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## Legal Protection of Traditional Fishermen Due to Floating Inconventional Tin Mining in the Bangka Belitung Waters Area

Anri Darmawan<sup>1</sup>, Indriana Firdaus<sup>2</sup>, Martitah<sup>3</sup>

<sup>1</sup> Fakultas Hukum Universitas Bangka Belitung

<sup>2</sup> Fakultas Hukum Universitas Negeri Semarang

<sup>3</sup> Fakultas Hukum Universitas Negeri Semarang

✉ corresponding author email: <sup>1</sup> [aanridrmwan@gmail.com](mailto:aanridrmwan@gmail.com) <sup>2</sup> [indriputri5510@students.unnes.ac.id](mailto:indriputri5510@students.unnes.ac.id) <sup>3</sup> [martitahlatof@mail.unnes.ac.id](mailto:martitahlatof@mail.unnes.ac.id)

### ABSTRACT

This research aims to analyze the legal protection of traditional fisherman groups affected by unconventional floating tin mining activities in the Bangka Belitung waters. Floating unconventional tin mining, which is widespread in this region, has caused various significant impacts and losses on the marine environment and the socio-economic life of traditional fisherman groups. These impacts include damage to marine ecosystems, decreased sea water quality, and reduced fish catches which are the main source of livelihood for traditional fishermen. The research method used is empirical (field research) which involves collecting data directly from the field. Interviews and direct observations were carried out to obtain accurate and accountable data. Other data was obtained from literature studies such as statutory regulations, scientific journals, previous research, and related literature. Data analysis was carried out qualitatively in order to gain a deeper understanding of existing legal protection and its implementation in the field. The research results show that although there are a number of regulations governing environmental protection and the rights of traditional fisherman, their

implementation in the field is still very weak. Lack of supervision and law enforcement means that traditional fishermen remain vulnerable to the negative impacts of tin mining. Apart from that, there is also a gap between the policies formulated by the Government and the realities faced by fishing groups in the field.

**Keywords:** *Legal Protection, Traditional Fishermen, Tin Mining, Floating IT*

## INTRODUCTION

Indonesia is an archipelagic country as confirmed in article 25a of the 1945 Constitution of the Republic of Indonesia. As the largest archipelagic country in the world, Indonesia has abundant and diverse marine resources. One of the provinces in Indonesia which is rich in marine natural resources is the Bangka Belitung Islands. Not only marine products, Bangka Belitung is also famous for its tin reserves, even Bangka Belitung is often referred to as the World's Tin Belt or "world tin belt".<sup>1</sup>

The existence of abundant tin reserves has made Bangka Belitung the center of the tin mining industry in Indonesia even since the Dutch East Indies era.<sup>2</sup> Tin mining has indeed made a major contribution to the economic development of this region, creating jobs and becoming one of the main sources of income. However, behind the glitter of these benefits, tin mining activities, especially unconventional and floating ones, have given rise to various very complex environmental and social problems that have even become tangled threads that are difficult to untangle.<sup>3</sup>

Floating Unconventional Mining or commonly known as Floating TI is the process of mining or prospecting for tin which is carried out in water areas, such as at sea or in former mining sites (*kulong*). The tools used for floating mining are like rafts or boats equipped with suction and feed engines.<sup>4</sup> To date, there are

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<sup>1</sup> Erwiza Erman, *Aktor, Akses Dan Politik Lingkungan Di Pertambangan Timah Bangka*, Lembaga Ilmu Penegathuan Indonesia XXXVI, no. 2 (2010): 71.

<sup>2</sup> Senthot Sudirman and Eko Budi Wahyono, *Kebijakan Pertanahan Pada Tanah-Tanah Pasca Tambang Timah Di Provinsi Bangka Belitung (Studi Di Kabupaten Bangka Tengah* (Yogyakarta: Pusat Penelitian dan Pengabdian kepada Masyarakat, Sekolah Tinggi Pertanahan Nasional, 2012).

<sup>3</sup> Indah Suci and Leoini Alvionita, *Mimpi Buruk Anak Penambang Timah Dan Hancurnya Lingkungan Masa Depan Di Bangka Belitung*, Project Multatuli, 2023, <https://projectmultatuli.org/mimpi-buruk-anak-penambang-timah-dan-hancurnya-lingkungan-masa-depan-di-bangka-belitung/>.

