

Australasian Journal of
Social Science

ISSN: 2251-3205

science
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Manjo Customary Law in Fisheries Management System at Youtefa Bay Jayapura Papua

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ABSTRACT

The purpose of this study is to explain sociocultural condition of people at Youtefa bay and Manjo customary law practice in utilizing and managing fisheries resource. Used qualitative method in this study consists of three stages, namely field observation, interview key informants and literature study, then those will be analyzed descriptively. Obtained results in this study showed firstly, location of Manjo customary law practice is explained by tribe and kinship, social structure of community and consumption pattern described by communal life that obeys to applied customary law as a part of heriditarily customary. The mechanism of Manjo customary law was explained based on principles of pre-existing system, namely right, rules, monitoring, accountability and enforcement, sanctions and authority or leadership. Gender system found in Manjo customary law pratice is based on sharing role and responsibility to fisheries resource. Manjo customary law is a fisheries resource management that aims to conservation action as well as sustainable resource for the future.

Key words: Customary law, local knowledge, Youtefa bay, Jayapura Papua

INTRODUCTION

Indigenous knowledge is a cognitive aspect in the institution of resource management. This aspect becomes a basic for strengthening regulative aspect which is an aspect that contains rule, rights, authority, sanctios and monitoring (Sastria, 2007). Therefore, a rule in managing resource comes up based on owned knowledge. The rules that emerge in managing resource like MPA(Marine Protected Area) are definitely based on modern knowledge (science) (Adrianto, 2011).

The rules existing in traditional management system are based on local knowledge to resource owned by community. For instance, open-closed system in sasi and prohibition or agreement for fishing in certain periods. Given sanctions to rule violators involve church board and customary board as top authorities in monitoring because applied sasi systems are called “sasi church” and “sasi customary”.

Practices of fisheries resource management based local wisdom have been applied in some areas in Indonesia, such as marine sasi based mosque in Ambalau island, Buru selatan regency, Awig-Awig in the north of West lombok, Laot customary law or panglima laot in NAD province, shallow sea ecosystem management based sea farming in Panggang island, Seribu islands Jakarta, Lamera community and whale hunting tradition, mane'e in Talaud regency, North sulawesi,

mina bada lestari, goalkeeper co-management fisheries in Maninjau lake, West Sumatera and marine protected area management of irwor ikwan iba in Raja ampat regency, West Papua (sasi applied to strengthen implemented village regulation) (Adrianto, 2011).

Customary law practices are also found in some countries, namely Fiji where qoliqoli is the origins, history and legal nature (officially termed 'Customary Fishing Rights Area' or CFRA) and is controlled clan leader that has a strong authority (Cooke and Moce, 1995). Another customary law practice is taboos customary in Vanuatu, a multicultural nation with more than 100 languages and 80 different islands. Traditional culture, however, remains active and traditions and practice continue to be passed orally from generation to generation even though it is still a challenge to sustain for the future (Nari, 2004).

The goals of this study are to describe sosio cultural condition and practice of Manjo customary law in utilization and management of fisheries resource.

METHODOLOGY

Location: Tobati and Enggros villages are located on Youtefa bay, Jayapura Papua which covers approximately 1,650 ha (Fig. 1). Tobati village is located on 2°35'24,40"S and 140°42' 23,45"E while Enggros village is located on 2°35'57,51" S and 140°42'33,36"E.

Data collection and analysis: Qualitative method was used in this study because qualitative method is a paradigm research to describe an event, individual's behavior or a condition of a certain place in detail, deeply as well as narratively. This study was conducted with emphasising on descriptive review.

