

Incentive Policies for Traditional Fishermen to Enhance Their Welfare: A Perspective from The Theory of Dignified Justice

Karo Karo Rizky

Universitas Dirgantara Marsekal Suryadarma

rizkykarokaro@unsurya.ac.id

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Corresponding Author:

Karo Karo Rizky

[rizkykarokaro@unsurya](mailto:rizkykarokaro@unsurya.ac.id)

.ac.id

ABSTRAK

Tujuan penulisan ini untuk menganalisis kebijakan insentif bagi nelayan tradisional untuk peningkatan kesejahteraannya. Metode penelitian yang digunakan adalah metode yuridis normatif menggunakan data sekunder, dan analisis kualitatif. Temuan penelitian ialah Nelayan tradisional sangat memerlukan perlindungan dan insentif. Kebijakan insentif memiliki legalitas dalam peraturan perundang-undangan di Indonesia. Nelayan tradisional memiliki kelemahan permodalan, dan kelemahan alat dalam melakukan penangkapan ikan. Penangkapan ikan oleh nelayan tradisional masih menerapkan perlindungan laut yang optimal. Rumusan masalah yang diangkat adalah Bagaimana model kebijakan insentif yang berbasis keadilan bermartabat dapat dirancang untuk meningkatkan kesejahteraan nelayan tradisional secara berkelanjutan dan memiliki kepastian hukum? Kebaruan penelitian adalah Kebijakan insentif ini memiliki kepastian hukum dan legalitas karena telah diamanatkan dalam Undang-Undang Perikanan, Undang-Undang Nomor 7 Tahun 2016 tentang Perlindungan dan Pemberdayaan Nelayan, Pembudi Daya Ikan, dan Petambak Garam, serta Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 19 Tahun 2023 tentang Penyaluran Bantuan Pemerintah di Lingkungan Kementerian Kelautan dan Perikanan (Permen KKP 19/2023). Pemberian insentif ini juga dilakukan dengan pendataan dan administrasi yang ketat agar benar-benar tepat guna.

Kata kunci : Insentif, Pelindungan Nelayan, Nelayan Tradisional, Teori Keadilan Bermartabat,

ABSTRACT

This scholarly endeavor aims to meticulously analyze incentive policies for traditional fishers with the objective of enhancing their welfare. The methodology employed for this research is normative juridical, relying on secondary data and qualitative analysis. The findings indicate that

traditional fishers are in dire need of protection and incentives. Incentive policies possess legal standing within Indonesian regulatory frameworks. Traditional fishers frequently encounter limitations in terms of capital and fishing equipment. Notably, their fishing practices consistently demonstrate an optimal commitment to marine conservation. The central research question posed is: How can a dignified justice-based incentive policy model be designed to sustainably improve the welfare of traditional fishers and ensure legal certainty? The novelty of this research lies in the fact that this incentive policy is endowed with legal certainty and legitimacy, being mandated by the Fisheries Law, Law Number 7 of 2016 concerning the Protection and Empowerment of Fishers, Fish Cultivators, and Salt Farmers, and the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 19 of 2023 concerning the Distribution of Government Assistance within the Ministry of Maritime Affairs and Fisheries (Permen KKP 19/2023). Furthermore, the provision of these incentives is executed with stringent data collection and administrative procedures to ensure their precise and effective application.

Keywords: Fishermen Protection, Incentives, Traditional Fishermen, Theory of Dignified Justice