<sup>4</sup> Zamroni Salim and Ernawati Munadi, *Info Komoditi Timah* (Badan Pengkajian dan Pengembangan Perdagangan Kementerian Perdagangan Republik Indonesia bekerja sama dengan Al Mawardi Prima Anggota IKAPI DKI Jaya, 2016).

around 5000 floating IT units operating in Bangka Belitung waters.<sup>5</sup> This number will continue to increase in line with the increase in tin commodity prices and people's difficulties in finding other jobs. To date, there are 8,000 points where community tin mining is located, and only 300 miners have official permits from the government. The remainder, including TI Apung, operates illegally and is considered a serious threat to environmental sustainability, health and community welfare.

Since ancient times, tin has been the main source of income for the people of Bangka Belitung, in fact most of them depend on the profession of tin miners for their living. Tin is even said to be the backbone of this island, because of its enormous contribution to the economy and social life of the community. However, in reality, behind this contribution, there are various problems that arise, especially related to environmental and social aspects, so that the losses incurred are not commensurate with the profits obtained.

Damage to marine and land ecosystems, damage to coral reefs which then results in sedimentation which disrupts underwater life, water polluted by chemicals used in the mining process, degradation of coastal areas, loss of vegetation, are one example of the consequences that arise due to unconventional tin mining. Buoyant.<sup>6</sup> Apart from environmental impacts, social problems arising from tin mining activities are also considered a serious threat. The community's dependence on tin mining makes them vulnerable to fluctuations in tin prices on the global market. When the price of tin falls, their income also declines, causing economic instability, thereby weakening their interest in buying and selling.

The rampant illegal mining has also triggered an increase in crime rates in the area, and recently there have been several incidents showing the escalation of violence and conflict due to tin mining activities. On May 1 2021, there was a clash between the community and tin miners in Kelabat Bay. As a result of the clash, one house caught fire and several residents suffered serious injuries.<sup>7</sup> Another incident that was more surprising was a corruption case related to tin mining

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<sup>5</sup> Anastasia Wiwik, Sasangka Adi, and Hendri Purnomo, *Lintas Sejarah Perdagangan Timah Di Bangka Belitung Abad 19-20* (Tanjung Pandan: CV. Genta advertising, 2017), <https://repositori.kemdikbud.go.id/17543/1/2017> - Sejarah perdagangan timah di pangkalpinang.pdf.

<sup>6</sup> *Tambang Timah Bangka Belitung: Sejarah, Dampak, Dan Asa Untuk Masa Depan*, Kompas.Com, 2023, <https://jeo.kompas.com/tambang-timah-bangka-belitung-sejarah-dampak-dan-asa-untuk-masa-depan>.

<sup>7</sup> Nopi Ismi, *Konflik Penambang Timah Ilegal Dengan Masyarakat Kembali Terjadi Di Bangka Belitung*, Mongabay Situs Berita Lingkungan, 2022, <https://www.mongabay.co.id/2022/01/09/konflik-penambang-timah-ilegal-dengan-masyarakat-kembali-terjadi-di-bangka-belitung/>.

activities in Bangka Belitung. Several of them, whether from private companies, state-owned companies or regional governments, were arrested on suspicion of corruption in the tin trade system. As a result, the state suffered losses of up to 271 trillion rupiah.<sup>8</sup>

More than that, unconventional floating mines also cause discrimination in rights between groups in society. Traditional fishermen are one of the community groups most affected by this floating IT activity. Their dependence on the sea as their main source of livelihood makes them the group most vulnerable to environmental changes and damage caused by mining activities. In fact, in Law No. 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers, Article 3 states that the state is obliged to protect traditional fishermen from risks such as natural disasters, climate change and pollution. Floating tin mining activities not only threaten the fishing grounds of traditional fishermen due to ecosystem damage, but also have an impact on various other aspects that support fishing activities. From the data obtained in interviews with fishermen, it was found that floating tin mining at sea also caused a decrease in catches, increased operational costs because fishermen had to look for fishing areas that were farther away and required more fuel, moreover, floating IT also caused damage on fishermen's fishing equipment.<sup>9</sup>

Based on data from statistics from the Ministry of Maritime Affairs and Fisheries (KKP), the number of fishermen in Bangka Belitung in 2021 was recorded at 59,660 people. However, in 2022 this figure will decrease, only around 50,995 people will continue to be fishermen. This number continues to decrease every year.<sup>10</sup> This decrease in the number of fishermen reflects the various challenges they face due to floating IT activities, most of them have difficulty meeting their basic needs due to reduced income which is not commensurate with the capital they have to spend.

