حماية البيئة الذي تم الشروع فيه يتماشى مع قاعدة أذز-دزارو يوزالو، إلا أنه لا يحق مبدأ التقييد في تشريعه. تُظهر عدالة رولز المنصفة أن الصيادين كمواضيع وموضوعات للقانون قد فقدوا الحقوق والفرص التي كان يجب أن يحصلوا عليها. لا تزال سياسة الصيد المقتن تترك الكثير من الواجبات المنزلية، فهناك مودلتها تفسيرات متعلقة، وعدم جاهزية في هذا المجال، ولا تزال هناك تناقضات مع القوانين واللوائح الأخرى.

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CHAPTER I

INTRODUCTION

A. Background

Indonesia is the largest archipelago in the world, as data presented by the Indonesian Geospatial Information Agency proves, that Indonesia has 17,508 islands. Of these islands, Indonesia's land area is 1,904 million km², and the water area is 3,257 million km², if the total area of Indonesia is around 5,180 million km².¹ So it can be concluded that in Indonesia, marine resources are one of the important assets that have a vital role in supporting the life and economy of the country. With the potential of these natural resources, it is the fishermen who are most likely to take a role, either as producers, consumers, or even distributors. The welfare of fishermen will be directly proportional to the preservation of the marine environment, which will certainly be one of the indicators of the country's welfare.

Today, Indonesia's marine resources are increasingly threatened. This is because fisheries management is not maximized and optimized, thus affecting the subjects and objects contained in the circle of marine resources. So a policy is needed that regulates the management of these fish, which will accommodate the interests of producers, consumers and distributors of marine resources. Policies in the form of restrictions for producers are intended to prevent them from exploiting marine resources. Thus consumers will be

¹ Fajri Tsaniati Hasanah, "Characteristics of Land and Water Areas in Indonesia", *Journal of Geography* No. 13 (2020): 32.

guaranteed to participate in enjoying the results of Indonesia's marine resources. As well as rules for distributors as the party responsible for the delivery of marine resource commodities, as an effort to avoid hoarding.

One of the fisheries management policies in the form of implementing regulations, namely Government Regulation Number 11 of 2023 concerning Measured Fishing², this regulation is intended to protect the marine resource ecosystem in Indonesia. Considering that marine resources are increasingly threatened by exploitation and the abandonment of traditional values, with the preservation of marine resources through fisheries management, all elements of society can enjoy these marine resources to the fullest. Government Regulation No. 11 of 2023 concerning Measured Fishing³, can be understood as regulating restrictions on the rights of legal subjects involved in fisheries management. This regulation also limits certain professions, namely fishermen.

The measured fishing policy is designed to manage marine and fisheries resources in Indonesia by setting fishing quota limits as a form of control. This policy is a new fisheries management model implemented in Indonesia and aims to conserve fisheries resources while still seeking optimal socio-economic benefits for fishing communities and businesses.

Measured fishing is a government policy in an effort to manage fisheries in Indonesia's fish catch areas, quoting the explanation delivered at the stage II technical guidance event for verifier officers and data processors

² Supplement to the State Gazette of the Republic of Indonesia Number 6853.

³ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

at fishing ports on the technical implementation of the withdrawal of Non-Tax State Revenue (PNBP) post-production/contract system in the context of readiness for the implementation of measured fishing, Muhammad Zaini Hanafi as Director General of Capture Fisheries said that "through measured fishing, fishing activities will be carried out based on *output control* by utilizing the potential of existing fish resources, previously fishing was implemented through *input control*, where the weakness is that we have not been able to optimally control the fish resources being utilized,"⁴ Surabaya, Tuesday (5/17/2022). But in fact, after almost a year since the enactment of Government Regulation Number 11 of 2023 concerning Measured Fishing⁵, it turns out that this policy has been postponed until 2025. This is in accordance with the statement of the Acting Director General of Capture Fisheries of the Ministry of Maritime Affairs and Fisheries Agus Suherman, that according to KKP Circular Letter Number B.1954/MEN-KP/XI/2023 Regarding Policy Relaxation during the Transition Period for the Implementation of Measured Fishing dated November 29, 2023, the circular states the postponement of the implementation of fishing quotas and quota certificates, from originally starting in 2024 to 2025. The reason for this delay

⁴ Liputan6.com <<Implement Measured Fishing, KKP 'Upgrades' Fishing Port HR>> Liputan6.com, January 5, 2024, <https://www.liputan6.com/regional/read/4965149/terapkan-penangkapan-ikan-terukur-kkp-upgrade-sdm-pelabuhan-perikanan?page=2>.

⁵ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

is due to the need for socialization among the parties, so that when this policy is implemented, it can run optimally.⁶

Article 33 Paragraph (3) of the 1945 Constitution⁷ clearly states that the land and water and the natural resources contained therein shall be under the control of the state, and shall be used for the greatest prosperity of the people. The presence of Government Regulation Number 11 of 2023 concerning Measured Fishing⁸, is one of the instruments of the state in carrying out the mandate of Article 33 Paragraph (3) of the 1945 Constitution⁹. The main point is that neglect lies in the basic law.¹⁰ Therefore, the first argument is that any public policy or legal product must be related to the Basic Law. Government policies are actualized into administrative and political policies in the form of government regulations abbreviated as PP.¹¹ However, it does not rule out the possibility that there are still imperfections in this regulation, in this case, PP Number 11 of 2023 concerning Measured Fishing¹². So it needs to be studied in detail and carefully, so that the implemented legal products really create legal certainty for related objects and legal subjects.

⁶ BM Lukita Grahadyarini <<Quota-Based Measured Fishing Delayed>> Kompas.id, January 07, 2024, <https://www.kompas.id/baca/ekonomi/2023/12/05/penangkapan-ikan-terukur-berbasis-kuota-ditunda>

⁷ Supplement to the State Gazette of the Republic of Indonesia Number 73.

⁸ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁹ Supplement to the State Gazette of the Republic of Indonesia Number 73.

¹⁰ Dr. Riant Nugroho, *Public Policy in Developing Countries* (Yogyakarta: Pustaka Pelajar, 2015), 106.

¹¹ Prof. Dr. H. Faried Ali, SH, MS, *Government Policy Studies* (Bandung: PT Refika Aditama, 2012), 34.

¹² Supplement to the State Gazette of the Republic of Indonesia Number 6853.

Studying state legal products means looking at these policies through a certain side, to find out more about certain legal products, we need to use a certain approach. In this case, it is the study of legal politics. Government Regulation Number 11 of 2023 concerning Measured Fishing¹³, is a derivative legal product of several laws, including: Law Number 31 of 2004 on Fisheries¹⁴ and Law of the Republic of Indonesia Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law¹⁵. This government regulation is stipulated by the president without approval from the DPR, however, the government regulation in substance must not violate its formal source, namely the law.¹⁶ Political law tries to examine more deeply related to principles, concepts, basic policies and statements of the will of the authorities in the process of law formation.¹⁷ This is in line with what was conveyed by Prof. Dr. Moh. Mahfud MD, that legal politics is a *legal policy*, which is to be or has been implemented by the Indonesian Government nationally. In other words, legal politics is a series of processes, starting from the making and implementation of laws that are able to show the nature and direction in which the law will be built and enforced.¹⁸ In contrast to Satjipto Rahardjo, what is meant by legal politics is an activity to determine a choice regarding the objectives and means to be used to achieve legal objectives in society.

¹³ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

¹⁴ Supplement to the State Gazette of the Republic of Indonesia Number 4433.

¹⁵ Supplement to the State Gazette of the Republic of Indonesia Number 6841

¹⁶ Dr. Paisol Burlian, S.Ag., M.Hum *Indonesian Constitutional Law* (Malang: Setara Press, 2019), 58.

¹⁷ Bambang Santoso, *Politics of Law* (Tangerang: Unpam Press, 2021), 28.

¹⁸ Prof. Dr. Moh Mahfud MD, *Political Law in Indonesia* (Jakarta: LP3ES Library, 1998), 9.

Legal politics is one of the factors that cause the dynamics of society, this is none other than because legal politics is directed towards the *ius constituendum*, the law that should apply.¹⁹ There is a principle used in implementing legal politics, the principle is a *double movement*, namely in addition to legal politics as a framework for formulating policies in the field of law (legal *policy*) by authorized state institutions, legal politics is also used to criticize legal products that have been promulgated based on the *legal policy*.²⁰ So through the study of legal politics that has been conveyed by several figures above, it will be easy to study a legal product (measured fishing) from the political aspects of law formation, the politics of determining the law and the politics of implementing and enforcing the law, as well as criticizing the *legal policy* that has been promulgated.

Looking at the dynamics of the fisheries management policy, in this case, measured fishing, which was initially ratified in March 2023 and postponed until 2025. So it needs to be studied using the concept of legal politics, from here we can know the aspects of law formation from the beginning of the plan, legalized until finally postponed. As well as being able to know more about the politics of determining the law, implementing and enforcing it in the field. A regulation certainly has elements, achievements and desires to be achieved. One indicator that can be a benchmark for the achievement of rules is justice and usefulness.

¹⁹ Satjipto Rahardjo, *The Science of Law* (Bandung: Alumni, 1986), 33.

²⁰ Imam Syaukani, A. Ahsin Thohari, *Basics of Legal Politics* (Jakarta: Rajawali Pers, 2013), 51.

Justice as a benchmark has several perspectives or approaches, which need to adjust to the conditions in which the regulation is enforced. Some approaches that can lead to an understanding of justice are *utilitarian, libertarian, and liberalism-egalitarian approaches*.²¹ Of the three approaches, it is the *utilitarian* approach that underlies the regulation on measured fishing, as evidenced by the background of the formation of this regulation, which is to preserve marine resources and the welfare of fishermen. This is in line with what was initiated by Jeremy Bentham in his book *A Fragment on Government*. Fair is that which brings welfare and benefits to more and more people, so injustice is formulated as a condition where there is no welfare for more and more people.²² So John Rawls wants to work on a concept of justice that is considered capable of presenting a reasonable and systematic alternative approach. By looking at the socio-economic political and cultural conditions of Indonesian society, it is considered in accordance with the principles of justice initiated by John Rawls.

