



Fulfillment of the Constitutional Rights of Fisherwomen in Obtaining Fisheries and Marine Business Actor Cards

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Abstract

This research discusses the fulfillment of the constitutional rights of female fishermen in obtaining a fisheries and maritime business card (KUSUKA). Despite Law Number 7 of 2016 regarding the Protection and Empowerment of Women, Fish Cultivators and Salt Farmers, there are still many female fishermen who have not yet made KUSUKA Cards and have the impact of not getting access to social services and safety guarantees when fishing for their rights. This research aims to analyze the reasons for not fulfilling the constitutional law rights of female fishermen. This research uses a qualitative approach with data obtained through interviews with village officials, female fishermen, and direct observation. The results of the research shows that the constitutional rights of female fishermen have not been fulfilled due to the lack of regulations that specifically regulate female fishermen to make it easier to obtain a KUSUKA Card. The legal consequences that fisherwomen get after the regulations regarding Fisheries and Maritime Business Actor Cards (KUSUKA) are issued are that fisherwoman are currently not guaranteed their right to receive risk insurance, social security or fishermen's insurance as well as assistance from the government because they don't yet have a KUSUKA Card as a fisherman's identity.

Keywords: *Constitutional Right; Fisher Woman; KUSUKA Card*

Abstrak

Penelitian ini membahas pemenuhan hak konstitusional Perempuan nelayan dalam mendapatkan kartu pelaku usaha perikanan dan kelautan (KUSUKA). Meskipun Undang-Undang Nomor 7 Tahun 2016 tentang Perlindungan dan Pemberdayaan Perempuan, Pembudidaya Ikan dan Petambak Garam namun masih banyak Perempuan nelayan yang belum membuat Kartu KUSUKA dan berdampak tidak mendapatkan akses layanan sosial dan jaminan keselamatan saat mencari ikan bagi hak mereka. Penelitian ini bertujuan untuk menganalisis alasan tidak terpenuhinya hak konstitusional Perempuan nelayan. Penelitian ini menggunakan pendekatan kualitatif dengan data diperoleh melalui wawancara dengan aparat desa, perempuan nelayan, dan observasi langsung. Hasil penelitian menunjukkan bahwa belum terpenuhinya hak konstitusional Perempuan nelayan karena kurangnya

regulasi aturan yang mengatur khusus tentang perempuan nelayan agar lebih mudah mendapatkan Kartu KUSUKA. Akibat hukum yang didapatkan perempuan nelayan setelah ada peraturan tentang Kartu Pelaku Usaha Perikanan dan Kelautan (KUSUKA) adalah perempuan nelayan saat ini belum terjamin haknya untuk mendapatkan jaminan resiko, jaminan sosial atau asuransi nelayan serta bantuan dari pemerintah karena belum mengantongi Kartu KUSUKA sebagai identitas nelayan.

Kata Kunci: Hak Konstitusional; Perempuan Nelayan; Kartu KUSUKA

Introduction

The fulfillment of constitutional rights, particularly for marginalized groups such as fisherwomen, is an essential part of ensuring social justice and equity within a democratic society. Fisherwomen, who play a crucial role in the fisheries and marine sector, often face challenges related to access to resources, recognition, and formal inclusion in economic policies. One significant policy initiative aimed at supporting fisherwomen is the issuance of Fisheries and Marine Business Actor Cards (KUSUKA cards). These cards serve as an official acknowledgment of their status as professional actors in the marine and fisheries sector, granting them access to government programs, financial assistance, and other benefits essential for enhancing their livelihoods.

Despite these efforts, many fisherwomen continue to experience barriers in accessing KUSUKA cards due to bureaucratic complexities, insufficient socialization, and discriminatory practices that overlook their contributions. The 1945 Constitution of the Republic of Indonesia guarantees the right to equal protection and opportunities for all citizens, including women working in fisheries. Ensuring that fisherwomen can obtain and utilize these cards aligns with the constitutional mandate to uphold gender equality and promote inclusive development.