The discourse regarding the welfare of traditional fishermen in Bangka Belitung is very important to discuss, because the problems they face concern the survival of many people. Based on data quoted from the Forum for the Environment (Walhi), around 45 thousand traditional fishermen were affected by floating tin mining in Bangka Belitung. The omissions made by policy makers or

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<sup>8</sup> *Memahami Kasus Korupsi Timah Yang Timbulkan Kerugian Lingkungan Rp 271 T*, Detik News, 2024, <https://news.detik.com/berita/d-7271875/memahami-kasus-korupsi-timah-yang-timbulkan-kerugian-lingkungan-rp-271-t>.

<sup>9</sup> Krisna Adrian and Rima Vien Permata Hartanto, *Pemenuhan Hak Nelayan Tradisional Atas Pekerjaan Akibat Proyek Tambang Timah Di Kawasan Perairan Pulau Bangka*, *Jurnal Sosial Ekonomi Kelautan dan Perairan*, vol. 17, no. 2. 2008 (2022): 211–25.

<sup>10</sup> Statistik KKP, *Data Statis Nelayan/Pembudidaya*, n.d., <https://statistik.kkp.go.id/home.php?m=nelayan&i=6#panel-footer-kpda>.

law enforcement officials have indirectly eliminated the fundamental rights of fishermen and are a form of discrimination against this group.

In article 33 of the 1945 Constitution of the Republic of Indonesia, it is emphasized that Indonesia is a welfare state, in which the earth, water and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people. Therefore, natural resource management in Indonesia must prioritize the welfare of all levels of society and must not exclude any group, especially vulnerable or marginal groups such as traditional fishermen. The state's obligation, which in this case is represented by the government, is responsible for ensuring the welfare of all its citizens. As part of this obligation, one form of guaranteeing people's welfare as regulated in the International Covenant on Economic, Social and Cultural Rights (ICESCR) is providing guarantees for work and a decent living.

Therefore, serious and sustainable efforts are needed from the government to ensure effective legal protection for traditional fishermen, overcome the negative impacts of floating tin mining, and ensure their welfare. This research aims to analyse regulations that are used as a reference to protect the rights of traditional fishermen due to floating tin mining. This research will also identify the obstacles faced in implementing this protection and provide policy recommendations that can be taken by the government to improve the welfare of traditional fishermen in Bangka Belitung.

The formulation of the problem in this research is first, what is the legal protection for traditional fishermen due to unconventional floating tin mining in the waters of Bangka Belitung? What are the obstacles and challenges faced by traditional fishermen in gaining access to legal protection due to TI Apung's activities?

## METHOD

This research uses empirical juridical research methods which are also known as field research. This approach will assess existing regulations by observing and collecting data in the field. The aim is to understand and analyse the conformity between applicable regulations and the reality that occurs, as well as identify relevant facts in this research.<sup>11</sup> This research is descriptive in nature, the author will clearly describe the legal regulations governing legal protection for traditional

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<sup>11</sup> Bambang Sugiono, *Metode Penelitian Hukum*, Jakarta, Raja Grafindo Persada, 1996, <https://doi.org/10.13140/RG.2.2.29537.04961>.

fishermen due to unconventional floating tin mining in the waters of Bangka Belitung and the actual situation in the field, so as to provide a comprehensive picture of legal protection. and the real conditions of traditional fishermen.

This research uses two main data sources, namely primary data, this data was obtained directly from interviews with related sources, namely traditional fishermen. Secondary data was obtained from literature studies such as books, previous research results, journal articles, newspapers, news and other reading materials related to this research. The data obtained will be analysed qualitatively so that conclusions can be reached that can make a real contribution in efforts to protect the rights of traditional fishermen and ensure the sustainability of the marine ecosystem in Bangka Belitung, so that existing natural resources can be utilized sustainably for the welfare of the entire community.