John Rawls' justice offers the concept of *fairness*. In John Rawls' *Justice as Fairness* theory, justice is the path to a society that not only guarantees the freedom of each member in pursuing their life goals, but also seeks equality among its members; a society supported by policies that can reduce social and economic inequality.²³ The measured fishing policy will be easily analyzed in relation to its legal politics using John Rawls' principle of justice, because from this regulation the fishermen's profession is the goal of

²¹ Andi Tarigan, *Foundations of Justice Rawls* (Jakarta: PT Gramedia Pustaka Utama, 2018), 7.

²² Tarigan, *Rawls' Foundations of Justice*, 7.

²³ Tarigan, *Rawls' Foundations of Justice*, 10.

the achievement of the legal product. Justice in the implementation of measured fishing will be able to be known in which direction it will be achieved, this will appear when we know the reasons for forming, implementing and delaying it at this time.

The concept of *adz-dzararu yuzalu* is a rule that provides limits and human freedom in matters of ownership or utilization, none other than so as not to cause harm to others.²⁴ By using the concept or rule of *ad-dzararau yuzalu*, this will be able to test the correlation between the rules that have an impact with the formal legal source. In the sense of harm or loss from the enactment of the government regulation, whether the enactment of this regulation eliminates the harm from the rule above. Because basically Government Regulation Number 11 of 2023 concerning Measured Fishing²⁵ is a derivative of the Fisheries Law²⁶. The goal of protecting the ecosystem aimed at by the law can be achieved by a PP that limits the catch of fishermen, or restrictions on fishermen actually create losses on the other side. And the postponement of the implementation of this regulation, whether it is motivated by the political process or indeed the delay is to avoid harm, and for the sake of achieving benefits. By using John Rawls' justice perspective and *adz-dzararau yuzalu*, the study of the political law of metered fishing for fishermen will be sharper, and able to find the basis, basis, principle of the formation and implementation of the regulation comprehensively.

²⁴ Prof. Dr. Nashr Farid Muhammad Washil, *Qawa'id Fiqhiyyah* (Jakarta: Amzah, 2019), 17.

²⁵ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

²⁶ Supplement to the State Gazette of the Republic of Indonesia Number 4433.

The need to study government regulations as legal products, and the political process in them. So as an initial step of research, researchers are interested in raising the title Legal Politics Of Measured Fishing In Government Regulation Number 11 Of 2023 Concerning Measured Fishing²⁷

B. Problem Limitation

The breadth of the discussion of legal politics in this case is related to the Measured Fishing policy. So a problem limitation is needed, in order to narrow the discussion, which can then be narrowed down to draw conclusions. Limiting the research problem aims to determine the focus of the research discussion. With this, researchers limit their research using John Rawls' Justice Principles and the *Adz-Dzararu Yuzalu* Rule.

C. Problem Formulation

A brief description of the background above, the researcher hereby composes the problem formulation as follows:

1. How is the legal politics of metered fishing in Government Regulation Number 11 of 2023 on Metered Fishing²⁸ based on John Rawls' Principles of Justice?
2. What is *Adz-Dzararu Yuzalu's* perspective on Government Regulation Number 11 of 2023 concerning Measured Fishing ?²⁹

²⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

²⁸ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

²⁹ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

D. Research Objectives

Given the formulation of the problem above, the researcher formulates several objectives to be achieved, including:

1. To analyze and describe the legal politics of the rules of measured fishing in Government Regulation Number 11 of 2023 concerning Measured Fishing³⁰ based on John Rawls' Principles of Justice
2. To analyze and describe *Adz-Dzararu Yuzalu's* perspective on Government Regulation Number 11 of 2023 concerning Measured Fishing.³¹

E. Research Benefits

In the existence of this research, researchers hope to provide useful value, both theoretically and practically.

1. Theoretical Benefits

Theoretically, this research, hopefully, can provide benefits for the development of state administration science, especially in the field of legal politics, and can be used for further research, as well as a reference to the relevance of the theory used with the development of existing legal products.

2. Practical Benefits

a. For the Government

With this research, which examines government policies, the researcher hopes that this research can be additional material for

³⁰ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

³¹ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

government evaluation in formulating policies, considering that the government is a policy maker.

b. For Academics

Researchers hope that this research can add insight and knowledge related to legal politics, so that they can participate in overseeing the *legal policy* that is being carried out by the government.

c. For the Community

With this research, researchers hope to provide information related to the legal politics of measured fishing rules, so that people know in which direction the rules are enforced, and must be followed.

F. Research Methods

1. Type of Research

This type of research is normative juridical. Soerjono Soekanto and Sri Mamudji define normative legal research as library legal research.³² Normative legal research is scientific research that aims to find the truth, based on the logic of legal science from its normative side.³³

2. Research Approach

In this research, the researcher uses a statutory approach (*statute approach*), which is an approach carried out by examining all laws and regulations that have relevance to the legal issues being handled or studied. By using a statutory approach, researchers will find out the consistency or

³² Prof. Dr. Soerjono Soekanto, S.H., M.A and Sri Mamudji, S.h., M.A *Normative Legal Research* (Jakarta: PT Raja Grafindo, 2006), 23

³³ Dr. Johnny Ibrahim, S.H., M.Hum. *Theory and Methodology of Normative Legal Research* (Malang: Bayu Media Publishing, 2006), 57.

conformity between the laws and regulations to be studied, and will find the ratio legis and ontological basis for the birth of the laws and regulations, so as to understand the philosophical basis behind the laws and regulations. Until it can draw conclusions about whether or not there is a philosophical clash between the legislation under study and the issue at hand.³⁴ . Researchers also use a *conceptual approach*, this is done when researchers do not depart from existing legal rules. The conceptual approach adheres to the views and doctrines that develop in legal science.³⁵

3. Types and Sources of Legal Materials

a. Primary Legal Materials

Primary legal materials are legal materials that are authoritative, which means legal materials that have authority. Primary legal materials consist of legislation, official records or minutes in the making of legislation and judicial decisions. Indonesia is a *civil law* adherent, so judicial decisions or jurisprudence are not primary legal materials. Primary legal material in Indonesia is in the form of legislation, because it is authoritative, the highest authority is the 1945 Constitution, this is explained in Law Number 12 of 2011 concerning the Formation of Legislation. Primary legal materials used in this research are

1) Article 27 Paragraph (2) UUD NRI 1945³⁶

2) Article 33 Paragraph (3) UUD NRI 1945³⁷

³⁴ Prof. Dr. Peter Mahmud Marzuki, S.H., M.H. LL.M., *Legal Research*, (Jakarta: Kencana, 2010), 134.

³⁵ Marzuki. *Legal Research*, 177.

³⁶ Supplement to the State Gazette of the Republic of Indonesia Number 73.

- 3) Law of the Republic of Indonesia Number 31 of 2004 concerning Fisheries³⁸
- 4) Law of the Republic of Indonesia Number 45 of 2009 Concerning the Amendment of Law Number 31 of 2004 Concerning Fisheries³⁹
- 5) Law of the Republic of Indonesia Number 6 of 2023 Concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law⁴⁰
- 6) Government Regulation Number 11 of 2023 Concerning Measured Fishing⁴¹
- 7) Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number 28 of 2023 Concerning the Implementation of Government Regulation Number 11 of 2023 Concerning Measured Fishing⁴²
- 8) KKP Circular Letter Number B.1954/MEN-KP/XI/2023 Regarding Policy Relaxation during the Transition Period for the Implementation of Measured Fishing

b. Secondary Legal Materials

Legal materials include publications about the law, which provide an explanation of the primary legal materials above. Secondary legal materials are legal materials supporting primary legal materials.

³⁷ Supplement to the State Gazette of the Republic of Indonesia Number 73.

³⁸ Supplement to the State Gazette of the Republic of Indonesia Number 4433.

³⁹ Supplement to the State Gazette of the Republic of Indonesia Number 5073.

⁴⁰ Supplement to the State Gazette of the Republic of Indonesia Number 6841.

⁴¹ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁴² State Gazette of the Republic of Indonesia Year 2023 Number 698.

Researchers take secondary legal materials including scientific journals, scientific literature, dictionaries, mass media and the internet. Secondary legal materials used by researchers support the primary legal materials above.

4. Legal Material Collection Method

The collection of legal materials in this research is through *library research (bibliography research)*. Literature study is included in the assessment of written information related to legal materials, which are compiled from various sources and publications in a comprehensive manner needed in normative research.⁴³ This research collects legal materials that are in accordance with the research topic and literature data.

5. Legal Material Processing Method

The data that has been obtained will then be processed in stages. Data processing aims to organize the data obtained so that it is easier to analyze. The data processing methods used by researchers are:

a. Data check

What we often hear as *editing is* the process of checking for potential errors in filling in information by revising the notes, files, and information that have been collected by the researcher. The main purpose of *editing* activities is to overcome and eliminate errors that may occur, so that the data collected by researchers becomes easier to classify.

⁴³ Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020), 65.

Researchers will edit the data that has been collected. Editing is done by filtering and ignoring irrelevant information.

b. Classification

Classification or *classifying* is the act of grouping data according to the formulation of the problem, with the aim of enabling a more systematic analysis. After the data has undergone an *editing* process, the next step is to map or organize the data in certain categories to facilitate discussion.

c. Verification

Data verification is a step to ensure the validity of the data by checking certain patterns. This process involves reviewing the data that has been obtained, and ensuring that the legal materials collected and classified are in accordance with the research theme. The aim is to facilitate researchers in analyzing data and ensuring validity and conformity to the expectations of researchers. Data verification is carried out carefully to ensure that all information collected is truly valid, so that the research results are reliable.

d. Analysis

The researcher will evaluate the raw data that has gone through several stages of processing. Data that is considered eligible for analysis will be investigated further with the aim of concluding findings. Researchers will analyze the verified data in accordance with the topic of political law research.

e. *Conclusion* Generation

After going through all these stages and the data is organized systematically, the next step is to conclude the results of data analysis that can support decision-making or a deeper understanding of the issues or problems being studied.