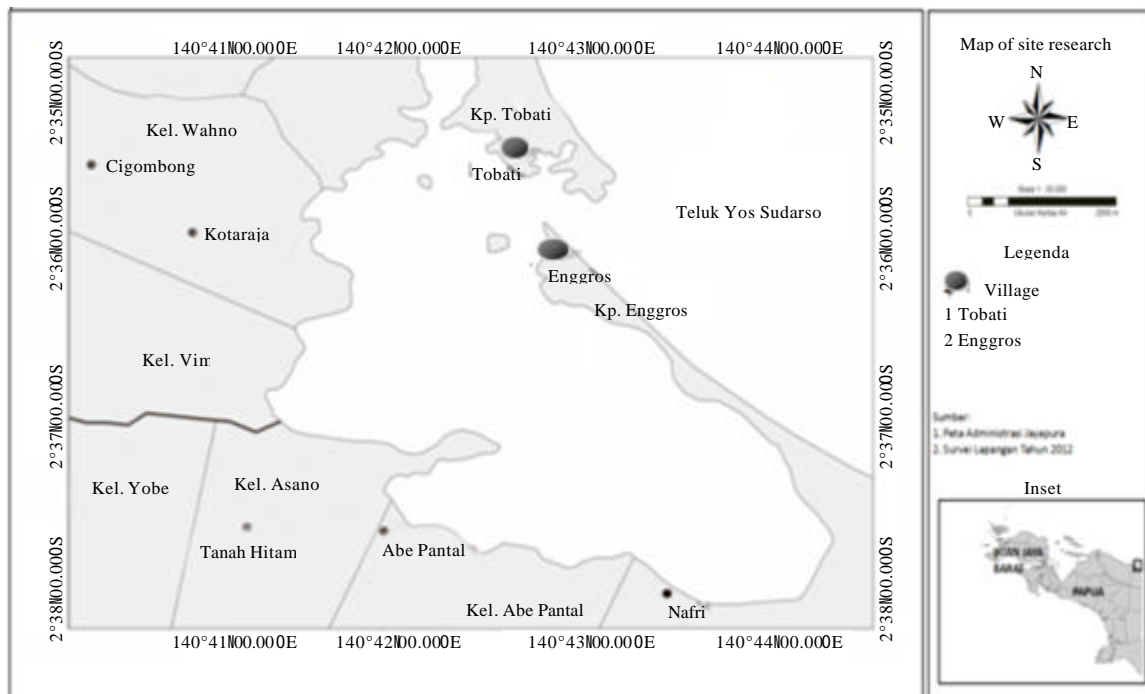


Fig. 1: Map of Tobati and Enggros village in Youtefa bay

This method was aimed to provide explanation and description based on data and information from phenomena obtained from research result or a reviewed object. This study uses two data types, primary and secondary data. Respondents were selected purposively and key actors were chosen as representative respondents with considering gender, customary and government. According to Bungin (2009), key person will be used if a researcher have already known earlier information about research object as well as research informant, so the researcher requires key person for starting interview or observation.

Data was analyzed descriptively based on observation and interview result and documentation study about pattern of management and utilization of fisheries resource in Manjo customary law.

RESULTS AND DISSCUSSION

An overview of Manjo: Three original tribes Tobati, Enggros and Nafri inhabit Youtefa bay since years ago. They comprise three villages which the names of village are the same as their tribe's name. These tribes are classified to Melanesian ethnic group which distributes in Pacific islands.

Manjo customary law still exists and applies only in both Tobati and Enggros tribe while it has no existence in Nafri because historically Nafri tribe was newcomer to Youtefa bay. However, both Tobati and Enggros give space for Nafri tribe in utilizing fisheries resource surrounding Nafri village.

Tobati and Enggros village have a meaning based on local language. Tobati called Tobatji, means literally that their village is here or they have become residents here. Enggros called Injros, on the other side, comprises two words, Inj refers to place and Ros referred to the second. Enggros, therefore, means the second village (Pomeroy and Rivera-Guieb, 2006).

Tribe and kinship: The kinship relation of community in both Tobati and Enggros is inherited patrilineally. Besides patrilineal pattern, they also follow bilineal pattern which a person could follow patrilineal and matrilineal pattern in term of right and obligation, however matrilineal pattern has less dominant currently than patrilineal pattern in both communities.

The term of Matarumah is known in the kinship system. It is used to mention some kerets as a sub clan. Local communities call Matarumah because they stayed formerly together in a big house where each rooms were divided for a family. Matarumah, then, grows and comprises some kerets.

Social structure: Local communities in Tobati and Enggros village comprise some kerets that follow patrilineal pattern. According to customary structure, community leader in both villages is a big Ondoafi which comes from Hamadi keret. However, in each keret has a leader called kepala suku (tribe leader).

