

When the Sea is No Longer Free: Fishing-Space Contestation and Legal Protection for Small-Scale Fishers in Demak Regency

Ibrahim Hanif Amrullah* 

Universitas Islam Negeri Walisongo Semarang, Indonesia
hanifamrullah@gmail.com

DOI: <https://doi.org/10.65815/1m5tnj37>

Submitted: 02-02-2026

Revised: 21-04-2026, 11-06-2026

Accepted: 03-07-2026

*Corresponding Author

Abstract

The coastal areas of Demak Regency are increasingly exposed to complex pressures arising from spatial transformation, coastal economic activities, infrastructure development, and ecological changes affecting the livelihoods of small-scale fishers. These conditions raise legal concerns regarding access to fishing grounds, livelihood security, and the effectiveness of state protection for coastal communities that remain highly dependent on marine resources. This study aims to examine the legal position of small-scale fishers in the contestation over fishing space and to identify gaps between legal protection frameworks and the actual governance of coastal areas. The study employs a socio-legal approach combining statutory analysis with empirical research through interviews with fishers, local government officials, and relevant stakeholders. The analysis focuses on the interaction between marine spatial policies, economic interests, and the capacity of fishing communities to maintain access to their livelihoods. The study argues that legal protection for small-scale fishers should not be measured solely by the existence of protective regulations, but also by their meaningful participation in decision-making and their guaranteed access to fishing space. Strengthening protection therefore requires participatory and transparent coastal governance that recognizes the social and ecological conditions of local fishing communities.

[Kawasan pesisir Kabupaten Demak semakin terpapar tekanan kompleks yang timbul dari transformasi spasial, aktivitas ekonomi pesisir, pembangunan infrastruktur, dan perubahan ekologis yang memengaruhi mata pencaharian nelayan skala kecil. Kondisi ini menimbulkan kekhawatiran hukum terkait akses ke lahan penangkapan ikan, keamanan mata pencaharian, dan efektivitas perlindungan negara bagi masyarakat pesisir yang masih sangat bergantung pada sumber daya laut. Studi ini bertujuan untuk mengkaji posisi hukum nelayan skala kecil dalam perebutan ruang penangkapan ikan dan untuk mengidentifikasi kesenjangan antara kerangka perlindungan hukum dan tata kelola aktual kawasan pesisir. Studi ini menggunakan pendekatan sosial-hukum yang menggabungkan analisis hukum dengan penelitian empiris melalui wawancara dengan nelayan, pejabat pemerintah daerah, dan

pemangku kepentingan terkait. Analisis ini berfokus pada interaksi antara kebijakan spasial laut, kepentingan ekonomi, dan kapasitas masyarakat nelayan untuk mempertahankan akses terhadap mata pencaharian mereka. Studi ini berpendapat bahwa perlindungan hukum bagi nelayan skala kecil tidak boleh diukur hanya dari keberadaan peraturan perlindungan, tetapi juga dari partisipasi mereka yang bermakna dalam pengambilan keputusan dan jaminan akses mereka ke ruang penangkapan ikan. Oleh karena itu, penguatan perlindungan membutuhkan tata kelola pesisir yang partisipatif dan transparan yang mengakui kondisi sosial dan ekologis masyarakat nelayan setempat.]

Keywords: small-scale fishers, fishing space, coastal communities, legal protection, socio-legal

Introduction

Coastal space is increasingly becoming an arena in which competing economic, ecological, and social interests intersect. Ports, aquaculture, tourism, industrial development, conservation areas, infrastructure, settlements, and fisheries may all require access to the same coastal environment. For small-scale fishers, however, the sea is not merely a geographical space or economic asset. It constitutes a livelihood environment upon which household income, food security, social identity, and community continuity depend. When access to fishing grounds becomes restricted by spatial transformation or competing activities, the resulting problem is therefore not simply an issue of resource allocation. It also concerns distributive justice, socioeconomic security, and the legal relationship between citizens and the state. Research on small-scale fisheries consistently demonstrates that secure access to resources is an important condition for sustainable livelihoods and effective resource governance (Björk et al. 2016; FAO 2015).

Demak Regency provides an important context for examining these issues because its coastal communities have experienced substantial environmental and socioeconomic pressures. Coastal erosion, tidal flooding, land subsidence, aquaculture transformation, infrastructure development, and changes in coastal morphology have altered the relationship between communities and their surrounding marine environment. Recent research covering Demak and other northern-coast locations has documented significant impacts of abrasion on fishing and aquaculture livelihoods, including changes in fishing activity, pond areas, operating costs, catch, and household income. These changes demonstrate that coastal transformation can directly affect productive activities while simultaneously reshaping the spatial conditions within which communities exercise their livelihoods. The consequences therefore extend beyond environmental degradation and become questions of governance, access, and legal protection.