6. Legal Material Analysis Method

The method of analyzing legal materials applied is descriptive-analytical. This method focuses on the normative side of legal science, which emphasizes legal analysis through deductive and inductive inference processes. The study is carried out using formal and argumentative thinking to gain a deep understanding of the relevant legal aspects. The findings of the object are expressed in sentences, which are processed through a thinking process (logic) that is critical, analytic/synthetic and complete. Researchers will analyze and provide explanations related to the Legal Politics of Measured Fishing in Government Regulation Number 11 of 2023 concerning Measured Fishing.⁴⁴

G. Previous Research

1. A journal article entitled "QUOTA-BASED MEASURED FISHING FOR SUSTAINABILITY OF FISHING RESOURCES IN INDONESIA" Journal of Applied Marine and Fisheries, Special Edition 2023 by Sakti Wahyu Trenggono. Based on the article, researchers conducted research on quota-based measured fishing policies, with the results of this policy being

⁴⁴ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

able to minimize manipulation of vessel size, maximize state revenue through PNBP, and improve the welfare of Indonesian fishermen, as well as balance economic activities across regions, so that the sustainability of fisheries resources and marine health can be achieved.

2. A journal article entitled "LEGAL POLITICS OF SETTING FISHING MANAGEMENT AREAS AND MEASURED FISHING IN SUSTAINABLE FISHING RESOURCE DEVELOPMENT" Journal of Bina Hukum Lingkungan, Volume 6, Number 3, June 2022 by Yulita Dwi Pratiwi et al. Based on the article, researchers conducted research on the legal politics of determining fisheries management areas and measured fishing, with the result that the draft government regulation on measured fishing from the perspective of fisheries resource development objectives is in accordance with the principles of sustainability and economic democracy in accordance with Article 33 Paragraph (4) of the 1945 Constitution.
3. Journal article entitled "LEGAL POLITICS OF TRADITIONAL FISHER PROTECTION AGAINST *ILLEGAL FISHING*" Prima Journal of Legal Sciences Volume 5 Number 1, April 2022 by Andi Putra Sitorus and Dearma Sinaga. Based on the article, the government has made legal policies/policies to protect traditional fishermen in the form of legislation products at the level of laws and regulations below. In addition, there are also some direct policies carried out in the field related to efforts to protect traditional fishermen related to *illegal fishing*.

4. Thesis entitled "*ILLEGAL FISHING PRACTICES BETWEEN SHORE FISHERS REVIEWED FROM SIYASAH DUSTURIYYAH* (Case Study in Tanjung Tiram District, Batu Bara Regency)" State Islamic University of North Sumatra in 2021 by Almaa'di. Based on this thesis, the practice of *illegal fishing* from *illegal fishing* is carried out using fishing gear in the form of helical trawls, the cause of this problem is a lack of supervision, and there are law enforcers or officials who do omission, so it has an impact on fish extinction, damage to coral reefs and disruption of the underwater ecosystem.
5. Thesis entitled "LEGAL PROTECTION OF TRADITIONAL FISHERS AGAINST RECLAMATION OF THE SEASIDE AREA OF TANJUNGPINANG CITY" Atma Jaya Yogyakarta University 2020 by Nicolas Novianto. Based on this thesis, the legal protection that should be received and felt by traditional fishermen of the Tanjungpinang City waterfront has not been implemented optimally by the institution authorized to provide it, this is evidenced by the loss of fishermen's fishing space caused by reclamation in the Tanjungpinang City waterfront area.

Table 1

Table of Previous Research

No.	Name, Title, Year	Problem Formulation	Results	Difference	Novelty Element
1	Sakti Wahyu Trenggono, Quota-based Measured Fishing for Sustainability of	How to deliver the concept of quota-based measured fishing to improve fishermen's	The availability of fish stocks and the maintenance of marine health	This research discusses a measured fishing policy that is integrated with the socio-	There are similarities in this research, which examines the measured fishing policy. However,

	Fisheries Resources in Indonesia, Journal of Applied Marine and Fisheries, Special Edition 2023.	economy and protect the environment.	mean that fishermen will be able to improve their economy, and the preservation of marine resources is also maintained through this measured fishing policy.	economy.	there is a novelty in the research that researchers will do, which is to study the legal politics of the measured fishing policy.
2	Yulita Dwi Pratiwi et al, Legal Politics of Traditional Fishermen Protection Against <i>Illegal Fishing</i> . Prima Journal of Legal Science Vol. 5 No. 1 April 2022	How is the government's legal policy in protecting traditional fishermen against <i>illegal fishing</i> activities carried out by foreign fishermen?	Draft government regulations governing metered fishing cannot be issued (until improvements to the Job Creation Law are finalized), Constitutional Court Decision 91/PUU/2020 does not provide legal certainty so that it has implications for things that contradict the measured fishing policy, controlling fishing is increasingly difficult.	This research explains the protection policy of <i>illegal fishing</i> for traditional fishermen against foreign fishermen.	This research will discuss the legal politics of the measured fishing rules, which also provide legal protection for fishermen using John Rawls' perspective of justice.
3	Andi Putra Sitorus and Dearma Sinaga, Legal Politics of Traditional	1. What are the implications of the Constitutional Court's	The laws and regulations that have been produced are still considered	This study examines the legal politics of traditional fishermen	This research takes a more complex look at the rules of metered fishing,

	<p>Fishermen Protection Against <i>Illegal Fishing</i>, Prima Journal of Legal Science Volume 5 Number 1, April 2022</p>	<p>decision on the implementing regulations of the derivative of the Job Creation Law ?</p> <p>2. How is the plan to implement a measured fishing policy during the improvement period of the Job Creation Law after the Constitutional Court Decision Number 91/PUU-XVIII/2020 ?</p> <p>3. What is the concept of sustainable development of WPPNRI designation and metered fishing ?</p>	<p>not optimal in protecting traditional fishermen, and the sinking of foreign <i>fishing</i> boats is an effective effort in reducing or eliminating <i>illegal fishing</i> activities carried out by foreign fishermen.</p>	<p>protection, which directly analyzes the parent of the regulation, and the condition of the implementation of the law.</p>	<p>up to first-hierarchy laws and regulations, as well as lower-hierarchy laws and regulations.</p>
4	<p>Alma A'di, <i>Illegal Fishing Practices Among Coastal Fishermen Beach Viewed from Siyasaah Dusturiyyah</i> (Case Study in Tanjung Tiram District, Batu Bara Regency)</p>	<p>What illegal fishing practices are carried out, what are the causes and impacts, and what is the view of <i>Dusturiyyah</i> which focuses on Law Number 45 of 2009 concerning Fisheries on Illegal Fishing</p>	<p><i>Illegal fishing</i> practices carried out by fishermen in the form of the use of helical trawl fishing gear, this is due to the lack of supervision from officials or related institutions, which tend to</p>	<p>This research examines <i>illegal fishing</i> that refers to Law Number 45 of 2009 concerning Fisheries with the <i>Siyasaah Dusturiyyah</i> approach.</p>	<p>Researchers will discuss measured fishing which is a crystallization of previous rules, the study of the law in this study targets the rules above it by using a legal political approach and <i>Adz-Dzararu Yuzalu</i>.</p>

		practices?	do negligence, thus causing extinction, to the destruction of underwater ecosystems and will have an impact on reducing catches.		
5	Nicolas Novianto, Legal Protection of Traditional Fishermen Against Reclamation of the Tanjungpinang City Seaside Area	<ol style="list-style-type: none"> 1. How is the legal protection of traditional fishermen in the reclamation area ? 2. What are the legal protection constraints faced by traditional fishermen due to reclamation activities? 	Protection of fishermen affected by reclamation has not been maximized, as evidenced by the loss of fishing space by fishermen, decreased daily turnover and unmet fishermen's needs, due to the ineffectiveness of the agency responsible for this.	This research examines the protection of traditional fishermen who are excluded due to the interests of unauthorized subjects in traditional fishermen's fishing areas, in fact this research provides an overview of how traditional fishermen lose their rights.	Researchers will comprehensively discuss policies or laws and regulations that have links to legal subjects or objects related to fishermen or authorized institutions, using a legal political approach and <i>adz-dzararu yuzalu</i> to find out the impact of related rules on fishermen.

H. Conceptual Definition

To avoid any confusion or error in understanding the scientific work or final project entitled "Political Law of Measured Fishing in Government Regulation Number 11 of 2023 concerning Measured Fishing", a more detailed explanation of the title is necessary.

1. Legal Politics

The definition or understanding of legal politics varies greatly, many figures have a definition of legal politics. However, by believing that there

is a similarity in the substance of the understanding defined by the figures, it will be easier to draw the same understanding regarding the definition of legal politics itself. Legal politics is a *legal policy* that will be implemented or is being implemented nationally by the Indonesian Government, which includes, among others: legal development, which concentrates on making and updating legal materials, this is intended to be in accordance with needs. Furthermore, the implementation of legal provisions, such as the affirmation of institutional functions and guidance for law enforcers. From this understanding, it can be understood that legal politics includes the process of making and implementing laws, which can indicate the nature of the direction in which the law will be built and enforced.⁴⁵

2. Measured Fishing

The metered fishing policy is an effort to manage marine and fisheries resources in Indonesia that sets restrictions on fishing quotas, this is intended as an output control. This policy is relatively new in the marine and fisheries sector in Indonesia, with the aim of preserving fisheries resources, while still optimizing socio-economic benefits for fishermen and business actors.⁴⁶ In accordance with the legislation that regulates it, in this case is Government Regulation Number 11 of 2023 concerning Measured Fishing⁴⁷. Article 16 states that, Every Person, Central Government, or Local Government that utilizes the Fishing Quota in the Measured Fishing

⁴⁵ Mahfud MD, *Political Law in Indonesia*, 9.

⁴⁶ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, (Jakarta, BRIN Publishers: 2023), 268.

⁴⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

Zone must use fishing gear that is permitted in accordance with the provisions of the laws and regulations .⁴⁸

The measured fishing policy initiated by the government aims to create social justice in the utilization of fish resources. This justice includes increasing the income and welfare of fishermen and empowering local communities. In addition, by preventing *overfishing*, the policy aims to protect and preserve fish resources for sustainable use by future generations. The government sees PIT as a way to improve traceability of the origin of fish caught by fishers, which in turn will improve the quality and safety of fishery products.