Besides a big Ondoafi, both villages have the major keret. The major kerets in Tobati village are Hamadi and Ireuw while the sub major kerets are Haai, Dawir, Asor, Hababuk, Injama, Afaar, Mano and Itar. In Enggros village the primary kerets are Sanyi and Drunyi while the secondary kerets are Meraujwe, Semra, Hanasbei, Iwo, Haai, Samai, Hamadi, Hababuk and Itar (Fenitiruma, 2006).

Both groups of keret have a sharing role based on structure. Hamadi keret as a big Ondoafi has plays a role to control, to arange and to decide all things relating to communal needs of local people in both villages. Itar keret is a leader tribe to manage all things of pig. Its main duties to regulate pig hunting in the forest as well as pig buying for a customary celebration need. Drunyi is a tribe leader of canine which it role to save and to manage traditional fishing gears.

Table 1: Manjo customary law system at Youtefa bay

Type	Rules	Sanctions	Note
Tobati and Enggros villagers	Zoning system based on natural signs Prohibition of destructive fishing practices	Confiscation and destroying used fishing gears	Utilization outside bay could be shared
Pelle karang	Closed season No temporal use Number of caught fishes based on the number of family member in the village	Hobatan (murdered by magic)	Closed period shortened from 12-6 month
Gender system (men and women)	Zoning system based on Taboo fishing ground Fishing gears and boats		Zoning system among genders base on fishing Gears and distance for fishing ground

The mentioned community structure above has currently changed the culture due to the influence of outside culture from newcomer. A big Ondoafi, however, is still existing now and its authority can influence currently all implemented development activities as well as the implementation of Manjo customary law at Youtefa bay. Local people in Tobati and Enggros village have cultures, customary norms and restricted rules that have to be obeyed and also sacred all things relating to themselves and their life.

Consumption pattern: Local people in Youtefa bay are fishermen communities who depend much more on marine resource like fishes to fulfill their needs. After market could be accessed easily, their proportion of consumption to fishes has become less because most of fishes are sold to the market. This change could similarly be looked in change of staple food which is from sago to rice. It leads also to social function which people could interact well each others when harvesting sago but now their interaction has rarely been found. Even though consumption pattern to fishes has changed but local people in both Tobati and Enggros village are still applying the shared over catching fishes culture. They will share harvested fishes if they have caught more fishes for their own household consumption.

Based on social conditions (tribe and kinship, social structure and consumption pattern), local people in Youtefa bay still manage communally natural resource and obedience on the values owned by nature. Manjo customary law has a very important role in fisheries management system which has applied since years ago.

Manjo institution mechanism: Marine and coastal resource management has traditionally applied by customary community of Tobati and Enggros. This management has been known as Manjo tradition which is a social culture of Tobati and Enggros. Manjo tradition is still traditionally existing in both social cultures and is also still applied as a part of management of marine and coastal resource (Table 1). Manjo tradition, therefore, is an identity of indigenous knowledge of Tobati and Enggros in utilizing and managing marine and coastal resource.

Boundaries of resource management: Local people in Tobati and Enggros know marine boundaries of each local communities since they have inhabited in the coastal area of Jayapura city. Based on interview result, informants from Tobati and Enggros acknowledged that marine areas of each local communities have boundaries that are approved and decided together. Therefore, they have their own traditional area for fishing (Fig. 2).