The concept of fishing space is particularly significant for small-scale fisheries because fishing activities rarely operate within formally demarcated property

boundaries. Fishers often rely upon customary knowledge, seasonal patterns, informal access arrangements, and locally understood fishing grounds. Marine spatial planning, however, introduces formal categories, zoning systems, permits, protected areas, infrastructure corridors, and development priorities. The resulting encounter between formal spatial governance and everyday fishing practices can generate conflict. Bennett et al. (2019) emphasize that marine spatial planning should address social equity rather than focusing exclusively on ecological or economic efficiency. Without such attention, spatial planning may unintentionally privilege actors with greater political and financial resources.

The legal position of small-scale fishers in Indonesia is formally recognized through several legislative instruments. Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers establishes a framework for protection, empowerment, access to facilities, social security, financing, and economic development. The Coastal Zone and Small Islands Management framework also recognizes the existence of customary, local, and traditional communities. Nevertheless, formal recognition does not automatically translate into secure fishing access. Research on the Indonesian small-scale fisheries sector indicates that the legal definition of small-scale fisheries, administrative arrangements, and management measures can create practical difficulties for vulnerable fishing communities (Halim et al. 2019).

A central problem therefore emerges between formal legal entitlement and substantive access. A community may be legally recognized as a protected social group while simultaneously losing practical access to fishing grounds because another activity receives stronger institutional support. This distinction resembles the broader environmental-justice literature, which argues that justice must encompass not only distribution but also recognition and participation (Schlosberg 2004, 2012). For small-scale fishers, recognition means acknowledging their dependence on coastal resources; distribution concerns how access and benefits are allocated; and participation concerns whether fishers can influence decisions affecting their livelihood.

The problem is particularly relevant because marine spatial planning is increasingly promoted as an instrument for balancing multiple uses of marine space. In principle, marine spatial planning can reduce conflicts by allocating activities through transparent and integrated planning processes. However, implementation may become problematic where different regulatory regimes overlap or where local communities have limited institutional capacity. The Indonesian experience demonstrates that marine spatial planning has developed considerably, but implementation continues to face challenges related to coordination, institutional authority, participation, and conflict between sectoral interests (Pomeroy et al. 2015; Shafira et al. 2022).

This article examines three questions. First, how is the legal position of small-scale fishers constructed within Indonesian coastal and marine spatial governance? Second, how does the contestation over fishing space affect the livelihood security

and participation of small-scale fishers in Demak Regency? Third, what legal and institutional mechanisms can strengthen protection for small-scale fishers while maintaining ecological sustainability and legitimate coastal development? The article argues that effective protection requires moving from a regulation-centered approach toward a rights-sensitive and participatory coastal-governance model. Under such a model, fishing access, participation, livelihood security, ecological sustainability, and remedies should be treated as interconnected dimensions of legal protection.

Theoretical Framework

1. Small-Scale Fisheries and Livelihood Security

Small-scale fisheries are economically and socially important despite their frequently limited technological and financial capacity. They contribute to food security, employment, local economies, and community resilience, particularly in developing coastal regions. Вїнї et al. (2016) demonstrate that the contribution of small-scale fisheries extends beyond the value of fish landings because fishing activities support nutrition, employment, cultural identity, and household survival. Consequently, policies that affect fishing access may have consequences considerably broader than the immediate loss of fishing income.

The vulnerability of small-scale fishers is partly connected to their dependence on common or publicly regulated natural resources. Unlike large commercial enterprises, many small-scale fishers lack substantial capital, diversified assets, insurance, or alternative employment opportunities. Their livelihood therefore depends heavily on continued access to fishing grounds and coastal landing sites. Allison and Ellis (2001) explain that livelihood diversification can reduce vulnerability, but diversification itself depends on access to financial, social, physical, and human capital. Where such resources are limited, restricting fishing access can produce disproportionately severe consequences.

The concept of livelihood security is consequently useful for evaluating legal protection. Legal protection should not merely prevent unlawful interference but should also create institutional conditions allowing fishers to maintain viable livelihoods. This may include secure access arrangements, social protection, market support, safety infrastructure, alternative livelihood programs, and participation in fisheries governance. Such an approach recognizes that the economic vulnerability of fishers cannot be separated from the legal arrangements governing access to coastal resources.

2. Marine Spatial Planning and Spatial Justice

Marine spatial planning seeks to organize human activities within marine and coastal spaces to achieve ecological, economic, and social objectives. Ehler and Douvere (2009) describe marine spatial planning as a public process for analyzing and allocating the spatial and temporal distribution of human activities in marine

areas. Ideally, planning reduces conflict by identifying compatible and incompatible activities and establishing transparent rules.