3. Justice

In this study, researchers used an analytical knife in the form of the principle of justice, and to sharpen it, it is necessary to use the perspective of figures or scholars who have a concentration on the theory and practice of justice. Researchers use the perspective of justice initiated by John Rawls. Justice is the main virtue in social institutions, as is truth in systems of thought.⁴⁹ Rawls argues that the only thing that allows us to accept a wrong theory is the absence of a better theory. Analogously, injustice can be tolerated only when it is necessary to avoid greater injustice. Conflicts of interest exist because people have different views on how to share the benefits of collective labor, and each person chooses the largest share over

⁴⁸ Article 16 of Government Regulation of the Republic of Indonesia Number 11 of 2023 Concerning Measured Fishing Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁴⁹ John Rawls, *A Theory of Justice* (Yogyakarta: Pustaka Pelajar, 2006), 3.

the smallest share. A set of principles is needed to choose between the various social arrangements that determine the distribution of such benefits and to support the agreement of a fair share. These principles are the principles of social justice: they give way to rights and duties in the basic institutions of society, and determine the fair distribution of benefits and workloads.⁵⁰ This view of John Rawls' principle of justice has come to be called justice as *fairness*. The default position of equality, which has links to the state of nature in traditional theories of social control. This default position is understood as a hypothetical situation that is characterized as leading to a certain conception of justice, in society the parties in the default position do not know their conception of goodness or their inclinations, so the principle of justice is chosen in a state of ignorance. Whereas principles of justice are the result of *fair* agreement or bargaining, one form of justice as *fairness* is to view the various parties in the initial situation as rational and equally neutral. Therefore, it is necessary to state from the outset that justice as *fairness*, like any other view of contract, consists of two parts;

1. interception of the initial situation and of the choice problem at hand
2. a set of principles to be agreed upon.⁵¹

The generalized concept of justice, according to Rawls, can be understood as *fairness*, which means that society has an obligation to provide a decent ability for everyone to enjoy various benefits. This aims to

⁵⁰ Rawls, *A Theory of Justice*, *A Theory of Justice*, 5.

⁵¹ Rawls, *A Theory of Justice*, *A Theory of Justice*, 17.

provide hope for those who are less fortunate, so that they have the opportunity to improve their quality of life. Justice as *fairness* must be recognized to ensure objective policies. Therefore, this theory of justice must be carried out through fair procedures in order to produce fair results.

4. *Adz Dzararu Yuzalu*

The conception of the rule means that humans should be kept away from *idhar* (harm), either by themselves or by others, and should not cause harm (*mudarat*) to others.⁵² Based on the rulings of Islamic jurists, if something is deemed to cause real harm, and it is possible to avoid it, then preventive measures should be taken, even if it is not possible to eliminate it entirely. This rule is very well-known in Islamic law and is one of the most important rules. Many legal provisions in various contexts refer to this rule.

Some situations that explain in detail the use of the rule of *Ad-Dharar yuzalu* include when the loss experienced can justify actions that are prohibited in shari'ah (*haram*). This can happen when one faces a serious threat and has no other option but to do something forbidden in shariah. However, in such a situation, one is not permitted to go beyond a certain limit in responding to the threat to one's situation by engaging in prohibited behavior. There are exceptions, such as if blocking access to sunlight and air for a neighbor, then the blocking must be forced to be removed, because

⁵² Washil, *Qawai'id Fiqhiyyah*, 17.

sunlight and air are beneficial things, while blocking access to them for a neighbor is what causes problems (mudarat).⁵³

I. Systematization of Writing

Researchers organized this research into 4 chapters, intended to provide ease of understanding in each chapter. In each chapter there are sub-chapters that are used to detail and clarify the scope of the problem under study. In the systematics of this writing, researchers adhere to the Guidelines for Scientific Work of the Sharia Faculty of UIN Maulana Malik Ibrahim Malang Year 2022, with the following details:

1. Chapter I contains the background of the research problem regarding the issues raised by researchers, namely the Political Law of Measured Fishing in Government Regulation Number 11 of 2023 concerning Measured Fishing. This chapter also contains problem formulation, research objectives, research benefits, research methodology, previous research, conceptual definitions, and systematic discussion.
2. Chapter II contains a literature review, which will explain in general the theories that the author uses, namely the theory of Legal Politics, Legal Protection Theory, John Rawls' Principles of Justice and the Concept of *Adz-Dzararu Yuzalu*.
3. Chapter III contains the results of the research that has been conducted, and also contains a discussion of the Legal Politics Of Measured Fishing In

⁵³ Washil, *Qawai'id Fiqhiyyah*, 19.

Government Regulation Number 11 Of 2023 Concerning Measured Fishing in accordance with the formulation of the problem.

4. Chapter IV contains conclusions from the research conducted by researchers and also contains suggestions for researchers as an evaluation of the results of the research that has been done.

CHAPTER II

LITERATURE REVIEW

The use of theory in a study is intended to provide guidance in data collection, provide a clear analytical framework, and be able to provide interpretation of research results. In this study, there are several theories that support hypothesis development and practical relevance, as follows:

A. Legal Politics

The politics of law, is the use of a term that often raises the question of whether there is a causal relationship between politics and law, or whether the law influences politics, and vice versa. In using the politics of law and to answer this question, there are three possible answers when choosing the politics of law and the causality between politics and law. First, law is a determinant of politics, which means that political activities are regulated and subject to the rule of law. Second, politics is a determinant of law, because law is a product, result or crystallization of interacting or even competing political wills. Third, politics and law as societal subsystems are in a position where the degree of determination is balanced, although the law is the result of political decisions, but once the law exists, then all political activities must be subject to the applicable law.⁵⁴

An integral part of Prof. Mahfud's discussion of legal politics is political configuration. This can be interpreted as an arrangement or constellation, which if divided dichotomously contains two concepts, which are

⁵⁴ Mahfud MD. *Political Law in Indonesia*, 8.

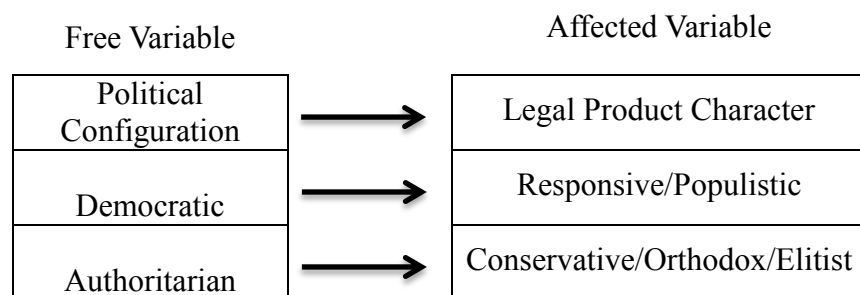
diametrically opposed to one another. First, there is a democratic political configuration, which is the composition of a political system that opens up opportunities for full popular participation to actively determine public policy. This participation is a result determined by the majority through their representatives (the people) in the government, in a country that adheres to a democratic system, there is certainly a plurality of relatively autonomous organizations. Looking at the relationship between the government and its representatives, in a democratic political configuration there is freedom for the people through their representatives in the government to criticize the government. Second, there is an authoritarian political configuration, which is a political system arrangement that allows the state to play an active role in taking almost all initiatives in making state policies. In this authoritarian political system configuration, there are signs that can be observed, such as the impulse of the power elite to impose unity, the elimination of open opposition, the dominance of the state leadership to determine state policy, and the dominance of the power of the political elite which is quite permanent, full of doctrines that justify the concentration of power.⁵⁵

The configuration of politics and law has a push and pull relationship between the two, and it is law that has a high probability of being affected, or influenced by politics. Politics in its subsystems has a greater concentration of energy than law, so when faced with politics, law will be in a weak position. To understand the legal system in an era of political dynamism, it must first be

⁵⁵ Mahfud MD. *Political Law in Indonesia*, 25.

observed from below and seen from its socio-political role. The strong political concentration in Indonesia often causes legal autonomy to be intervened.⁵⁶ The implementation of law is also influenced by the intervention of political concentrations that have great energy, law as a political product, then the political configuration of a country will shape the character of the product (its law) in that country.

Table 2

Variables in Political Law⁵⁷

Source: Political Law in Indonesia Prof. Mahfud MD

The political configuration of a country cannot necessarily be seen in black and white, it cannot be easily called democratic or authoritarian, the impossibility of calling it easily can be felt when the political configuration is associated with its pragmatic goals or needs. Sometimes it is authoritarian, because it is based on reasons to ensure the welfare of its people, so that the interests of the people become its main concern. The goal of authoritarianism is the same as the goal of a state with a democratic political configuration, when viewed from the protection of the interests of its people. The political configuration itself determines the character of the legal product, the character

⁵⁶ Mahfud MD. *Political Law in Indonesia*, 13.

⁵⁷ Mahfud MD. *Political Law in Indonesia*, 15.

of the legal product is also referred to as the nature or character of the legal product. First, there are legal products that have a responsive or populist nature, namely legal products that do reflect a sense of justice that is able to meet the expectations of the community. In the process of making it provides a large role and full participation of social groups or individuals in society. responsive legal products have two kinds of legal development strategies, in the orthodox legal development strategy greatly maximizes the role of existing institutions in government, the role of government and parliament is very dominant in determining the direction of legal development. In contrast to the responsive legal development strategy, the dominant role lies with the judiciary, which in practice also involves the participation of broad groups or individuals in it.

Second, regarding the characteristics of legal products that are influenced by their political configuration, are the characteristics of conservative legal products. It is a product of the nature or character of law characterized by the social vision of the political elite, which reflects more the wishes of the government, which is an implementing tool of the ideology or government work program. The characteristics of conservative legal products certainly contradict the characteristics of responsive legal products, this can be seen from the more closed legal products produced from the demands of groups and individuals. In making this legal product, the role or involvement of the community is arguably relatively small. After knowing the characteristics of legal products that are influenced by political configuration, the nature of

these legal products can be categorized or found. And seeing from the function of responsive legal products, this has an aspirational nature, which can be interpreted that the general material contained in the legal product is in accordance with the aspirations of the people served by their representatives, or has been crystallized. In contrast to legal products that have a conservative character, these legal products have a positivist-instrumentalist nature, which means that they contain material that is more representative of the social and political vision of the power holder, or it can be interpreted that they contain material that is a supporting tool to realize the will and interests of the government.⁵⁸

B. Measured Fishing

Measured fishing is part of a the long history of fisheries management in Indonesia. In the past, the main focus of fishing was on the concept of sustainable fishing. However, it left several challenges, such as: damage to the marine environment, overfishing, and ecosystem degradation.⁵⁹ The Indonesian government has responded to the challenges of Indonesia's fisheries management through a measured fishing policy. Various organizations, including the UN and FAO, have developed guidelines to support sustainable fisheries management globally. These global initiatives provide guidance and support for countries, including Indonesia, in achieving blue economy goals.⁶⁰

⁵⁸ Mahfud MD. *Political Law in Indonesia*, 26.