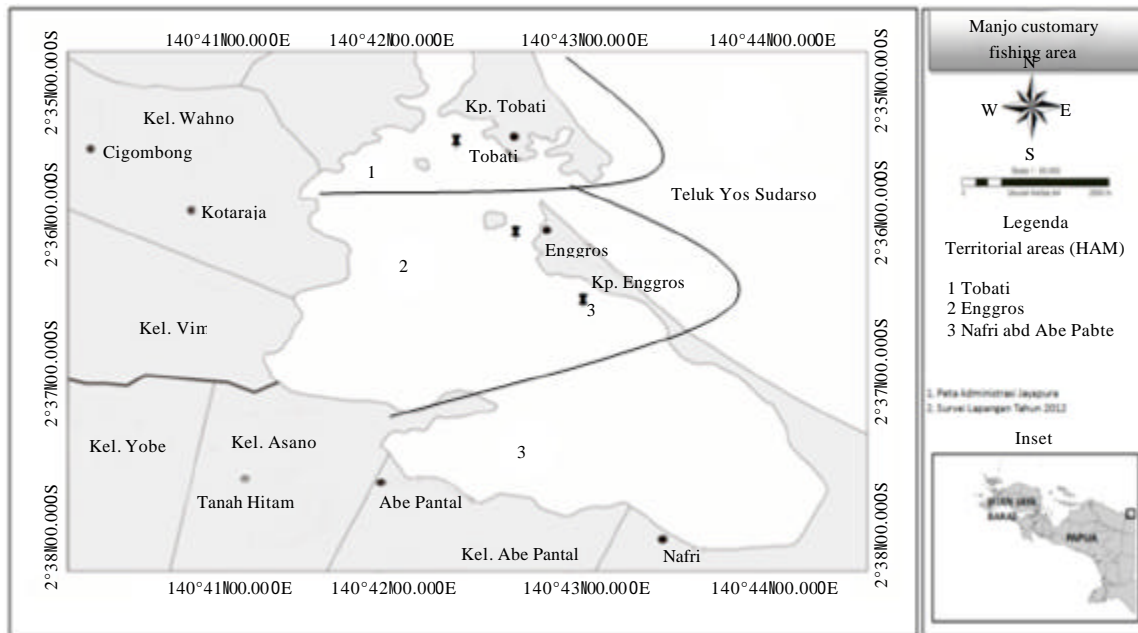


Fig. 2: Customary fishing right area of Tobati and Enggros in Youtefa bay

The approved boundaries are:

- The marine borders in Tobati and Enggros village cross from Mher mountain to Metu Debi and Nukh-Mokh land. Outside Youtefa bay areas, coastal area with a 3 m distance from coastal line in the north that closes to Yos Sudarso bay, were owned by customary community of Tobati
- Northern coastal area to Holtekam is owned by customary community of Enggros even though customary community of Tobati may be allowed for fishing at certain months
- Fishing ground area to Tobati marine area or Pacific ocean is the boundaries area that could be utilized by all communities

Rules system: Manjo tradition, as mentioned above, is an identity of indigenous knowledge of Tobati and Enggros in utilizing and managing marine and coastal resource. All life aspects of law communities in Tobati and Enggros village are maintained by customary laws such as Manjo. Manjo comprises literally two words, mam refers to customary/law and jo refers to village. Therefore, customary communities in Tobati and Enggros village are regulated by customary law. Customary law breakers will be punished through customary sanctions which could be from lighter violation to heavy violation, such as fishing gears are destroyed or violators are murdered by Hobatan (magic). Local people tend to obey customary law because they believe that besides they get a sentence due to break the rule, they will get curse (pelo refers to local language), misfortune, even sickness due to curse untill death. They also have a philosophy which better to die than alive without having customary, as been known nekende pulemiyendebele (Wanggay, 2011).

Relating to fishing system in Tobati and Enggros village, local people are prohibited for using destructive fishing gears while pelle karang (Wahyono *et al.*, 2000) is applied with open-close

system from six to twelve months. This system will be opened for a collectively harvesting based on the number of family members while the excess harvesting will be returned to the sea (Wanggay, 2011).

Coastal communities in Papua consider gender role in utilizing coastal resource (Wahyono *et al.*, 2000). The distance of fishing ground and used fishing gears are considered as requirement of regulation in managing coastal resource model. Women in coastal areas of Youtefa bay could use coastal resources as targeted biotas such as shellfishes, mangrove crabs and seagrasses which distance to use is between 100-200 m from the village. While the targeted biotas for men are fishes and their distance of fishing ground is more than 200 m from the village. Adult men are not allowed for collecting biotas that are caught by women.

Utilization based on gender is also similar to what has been done in Marovoans, Salomon islands (Ruddle, 1996). The roles of women become more exclusive than men due to the different knowledge of both two groups. This shows an equitably share responsibility. Norem *et al.* (1989) mentioned that at least four factors lead to difference of local knowledge between genders which were: (1) Different knowledge about the same thing, (2) The knowledge about a different thing, (3) Difference in how to manage knowledge and (4) Difference in conserving and transferring knowledge.