INTRODUCTION

This article will analyze the importance of incentives for the welfare of Indonesian fishers through the lens of dignified justice theory. In the author's view, Indonesian fishers play a crucial role in economic growth and the provision of fresh seafood, which can support the acceleration of Indonesia's Golden Generation 2045. Conforming to the 2021 Statistics of Marine and Coastal Resources report, the number of fishers in Indonesia has experienced a significant decline over the past decade, decreasing from 2.16 million in 2010 to 1.83 million in 2019, representing a reduction of 330,000 individuals. According to the Indonesian Forum for Environment (WALHI), this downturn is attributable to both the pervasive climate crisis and the escalating expansion of extractive industries within coastal regions, marine territories, and small islands. The climate crisis particularly impacts fishers, as their livelihood, dependent on favorable weather conditions for fishing activities, is severely hampered by increasingly frequent adverse weather and high waves, rendering sea travel challenging. Furthermore, the unpredictable nature of climate-induced weather patterns complicates forecasting for fishers, thereby impeding their ability to secure a consistent income (Wahana Lingkungan Hidup Indonesia (WALHI), 2022).

Endang Retnowati argues that the poverty experienced by Indonesian fishers renders them vulnerable in both social and political spheres. Despite the law's intended role in providing protection, it has not been fully effective. This poverty also makes fishers susceptible to both internal and external conflicts. Furthermore, violations committed by fishers, particularly concerning fishing practices, are often a shortcut to obtaining adequate catches due to their precarious economic situation (Retnowati, 2011). The welfare of fishers is intrinsically linked to their fish catches, which fluctuate throughout the year due to varying fishing seasons. Beyond seasonal changes, other critical factors influencing catch volumes include the number of fishing trips undertaken and prevailing weather conditions. The fishing season, in particular, plays a decisive role in determining the quantity of fish caught. Variations in catch yields across different seasons directly impact fishers' income, with peak seasons leading to increased earnings and vice versa. Fisher income is typically derived from the profits of their vessels or fishing operations, often through a catch-sharing system (Wafi et al., 2019).

The excessive concentration of small-scale and traditional fishers in limited fishing grounds can trigger overfishing, as the available fish stock cannot sustain the intensity of their activities. This situation also frequently leads to conflicts among fishers vying for the same limited areas. Therefore, effective solutions are critically needed to address this challenge where the small-scale and traditional fisher population exceeds the carrying capacity of their fishing areas, resulting in both overfishing and inter-fisher conflicts. However, fisher welfare extends beyond just income. It also encompasses access to essential services like clean water, adequate sanitation, healthcare, and education. It's not uncommon for coastal fishers to earn substantial incomes from their catches yet struggle with limited access to these basic amenities. Furthermore, the children of fishers often face barriers to receiving a proper education because they are compelled to assist their parents with their work at sea (Alifa & Rahmadian, 2024).

Fishers earnestly hope for government assistance, particularly traditional fishers who heavily rely on nets for their livelihoods. Sumardi, a fisher from the coast of Bengkulu, as quoted on the RRI website (2024), shared that he and other small-scale fishers often secure minimal incomes due to their inadequate or ineffective fishing nets. Their daily earnings typically range from 50,000 to 75,000 rupiah, sometimes reaching 100,000 rupiah. This income starkly contrasts with that of modern fishers, primarily due to the difference in fishing gear employed. Febrian, who serves as both the head of a fisher cooperative in Bengkulu and a fisher

himself, expressed his desire for local fishers to receive guidance and training from the government's Department of Fisheries and Marine Affairs (Kurniawan, 2024).

An illustrative example of traditional fishers can be found on Pasi Island, Bontoharu District, Selayar Islands Regency. Research conducted by Abdul Asis (2015) highlights that these traditional fishers in Kepulauan Selayar demonstrate a strong commitment to preserving the marine environment. They predominantly use traditional fishing gear such as gill nets, hand lines, portable traps (bubu), and guiding barriers (sero). Their operations involve small to medium-sized boats, typically less than 10 meters in length, powered by engines ranging from 4.5 to 16 horsepower. Each boat is crewed by one to two individuals, and fishing operations are conducted during either the day or night (ASIS, 2015).

Citing data from the Ministry of Marine Affairs and Fisheries (KKP), the number of fishers in Indonesia has consistently increased each year, with the profession growing by over 400,000 individuals in more than a decade. By 2022, the total number of fishers reached 3.03 million people. The majority, specifically 2.40 million, are marine fishers, while the remaining 632,401 are inland public waters (PUD) fishers who operate in environments such as rivers, swamps, lakes, and artificial aquatic ecosystems (Natalia, 2024).

