

## A SULAPA EPPE'E MODEL CONSTRUCTION FOR THE LEGAL PROTECTION OF THE LIFE ENVIRONMENT IN THE COASTAL FISHING RESOURCE EXPLOITATION AT SOUTH SULAWESI PROVINCE

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### ABSTRACT

This research analyzes the construction model of *Sulapa Eppe'e* in environmental law protection for the utilization of coastal fishery resources. This type of research uses a normative-empirical constructivism paradigm. The results of the study show that *Sulapa Eppe'e* adheres to a four-dimensional system of legal relations that places humans as the center in relations with God, nature (environment), society, and the government and the state. Model construction includes: concepts, philosophies, paradigms, ideologies, basic values, norms, principles, analytical methods and practices. This model gave birth to three pillars of wisdom, namely local wisdom, ecological wisdom, and the legal wisdom of the *Mampanre'tasi* tradition (conservation and zoning system), *Rompong* (protection and management system), *Pemali* and *Palili* (prevention and repressive system), *Mamia Kadialo* (ecological wisdom values), *Ponggawa – sawi* (coordination and cooperation system). The *Sulapa Eppe'e* model can play an important role in overcoming tensions, integrating and harmonizing political products, ecological products and cultural products from environmental law.

### Keywords:

Construction, The Sulapa' Eppe'e model, Local wisdom, Legal protection

### INTRODUCTION

The legal protection for life environment is basically universal and multi aspects, dimensional, complex, which create an environment law developing as a medium or instrument in order to supporting any protection and management need it include its resources. Its self-environment law, in its developing has been fragmented three products i.e. political, ecology and culture product (Benidickson Jamie, 2016). *Firstly*, political product is the written legal policy (as like Law, Legal, Rules and regulations produced by legislative, executive and judicative) make by government which apply more provisions and norms (instruction, prohibition and sanction). *Secondly*, ecology products are ecology wisdoms as a resulted wise learning on the life environment problems which developed be principles of environment protection and management. *Thirdly*, culture product are unwritten – environment law come from the local wisdom or local indigenous (Kuei-Hsien Liao and Jeffrey Kok Hui Chan, 2016).

Knowledge results and experiences developed by local – traditional community into their customs law, custom and tradition, habits behavior, traditions, culture and religion, the living source pattern (job or profession), arts and technology (social culture system), which all of it used as a guideline and instrument or medium in order to protecting and manage their life environment and also its natural resources exploitation include its coastal fishery resources (Udjianto Pawitro, 2011).

In Indonesia, include at South Sulawesi Province, State Government have been established many more written legal policies (Law and Rules) about environment law, the life environment conservation system, coastal protection and

management, the fisheries resources exploitation, *etc.* which their articles and regulations are continually reviewed, often change and renewed any time. Recently, the law which prevail as follow: UU No. 32 Year 2009 Tentang Pengelolaan dan Perlindungan Lingkungan Hidup (UUPPLH) (Law On The Life Environment Protection and Management), UU No.31 Year 2004 jo UU No.45 Year 2009 Tentang Perikanan (Law On The Fisheries), UU No.27 Year 2007 jo UU No.1 Year 2014 Tentang Pengelolaan Wilayah Pesisir dan Pulau – Pulau Kecil (UU PWP-PPK) (Law On The Coastal and Small Islands Management), dan other organic regulations. All of those regulate general provisions, objective, principles, functions, norms (instructions, prohibitions and sanctions). Beside that, there are some regulations applied as like related The Ministerial Rules and The Local Rule On Life Environment owned by South Sulawesi Government and valid Year 2014. But its empirical reality shown that application amount written legal policy mentioned above are less or not be effective to prevent any destruction at life environment, and also they don't have a capability or not be success (failure) to protect coastal fisheries resources potencies. Mega-biodiversity change be poor-biodiversity caused by *illegal fishing, overcapacity fishing*, mangrove and coral reef destructions, pollution, effluent and waste disposal and conflict in the coastal – sea waters.

Related to ecological wisdom, several principles of environmental law have developed such as: Environmental Vision, Environmental awareness or Environmental Orientation, Environmental Insight and Environmental Image (Wahid, A.M, 2006). All of those represented ecology wisdoms that oriented at knowledge - thinking and behavior base on the life environment insights principle in the various human activities, particularly to manage, exploit and protecting life environment ecosystem and its resource potencies include coastal fisheries resource. But, its phenomenon and problematic that ecology wisdoms application are still dominant as concept, less implementation by government both in the legal policies, programs and activities them.

At South Sulawesi Province, have a long 1.937 kilometres beach or coastal line, sea wide 266.877 kilometres per squares, 263 small islands, and from total 24 regencies/ cities/ towns given available, there are 19 regencies/ cities/ towns have coastal area. It is mean, South Sulawesi has 2/3 or 80 percents coastal and sea waters regions (Marine and Fisheries Service, 2012). According to data from the Central Statistics Agency (2012), for all coastal areas a population of 718,638 was found (consisting of 108,988 fishermen, 283,915 fish cultivators, and 325,735 fishery traders or entrepreneurs). Generally, there are many more ethnic groups that occupy coastal areas, but the four dominant ethnic groups, namely Bugis, Makassar, Mandar and Toraja, have a totality performance culture called *Siri'* and *Pesse* (Hamid, et al, 2003) and they have built a certain model of environmental law model called *Sulapa Epepe'e* (four dimensions of the system of legal relations) (Mattulada. 1995). This particular model has long been conceptualized, internalized and actualized by local indigenous peoples to protect and manage the sustainability of their environment including the exploitation of their coastal fishery resources.