⁵⁹ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, 270.

⁶⁰ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, 271.

The concept of sustainability in the ocean economy seeks economic and social benefits, which also contribute to the long-term sustainability of the ocean.⁶¹

Measured fishing promoted by the Indonesian government is a model taken from several countries that have implemented quota-based fisheries management. Countries that have implemented quotas in their fishing include Chile, Argentina, Portugal, Morocco, the Netherlands, Australia and Iceland. While in the pilot of zoning in fishing, like the UK which is indeed bound by zones or *attachment zones*, measured fishing in Indonesia also applies zones for fishing actors.⁶²

Indonesia, as a country with a tropical climate, is one of the countries that implement quota-based fisheries management. Although Australia in the tropical north also implements catch quotas, many small-scale fishers have negative perceptions about the implementation of catch quotas, especially on the environmental, social and economic aspects. The different climates in different parts of the world also affect the cycle of organs, which also impacts the ecosystem and the activities of fishers. Climate also affects the increase in sea water temperature, and sea level, therefore this is also a consideration in implementing measured fishing in Indonesia, which has a tropical climate.⁶³

C. Justice Theory

Justice, something that never stops being talked about and continues to be discussed by every individual in society. Fighting for it, obtaining it so that

⁶¹ Marihot Nasution, *Potential and Challenges of Blue Economy in Supporting Economic Growth in Indonesia: A Literature Review*, (Jakarta: Journal of Budget, 2022) 340.

⁶² Eli Nurlaela, *Measured Fishing: Applications and Challenges*, 272.

⁶³ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, 273.

their living standards improve, and feel safe and prosperous. Justice is the highest policy of a system that applies, both within the scope of the state and religion.⁶⁴ Many figures and scholars discuss justice, one of which is the meaning of justice according to Islam, there is a clear command of Allah written in Surah An-Nisa Verse 58 so that his servants are fair.

By its very nature, fairness means that something must be placed in its proper place and given to those who are entitled to it. Thus, the most basic understanding of justice is that all people are equal and deserve to be treated equally. However, justice is often understood as treating the same equally, and not the same unequally, it is just that the distribution can be organized on the basis of three principles, first equality, second need or contribution, and third related to what should be given. Bustanul Arifin defines justice (law) as what is determined by its purpose, meaning that if justice is about Islamic law, then its existence is dependent on the justice that Allah has determined for it.⁶⁵

As a state of law, Indonesia upholds the value of social justice as a whole and without discrimination, where the meaning of justice must be felt by all Indonesian people without exception. This is in line with John Rawls' theory of justice, which emphasizes equality in opportunities to achieve a decent and better life. The concept of social justice in Pancasila also has similarities with John Rawls' view of justice, which emphasizes balance and equal distribution of rights and obligations for all people in various aspects of life.

⁶⁴ Nurlaila Harun, Justice in the perspective of Islamic law, *I'tisham: Journal of Islamic law and Economics* Vol. 1 No. 2 July-December 2021 157.

⁶⁵ Nurlaila Harun, Justice in the perspective of Islamic law, *I'tisham: Journal of Islamic law and Economics* Vol. 1 No. 2 July-December 2021 162.

John Rawls' theory of justice can be intuitively understood that every rational person will accept the principle of equality underlying the justice to be distributed, namely by providing equal opportunities, so that each of them will be considered fair.⁶⁶ John Rawls in his instinct of justice divides it into several ideas. The first is the default position and justification, in the sense that the default position is the *fundamental* status *quo* agreement that justice is *fairness*. In using John Rawls' principles of justice, there are two principles or stages that must be followed. First, everyone has the same right to the broadest basic freedoms, as broad as the same freedoms for all people. Second, social and economic inequalities should be regulated in such a way that;

- (a) can be expected to benefit everyone; and
- (b) all positions and offices are open to everyone.

These freedoms are required by the first principle to be equal, as citizens of a just society have the same basic rights. The second principle which deals with the distribution of income and wealth does not have to be equal, it has to be for the benefit of everyone, a society that applies the second principle by making its portions open to everyone, thus subject to these restrictions, will regulate socio-economic inequality so that everyone benefits.⁶⁷

D. *Adz-Dzararu Yuzalu*

Harm must be eliminated. Etymologically, *al-Dharar* (harm) is the opposite of *al-Naf'u* (benefit), and can be interpreted as all forms of bad

⁶⁶ Mohammad Takdir, *Critical Study of John Rawls' Theory of Justice*, 347.

⁶⁷ Rawls, *A Theory of Justice*, *A Theory of Justice*, 73.

conditions, shortages, difficulties, and misfortunes. In terminology, it has a meaning that is not much different from its linguistic meaning, namely the lack or damage that befalls something. All forms of harm are forbidden in this great Islamic *Shari'ah*. It is not permissible for a person to cause damage or cause harm to himself or others, whether to life, property, or honor. It is obligatory to prevent all forms of harm that may occur (preventive), just as this *Shari'ah* also requires removing harm after it occurs (repressive).⁶⁸

Adz Dzararu Yuzalu this rule is used by Islamic jurists on the basis of the hadith of the Prophet SAW, the hadith which means "It is not permissible to give harm, and to repay with harm", hadith narrated from various transmission lines (*sanad*).⁶⁹ Zainul Abidin Ibrahim ibn Muhammad bin Abu Bakar who *mashyur* known as Ibn Nujaim, one of the fiqh experts madzab hanafi said that the compiler of *fiqhiyah* rules is Abu Thahit al-Dabbas. He divided the rules into five rules, including:

1. All affairs are (judged) according to their purpose/intention.
2. That conviction cannot be erased by a doubt
3. Difficulty leads to ease
4. All forms of harm must be eliminated
5. Customs/traditions can be used as legal considerations

The rule of *Adz-Dzararu Yuzalu* in the above division occupies the fourth position. In Islamic law it includes rules related to *aqidah*, *morals* and

⁶⁸ Wildan Jauhari, *Rules of Jurisprudence; Adh-Dhararu Yuzal*, (Jakarta: Rumah Fiqh Publishing, 2018), 6.

⁶⁹ Washil, *Qawa'id Fiqhiyyah*, 17.

amalaiah. The basics or foundation of the source of Islamic law, namely *fiqhiyah rules*, including *adz-dzararu yuzalu* as a derivative is to provide benefits.⁷⁰ Mentioned in the hadith:

لا ضرر ولا ضرار

Meaning: Do no harm (to yourself) and do no harm (to others).

damage (to others).

Muhammad Said Ramadhan al-Buthi explained that the hadith is a short but broad message in its meaning, covering actions, wisdom or decisions. Public or private benefits must consider and take into account the legal provisions.⁷¹ The breadth of legal coverage included in this fiqh rule is very significant. Some scholars argue that the rule of *Adz-Dzararu Yuzalu* covers half of the science of fiqh. This is because, in general, all fiqh rulings can be divided into two main values, which are for Also because of the breadth of the scope of the rulings that fall under this fiqh rule. Some scholars say that the rule of *Adz-Dzararu Yuzalu* is half of the science of fiqh. Because, in general, all fiqh laws are only divided into two main values, namely for:

جلب المصالح أو درء المفاسد

Meaning: to bring benefit or reject harm.

Imam al-Suyuthi (911 AH) explained how high the position and importance of this rule of fiqh. He stated, "You should know that there are

⁷⁰ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fiqhiyyah Rules and Islamic Law Reform*, (Banda Aceh: YayasanWDC, 2017), 18.

⁷¹ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fiqhiyyah Rules and Islamic Law Reform*, 32

many jurisprudential rulings that are based on the principle of *Adz-Dzararu Yuzalu*.⁷²

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ⁷³

Meaning: And He has made no hardship for you in religion.

The branches of this principle make it easier to draw analogies. *Khiyar* is the first branch, with all the types and forms prescribed by *Shara'* to eliminate harm. Such as *khiyar sharth* which gives the opportunity to the inexperienced in carrying out the sale and purchase transaction, using this *khiyar* is enacted to eliminate the possibility of loss to the party carrying out the sale and purchase. As for *khiyar ru'yah*, it emphasizes more on eliminating danger, which arises from objects or goods that do not match the properties of these goods when described during the sale and purchase transaction. Furthermore, there is *Al-Hijr*, which is a limitation on the authority to use property rights. This needs to be a restriction for subjects who have property rights, but there are hindering factors, such as children, crazy, wasteful, and idiots. The *Al-hijr* mechanism applied to them, is none other than to maintain their own interests in avoiding harm that will exploit them. Furthermore, there is *Shuf'ah*, which is the right of the first buyer, applied in *shirkah* or partnership, to prevent the distribution of *shirkah* goods that are not in accordance with the initial agreement.

⁷² Jauhari, *Principles of Jurisprudence; Adh-Dhararu Yuzalu*, 7.

⁷³ QS. Al-Hajj [22]: 78

In addition to the above, *qishash* is also part of this rule. *Qishash* in the context of the soul and *hudud* is prescribed to provide protection from harm, in order to maintain the five general principles or *dharuriyat*, which consist of the soul, mind, religion, offspring, and property. In addition to the context of the soul, *qishash* is also stipulated in the elimination of harm. For example, for the victim of a crime, he does not need to feel resentment towards the perpetrator, because the punishment has been determined for him, and the perpetrator will also be free from the victim's grudge. The implementation of *qishash* is none other than to maintain stability and security in society. As for *ta'zir*, it is prescribed to prevent social harm as well as individual harm, both preventive and repressive, eliminating harm to the victim and giving appropriate punishment to the perpetrator. There are also restrictions on people's freedom to use their utility, ownership, or actions that can cause harm to others, including the prevention of harm. For example, if the leased land is used for blacksmithing, but it turns out that next to the land there is a food court, which sells various types of food or clothing. Then leasing the land for blacksmithing is prohibited, because the harm caused will be greater than the harm borne by the individual, which is not allowed because the social good must take precedence over the individual good.