Traditional fishers are in need of legal protection and tangible support from both central and local governments. This article will analyze the role of incentives in improving the welfare of traditional fishers through the lens of dignified justice theory. The normative definition of traditional fishers, as stipulated in Law Number 7 of 2016 (UU 7/2016) concerning the Protection and Empowerment of Fishers, Fish Cultivators, and Salt Farmers, states in Article 1, Paragraph 5, that a Traditional Fisher is an individual who engages in fishing activities in waters recognized as traditional fishing rights, which have been utilized for generations in accordance with local culture and wisdom.

Dignified Justice Theory (DJT), a legal theory developed by Teguh Prasetyo, a Professor of Law at Pelita Harapan University, originates from the dynamic interplay between *Lex Eterna* (eternal law) as an overarching influence and *Volkgeist* (the spirit of the people) as an underlying current. This framework seeks to understand law as an endeavor to approach the divine mind, particularly within the context of a legal system rooted in Pancasila. The theory's approach emphasizes that law, encompassing legal philosophy, legal theory, legal dogmatics,

and legal practice, must engage in a systemic dialectic (Prasetyo, 2018). Dignified Justice Theory can be utilized to analyze various legal issues within Indonesia (Kameo et al., 2021; R. P. P. K. Karo, 2022; Sari et al., 2021).

The central research question posed are: 1. How can a dignified justice-based incentive policy model be designed to sustainably improve the welfare of traditional fishers and ensure legal certainty?; 2. What type of incentive would be most appropriate for fishermen, aligning with the principle of dignified justice? This study aims to analyze the legal certainty concerning the provision of incentives for traditional fishers from the perspective of dignified justice theory.

RESEARCH METHOD

The author employs a normative juridical research methodology for this article, relying exclusively on secondary data, specifically pre-existing written materials. Data collection is conducted through a literature review, given the research's primary focus on examining relevant regulations and other legal documents (R. K. Karo, 2025). The normative research methodology is research on principles, doctrines or legal concepts. normative legal research fully uses secondary data (literature), the preparation of tentative theoretical frameworks (schemes) can be abandoned, but the preparation of conceptual frameworks is necessary (Budianto, 2020; Setiawati & KimberlyHuang, 2024).

The author utilizes a qualitative research approach with a descriptive format. The researchers utilized a statutory approach, drawing upon the secondary data listed below. This was complemented by a case study approach focusing on the improved welfare of traditional fishermen. This involves clarifying and summarizing specific conditions, situations, or variables observed within society, which are then designated as the objects of the author's research (R. K. Karo, 2025; Rahmat et al., 2024; Sujono & Sudarto, 2024). The researcher utilizes secondary data, specifically primary legal materials, which include: 1. The 1945 Constitution of the Republic of Indonesia; 2. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 regarding Fisheries (Fisheries Law); and 3. Law Number 7 of 2016 concerning the Protection and Empowerment of Fishers, Fish Cultivators, and Salt Farmers (UU 7/2016).

RESULTS & DISCUSSION

A. Principles of Fisher Legal Protection and Efforts to Enhance the Welfare of Traditional Fishers

Legal protection signifies the state's presence, primarily through its authorized ministries, with the aim of safeguarding all citizens, regardless of their employment status, socioeconomic standing, or geographic location. Ultimately, the welfare of the Indonesian populace remains a fundamental objective of the state (R. P. P. K. Karo, 2022; Sujono, 2023, 2024; Widarto et al., 2025). Indonesian law ensures legal certainty and justice for business activities and the protection of Human Rights (Basuki & Yuspin, 2023; Susantijo, 2025; Tanaya & Putri, 2025).