The importance of studying the fulfillment of fisherwomen's rights in obtaining KUSUKA cards lies in its implications for social equity, economic empowerment, and the development of sustainable fisheries. Understanding the current state of access to these cards can highlight gaps in policy implementation, reveal systemic issues affecting fisherwomen, and propose solutions for more inclusive policies.

Method

This study employs an empirical-juridical research method that integrates normative legal analysis with the examination of real-world practices and conditions (Das Sollen and Das Sein). This approach allows for a comprehensive evaluation of how laws and policies related to fisherwomen are implemented and their tangible impact on the community. By combining legal and sociological perspectives, the research explores the intersection between constitutional rights and the operational realities faced by fisherwomen in obtaining Fisheries and Marine Business Actor Cards (KUSUKA cards).

The theoretical framework used in this study includes the Theory of Legal Effectiveness, which helps assess how effectively the legal provisions related to the issuance and distribution of KUSUKA cards are applied in practice. This theory examines the degree to which laws achieve their intended purposes and identifies the obstacles that prevent full compliance and implementation. Additionally, the Theory of Social Justice underpins the analysis by emphasizing the importance of equitable access to rights and resources, ensuring that fisherwomen, as a marginalized group, receive fair treatment and opportunities within the fisheries sector.

A qualitative approach is employed to collect rich, detailed data that reflects the experiences and perceptions of various stakeholders, including fisherwomen, legal practitioners, and government officials involved in fisheries policies. Primary data are obtained through structured and semi-structured interviews with fisherwomen who have obtained KUSUKA cards and those who have not, as well as with officials from government departments overseeing fisheries and marine policies. These interviews explore personal narratives, challenges faced during the application process, and feedback on existing policies.

Secondary data are sourced from literature, legal documents, government regulations, and reports that pertain to fisheries policies, gender rights, and constitutional provisions. Legislative references include the 1945 Constitution of the Republic of Indonesia, fisheries laws, and relevant ministerial regulations. Observational techniques are also employed during field visits to fishing communities to gather insights into the procedural and social dynamics of the KUSUKA card application process. The data analysis process incorporates thematic coding to identify recurring themes and issues, evaluating how these align with or deviate from normative expectations as defined by Indonesia's constitutional and legislative frameworks. The Theory of Empowerment is also considered to assess how the issuance of KUSUKA cards contributes to the empowerment of fisherwomen, fostering their economic and social independence. Through this comprehensive methodology, the research aims to provide an in-depth understanding of the fulfillment of fisherwomen's constitutional rights, evaluate the effectiveness of current policies, and propose strategies to enhance access to KUSUKA cards and strengthen policy implementation in the fisheries and marine sector.

Discussion

Reason Not yet Fulfilled Right Constitutional Woman Fisherman InGet Card Perpetrator Business Fishery And Marine

In accordance with Constitution Number 7 of 2016 concerning Protection and Empowerment Fisherman , Budi Power fish And Fish Farmer Salt on chapter 5 paragraph (1)state that Constitution This applicable For Fishermen , Fish Farmers , and Salt Farmers who are Indonesian citizens and domiciled in Indonesia. And in verse (2) it states that Apart from Fishermen, and Fish Farmers, Law This also applies to family Fishermen and Cultivators Fish Power that does processing and marketing . In general overall , article This explain that Constitution the own wide coverage , no only arrange about people who work directly in the sector fishery or pondsalt, but Also covers family they Which involved in chain mark product Whichproduced . However the reality a number of Woman fisherman Not yet get protection from country Wrong the only one Not yet own Card Perpetrator Business Fishery AndMarine (I LIKE).

So, Right constitutional Woman fisherman in get Card KUSUKAin Region Coast

Regency Pematang Not yet fulfillment right constitutional Woman fisherman in get a KUSUKA Card in coastal areas Regency Pematang due to by some factors , including limitations instrument law which in a way specific ensure rights and access Woman fishermen , lack of attention policy to issue gender, as well as lack of representation Woman in taking decision related fisheries . In addition , the obstacles social and cultural , such as derogatory gender stereotypes role Woman in sector fisheries and dependence economy to men , participate obstruct Woman fisherman For in a way independent get Card I LIKE IT.