Since in the past time ago or far before political product of environment law be exist like today now, *Sulapa Epepe'e* teaching which represented four dimensions legal relationship system had been put on human as central in their relation with God, nature (life environment), community (by their custom and tradition), and also state government. This teaching had been a source for create more wisdom values,

and at the same time too be primary guidance for local - traditional community in order to make environment law, especially for the legal protection of life environment and its fisheries resource exploitation, and then applied into some traditions as like *Mampanre' tasi* (zoning and conservation system), *Rompong* (management and protection system), *Pemali* and *Palili'* (preventive - repressive system), *Mamia Kadialo* (ecology wisdom value), *Ponggawa – sawi* (coordination and cooperative system). This teaching be effectively proven applied hundreds years by local - traditional community to protect their life environment sustainability, and can be maintain their harmonious relation with coastal environment and its resources.

Based on the all description, so main issue in this study is construction *Sulapa Eppe'e* model for legal protection of life environment in the coastal fisheries resources exploitation. Thus, elementary problem that be objective of this study are how concept, paradigm, ideology, philosophy, basic value, principles, norms, analyses and practical method of *Sulapa Eppe'e* model construction for legal protection of life environment within coastal fisheries resources exploitation. Beside that, standing position of local community (especially coastal citizen and fishermen) are too necessary know about actualization and teaching application them.

## METHOD

This study is based on the constructivism paradigm that interpretative, logic and esthetic, and also with methodological, axiology, ontology dan epistemology consequences (Bodgan, Robert and Steven J.Taylor, 2016). Normative empiric as type of this research (Soekanto, 2010), and its specification is analytic descriptive (Merriam, 2002). This research have been done at South Sulawesi Province of Indonesia, with determined 19 (nineteen) coastal regency/ city/ town in the Spermonde sea as region population, and amount 718.638 people (consist of 108.988 fishermen, 283.915 fish farmer, and 325.735 fisheries trader or businessmen) as people population. *Purposive sampling technique* (Syamsudin, 2007) used to taken it need five coastal regency/ city/ town (namely Palopo town, Pangkep regency, Bone regency, Bantaeng regency and Makassar city) as region sample, and 278 respondent and informant/ key speaker (consist of: 124 fishermen, 98 coastal people and fisheries trader or businessmen, 27 people as citizen elite or culture figure, 17 people as civil servant owned local government from BLHD (The Local Life Environment Bureau) and DKP (The Fisheries and Sea Office), and also 12 people as observer, pressure group, activist, academic relating with life environment and fisheries resources problems). Source of data taken it need are *Lontara* (Chairan, 1981) document and relevantly law matters (primary, secondary and tertiary). All data collected through documentation study, observation, interview and questioner list. A qualitative descriptive used to data analyses technique (Huberman, 1994).

## RESULTS AND DISCUSSION

### Result

Actualization *Sulapa Eppe'e* teaching in the practical method and analyses represented behave and tradition of legal protection for life environment and utilization its resources. Result of this research indicated that *Sulapa' Eppe'e* teaching has been hereditary actualized as a method for the legal protection practice of life environment (LE) at coastal – sea region and also its fisheries resources

exploitation by local – traditional communities especially fishermen and coastal citizen at South Sulawesi through amount traditions as like *Mampanre' tasi*, *Rompong*, *Pemali dan Palili'*, *Mamia Kadialo*, *Ponggawa – sawi*, which explained as follow.

***Mampanre'tasi Tradition: As a Conservation System of Coastal Life Environment and to Zoning Coastal Fisheries Resources Exploitation Base on The Custom Law.***

Terminology *Mampanre' tasi* by etymology consist of two word i.e. *Mampanre'* (provide or serve dish of food) and *tasi* (sea). Thus, *Mampanre' tasi* has a simple meaning equal with give eat to sea guardian (magical creature, called *Mallinrung - talle*) which believed has authority – magical power to restrained and control all waters region and its natural resources. *Mampanre' tasi* tradition had been hereditary applied within life of the local – traditional community (especially fishermen and coastal people). They are routinely implement this tradition every year at West wind season (August up to December). These season indicated by strong wind blowing, enough high wave and often happen a storm so that fishermen not head out to sea.

*Mampanre' tasi* tradition is one of concretely shape from actualization *Sulapa' Eppe'e* model which constructed within some subvariables. *First*, Concept: (1) the natural (life) environment resources both finished use (can't be renewed) and its renewable particularly in the coastal – sea waters have certain limits or boundaries to utilized by human; (2) Its important to manage, conserve and protect the coastal life environment and its fisheries resources based on the manners that suitable with local wisdom, ecologi wisdom and law wisdom; (3) Its important be efficiently and effectively coastal fisheries resources exploitation; (4) Its important Law (custom law, *Panngaderang*), ecology wisdom and local wisdom are presented for legal protection of the coastal – sea environment and fisheries resources exploitation; (5) Its important using integrated - approach the four dimensions relationship system (relation human with God, natural (life) environment, custom and tradition (socioculture system), and state government) in the legal protection ones.