According to scholars, if a person causes real harm to the rights of others and it is possible to take preventive measures, then he can be forced to take those preventive measures. However, if it is related to public harm (social harm), then it does not look at the cause of the harm first, but under any

circumstances this harm must be eliminated, not least because it concerns social life and the environment.⁷⁴

As one of the applicable Islamic laws, *adz-dzararu yuzalu* in determining the law or its application uses the principles of Islamic law. These principles, among others, consist of:

1. Doesn't make it difficult
2. Minimize burdens or legislation
3. Gradually
4. In line with human benefit or interest
5. Justice and equality⁷⁵

⁷⁴ Washil, *Qawa'id Fiqhiyyah*, 19.

⁷⁵ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fiqhiyyah Rules and Islamic Law Reform*, 41.

CHAPTER III

RESULTS AND DISCUSSION

A. The Politics of Measured Fishing Law in Government Regulation Number 11 Year 2023 from the Perspective of John Rawls' Principle of Justice

Indonesia's fisheries resources, which are stored in more than 5.8 million km of ocean², are certainly abundant. These resources not only fulfill the animal protein needs of more than 270 million Indonesians, but also have significant economic effects, creating jobs and influencing the national economy. However, the sustainable management of marine fisheries resources has become an increasingly urgent challenge to address. Like many other countries, Indonesia's marine fisheries have faced several major problems, including overfishing, damage to marine ecosystems, and threats to the livelihoods of conventional fishers. For decades, fisheries resources have been threatened by uncontrolled fishing and practices that damage the marine environment. Resulting in declining fish stocks, and economic uncertainty for fishers.⁷⁶

The measured fishing policy (PIT) is clear evidence of the government's concern in protecting Indonesia's fisheries resources. Measured fishing is stipulated through several laws and regulations, found in Government Regulation Number 11 of 2023 concerning Measured Fishing⁷⁷, and Regulation of the Minister of Marine Affairs and Fisheries of the Republic of

⁷⁶ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .269.

⁷⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

Indonesia Number 28 of 2023 concerning Implementing Regulations for Government Regulation Number 11 of 2023 concerning Measured Fishing. This is none other than to ensure the sustainability of Indonesia's fisheries resources.⁷⁸

Government regulations in the hierarchy of laws and regulations occupy the fourth position, which is stipulated by the President to implement the law.⁷⁹ Government regulations are evidence of the government exercising its power. The government in this case is an executive agency or an institution that carries out the law, namely the president and its subordinate components, including ministries that are obliged to carry out their respective authorities and functions, including the Ministry of Maritime Affairs and Fisheries. Government Regulation Number 11 of 2023 concerning Measured Fishing is an implementing regulation of Law Number 31 of 2004 concerning Fisheries.⁸⁰

Policies relating to law or policies in the field of law can be called legal politics. Then there is a subsystem of legal politics, namely the politics of legislation. It can also be interpreted as a policy regarding the determination of the content or object of lawmaking as well as its application and enforcement.⁸¹ So to analyze the legal politics of the measured fishing policy, including the rules at the top or bottom level, it needs to be detailed using legal politics, including:

⁷⁸ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .267.

⁷⁹ Article 1 Point 6 of Law Number 12/2011 on the Formation of Laws and Regulations.

⁸⁰ See the Preamble of Government Regulation No. 11 Year 2023 on Measured Fishing

⁸¹ Prof. Dr. H Abdul Latif, S.H., M.H. *Political Law* (Jakarta: Sinar Grafika, 2010) 164.

1. State policy and official line of law to be enforced

Basic policy, is so called because it refers to the basis of its foundation. This policy is located or contained in legal regulations, issued by state organs that have a position in their duties. The basic policy can be found in the state constitution, namely the 1945 constitution. Government Regulation No. 11 of 2023 on Measured Fishing⁸² in its consideration is based on Article 5 Paragraph (2) of the 1945 Constitution⁸³, which stipulates that government regulations are made by the president according to the law as appropriate.

Government regulations as implementing rules of the law, in this case Government Regulation Number 11 of 2023 concerning Measured Fishing⁸⁴ is an implementing rule of Law Number 31 of 2004 concerning Fisheries, this is written in consideration of Government Regulation Number 11 of 2023 concerning Measured Fishing.⁸⁵ So, if the legal line is drawn, Law Number 31 of 2004 concerning Fisheries⁸⁶ is the parent rule of the government regulation, please note that Law Number 31 of 2004 concerning Fisheries⁸⁷, has been amended by Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries.⁸⁸

There is a policy under the measured fishing policy, namely the Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number 28 of 2023 concerning the Implementation Regulation of

⁸² Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁸³ Supplement to the State Gazette of the Republic of Indonesia Number 73.

⁸⁴ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁸⁵ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁸⁶ Supplement to the State Gazette of the Republic of Indonesia Number 4433

⁸⁷ Supplement to the State Gazette of the Republic of Indonesia Number 4433.

⁸⁸ Supplement to the State Gazette of the Republic of Indonesia Number 5073.

Government Regulation Number 11 of 2023 concerning Measured Fishing.⁸⁹

This line of law will realize the ideals of law, because with the hierarchy of laws and regulations that are coherent and sustainable, which will facilitate its implementation.

2. Socio-cultural political economic background of the formation of measured fishing

Indonesia, which is geographically located between two continents and two oceans, certainly has a strategic role. As a world maritime axis country, it has the potential for abundant marine and fisheries resources.⁹⁰ To regulate Indonesia's marine and fisheries resources, the (PIT) policy establishes *output* control catch quota restrictions. This policy is a new fisheries management model implemented in Indonesia. The goal is to preserve fisheries resources and optimize socio-economic benefits for fishermen and other business actors.⁹¹

The policy, published in March 2023, is a new regulation in the context of Indonesian fisheries. There are many reasons behind the birth of this policy, in terms of politics, economics, society and culture. First, the measured fishing policy is motivated by the lack of control of fishing quotas, fishing is only carried out by granting fishing licenses, regardless of the quota or capacity of the vessels granted permission. Fishermen or fishing business actors who have a fishing license, regardless of how much they exploit the

⁸⁹ State Gazette of the Republic of Indonesia Year 2023 Number 698.

⁹⁰ K. Johnson Rajagukguk, S.H, M.H., et al. Academic Manuscript of the Bill on Fisheries (Jakarta: PUUBK Center of the House of Representatives, 2017)

⁹¹ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .268.

fish caught, which will result in the unsustainability of fisheries resources and the difficulty of regulating the mechanism of limiting fish catch.

The phenomenon of a competitive race in catching fish between fishing business actors also contributed to the birth of the measured fishing policy. This of course puts the quality of the fish caught aside, because what is pursued is the quantity of the catch. Fishing businesses compete to get the biggest and largest share of the available fishery resources, without considering the impact on the sustainability of the marine ecosystem and its fishery resources.

Economically, the government tends to take non-tax state revenue (PNBP) without considering and taking into account the amount of catch fishermen's land. PNBP is the amount that must be paid by fishers to the government, based on the amount of their catch according to regulated rules (reference price of fish). This also affects the economic awareness of fishing businesses. Fishermen who pay more to the government, in other words they lose money, because the catch does not match the PNBP deposited. And there are also fishermen who pay less, in the sense that the amount of catch has a greater selling value than the PNBP paid to the government.⁹²

3. Measured fishing law enforcement in reality on the ground

The implementation of a quota-based measured fishing policy is based on observations from countries that have implemented it before. For example, countries in the European Union have implemented fixed allocations in

⁹² Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .270-272

fishing. Meanwhile, the application of fishing zones is adopted from the UK, which applies fishing catches that have an attachment to the division of fishing zones. However, in its application, there are still several things that must receive special attention in its enforcement. Regulation, which is one of the binding and legal instruments in law, has a strong foundation for making decisions that are needed and deemed necessary. The following is a table of regulations that help guide the implementation of the measured fishing policy.

Table 3

Measured Set of Fishing Regulations⁹³

No	Regulation	About	Date Promulgated	Status
1	KP Ministerial Decree Number 50 Year 2022	Determination of Ports that Have Met the Requirements for Post-Production Withdrawal of Types of Non-Tax State Revenue Derived from Utilization of Fishery Natural Resources	August 18, 2022	Not Applicable
2	KP Ministerial Decree Number 4 Year 2023	Determination of Ports that Have Met the Requirements for Post-Production Withdrawal of Types of Non-Tax State Revenue Derived from Utilization of Fishery Natural Resources	January 04, 2023	Not applicable

⁹³ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .274.

3	KP Decree Number 21 Year 2023	Fish Reference Price	January 20, 2023	Not applicable
4	Government Regulation Number 11 Year 2023	Measured Fishing	March 06, 2023	Applicable
5	KP Ministerial Decree Number 132 Year 2023	National Fishing Port Master Plan	August 04, 2023	Applicable
6	KP Ministerial Decree Number 139 Year 2023	Determination of Port Bases that Have Met the Requirements for Post-Production Withdrawal of Types of PNBPN Derived from Utilization of Fishery Resources	August 15, 2023	Applicable
7	Minister of KP Regulation Number 28 of 2023	Implementation Regulation of Government Regulation Number 11 Year 2023 on Measured Fishing	September 01, 2023	Applicable

8	KP Ministerial Decree Number 140 Year 2023	Fish Reference Price	September 15, 2023	Applicable
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Some of the above regulations show an invalid status, even with the same substance. This shows that there is still uncertainty in the preparation of regulations or policies. Along with the uncertainty contained in some of the regulations above table.3 causes legal protection that should be provided by the government to its people to be unfulfilled, fishing businesses will lose money, loss of trust in policy makers. Changes that tend to be rapid in a series of related regulations cause fishing businesses to have difficulty in adapting.

The fishing policy in reality related to law enforcement is still considered inadequate and accommodates the existing law. Government Regulation Number 11 of 2023 concerning Measured Fishing⁹⁴ which in its consideration is based on Law Number 31 of 2004 concerning Fisheries⁹⁵, has in fact been amended by Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries⁹⁶, which has also been amended by Law of the Republic of Indonesia Number 6 of 2023 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job

⁹⁴ Supplement to the State Gazette of the Republic of Indonesia Number 6853

⁹⁵ Supplement to the State Gazette of the Republic of Indonesia Number 4433

⁹⁶ Supplement to the State Gazette of the Republic of Indonesia Number 5073

Creation into Law⁹⁷. This then becomes an obstacle in the growth of the fisheries sector, including causing cost overruns in the process of understanding, implementing and applying it. Every regulation that undergoes dynamic changes requires every legal subject and object to comply with the existing rules by force and coercion, changes that are too fast will also have an impact on supervision and law enforcement.