## RESULT & DISCUSSION

### 1. Legal Protection for Traditional Fishermen Due to Unconventional Floating Mining in the Bangka Belitung Water Area

All activities, without exception, require protection, including mining activities. However, protection is not necessarily tied to just one party but must also be given to other aspects, namely fishermen, local communities and also the environment. In terms of terminology, legal protection can be described into two words, namely "protection" and "law". In the Big Indonesian Dictionary, the term "protection" can be interpreted as "protection" which has the meaning of an action or process to protect. In article 1 paragraph (6) of Law No. 13/2006 concerning the protection of witnesses and victims, it is explained that "protection is all steps taken to ensure rights and provide assistance to create a sense of security for witnesses and/or victims."<sup>12</sup>

Indonesia is known as a country based on law. In this case, the 1945 Constitution is used as the basis for de facto guaranteeing the rights of all citizens, which include guarantees, protection and legal certainty (supreme), as well as equal treatment before the law. This provision serves as proof that there are no exceptions in providing legal protection to everyone, including fishermen. In other words, fishermen also have the same rights to be protected without exception.<sup>13</sup>

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<sup>12</sup> Undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban (n.d.).

<sup>13</sup> Dafda Raihan, *Perlindungan Hukum Bagi Nelayan Sebagai Akibat Adanya Aktivitas Penambangan Pasir Laut Pada Proyek Reklamasi Makassar New Port (MNP) Sulawesi Selatan*, Universitas Islam Indonesia, 2024.

In the constitution, the existence of fishermen is explicitly recognized by several laws, namely Law No. 45/2009, amendments to Law No. 31/2004 concerning fisheries, Law No. 7/2016 concerning the protection and empowerment of fishermen, fish cultivators and salt farmers, Law No 27/2007 concerning management of coastal areas and small islands. Law No. 32/2009 concerning Environmental Protection and Management. The consequence of this regulation is that the state has an obligation to provide clear and effective legal protection for fishermen. According to Craven, there are at least three main elements in the right to work that are mandatory for the state, namely easy access to work, freedom from forced labor, and security at work.<sup>14</sup>

Floating unconventional tin mining has had tremendous negative impacts on fishermen, the environment and marine ecosystems. Tin mining activities have caused damage to coral reefs and natural fish habitats. Sediment from the mining process has polluted waters, damaged sea water quality and disrupted marine biota. Water pollution and damage to home habitats for marine animals have also caused fishermen's income to drop significantly. Environmental damage caused by mining not only affects the sea, but also coastal areas. Beach erosion and coastal land degradation are serious problems, which threaten community settlements and infrastructure around the coast. Moreover, floating unconventional tin mining also causes social conflict which creates never-ending tension.

In Article 39 paragraphs (1) and (2) of Law No. 7/2016 concerning Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers, it is explained that "both the central government and/or regional government have obligations and responsibilities to ensure safety for fishermen when fishing in the fisheries management area of the Republic of Indonesia." This confirms that the state is responsible for the protection and security of fishing groups without exception. Protection from the risk of natural disasters, climate change and pollution are a form of responsibility that must be carried out by the state as regulated in article 3 letter e. Providing guarantees of security, safety and legal assistance is one form of responsibility that must be carried out by the state towards affected fishermen (article 3 letter f).

Regarding losses felt by fishermen due to unconventional floating mining at sea, legal action can be taken. In article 91 of Law 32/2009 concerning environmental protection and management, it is explained that "every person has the right to file a lawsuit for his own benefit or for many people, if he suffers losses due to environmental pollution and damage". Thus, fishermen who experience

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<sup>14</sup> Craven M, *The International Covenant on Economic, Social and Cultural Rights-A Perspective on Its Development* (Oxford: Clarendon, 1995).

losses due to floating unconventional tin mining activities have a strong legal basis to demand compensation and recovery.<sup>15</sup>

Furthermore, article 87 of Law No. 32/2009 also states that "every party responsible for businesses or activities that violate the law, such as polluting or destroying the environment and causing harm to other people or the environment, must provide compensation or carry out corrective actions in accordance with those stipulated in the law".<sup>16</sup> This article shows that anyone, including unconventional floating tin miners, is obliged to compensate for losses resulting from their activities which are detrimental to traditional fishing groups and restore the environment affected by their activities.