*Second*, Paradigm: (1) Coastal – sea waters as megadiversity and life sources must be better managed, maintain, conserve and get optimum control and protection; (2) Fisheries resources potency must be efficiently, effectively and balance exploited it; (3) Utilizate fisheries resources at coastal – sea region must be done by regularly, orderly, sustainability and also be limited on the certain boundaries both quantity and time interval exploitation; (4) The coastal – sea waters region conservation and management must be based on the zoning system; (5) Legal (Custom law) must be given greater opportunity and access to play main and central role to protecting megadiversity, life sources, coastal environment and its fisheries resources potency exploitation, and all behavior of local community; (6) The harmonization relationship between human with natural (life) environment and fisheries resources potency must be maintained and integrate them; (7) The Guardian authority (magical creature power called *Mallinrung - talle*) of the coastal – sea must be respected and appreciate them, and must be tied in a communication, coordination and cooperation by them in order to guarantee influently any activities dan life safety in the sea.

*Third, Ideology:* (1) God (*Dewata Seuwae* as Single Owner, *To-Palanroe*, '*PatotoE*' or *Ajipatoto*) is create *Alangnge* (Nature cosmos), *Linoe* (Earth), *sininna seuwa-seuwae* (life environment and life creature) and mankind as bases of main belief; (2) Trust based on the paradigm: *Assisompungeng'na seddie seuwa-seuwa iyarega tau'e lao ri Puang'na iya ma'pancajie'* (relationship human with their God); (3) The the coastal – sea waters region are believed have Guardian (magical creature power : *Mallinrung, talle*) as Assistant of God, and this assistant get an authority and power toward coastal – sea waters region and all it natural resources. Local community faith that the Guardian can be angry, intruder to disturbed their fishermen and coastal people living on the sea, moreover threaten their life safety when they doing activities in the coastal – sea; (4) A ritual ceremony with prayer and dedicate a offerings with various kind of food like eggs, banana, fruits, rice made from glutinous rice (called *Songkolo*) by four colours (white, black, red, yellow) which simbolize four elements of earth and human body structures i.e. water, soil, fire and air, include cut off certain animal (chicken, goat, cow). All ritual ceremony and its offerings dedication (give eat), communication and expression of gratitude to God, most believed can be prevent any intervention and disturbance from the Guardian.

*Fourth, Philosophy:* (1) human and natural (life) environment have same status and as one unity and integrated, because composed from four element i.e. soil, water, air and fire; (2) *Mampanre' tasi* are effectively protect the coastal life environment ecosystem and its fisheries resources exploitation; (3) *Mampanre' tasi* are most important take care a harmonious relationship between human with God, natural/ environment, life creature and all sea biota, custom and tradition (social culture system) and custom law. *Fifth, Value:* (1) *Mampanre' tasi* tradition applied values basis of local wisdom and ecology wisdom; (2) Values contained in this tradition are: wisdom or prudence, trust, truth, honesty, justice, obedience, harmonious, balance, regulatory, law and order (orderliness), solidarity, solidity, useful, safety, peaceful, happiness, prosperity.

*Sixth, Norms:* (1) *Mampanre' tasi* tradition established norms : instructions and suggestion, prohibition and taboo (*Pemali*), sanction; (2) Instructions and suggestion based *zoning rules* through devide coastal region (which had been consensus custom institution and local people) for conservation activites into three forms namely: Zone I (Its region has been determined at coastal area and islands over it near kampoeng), Zone II (it has coastal area so far from kampoeng), and Zona III (the coastal area determination is most far from kampoeng). Local coastal community are instructed or suggest to exploite any fisheries and sea products at certainty zone have been determine by custom institution. Beside that, implemented an advice namely suggestion to obeyed a time interval of conservation rule – system. Other instruction and suggestion to coastal citizen are take a role and participation to controlling all valid prohibition it; (3) Prohibition and taboo, like take of any kind sea products by arbitrarily or random at certaint time interval, caught fish or take at random from coastal – sea at certainty time before given a consensus availabel to draw a ban. All these prohibition are purposed to open access many more fish and another sea biota to growing and develop without intervention or disturbance by people for certainty time interval it. Other ones are prohibition to change its coastal function for other interests (example land for social and public facility, investment location, project, private interest as residence, etc.), and must be get license from Local Custom Community (LCC); (4) Legal sanctions : physical

punishment (strike with a wip, stocks/ pillory sentences), social sanction (example belittling comment), social work sentences (like repairing public facility at kampoeng). Other legal sanction are confiscate all sea biota assets from violator in order to sold for the custom interest.