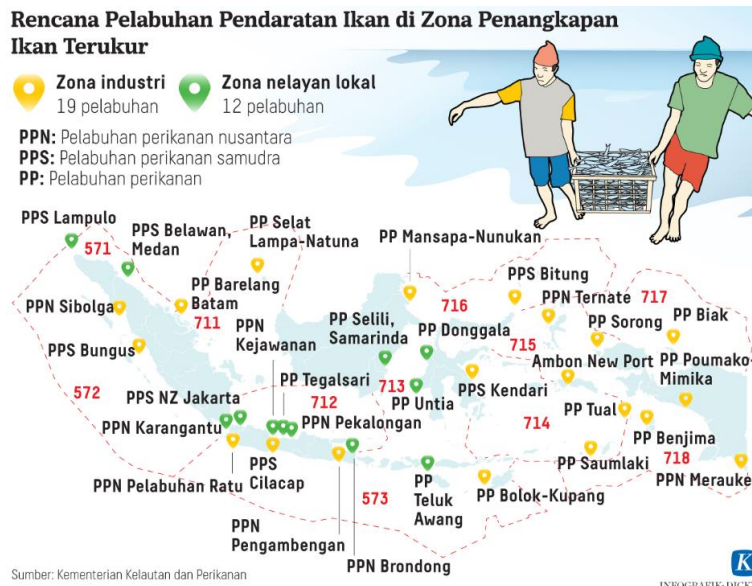
The status of the enactment of Government Regulation Number 11 of 2023 concerning Measured Fishing⁹⁸ which already has implementing regulations under it, namely the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 28 of 2023 concerning Regulations on the Implementation of Government Regulation Number 11 of 2023 concerning Measured Fishing⁹⁹, has been postponed, this is contained in Circular Letter Number: B.1954 / MEN-KP / XI / 2023 concerning Policy Relaxation during the Transition Period for the Implementation of Measured Fishing. This further confuses the law enforcement of measured fishing in the field, especially since the clarity of the implementation of this policy awaits the legislation that will regulate it.

⁹⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6841.

⁹⁸ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

⁹⁹ State Gazette of the Republic of Indonesia Year 2023 Number 698.

Figure 1

Fish Landing Port Zone¹⁰⁰

Source: Ministry of Maritime Affairs and Fisheries accessed on Kompas.id on February 06, 2024

The plan for the fish landing port in the measured fishing zone, in the figure above, shows that the landing of fish is done centrally, at certain points. This is done to facilitate the calculation of PNBP based on the catch of fishers.

Policies that have been determined can be measured or examined how effectively the policy is implemented. One of them is by using indicators of justice according to the subjects and objects involved in implementing the policy. John Rawls is an expert in philosophy, law, politics and economics. Popular in the 20th century who has a major contribution in his thoughts on the

¹⁰⁰ BM Lukita Grahadyarini <<Measured Fishing is a Priority>> Kompas.id, February 06, 2024, https://www.kompas.id/baca/ekonomi/2024/02/06/penangkapan-ikan-terukur-jadi-prioritas?open_from=Search_Result_Page

principle of justice, which is contained in his work *A Theory of Justice*.¹⁰¹ The concept of justice initiated by Rawls is closely related to the transparency of the process, while in Indonesia itself often overrides transparency in the making of laws and regulations, which must involve participation or public hearings, whether the rules will be relevant to the socio-political economic and cultural conditions of the community, including the measured fishing policy.

Justice initiated by Rawls is justice with the concept of *Fairness*, which can be understood that people are obliged to have the ability to be entitled to various benefits and advantages to increase expectations from the shortcomings that exist in their lives. It is said to be *fairness* if it guarantees the objectivity of the policy, then justice must reflect fair procedures for fair results as well.¹⁰² Seeing the dynamics of the formation of the measured fishing policy described above, the author tries to detail the justice initiated by Rawls in the measured fishing policy.

1. Justice for the government

The government in this case is the executor of the law, the President and the Executive Institutions under him. The Indonesian government in fisheries management has made several efforts, including applying the concept of *blue economy*, as well as priority programs of the Ministry of Maritime Affairs and Fisheries. The concept initiated by the UN and FAO

¹⁰¹ Everyone has the same right to the broadest basic freedoms, as broad as the same freedoms for all people. Social and economic inequality should be organized in such a way that; (a) it can be expected to benefit everyone; and (b) all positions and offices are open to everyone.

¹⁰² Andra Triyudiana, *The Application of the Principle of Justice as Fairness According to John Rawls in Indonesia as a Realization of Pancasila*, Das Sollen: Journal of Contemporary Studies of Law and Society (2023) 02:01. 8.

provides guidelines to support sustainable fisheries management, there are five policies applied to the measured fishing policy in accordance with the concept of *blue economy*, sustainable management, namely the expansion of marine protected areas, measured fishing, control and supervision of coastal areas including small islands, and handling of plastic waste in the sea.¹⁰³

Measured fishing that aims to control overfishing activities is one of the goals to realize a sustainable marine ecosystem. The justice initiated by Rawls in the implementation of the PIT policy seen from the government, lies in the PNBP paid by fishermen in accordance with the catch obtained in accordance with the regulated quota provisions, thus the government as a policy maker can allocate these funds for the sustainability of fisheries management, either in empowering marine ecosystems or developing supporting infrastructure. And with this policy, the government considers that social justice will be created for the utilization of fish resources, through this policy it will increase the income of fishermen, the welfare of fishermen, and support the empowerment of local communities, it will also improve the quality of future fish catch products, so that fishermen have the opportunity to get the same good quality catch in each period, without worrying about it, because it has been limited by the catch quota.

2. Environmental justice

The environment in this case is all ecosystems under the sea, which are also regulated in the measured fishing policy. Seeing the purpose and

¹⁰³ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .270.

background of this regulation, the fishing environment becomes the focus of attention to achieve the sustainability of fish resources in the *blue economy* concept. The justice that Rawls initiated, namely *fairness*, for the environment is intended so that the environment continues its process of growing without being exploited and still provides benefits.

The provision of catch quotas also prevents the exploitation of marine resources, allowing marine biota to reproduce and maintain their survival. There is zoning applied in measured fishing, the goal is that the environment in understanding the concept of *fairness* opens up equal opportunities in each zone with the composition of fishing activities that are in accordance with the marine ecosystem.

Figure 2
Measured Fishing Zones¹⁰⁴



Source: Ministry of Maritime Affairs and Fisheries 2022 accessed on Kompas.id on February 06, 2024

¹⁰⁴ BM Lukita Grahadyarini <<Measured Fishing is a Priority>> Kompas.id, February 06, 2024, https://www.kompas.id/baca/ekonomi/2024/02/06/penangkapan-ikan-terukur-jadi-prioritas?open_from=Search_Result_Page

This division of the measured fishing zone adapts to the State Fisheries Management Area of the Republic of Indonesia (WPPNRI), so that the area that has been divided according to the above division can be equally used to maintain its sustainability. Fishing areas that contain abundant fishery resources can be utilized by fishermen or fishers who have permits, while areas whose fish resources must be protected are also only utilized by fishers who have permits in accordance with the provisions of the laws and regulations. This is where justice for the environment is created, nature or marine ecosystems and the fishery resources contained therein have the same opportunity to maintain their sustainability.

Fisheries management in various WPPNRIs must take into account the variation in the utilization rate of fish resources in each region. Strict monitoring and reduction of fishing effort are necessary to maintain the sustainability of threatened fish resources. In addition, the distribution of fishing quotas should consider various factors, such as the number of fishers, vessel size, fishing gear, as well as the characteristics of fish resources and their habitats, to ensure sustainable and equitable utilization for all parties involved in the fishing industry.¹⁰⁵

3. Justice for fishermen

Fishermen or fishing actors, in this case including small fishermen to industrial actors, have been described in Government Regulation Number 11

¹⁰⁵ Eli Nurlaela, *Measured Fishing: Applications and Challenges*, .279.

of 2023 concerning Measured Fishing.¹⁰⁶ Fishermen who are both the object and subject of this measured fishing policy, who are expected and should get the meaning of justice, are in fact far from fair. Using the perspective of justice initiated by Rawls with the concept of *fairness*, it is still far from fair, this is evidenced by several problems arising from the implementation of this policy.

Rules that are quickly replaced, without involving public hearings or public participation, create confusion in their implementation. The technical implementation of the measured fishing policy that is not fully ready to be enforced is visible. Uncertainty in the provision of quotas that can be caught makes it difficult for fishermen (small fishermen) to plan their fishing activities, this is seen in terms of small fishermen, which indeed in government regulation Number 11 of 2023 concerning Measured Fishing¹⁰⁷ gets an exception in several articles. There are no clear criteria for what constitutes a small-scale fisherman, while in other types of fishermen, the criteria as well as their rights and obligations are clearly mentioned.

Rawls' concept of *fairness*, which provides equal opportunities to the object or subject of the law, is also not reflected in the implementation of this measured fishing policy. The reference price of fish, which is determined and serves to calculate the amount of PNBP that must be paid by fishermen, is also a question mark. The calculation of the reference price of fish does not take into account the fishing season in a certain period, because at certain

¹⁰⁶ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

¹⁰⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

times the number of fish or the quality of fish will be different, it could be that the number of fish caught in a certain period, which is indeed of poor quality, is equalized with the reference price of fish with good quality catches. Not if the PNB calculation does not consider operational costs in fishing activities, both the number of crew members, the cost of fuel, supplies, and maintenance of fishing gear. There are also local fishermen along the coastline of the zones that will be applied to the PIT policy, who still depend on local ports or docks, if the landing of catches is carried out centrally and without considering local communities and cultures, it will disrupt the socio-cultural order of coastal communities, such as economic turmoil at local docks, to the culture or wisdom of coastal local communities.

Thus, the PIT policy is included in a legal product that has a conservative nature, which is imposed. The planning does not involve the subject of law, and the ratification is relatively rushed without seeing the reality in the field. There is no equal opportunity or chance. So that it has the ability to have the right to feel various benefits and advantages to increase hope from the shortcomings that exist in life.