The author posits that the welfare of traditional fishers in Indonesia is not solely the government's responsibility, but also that of Indonesian society, guided by the principle of *gotong royong* (mutual cooperation). For instance, in June 2025, Sergeant Fajarudin of Koramil 02/Rindi Umalulu, Kodim 1601/Sumba Timur, as reported by rri.co.id, engaged in Social Communication (Komsos) activities with community members in Haikatapu Village, Rindi District, East Sumba Regency. This activity, part of the Indonesian National Armed Forces' (TNI) territorial development duties, aimed to strengthen ties between the TNI and the community. Sergeant Fajarudin directly interacted with residents who make their living catching mangrove crabs. These crabs are then sold to a local collector, Umbu Agus (Hia Hamataki), for Rp50,000 per kilogram. Through such Komsos initiatives, the TNI seeks to listen to community aspirations and provide moral support for local economic endeavors. This demonstrates the TNI's role extends beyond security, encompassing support for the community's judicious utilization of natural resources (H.Boling, 2025).

A second example of proactive government engagement is demonstrated by the Bombana Regency Government in Southeast Sulawesi Province, which is accelerating the realization of its 100-day work program. A tangible manifestation of this initiative was observed during the BERANI 2025 Community Service Camp, held at the Green Open Space (RTH) pond in Bombana. In May 2025, the Regent of Bombana, Burhanuddin, along with Deputy Regent Ahmad Yani, directly participated in the stocking of sturdy Nile tilapia fingerlings. They also presented Fisher Competency Training Certificates (SKN) to over 50 participants who completed the training program on May 15, 2025 (Putra, 2025).

Based on Article 2 and its Elucidation in Law Number 7 of 2016 (UU 7/2016), the protection and empowerment of fishers, fish cultivators, and salt farmers are to be carried out based on the following principles:

- a) Sovereignty: This principle mandates that the implementation of protection and empowerment for these groups must uphold their sovereignty, recognizing their inherent right to self-development.
- b) Self-Reliance: This principle requires that the protection and empowerment initiatives be carried out independently, prioritizing the utilization of domestic resources and capabilities.
- c) Beneficiality: This principle asserts that the protection and empowerment efforts must aim to provide the greatest possible benefit for the welfare and quality of life of the people.
- d) Togetherness: This principle dictates that the implementation of protection and empowerment must be a collaborative effort involving the Central Government, Regional Governments, business actors, and the community.
- e) Integration: This principle emphasizes that the protection and empowerment initiatives must harmonize various interests across sectors, regions, and stakeholders.
- f) Openness: This principle requires that the protection and empowerment efforts be conducted with due consideration for the aspirations of fishers, fish cultivators, salt farmers, and other stakeholders, supported by accessible information services for the public.
- g) Efficiency with Justice: This principle ensures that the protection and empowerment initiatives provide equal and proportional opportunities for all citizens, in accordance with their respective capacities.
- h) Sustainability: This principle mandates that the protection and empowerment efforts be implemented consistently and continuously to guarantee the ongoing improvement of the welfare of fishers, fish cultivators, and salt farmers.
- i) Welfare: This principle explicitly states that the protection and empowerment of fishers, fish cultivators, and salt farmers must be undertaken to achieve their overall well-being.

- j) **Local Wisdom:** This principle requires that the protection and empowerment initiatives consider the social, economic, and cultural characteristics, as well as the noble values, prevalent in the local community's way of life.
- k) **Environmental Function Preservation:** This principle dictates that the protection and empowerment of fishers, fish cultivators, and salt farmers must utilize means, infrastructure, procedures, and technologies that do not disrupt environmental functions, whether biologically, mechanically, or chemically.

Alif and Rahmadia contend that enhancing the welfare of fishers in Indonesia is a crucial step towards achieving sustainable and equitable development. This welfare isn't merely measured by income but by an individual's overall quality of life, encompassing economic, social, and psychological aspects. In this regard, education plays a significant role in boosting fisher welfare. Through education, fishers can: 1. Improve their knowledge and skills in fishing techniques, financial management, and marketing; 2. Understand more efficient modern fishing technologies to increase catches and reduce production costs; 3. Expand access to market information so they can sell their products at the best prices; 4. Develop alternative skills beyond fishing—such as aquaculture, seafood processing, or marine tourism—to diversify their income sources (Alifa & Rahmadian, 2024).