*Seventh, Principles:* (1) *Mampanre' tasi* tradition internalized and actualize principles recognized from ethic philosophy (*Pangaderrang*) as *ade'* manifestation namely *mappasilasae* principle (like unity, life fit nicely, harmonious, balance, justice, useful, benefit, proportionality, efficiency, effectivity), *mappasisaue* (like obedience to law or rule, carefully, safety), *mappasenrupae* (law supremacy) and *mappalaiseng* principle (like equality, solidarity, transparent, confidential); (2) Fishermen and coastal citizens have been applied Legal/ Law principles based on their experiences to treat and solving every problems. Rule, policies and consensus actualized into Custom Institution, and then enacted be Law which called The Custom Law. Thereof, custom community institution have a vital position over mastery – autonomy and ownership rights to the natural resources and life environment (especially fisheries resources) at coastal – sea region. These rights are communal (owned Custom base on the ulayat rights). Base on the rights, so if there are a planning to release a land exploitation at coastal region must be permission from the custom community. Clear that *Mampanre' tasi* tradition established law principles which used to legal protection of coastal life environment and its fisheries resources exploitation.

### **The Rompong Tradition: As Management and Protection System for The Life Environment and Coastal Fisheries Resource Exploitation.**

At South Sulawesi, based on the *Sulapa' Eppe'e* teach, fishermen and coastal people had been applied or actualize a legal protection to the coastal – sea area and its fisheries resources through *Rompong* tradition. By technical, terminology *rompong* has meaning equal to *fish aggregating device*. Therefore, *rompong* is the traditional device used by fishermen or coastal people to gathered many fish at certain catching area at coastal waters region. But, from legal and institution perspective, *Rompong* basically represented a tradition on a rights distribution of fisheries resources management and utilization at the certain coastal waters area, which its boundaries determined base on the custom agreement (together consensus).

*Rompong* tradition is one of concretely shape from actualization *Sulapa' Eppe'e* model which constructed within some subvariables. *First, Concept :* (1) Coastal – sea waters area are a megadiversity potency and life source must be better managed, maintain, conserve and get optimum control and protection; (2) Coastal – sea waters environment ecosystem are property of custom community; (3) Custom community have a great responsibility to maintain, conserve, utilize, control, protect and organize the coastal – sea waters environment; (4) Fisheries resources owned by coastal – sea coastal – sea waters are together possession; (5) Fish catching activity must be done without disturb, pollute, destruct, threat and shatter – smash its self – fish resources and life environment ecosystem.

*Second, Paradigm:* (1) To create a coastal – sea waters life environment ecosystem that free from any disturbance and threaten, destruction, pollution and disposal waste, change its function and conflict of interest; (2) Device used within fish catching activity are friendly environment and guarantee a sustainability its self –

fish resources stocks; (3) Coastal – sea waters environment and its fisheries resources are together possession and property of custom community; (4) Legal approach and distribute rights over mastery and ownership be effective to maintain, control, conserve, and protect coastal – sea waters environment and its fisheries resources; (5) Explicitly and consistence Legal enforcement be effective make a deterrent effect toward illegal fishing, and prevent overcapacity fishing. *Third, Ideology:* (1) *Rompong* directed to maintain a mandate, trusteeship and responsibility from God and custom law in order to manage, conserve, control and protect megadiversity potency and life source, coastal – sea waters, life environment ecosystem, fisheries resources exploitation, and also not make any destruction; (2) To more stabilize any trusteeship over responsibility and accountability to protect a coastal environment ecosystem, and to utilize efficiently, effectively and sustainable fisheries resources at coastal – sea waters.

*Fourth, Philosophy:* (1) Natural (life) environment, life creature (mangrove, coral reefs, seagrass paddock, many more kind of fish, and other sea biota) at coastal – sea waters, and human have equal life rights that must be protected them; (2) Without possession feeling to the coastal – sea waters and all its resources then difficult to effective legal protection it; (3) Actualization mastery and ownership rights based on the *rompong* system be most important to management and protecting the coastal – sea environment ecosystem and its fisheries resources exploitation; (4) Coastal – sea waters environment must be carefully managed and protecting it by together with; (5) Solidarity – solidity into protection and management of the coastal environment and its fisheries resources exploitation; (6) *Rompong* system are more and more important create a stability and harmonious relationship between human with God, natural/ environment, life creature and all sea biota, custom and tradition (social culture system) and custom law. *Fifth, Value:* (1) *Rompong* tradition applied values basis of local wisdom and ecology wisdom; (2) Values actualize are : wisdom or prudence, trust, truth, honesty, justice, authonomy, authority, independence, mastery, ownership, recognition, appraise, consensus together, unity, solidarity, solidity, tolerance, coordination and cooperation, obedience, harmonious, balance, usability or benefit, productivity, efficiency, effectively, proportionality, regulatory, legal supremacy, law and order (orderliness), careful, safety, peaceful, happiness, prosperity.