Provisions regarding the provision of compensation are also regulated in article 60 paragraph 1 letters b and j of Law No. 27/2007 concerning the management of coastal areas and small islands. In more concise terms it can be understood that "anyone has the right to gain access to water areas as determined by the HP -3, and anyone without exception has the right to receive compensation for the loss of access to coastal resources and small islands which provide employment opportunities to meet their needs due to the granting of HP-3 in accordance with statutory regulations."<sup>17</sup>

In order to provide protection for vulnerable groups such as fishermen, due to mining, the state requires post-mining reclamation for mining actors (Law No. 3/2020 concerning amendments to Law No. 4/2009 concerning Mineral and Coal Mining). In this law, it is clearly explained that post-mining reclamation is something that must be done to restore the environment, especially marine ecosystem areas, for the benefit of the future and aims to restore the function of the environment as before so that its benefits can be better maintained for all living things.

Then, if the parties carrying out mining do not carry out their obligations in carrying out post-mining reclamation, in Article 161 B, these parties can be sentenced to prison for a maximum of 5 years and a fine of a maximum of IDR 100,000,000,000 (one hundred billion rupiah). Apart from the criminal sanctions in article 161 B paragraph (2), perpetrators may also be subject to additional penalties, namely payment of funds in the context of carrying out post-mining reclamation obligations. Not only reclamation, floating unconventional tin mining

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<sup>15</sup> Pasal 91 Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup (n.d.).

<sup>16</sup> Pasal 87 Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup (n.d.).

<sup>17</sup> Undang-Undang Republik Indonesia Nomor 27 Tahun 2007 Tentang Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil (n.d.).

activities carried out at sea according to the provisions of Law No. 27/2007 also require rehabilitation.

Article 32 paragraph (2), rehabilitation activities include enriching biological resources, improving natural habitat, protecting biota species so that they can grow and develop naturally, and are environmentally friendly. This rehabilitation activity is carried out by the Central Government or Regional Government, and/or anyone who directly or indirectly benefits from coastal areas and small islands.

Furthermore, another effort to provide legal protection to fishing groups is to involve them in the process of preparing, assessing and examining environmental documents before granting mining permits. In article 8 paragraph (1) of the Minister of Environment and Forestry Regulation No. P.26/MENLHK/SETJEN/KUM.1/7/2018 it is explained that "Business planning or public discussion activities carried out by entrepreneurs must include affected communities in preparation of Amdal documents."<sup>18</sup> The communities affected in this case include:

- a. The community will directly benefit or have a positive impact from the business plan or activity;
- b. The community is likely to experience losses and negative impacts from the planned business/activity.

Traditional fishermen as a group affected by floating tin mining activities have the right to participate in the planning, formation and environmental impact (Amdal) process. Article 25 letter c of Law No. 32/2009 states that the Amdal document must contain suggestions, input and responses from the community regarding the business/activity plan." The consequence of this is, if the business/activity plan does not involve the public or provides incorrect information to related parties then, in article 113 it is emphasized that "any individual who conveys false, misleading information, omits information, destroys information, or provides information that is If the requirements are not correct regarding supervision and law enforcement in the protection and management of the environment, then you may be subject to a prison sentence of up to 1 (one) year and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".<sup>19</sup>

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<sup>18</sup> Peraturan Menteri Lingkungan Hidup Dan Kehutanan Nomor P.26/MENLHK/SETJEN/KUM.1/7/2018 Tentang Pedoman Penyusunan Dan Penilaian Serta Pemeriksaan Dokumen Lingkungan Hidup Dalam Pelaksanaan Pelayanan Perizinan Berusaha Terintegrasi Secara Elektronik (n.d.).

<sup>19</sup> I Made Bayu Sucantra, I Nyoman Sujana, and Luh Putu Suryani, *Sanksi Pidana Terhadap Tindak Pidana Pertambangan (Menurut Undang-Undang No. 4 Tahun 2009 Tentang Minerba)*, *Analogi Hukum* vol 1, no. 3, 2019, 366–71.

This responsibility and legal protection underscore the importance of community involvement, especially affected traditional fishing groups, in every stage of mining project planning and implementation. With the active participation of fishermen, it is hoped that a balance can be created between economic needs through mining and environmental sustainability as well as sustainability of fishermen's livelihood sources. Central and regional governments are obliged to ensure that business activities carried out are not only economically profitable but also do not ignore the welfare rights of local communities and environmental sustainability.<sup>20</sup>

All regulations that have been included in the law show that the state has a strong obligation to protect the rights of fishermen and the environment from the negative impacts of mining activities. Strict law enforcement and effective implementation of policies/regulations are key to achieving this goal. The state, represented by the government, must be proactive in ensuring compliance with the law and must provide the necessary support or assistance to fishermen affected by unconventional floating tin mining. In this way, a balance between exploitation of natural resources and protection of society and the environment can be achieved without discrediting either party.