Consequence Law To Risk Which Faced with By Woman Fisherman IfHave Not Received a Fisheries and Marine Business Actor Card (KUSUKA) in Region Coast Regency Pematang

For increase welfare public fisherman , on year 2017 Ministry Marine And Fishery (KKP) launch Card Perpetrator Business Marineand Fisheries (KUSUKA). The issuance of this KUSUKA Card is part from the program One Marine and Fisheries Data , which supports One Data Indonesia policy as directed by President Joko Widodo in meeting limited cabinet related design Instructions President (Presidential Instruction) about synchronization planning And development national . KUSUKA card is form integration card and perpetrator data business in the sector marine and fisheries . Before the existence of the KUSUKA Card, the perpetrator's data business separated based on profession each in sector the . Implementation Program Card I LIKE to be arranged through Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 39/Permen-KP-2017 concerning the Maritime and Fisheries Business Actor Card . Card KUSUKAown various function , in among others as identity profession perpetrator business , basedata for make it easier protection and empowerment , services and guidance , as well as tool For monitoring And evaluation program Ministry. Consequences law to Woman fishermen who have not get a Performer Card Fisheries and Marine Enterprises (KUSUKA) in coastal areas Regency Pematang can seen from a number of aspects , especially related access to protection law , insurance , And program government . Following is a number of potential consequence law And the impact :

- a. No Access to Insurance Fishermen , the KUSUKA Card is one of thecondition For get

access insurance fisherman Which give protection to risk work like accident at sea , damage tool catch , or disaster nature . If a Woman fisherman No own I LIKE, he No will can enjoy guarantee insurance This , so that If happen accident or loss in his activities , no There is compensation or the help that accepted .

- b. Limited Access to Assistance Programs Government , Government often give help to perpetrator business fishery in form subsidy , help tool catch , until training For increase productivity . Wrong One condition For accept help the is ownership of KUSUKA. If Woman fisherman Not yet own card this , then they at risk No Can access help this , which can influence continuity business they And welfare family.
- c. No Recorded As Perpetrator Business Fishery Which Legitimate, Ownership LIKE is also important from aspect legality . KUSUKA works as identity perpetrator business fishery And marine Which legitimate in eye law . Without card This , women status fisherman No recorded in a way official , which can make it difficult they in matter administration or protection law , especially when happen dispute related right over the catchment area or violation law by party other.
- d. Risk Marginalization in Policy Coastal , Empowerment programs and policies development Coast often based on collected data from KUSUKA holder . If female fisherman No own card the , they Possible marginalized in planning and implementation policy , the one that can impact on rights they in management source Power Coast or fisheries .
- e. Gender Inequality in Access to Resources , In the context of Coast Regency Pematang , Woman fisherman Which No own KUSUKA Can experience gender inequality in access source power , training , or chance For involved in government programs . This is Can to aggravate the inequality that has there is and obstructs they in get rights Which should guaranteed .

Conclusion

Constitutional rights Woman fishermen in coastal areas Regency Pematang , specifically related access against KUSUKA Card, not yet fully fulfilled . Lack of understanding law about rights Woman fisherman , especially related Card KUSUKA, to be one of constraint main . Although Woman fisherman No always go to sea every

day and only help husband they , they still entitled on card the Because participate play a role active and responsible the same risk in activity go to sea . Research show that fulfillment right Woman fisherman can it is said achieved If they capable fulfil need basic , feel safe in work , and get adequate protection . However , empowerment and knowledge law the less become obstacle for Woman fisherman For get confession which is equal with fisherman man . After implementation Ministerial Regulation Number 41 Year 2022 about Card I LIKE, Woman fisherman should own right WhichThe same For get benefit like solar subsidy , aid government , as well as access required insurance For support welfare they . KUSUKA cards too play a role important as identity formal (ID card) fisherman And become condition important forchildren fisherman For get chance education in the field of marine and fisheries .

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