*Sixth, Norms:* (1) *Rompong* tradition apply unwritten rules or norms : rights, obligations, instructions and suggestion, prohibition, sanction; (2) Rights, like : right to mastery – autonomy and possession (mastery and ownership rights), management and protection rights, maintain and control rights, conservation and exploitation rights. *Parompong* (owner *rompong*) has rights to fisheries resources management and utilization at the certain coastal waters area with its boundaries determined based on the custom agreement. Beside that, they have right to make certain rule and prohibition related with their *rompong* and legal protection zone, owned right to control – protect and mastered coastal – sea waters to catch fish especially in their *rompong* around it; (3) Obligations, like : *Parompong* has obligate to open access or opportunity for other people (boat or ship) to sail through claimed *rompong* zone, give an opportunity other people to catch fish by fishhook device; (4) Instruction and suggestion : *Parompong* can ask or please anyone to catch fish by using fishing rod device at their *rompong* area. They can be too permitted or allow other fish catching fleet to sail over *rompong* zone them; (5) Prohibition : everyone

banned to conduct a caught fish activity by using other catch device except a fishing rod, ban anyone to catch fish at one hectare radius; (6) Sanction : every violation over rule and provision made by *Parompong* will be get certain sanctions like attacking, disappear boat or ship (fish catching fleet) and catching device used by violator. These sanctions be effective proven to prevent and overcome illegal fishing, over capacity fishing, disturbance and destruction at the coastal life environment and its fisheries resource.

*Seventh*, Principles: (1) *Rompong* tradition apply four principles of *Panngaderang* namely: *mappasilasae*, *mappasiswae*, *mappasenrupae*, and *mappalaiseng*; (2) *Parrompong* internalized and actualize amount principles, like : rights division, mastery, autonomy, authority, independency, ownership, management, organizing, coordination and cooperation, delegation, grant, consensus – agreement, solidarity, unity, harmonious, peaceful, wise, obedience to law, carefully, regularity, orderliness, balance, justice, useful, benefit, proportionality, guarantee, productivity, efficiency, effectivity, trustee, transparent, appreciation, respect, sustainability, friendly environment, responsibility, controlling, protection, prosperous; (3) Legal protection principle applied them like law supremacy, justice, assurance, consistency, revenge (over violation), equality, deterrent effect.

### ***Pemali* And *Palili*' Tradition : As Preventive and Repressive System to Legal Protection of Life Environment and Its Fisheries Resources Exploitation.**

Traditional – local community at South Sulawesi especially they are reside or living in the coastal region (fishermen and coastal people) had been implemented certainty norms i.e prohibition and taboo called *Pemali*, example ban to kill certain kind of life creature (animal and plant), ban to cut down any certain crops at mangrove forest area, ban to destruct or making a pollution at environment, ban to doing a-social acts in the certain places (include sacred or consider sacred). Any attitude or behavior claimed ruin into all bans mentioned that can be equal with to kill local people. As related *Pemali* that, too prevail *Palili* tradition, namely maintain and protect life environment and its resources from anything can be considered to disturb, threat, and smash them. From concept *Palili* then developing *Mappalili* or *Appalili* practice i.e hereditary ritual that implemented by traditional – local community by the mean in order to planted and protecting any unoccupied land (empty). Instead of, too known term *disalipuri* (Bugis language) or *dilebbu* (Makassar language) i.e saving more stock in order to anticipate less production as consequence from disturbance appear it. This practical relevant with *Mampanre' tasi* tradition.

Traditional – local community at South Sulawesi especially they are reside or living at coastal region belief that violation actions toward any certain prohibition would be fatally result or appear a consequence for life straightaway of society as social unified them. They are too belief that if happen a calamity or great disaster, and certain epidemic (disease or illness) in their living, then those cases viewed have a directly correlation with certain violation be done by someone or certain a people group in the society. By other assumption that negatif and bad impact occur caused by negative behavior and violation any prohibition. Therefore, violator must be get a sanction in the form physical penalty (whip, pillory) or social sanction (insult or belittling comment) and expelled or excommunicate from social interaction them. The sanction extending are very effective for legal protection because people will be

afraid to doing a violation, it particularly related with environment ecosystem at coastal region. Beside norms and value had been actualized to put in order the human religious actions to their environment ecosystem, there are too social order or institutions made to regulate any protection and management of life environment and its fisheries resources exploitation. These are based on a view that life environment ecosystem and its resources exploitation as living source have some value particularly social and economy value, ecology value, include legal and safety defense value.

### ***Mamia Kadiolo* Tradition : As Legal Protection Principle of Life Environment Base on The Ecology Wisdom Value.**

At Sulawesi Island peninsula, especially in the South Sulawesi Province, there are one of ethnic who since in the past ago had been lived and exist to establish their culture living and ecology wisdom. It is called Bajo ethnic, who a long time depend fully their life at coastal and sea waters. This ethnic be found anywhere a long coastal and sea waters, and they are proactive and consistent to apply *Mamia kadiolo* tradition. This tradition is stick within all thinking, attitude, actions and behavior the ethnic mentioned it, and be a special identity (specific characteristic), and the tradition application had been hereditary actualized them, and establish in group for certain time interval, called : *Palilibu* (habits head out to sea using *soppe*' boat and rowing. This group head out to sea only one or two day and then they go back to their residence to sold any catching results dan a part consumed by their family), *Bapongka* (*babangi*) (habits head out to sea for some weeks up to months using big boat – ship by size 4x2 metres called *leppa* or *sopek*. This activity often carry on family members (wife and children), dan *Sasakai Palilibu* (habits head out to sea using some boat for some months with explore area inter-island). Thereof, *Mamia kadiolo* equal to head out to sea tradition.