B. Adz-Dzararu Yuzalu's Perspective on Government Regulation No. 11 of 2023 on Measured Fishing

Adz-Dzararu Yuzalu generally aims to eliminate harm to others. In environmental management, this rule has a significant influence on the survival of human life and the surrounding nature. As a *caliph*, humans must be able to prosper and preserve nature properly as a form of gratitude for the gift of life

given by Allah SWT. Measured fishing policies oriented towards the *blue economy*¹⁰⁸, one of which has a concentration on environmental management, especially in marine and fisheries resources, has a relationship with the concept or rule of *adz-dzararu yuzalu*. Also on the impact experienced by fishing actors or fishermen, as the subject and object of the PIT policy. According to Ahmad al-Nadwi, the ad-Dhararu Yuzalu rule covers various aspects of Islamic law. This understanding is well known for the principle that one is not allowed to harm others. We are encouraged to always eliminate all forms of harm in every life activity.¹⁰⁹ The government, in terms of policy makers, is also a government organizer, especially in the PIT policy, so it is fully responsible for the harm and benefits of measured fishing, both to the state civil apparatus, fishing actors or fishermen, and the environment.

Adz-Dzararu Yuzalu this rule is divided into several laws, which in its use see the nature of its *furu'nya*, among others: *khiyar* when dealing with exchange, *al-hijr* or restrictions on authority, *hudud*, *takzir*, and restrictions on human freedom in ownership or benefits so as not to cause harm to others.¹¹⁰ In contrast to the law that looks at the *furu'nya*, *from the* point of view or to see or measure the value of the usefulness of a policy, in the PIT policy, if the exploitation of fish resources in the marine environment is not immediately

¹⁰⁸ An economic development concept that focuses on the sustainable use of marine resources to improve human welfare. Key features of the blue economy include a sustainable approach that aims to preserve marine resources, ensuring an integrated approach to marine resource management by involving various stakeholders, and encouraging the participation of local communities in marine resource management efforts.

¹⁰⁹ Shofi Lathifa N A, *The Importance of Implementing Ad-Dhararu Yuzalu in Environmental Perspective*, (Yogyakarta: UII, 2020), 4.

¹¹⁰ Washil, *Qawa'id Fiqhiyyah*, 17.

addressed, or prevention efforts are made, it is feared that it will damage or even make the marine resources die. This refers to the word of Allah

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِّنَ الْمُحْسِنِينَ.

Meaning: You shall not cause corruption on earth after it has been well ordered. Good. Pray to Him with fear and hope.

Verily, the mercy of Allah is very near to those who do good.¹¹¹

The implementation of PIT in the context of the environment or the sustainability of marine resources and fisheries is an effective step, because it helps the livelihood of marine resources and various things contained such as fish, and those who depend on them such as fishermen. However, because *adz-dzararu yuzalu* is an integral part of Islamic law, its implementation must elaborate the principles of Islamic law. Therefore, the PIT policy must be measured against the principles of Islamic law.

1. No hassle

This principle certainly considers the legal subjects who will carry out the law, with the aim of avoiding difficulties so that it can be applied easily. This means that the law is designed so as not to overburden the community and remain within the limits of human ability to implement it.¹¹² The PIT policy measured from the principle of Islamic law that does not make it difficult certainly has several answers, in measured fishing there are several exceptions for small fishermen, this is included in the size of not making it

¹¹¹ Q.S Al-A'raf verse 56 (7:56)

¹¹² Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fihiyyah Rules and Islamic Law Reform*, 41.

difficult. On the other hand, it certainly has obligations other than small fishermen, which can also be interpreted as something that contributes to the successful implementation of this policy, thus obligations other than small fishermen) will facilitate the implementation of measured fisheries management.

2. Minimize burdens or legislation

Minimizing burdens is a consequence of the principle of not causing hardship, because hardship is inevitably born out of the amount of burden borne at a particular time, situation and condition. Hence, the laws prescribed by Allah in the Qur'an are very few. Similarly, the hadiths that appear are mostly reactions or answers to problems that arise. According to Yusuf Qardawi, this principle of reducing burdens or legislation is one of the factors that allows Islamic law to go hand in hand with the times.¹¹³ Measured fishing, in fact, in its legislation, is intended to reduce the burden, especially on the issuance of permits, or administrative matters in the implementation of measured fishing. Licenses and administrative matters have been tailored to the capacity of the fishermen, and are administered through the regions based on the type and level of quota of the fishermen.

3. Gradually

We can take the example of the gradual application of the law from the revelation for approximately 22 years, following or in response to a series of events or certain conditions that require legal determination. The

¹¹³ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fihiyyah Rules and Islamic Law Reform*, 44.

approach to law gradually or gradually, psychologically has been in accordance with human nature. Because changing what has become a habit, custom, and ingrained behavior tends to be difficult. Therefore, Islamic law uses a gradual approach in determining the law.¹¹⁴ In measured fishing, the policies enacted or promulgated still do not fulfill the principle of gradually, this can be seen in Table 3, which causes the measured fishing policy to seem forced, until finally it must be postponed. If the legislative process takes a gradual approach, there will be an understanding of the background of the enactment and a series of rules in it.

4. In line with human benefit or interest

Islamic law in its application pays attention to the principle of benefit, as a concern in human development, the principle of benefit comes as an answer. Islam is *rahmatan lil alamiin*, so Islamic law must pay attention to the interests and consider the benefits for the reality of human diversity consisting of various ethnic groups, cultures, and traditions (customs), especially in the aspect of social life.¹¹⁵ Measured fishing brings benefits in the form of efforts to protect marine resources and fisheries, which are one of the sources of human livelihood. The protection of the marine ecosystem and the enforcement of fishing quotas, which are the objectives of metered fishing, are included in the fulfillment of the principle of benefit in the application of *adz-dzararau yuzalu*.

¹¹⁴ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fihiyyah Rules and Islamic Law Reform*, 45.

¹¹⁵ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fihiyyah Rules and Islamic Law Reform*, 51.

5. Justice and equality

Islamic law in its application cannot be separated, or refers to the two main sources of law, namely the Qur'an and Hadith. In the Qur'an letter Al-Maidah verse 8, Allah says which means "O you who believe, let you be believers, let you be people who always uphold (the truth) because of Allah SWT, bear witness fairly. And let not your hatred of any people lead you to be unjust. Be just, for justice is closer to piety. And fear Allah SWT, surely Allah SWT knows best what you do". (Al-Maidah: 8). In this verse it can be understood that before Islamic law, all humans have the same position, whether because of *lineage*, social status, wealth, rank or position. Islamic law does not give special treatment to certain individuals to be free or free from related rules.¹¹⁶ In contrast to the justice that the author uses above, namely measured fishing according to Rawls' justice, which does have a division of understanding of fairness in each element or subject and object of law. Through the rule of *adz-dzararu yuzalu*, based on the fifth principle of justice, then measured fishing is able to provide the meaning of justice or equality in each subject or legal object.

¹¹⁶ Prof. Dr. H. Mukhsin Nyak Umar, MA, *Fihiyyah Rules and Islamic Law Reform*, 52.

CHAPTER IV

CLOSING

A. Conclusion

Based on the author's description that has been presented above, it can be concluded that:

1. Politically, the measured fishing law has the character of a conservative legal product. PIT policies tend to narrow the freedom and opportunities of fishing actors, which is contrary to Rawls' *fairness* justice.
2. The measured fishing policy is in accordance with the principles of Islamic law, *adz-dzarraru yuzalu*. PIT is the answer to the problem of fisheries management, the harm (exploitation) that has arisen so far has been canceled through measured fishing.

B. Advice

After explaining the legal politics of measured fishing in Government Regulation No. 11 of 2023 on Measured Fishing¹¹⁷, there are several suggestions for the PIT policy, as follows:

1. Legislation is expected to pay more attention to its responsiveness, so that at the planning and implementation stages, it produces good laws and political processes. To achieve the essence of justice, such as Rawls' *fairness*.

¹¹⁷ Supplement to the State Gazette of the Republic of Indonesia Number 6853.

2. The government should be gradual in implementing laws and regulations. So that the enacted policy, such as PIT, can achieve all of its goals, not just a few major goals achieved, which will then override other goals.

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CURRICULUM VITAE



Muhammad Rasyid is the name on the Birth Certificate No. 3954/D/2006. He is the first child of the married couple Dawam and Nyaminah. Born in the third month, twelfth day, year two thousand two, on Tuesday Pahing.

Started wearing a green and yellow suit, the typical uniform of Muhammadiyah educational institutions in 2006 at Aisyah Bustanul Athfal III Nganjuk Kindergarten. Continuing the elementary school level at Madrasah Ibtida'iyah Al-Huda Ploso, graduated in 2014. The first level of education continued at Madrasah Tsanawiyah Negeri 5 Nganjuk until 2017. The final level of education continued at Madrasah Aliyah Negeri 2 Nganjuk, graduating in 2020. And until the writing of this curriculum vitae, the author has completed one of the requirements to graduate from college, in the Constitutional Law study program.

In addition to spending time studying law in class, he is also active in several activities, both intra and extra campus. At the beginning of the lecture until towards the end, his name was still listed as a member and administrator of UKM UAPM Inovasi, while being a member of the student press, he often participated in training, such as: Liputan Scholarship held by Sejuk (Journalist Union for Diversity) in Banyuwangi, involved in the National Congress of the

Indonesian Student Press Association in Yogyakarta, and other joint coverage projects. In the middle of lectures, he was active and became an administrator in PAKPT IPNU-IPPNU K.H Wakhid Hasyim, Faculty of Sharia UIN Malang, and also became the Management of PC Pagar Nusa Malang City. Elected to be the general chairman of the regional student organization IMAKA (Angin City Student Association) in the fifth semester.

Publications that have been published, such as: Warek II: "Wanting to Go to Heaven, Why Ask for Cheap" <https://uapminovasi.com/warek-ii-mau-ke-surgakok-minta-murah/>, DEMA-U UIN Maliki Malang Upload Sakamandala Cabinet Structure: The Controversy of Non-active Administrators After Graduation <https://uapminovasi.com/dema-u-uin-maliki-malang-unggah-struktur-kabinet-sakamandala-kontroversi-pengurus-non-aktif-pasca-wisuda/>.