## **2. Barriers and Challenges faced by Traditional Fishermen in Gaining Access to Protection**

In terms of statutory regulations, traditional fishing groups have the same rights as other communities, namely to obtain justice, obtain safety, security and legal assistance. The consequence of this is that if fishermen feel they have been harmed due to unconventional floating tin mining activities, then fishermen have the right and justice to receive protection from the state and law enforcement officials. However, in reality, this group often faces various challenges and obstacles in gaining access to legal protection and other assistance.

One of the main obstacles faced by traditional fishermen is limited access to information. Many fishermen do not know their rights or how to access existing legal mechanisms. This ignorance often means they do not report violations that occur or do not demand the rights they have. This limited information is exacerbated by the low level of education among fishermen, even from interviews it was found that the majority of the traditional fishermen group did not graduate

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<sup>20</sup> Rismika Tanti and Priyo Purnomo Eko, *Kebijakan Pengelolaan Ekosistem Laut Akibat Pertambangan Timah Di Provinsi Bangka Belitung*, Publisia: Jurnal Ilmu Administrasi Publik 4, no. 1 (2019): 63–80.

from elementary school. This is what often makes them not understand legal language or complicated administrative procedures.<sup>21</sup>

Apart from that, fishermen feel that bureaucracy in government is often convoluted and complicated and corrupt practices at various levels also become obstacles for them. The licensing and complaint processing process often takes a long time and costs a lot of money. Fishermen already in difficult economic conditions are often unable to cover the administrative costs or bribes that are sometimes required to speed up the process. Corrupt practices at various levels also often hinder the implementation of the legal protection that fishing groups should receive.<sup>22</sup>

Conflicts of interest between profitable economic activities such as tin mining often harm traditional fishermen. Floating unconventional tin mining activities, for example, have caused serious environmental damage, polluting sea water, destroying coral reefs which then has a direct impact on fishermen's livelihood sources. However, local governments sometimes choose to remain silent and prioritize short-term economic benefits from mining activities compared to long-term protection of the environment and the welfare of fishing communities.<sup>23</sup>

Apart from that, traditional fishermen also face social pressure and conflicts from society or other groups who have different interests, even close relatives. This social tension arises as a result of competition for dwindling natural resources or from government policies that are deemed unfair. This conflict then causes social disintegration in fishermen groups, which ultimately prevents them from uniting and fighting for their rights collectively. In fact, they often feel uncomfortable fighting for their rights as fishermen because often some of the miners are their closest relatives.<sup>24</sup>

Lack of support from non-governmental organizations (NGOs) or other institutions is also a challenge for traditional fishermen in advocating for their rights. Support from NGOs and civil society organizations is also important to provide legal education, legal assistance, as well as support in preparing documents and filing complaints. Without this support, traditional fishermen often

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<sup>21</sup> Wawancara online bersama Bapak Rian selaku nelayan tradisional Kelurahan Arung Dalam, 20 Mei 2024 Pukul 09.15 WIB (n.d.).

<sup>22</sup> Wawancara online bersama Bapak Rian selaku nelayan tradisional Kelurahan Arung Dalam, 20 Mei 2024 Pukul 09.15 WIB.

<sup>23</sup> Wawancara online bersama Bapak Rian selaku nelayan tradisional Kelurahan Arung Dalam, 20 Mei 2024 Pukul 09.15 WIB.

<sup>24</sup> Wawancara online bersama Bapak Rojali selaku nelayan tradisional Kelurahan Simpang Perlang, 20 Mei, Pukul 14.00 WIB (n.d.).

struggle alone and feel afraid of facing a legal and administrative system that is complicated and unfriendly to them.<sup>25</sup>

Traditional fishermen usually carry out fishing activities in the sea from 16.00 in the afternoon to 09.00 in the morning. During this time, they worked hard at sea and returned to land in the morning. After that, the fishermen spend time resting and sleeping so they can recover their energy for fishing activities the next day. Due to these busy routines, traditional fishermen often do not have the time and energy to report problems or assert their rights to the authorities. This condition makes them vulnerable to various violations and injustices, both in terms of exploitation of marine resources by other parties and in terms of getting the legal protection they should receive.<sup>26</sup>