Its functionally, *Mamia kadiolo* tradition has a substance meaning and great benefit to legal protection of the coastal life environment and its fisheries resources exploitation. The tradition has the strongest local wisdom – local indogenous value which very support any coastal – sea protection and natural environment conservation need them. *Mamia kadiolo* was very consent on the ecology wisdom in order to maintain and protecting mangrove, coral reefs and seagrass paddock at coastal - sea environment, because its citizen (Bajoe ethnic) owned a more nearer emotional relation with natural resources at coastal – sea area, so that they are always show their attitude and behavior base on the ecology consideration it.

Group *Palilibu*, *Bapongka*, and *Sasakai Palilibu* are apply amount taboo both they are head out to sea and for their family stayed out. Those taboo as follow : they prohibited to throw away into coastal - sea waters amount matters as like wash water of sea cucumbers, wood charcoal or ash kitchen, cigarette butt or ash cigarette, chili water, ginger and orange juice; they are too ban to washing a pan (cook device) in the coastal – sea waters. All of those matters and wash water mentioned above must be taken in or accomodated and throw away on the land or put a shore it. Beside that, be found a probition to eat a turtle meat, and violation of this taboo believed can be appear more negative impact as like great natural disaster, catastrophe, storm or hurricane calamity, evil soul disturbance, even they are not get everything result in the sea or coastal waters. They prohibit to eat turtle because they belief that turtle

has been more helping people who exposed calamity or disaster in the sea, so that kind of animal can't be killing it.

Bajo ethnic are well known (famous) as expert seaman, and they spread (or scattered) in the some other coastal – sea waters at Indonesia. They build up platform house over the sea surface at depth between one up to eight metres and it separated from land shore. But, their existence reside at coastal water region exactly very pay attention to balance, harmonious and conservation environment ecosystem and its fisheries resource at coastal it. They are always pay more attention to prevent any activities and actions who can be a bad impact considered for around environment them. Although their stage house build up over waters but under waters and its surrounding conditions are very clean it. This is very different with the most people residence at various other coastal area which usually fulfilled many more rubbish, trash, waste disposal, very dirty, chaotic and disorganized it.

Bajo community had been made and using a traditional boat and big ship (size 4 x 2 metres) called *leppa* or *sopek* in order to conduct *Mamia kadiolo* or head out to sea tradition which organized into three group i.e *Palilibu*, *Bapongka*, and *Sasakai Palilibu*. They made a traditional boat by using older plant and dead of mangrove called *posi-posi*. They refuse or reject any infrastructure development in the coastal area because all it can be destruct mangrove, coral reef and seagrass paddock and also pollute coastal – sea waters. They have highly awareness to maintain and protecting an environment ecosystem conservation and its coastal natural resource exploitation them.

Local wisdom (local indigenous) have been actualize in the provisions as like tradition, rules or regulation, prohibition and taboo practices are hereditary applied by them, and consistently maintain and obey by their citizen. The living of Bajo community unified with coastal – sea so that they have a strongest psychology and emotional with their environment and its fisheries resources, eventually they have rich ecology wisdom and local knowledge. Of course, all of those conditions can be a valuable learning matters, and be able a guidance or indication that ecology crises not only technical problems, but it is too relate to psychology aspect issue one. Therefore, in order to overcome a ecology crises problematic are very important go along follow complications or details on human spiritual, way of life (philosophy), awareness toward natural and environment and also ecology behavior. On the behalf of, be need an *ecological intelligence* of human as like understanding and interpretation any human relation with all elements and other life creature. Human that have an ecology intelligent be able put their self in a certain place as environment control which poured in the really their attitude and behavior when they treated natural environment it. The life environment and natural environment are not only a exploitation sources but those have a vitally and strategic role as the together life home that must be continue protected them, take care of it, put in order (organize), not be shattered or smash them.

The nearness or propinquity Bajo people relation with coastal – sea waters be enable they have variously local knowledge about any natural tendencies and environment indications it. Now today, the earth atmosphere have been more destructions increase it, but Bajo community are still able to using any natural tendencies and atmosphere indications when they head out to sea, example, coral reefs waters recognized base on the symptoms or indications as like sea surface condition around coral reefs are more calm, current flow of sea waters are less fast

(more late), much white foam and putrid odor of fish smell, and they feel a hiss when rowing their boat. They can know coral clusters base on the radiance sparkle of moon indication in the night. Such as they can read or know a rise and withdraw transfer of sea water in the broad daylight when they see eagle go down near sea water surface which signed sea water is decrease it. Moreover, older generation of Bajo prohibit their family members to catch fish and other biota in around of coral group, except past before doing a certain ritual with preparing a offering for their ancestors. Those prohibition have protection appraise and coastal – sea ecosystem conservation it. Clearly that Bajo ethnic are still maintain ecology wisdom as a law guideline to establish their life in the sea, and in order to protecting life environment and its fisheries resources exploitation.