B. Incentives for Traditional Fishers from the Perspective of Dignified Justice Theory

The Preamble of the 1945 Constitution of the Republic of Indonesia mandates the establishment of the nation, partly, to achieve General Welfare. Furthermore, Article 33, Paragraph (3) of the same Constitution states, "The earth, water, and natural riches contained therein shall be controlled by the State and utilized for the greatest possible prosperity of the people."

As an archipelagic nation characterized by its archipelago, the Unitary State of the Republic of Indonesia holds full sovereignty over its territory, along with sovereign rights or exclusive rights beyond its sovereign territory (Exclusive Economic Zone) and specific authority or jurisdiction to manage and utilize marine resources within its territorial waters for the utmost welfare and prosperity of the Indonesian people. This mandate is realized in the Fisheries Law, one of whose objectives, as stated in Article 3, is "the management of fisheries shall be carried out with the aim of improving the standard of living of small-scale fishers and small-scale fish cultivators." This objective aligns harmoniously with the goals of protecting and empowering

fishers, fish cultivators, and salt farmers, as stipulated in Article 3 of Indonesia Law Number 7 of 2016. These goals include enhancing the capabilities and capacity of fishers, fish cultivators, and salt farmers; strengthening institutions in managing fish and marine resources and in operating independent, productive, advanced, modern, and sustainable businesses; and developing principles of environmental sustainability.

According to data from the Ministry of Marine Affairs and Fisheries (KKP), the number of Indonesian citizens working as fishers saw an increase from 2,925,818 in 2021 to 3,033,941 in 2022, marking a growth of approximately 3.7 percent. This fishing population is primarily categorized into two groups: marine fishers and inland public waters (PUD) fishers. Marine fishers, numbering 2,401,540, concentrate on fishing activities in vast ocean areas. Meanwhile, 632,401 PUD fishers utilize fishery resources in inland waters such as lakes, rivers, or reservoirs. Central Java leads the provinces with a total of 254,251 fishers, comprising 175,766 marine fishers and 78,485 PUD fishers (Attar, 2024).

The author argues that one way to "humanize" individuals, aligning with the objective of Dignified Justice Theory, is through providing well-targeted incentives to traditional fishers. This incentive policy has legal certainty and legitimacy, as it's mandated by the Fisheries Law, Law Number 7 of 2016, and Indonesian Minister of Marine Affairs and Fisheries Regulation Number 19 of 2023 concerning the Distribution of Government Assistance within the Ministry of Marine Affairs and Fisheries (Permen KKP 19/2023). These incentives are disbursed with strict data collection and administrative oversight to ensure their effectiveness.

According to Article 2, Paragraph (1) of Permen KKP 19/2023, types of government assistance within the Ministry include: a. Awards b. Scholarships c. Operational assistance d. Facility/infrastructure assistance e. Building/construction rehabilitation/development assistance f. Other government assistance characterized as such and determined by the Budget User. Furthermore, Article 2, Paragraph (2) of Permen KKP 19/2023 specifies that "other government assistance characterized as such and determined by the Budget User" (as mentioned in paragraph (1) letter f) includes: a. Life insurance premium payment assistance b. Fisheries insurance premium payment assistance c. Salt farming insurance premium payment assistance d. Marine and fisheries resource supervision assistance e. Fishing vessel and/or fishing vessel engine repair assistance f. Conservation and/or ecosystem/environmental repair assistance g.

Broodstock assistance h. Fishing gear assistance i. Fishing vessel engine assistance j. Fishing business aid.