Another challenge they feel is that they feel insecure and afraid of the consequences and complications in the legal process. Many traditional fishermen are reluctant to report violations or seek justice for fear of facing intimidation from more powerful or influential parties. This fear is often exacerbated by past experiences where their complaints were ignored or not taken seriously by the relevant authorities.<sup>27</sup>

From the interviews conducted, the fishermen also revealed that other fellow fishermen were also obstacles in gaining access to legal protection. The lack of support from colleagues makes them increasingly doubtful and isolated in their struggle for justice. A small portion of this group of fishermen even became floating tin miners because they gave up on economic conditions. This then creates concerns among other fishing groups so that an atmosphere of distrust and fear grows, which increasingly hinders solidarity and collaboration among traditional fishermen.<sup>28</sup>

Apart from that, there are also internal obstacles in the form of competition among fishermen themselves. This rivalry sometimes fuels disharmony that prevents the formation of strong alliances to fight injustice. In some cases, there are fishermen who choose to collaborate with parties carrying out unconventional

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<sup>25</sup> Wawancara online bersama Bapak Rojali selaku nelayan tradisional Kelurahan Simpang Perlang, 20 Mei, Pukul 14.00 WIB.

<sup>26</sup> Wawancara online bersama Bapak Rojali selaku nelayan tradisional Kelurahan Simpang Perlang, 20 Mei, Pukul 14.00 WIB.

<sup>27</sup> Wawancara online bersama Bapak Memet selaku nelayan tradisional Desa Guntung, 20 Mei Pukul 14.20 WIB (n.d.).

<sup>28</sup> Wawancara online bersama Bapak Memet selaku nelayan tradisional Desa Guntung, 20 Mei Pukul 14.20 WIB.

floating tin mining, either because of financial rewards or pressure, which ultimately makes other fishermen feel increasingly isolated and unsupported.<sup>29</sup>

Protection for fishermen is a fundamental right that they must obtain, therefore, it is very important for policy makers to understand and overcome the obstacles and challenges they face in gaining access to legal protection. Various obstacles such as time constraints, lack of self-confidence, concerns about the complexity of the legal process.

## CONCLUSION

This research examines the legal protection of traditional fishermen in the Bangka Belitung waters who are affected by unconventional floating tin mining activities. From the research results, researchers concluded that floating IT mining activities in Bangka Belitung waters have had a significant negative impact on the marine environment, ecosystem and the lives of traditional fishermen. Damage to coral reefs, water pollution, and a decline in the quality of the marine environment have threatened the livelihoods of traditional fishermen, because they have caused a reduction in fish catches which has resulted in a decrease in their income.

Based on written regulations, such as Law No. 45/2009, amendments to Law No. 31/2004 concerning fisheries, Law No. 7/2016 concerning the protection and empowerment of fishermen, fish farmers and salt farmers, as well as Law No. 27/2007 concerning management of coastal areas and small islands. Law No. 32/2009 concerning Environmental Protection and Management, Regulation of the Minister of Environment and Forestry Number P.26/MENLHK/SETJEN/KUM.1/7/2018 concerning Guidelines for the Preparation and Assessment and Examination of Environmental Documents in the Implementation of Integrated Business Licensing Services Electronically, fishermen actually have the right to obtain legal protection, security and safety in carrying out their activities. They also have the right to obtain compensation and recovery for damage and losses caused by mining activities.

Even though in the statutory provisions traditional fishermen have the right to be protected, there are still many challenges and obstacles they encounter when demanding this right, one of which is limited access to information, low level of education of fishermen groups, ignorance of legal rights and mechanisms,

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<sup>29</sup> Wawancara online bersama Bapak Rudi selaku nelayan tradisional Desa Penyak, 20 Mei Pukul 15.07 WIB (n.d.).

complicated and convoluted bureaucratic processes, conflicting economic interests, lack of support from NGOs and fellow fishermen, internal competition between fishermen, and so on. The central and regional governments have an obligation to ensure security and protection for traditional fishermen, therefore the implementation of existing regulations and policies must continue to be improved. Support from NGOs, fishermen's associations, and legal education and training programs are also very necessary to strengthen their understanding regarding legal protection and assistance.

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