### **Tradisi *Ponggawa – Sawi* : As Coordination and Cooperation System Within Fisheries Resources Exploitation.**

In the South Sulawesi have a long time develop a tradition of fisheries resource management that know by *Ponggawa-Sawi* system, which represent a coordination and cooperation system within coastal – sea environment ecosystem protection and life environment conservation at coastal – sea waters, and also apply a yields share within the fish catch effort scale in the fisheries resource exploitation. This system that developed by local fishermen and coastal people are shaped within a relation concept between *pongawa* (owner of boat or ship : fish catching fleet, employer) dan *sawi* (employee) based on the patron – client relation them within effort scale of fish catch. Although their relation have continue dynamical when legitimation and marginalization pressure to increase them, but rule norms of socio culture are still persistent and stay be a basic foundation in the social hierarchy and also specific characteristic it. *Ponggawa-Sawi* system are result more benefit for management of fisheries resources, particularly they actualize kinship value and solidity – solidarity, unity and integrity, association – union appraise in their socio culture and economy. They (*pongawa* and *sawi*) actualize culture value of *Siri'na passé* or *Siri'na pacce*, and other ones as like *a'lempureng* (honesty), *supatuwo sipatokkong* (mutual helping), *siamaseang* (mutual emphaty), *sipakatau* (mutual humanism), *sipakale'bi* (mutual respect and appreciation) etc. All value actualize into a coordination and cooperation to protect the coastal – sea environment ecosystem and life environment conservation, and also fisheries resource exploitation.

### **People Perception About *Sulapa Epe'e* Teach and Its Actualization**

Result of this research indicate that 98% respondents/ informant from coastal people, fishermen and fisheries trader are very belief and support any actualization of *Sulapa Epe'e* as a law source and basic legal value within a life environment ecosystem protection and fisheries resource exploitation in their coastal region. They have reason that amount written-law and rule (Positive Law) produced by government (legislative policy product, executive and judicative rules) not be effective and can't be mainstay or reliable to protecting any life environment ecosystem and its fisheries resource exploitation at coastal – sea waters region. But there are 2% people have a doubts by some reasons that very difficult to change the capitalization, liberalization and corporatization system which dominating multiple coastal management and its fisheries resource exploitation. In addition to, majority people behavior in the local social community are more and more oriented economic

interests, and they have been neglect their culture value. In the relation with teach of *Sulapa Eppe'e* understanding, 28% respondents (people) state that they are very understand and 38% enough understand, but 21% less understand and 14% very less their understanding to it. Those shown that *Sulapa Eppe'e* teachings are need more internalize and actualize into the community living.

## DISCUSSION

The *Sulapa Eppe'e* teaching have been law source (unwritten and written), local wisdom and knowledge source, and special guidance in order to perform a wise behavior for local community at South Sulawesi, particularly their behavior toward the life environment ecosystem protection at coastal – sea waters region management, and its fisheries resource exploitation. The teaching have been internalized and actualize within various traditions and living system of local people (fishermen and coastal citizens) as like *Mampanre' tasi* tradition (conservation and zoning system), *Rompong* (protection and management system based on the mastery, authorities and ownership rights), *Pemali* and *Palili'*(prevention and repressive), *Mamia Kadialo* (protection and management system based on the ecology wisdom value), *Ponggawa – sawi* (coodination and cooperation system). All of those traditions based on the *Sulapa Eppe'e* teaching, have been effective proven as a learning model for the legal protection of life environment ecosystem especially its coastal fisheries resource exploitation. The conception have a suitable with told by Mattulada that teaching or concept *Sulapa' Eppe'e* directed to view that human get knowledge on life environment and natural matters within scope “ their life sensory perception”. Human think on the natural and their self. In the living and civilization of social community at South Sulawesi, guidance the teaching or concept have four dimensions, which one of it is relation dimension between human and natural, that narrow understanding is life environment.

*Sulapa' Eppe'e* as four dimensions relation system become a model for life environment protection within coastal fisheries resource exploitation, that emphasize relation human with God, with other one (citizen, community, people), with government – leader and intellect, and also relation with natural – life environment and other life creature. Fourth vertical – horizontal relations mentioned have been represented a model construction for legal protection of life environment within coastal fisheries resource exploitation. Fourth relations have been integrative, comprehensive and universal so that they are most important to be national legal (policies) formulation matters in Indonesia and international law especially formulation a environment law principles both its political product meadow and its ecology wisdom domain.

Construction of *Sulapa' Eppe'e* model have completely elements namely : concept, paradigm, ideology, philosophy, basic value, principles, norms, analyses and practical method (actualize in the culture tradition). All elements as one unity and integrality – unseparate so that represent a whole environment law model, excellent and effective to legal protection of life environment within coastal fisheries resource exploitation. The model construction include universal basic law value and ecology wisdom value, which be antithesis against failure political product of environment law and legal protection of life environment and its coastal fisheries resource exploitation at Indonesia especially in South Sulawesi. Thereof, *Sulapa' Eppe'e* model construction can be alternative model developing environment law and

legal protection of life environment along with increasing various thinking and practice to nature/ environment secularization, liberalization – capitalization – corporatization into management and utilization of nature resource and life environment, and also various problems and conflict in the life environment protection and also crises threaten of fisheries resources both in the global level and national – regional – local scopes. All of those are based on the some reasons that almost all local - traditional communities and modern people reside coastal region have a *sense of local wisdom* and they are yearn for or miss a effectively legal protection against their coastal environment ones.