Customary communities at Youtefa bay understand that waters of Youtefa bay is owned communally (communal right) however right to access the area is regulated by territorial boundaries based on natural signs, namely peninsular or mountain and right to use natural resources in Youtefa bay is also maintained in customary law.

Sanction system: The rules and firmly sanctions due to implementation of Manjo customary law give a significant contribution for sustaining natural resource in local communities. The rules in Manjo customary law forbid people for using destructive fishing gears, tiger trawler, bomb, poisson and chemical substances (e.g., potassium) because these can destroy marine ecosystem as well as coral reef. Beside that, banning for temporally utilizing natural resource in particular areas in Tobati and Enggros village and natural resource will be harvested collectively with a maximum yield for each households. Manjo customary law also prohibits local people for cutting mangrove forest in the coastal area. This prohibition plays a role in protecting coastal areas from abrasion and erosion.

Sanctions on the other hand, will punish anybody who violates the collectively approved rules. A given sanction for rule violator depends on the level of violation. Heavy sanction will be given to outsiders who enter the waters without permission or to anybody who uses destructive fishing gears as well as to commercial scale of ships.

A heavy sanction is not only for outsider but also for local communities in both villages based on their violation to the rules. Sanction will be given reasonably, therefore, it could be accepted by all local communities based on customary rules that are generated by their ancestors. Applied sanctions are not a new or accidental thing but basic values as well as suggestion from ancestors.

The sanction forms could be beating, destroying fishing gears or confiscation of fishing gears. The third sanction form will be done to be a guarantee or evidence due to violation and this violation will be discussed at the level of customary board. The village government as a mediator proposes confiscation of fishing gears to the police office for formal law decision viol.

Moreover, assassination in the past was a sanction form that has been applied to customary area violator and still exists now. This sanction does not directly execute physically, however, it will be done through supernatural power.

Monitoring and evaluation system: Manjo decision-making by customary board about pattern of the correlation between local communities and coastal and marine resource. The rules consist of the way to utilize coastal and marine area and the mechanism of fine to a party that violates the existing rules. In monitoring and evaluation system, local communities in both villages have chance to report violations of existing customary law to tribe leader and then tribe leader will forward report to Ondoafi as decision maker.

Authority system: The ownership of marine area has occurred since their ancestors in Tobati and Enggros customary communities. Harsori or Ondoafi has the highest authority to own marine area. The highest authority does not mean that Harsori or Ondoafi holds property right of clan or keret. Harsori or Ondoafi, the highest customary leader, is given mandate based on local customary law to govern all things relating to marine. Therefore, all activities relating to marine have to be known or allowed by Harsori or Ondoafi (Wanggay, 2011).

Basically decision-making process for interest of customary community group will be discussed among the heads of tribe in customary community and Ondoafi will take decision after discussion. Decisions taken in relating to coastal resource management are collectively utilization marine resource and also utilization coastal resource by customary communities based on ownership area.

The scope of manjo customary law is only applied for fisheries resources management. It can not manage land use systems owned by local people in both Tobati and Enggros villages. This, therefore has impactet directly could lead directly to ecosystem degradation that supports the existence of fishes and other biotas.

CONCLUSION

Manjo customary law has been adopted hereditarily and become norms that bind Tobati and Enggros community. The local communities in Tobati and Enggros implement Manjo customary law as a part of obedience to customary. Manjo customary law manages the way of coastal and marine utilization including fisheries and sanction to the rule violators.

Practice of fisheries resource management at Youtefa bay is based on principles of pre-existing systems which are righth, rules, monitoring, accountability and enforcement, sanction and authority or leadership. The rules system could be seen in implemantation of Manjo customary law. Ownership of coastal and marine area is bordered by natural signs. Local communities are prohibited to use destructive fishing gears and also restricted to utilize in number of fishes based on the number of individuals in a household. The rules also manage open-closed system and sharing gender role in utilization fisheries resource due to using fishing gears, distance for fishing and targeted biotas to be harvested.

Sanctions are given to punish rule violators (inside as well as outside villagers). Sanction forms to punish violators are based on the types of violation done. Harsory or Ondoafi as a top leader plays an important role to determine sanction forms to violators.

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