The author suggests and hopes that more Regency/City Governments will issue Regent Regulations (*Perbup*) or Regional Regulations (*Perda*) for the protection and empowerment of fishers and fish cultivators. Two existing examples of such regulations are: 1. Central Java Provincial Regulation Number 1 of 2023 concerning the Protection and Empowerment of Fishery and Salt Industry Business Actors (*Perda Jateng 1/2023*); 2. East Belitung Regency Regulation Number 4 of 2023 concerning the Protection and Empowerment of Fishers and Fish Cultivators (*Perda BT 4/2023*).

In the author's view, Local Governments bear the responsibility of protecting traditional fishermen, a duty established by local regulations. Based on Article 11, Paragraph (1) of *Perda Jateng 1/2023*, the Regional Government is mandated to systematically, integrally, purposefully, comprehensively, transparently, and accountably plan the Protection and Empowerment of Fishery and Salt Industry Business Actors, in accordance with its authority. Furthermore, Article 11, Paragraph (2) of *Perda Jateng 1/2023* stipulates that the planning mentioned in Paragraph (1) must be based on: a. the carrying capacity and absorption capacity of natural resources and the environment; b. the potential of fish resources in the Regional fisheries management area; c. the potential of land and water; d. the zoning plan for coastal areas and small islands and/or the regional spatial plan falling under the Regional Government's authority; e. advancements in science and technology; f. the need for facilities and infrastructure; g. technical and economic feasibility; h. suitability with regional institutions and culture; i. the rate of economic growth; j. the number of fishers, fish cultivators, processors and marketers, and salt farmers; and k. synergy with tourism development and management.

Based on Article 14, Paragraph (1) of *Perda Jateng 1/2023*, the strategies mentioned in Article 12 are to be determined by the Regional Government in accordance with its authority, based on the policies for the Protection and Empowerment of Fishery and Salt Industry Business Actors. Furthermore, Article 14, Paragraph (2) of *Perda Jateng 1/2023* stipulates that the protection strategies referred to in Paragraph (1) include: a. provision of infrastructure; b. ease of obtaining facilities; c. ease of licensing services; d. assurance of business certainty; e. assurance of life and business protection; f. elimination of high-cost economic practices; g. assurance of safety and security; and h. facilitation of legal assistance.

The researcher suggests that providing incentives based on Dignified Justice Theory (DJT) can be achieved through various methods. These include: 1. Regular fuel payments or assistance for traditional fishers via fisher cards. This ensures direct support for their operational needs; 2. Direct cash assistance (BLT). Although BLT has its proponents and detractors, it can serve as a form of incentive to provide protection for fishers and their families, with its allocation subject to the National and Regional Budgets (APBN and APBD); 3. Incentive assistance in the form of safety equipment or boat maintenance costs. This directly addresses critical operational and safety needs; 4. Facilitating easier credit access and reduced interest rates for fishers engaged in aquaculture or other fishing-related businesses. This supports their economic growth and diversification.

CONCLUSION

The discussions on the two problem statements lead to the conclusion that the theory of dignified justice is a legal framework that local governments can apply to support the economy of traditional fishermen. Beyond monetary incentives, traditional fishermen also require support in other forms. In conclusion, incentives based on Dignified Justice Theory (DJT) can be provided to traditional fishers through several methods: 1. Regular Fuel Assistance via Fisher Cards: This involves periodic aid or subsidies for fuel, directly easing their operational costs at sea; 2. Direct Cash Assistance (BLT): Despite ongoing debate, BLT can serve as an effective incentive to protect fishers and their families. Naturally, the provision of such assistance would be aligned with available national (APBN) or regional (APBD) budgets; 3. Safety Equipment or Vessel Maintenance Cost Assistance: This incentive could come in the form of subsidies for essential safety gear or financial aid for routine boat maintenance, ensuring seaworthiness and operational safety; 4. Easier Credit Access and Reduced Interest Rates: Fishers looking to expand into aquaculture or other fishing-related ventures could benefit from simplified loan access and lower interest rates, supporting their growth and development.

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