Base on the research result, analyses and discussion so its novelty that: *Firstly, Sulapa' Eppe'e* has been internalized and actualize intergratively – comprehensive – holistic and universal four dimensions legal relationship system, which put on human as central within a legal relationship with God, nature and life environment (life creature), community with their custom and tradition (social culture system), and state government; *Secondly, Construction of Sulapa' Eppe'e* model have been contain or create one unity and very fundamentally three pillars namely law wisdom, ecology wisdom and local wisdom. All of those are vital and strategic develop law environment, legal protection of life environment and utilization its resources; *Thirdly, Sulapa' Eppe'e* model have completely construction elements namely : concept, paradigm, ideology, philosophy, basic value, principles, norms, analyses and practice method, so that have an excellent to develop environment law, legal protection of life environment within coastal fisheries resource exploitation, particularly at coastal – sea waters region; *Fourth, Sulapa' Eppe'e* model be constructed represent basic legal values and substance wisdom values. Beside that, model construction have universally multi perspectives (law, environment, social, culture, political, safety defense, economic) legal and wisdom values, which be antithesis to overcome any trust decrease of community to political product of environment law and any failure of positive law and its institutions establish a effectively legal protection of life environment within coastal fisheries resource exploitation; *Fifth, Teaching and model of Sulapa' Eppe'e* have been effective proven to born or create various traditions of legal protection of life environment within coastal fisheries resource exploitation especially in the South Sulawesi (has 80 percents coastal – sea waters region) like *Mampanre' tasi* tradition (conservation and zoning system), *Rompong* (protection and management system), *Pemali* and *Palili'*(prevention and repressive system), *Mamia Kadialo* (ecology wisdom value), *Ponggawa – sawi* (coodination and cooperation system); *Sixtly, Sulapa' Eppe'e* model can be play important role as a strategic solution to overcome various problematics and gap at management and legal protection it by integrated and harmonize three products of environment law include political, ecology and culture ones; *Seventhly, Construction of Sulapa' Eppe'e* model have been never before studied by earlier study as an instrument or medium legal protection of life environment within coastal fisheries resource exploitation; *Eighthly, The Sulapa' Eppe'e* model construction are very relevant and can be applied as *pilot project model* in the all coastal region of Indonesia and other archipelago and maritime countries on the world. Its theoretical novelty :

The *Sulapa' Eppe'e* model construction are more and more explain that : An effectivity of performance for environment law and environment legal protection *not be determined by and/ or very unsatisfied* dependent at only political product (which

based at multiple thinks and practices to nature/ environment secularization and liberalization, capitalization, corporatization of nature resource and life environment management and utilization, *but* they are very need three pillars wisdoms (law, ecology, culture/ local wisdom) internalization and actualization. At local community life order and social culture system, they are very really need three pillars of wisdoms as environment law basis because those have inherited and in plant within their self-community life, not only political product it.

### CONCLUSION

*Sulapa' Eppe'e* teach as a legal relation system based on the four dimensions which put on human as central. Those fourth relationship entailed legal relation of human with: their God (Almighty, Most Create), nature environment (life environment, other life creature), man similarity or sameness (other people, citizens, community), and state government (include leader, intellectual group). Furthermore create or think out four hierarchies of law i.e.: hyper height law (base on the religion and belief), human law (base on the culture, custom and tradition, custom law), nature and environment law (universal), and state government law. All of those law are integrality and one unity legal system, which have been harmoniously maintained, internalize and actualize in the local/traditional community at South Sulawesi. And, near all people are very support this model application particularly their traditions.

*Sulapa' Eppe'e* model have completely elements namely: concept, paradigm, ideology, philosophy, basic value, principles, norms, analyses and practical method which they had been actualized in the culture of legal protection traditions as like : conservation and zoning system (*Mampanre'tasi* tradition), protection and management system based on the mastery, authorities and ownership rights (*Rompong* tradition), prevention and repressive legal protection (*Pemali* and *Palili'* traditions), protection and management system based on the ecology wisdom value (*Mamia Kadialo* tradition), coordination and cooperation system (*Ponggawa – sawi* tradition). Therefore, construction *Sulapa' Eppe'e* model contain universal basic law values and ecology wisdom one which very excellent and effective to legal protection of life environment conservation within coastal fisheries resources exploitation.

Result of this research recommended that construction *Sulapa' Eppe'e* model are more and more clarifying that seriously at traditional/local community level, environment law that are basically need not (*only*) political product to make effective legal protection of life environment conservation within coastal fisheries resources exploitation, but they need ecology wisdom and local wisdom (local indigenous) application have been pass down and embedded in their living. Those ecology wisdom and local wisdom are most important, urgent and strategic revived, internalize and actualize to build up a modern environment law. Legal protection and coastal management, coastal fisheries exploitation, and also developing a good governance and state law principles particularly at environment, maritime and fisheries sectors. Thereof, Indonesia government (especially South Sulawesi Province) will be expected to consider *Sulapa' Eppe'e* model as national legal product, especially as instrument or medium for legal protection within coastal fisheries resources exploitation it. Political product of environment law and legal protection within coastal fisheries resources exploitation are very important build up and develop base on the *Sulapa' Eppe'e* model construction it.

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