Yet spatial allocation is never purely technical. Decisions about where fishing, conservation, tourism, infrastructure, aquaculture, or industrial activities may occur inevitably distribute benefits and burdens among different groups. Flannery et al. (2018) therefore emphasize that marine spatial planning should be understood as a political and institutional process as well as a technical one. Actors with greater political influence may have greater capacity to shape planning outcomes.

Spatial justice provides a useful analytical perspective because it asks whether spatial decisions distribute opportunities fairly. For small-scale fishers, the central issue is not necessarily exclusive ownership of the sea but continued meaningful access to fishing grounds, landing sites, and related coastal infrastructure. Planning that excludes fishers without adequate alternatives may therefore produce spatial injustice even when it complies formally with planning procedures.

3. Legal Pluralism and Marine Tenure

Fishing access may be governed simultaneously by state regulations, local practices, community norms, market arrangements, and informal institutions. This situation reflects legal pluralism, in which multiple normative orders influence behavior within the same social environment. In Indonesia, customary marine-tenure arrangements have historically provided communities with systems for regulating access and resource use.

Halim et al. (2020) demonstrate that traditional arrangements such as *petuanan laut* and *sasi laut* provide important examples of territorial fisheries-management practices. Their research suggests that traditional systems can potentially be transformed into contemporary fisheries-management rights when combined with scientific management and formal legal recognition. This perspective is important because it challenges the assumption that effective fisheries governance must originate exclusively from centralized state institutions.

Marine tenure can provide communities with greater security and incentives for sustainable resource management. However, recognition must be carefully designed because exclusive rights can also produce exclusion of vulnerable groups. Galappaththi et al. (2021) therefore emphasize that tenure systems should be evaluated according to their social and ecological consequences. Legal protection should ensure that tenure arrangements promote sustainability without undermining equality or creating new forms of marginalization.

4. Legal Framework for the Protection of Small-Scale Fishers

The Indonesian constitutional framework provides an important foundation for protecting coastal communities. Article 33(3) of the 1945 Constitution establishes state control over land, water, and natural resources for the greatest prosperity of the people. This provision is important because marine resources are treated not simply as commodities but as resources subject to public-oriented

governance. At the same time, constitutional recognition of customary communities and traditional rights provides a basis for considering local relationships with coastal resources. Halim et al. (2021) note that Indonesia's legal framework contains important but complex foundations for recognizing marine tenure and community rights.

Law Number 7 of 2016 constitutes one of the most important instruments for small-scale fishers. It recognizes the need for protection and empowerment and establishes government responsibilities concerning economic conditions, infrastructure, social security, financing, and market access. The law is significant because it frames fishers not simply as economic actors but as a group requiring state protection. Nevertheless, the effectiveness of such protection depends on implementation. Legal recognition without accessible programs, administrative support, or participation mechanisms may have limited practical consequences.

Law Number 27 of 2007 concerning Coastal Areas and Small Islands, as amended by Law Number 1 of 2014, provides another central framework. It regulates the utilization, conservation, planning, and management of coastal areas and small islands. Importantly, the framework recognizes different categories of coastal communities and provides a basis for considering their interests within coastal management. The Constitutional Court's intervention concerning coastal-water exploitation rights also demonstrates that marine spatial regulation must remain consistent with constitutional principles concerning public control and community welfare (Halim et al. 2020).

Law Number 31 of 2004 concerning Fisheries, as amended by Law Number 45 of 2009, establishes the broader framework for fisheries management. Fisheries regulation seeks to balance resource utilization, conservation, enforcement, and economic interests. For small-scale fishers, however, fisheries regulation must be implemented in ways that recognize differences in technological capacity and vulnerability. Muawanah et al. (2018) demonstrate that effective fisheries governance requires attention to the institutional realities of small-scale fisheries rather than reliance exclusively on formal management mechanisms.

The spatial-planning framework is equally relevant. Law Number 26 of 2007 concerning Spatial Planning and subsequent regulatory developments establish planning mechanisms through which land and coastal activities are organized. The integration of terrestrial and marine planning becomes particularly important in Demak because coastal erosion, land subsidence, aquaculture, settlement, infrastructure, and fisheries interact across administrative boundaries. Spatial governance that treats marine and terrestrial spaces separately may fail to capture the socioeconomic consequences of coastal transformation.

The legal framework also includes Indonesia's decentralization arrangements. Law Number 23 of 2014 concerning Regional Government redistributed responsibilities concerning marine and fisheries governance between levels of government. This institutional architecture has implications for local participation because regional governments remain important actors in translating national

policies into practical governance. However, overlapping authority can create uncertainty regarding responsibility for resolving conflicts. Nugraha (2021) identifies overlapping authority and zoning conflicts as persistent challenges in Indonesian marine protected-area governance.

Methods

This study employs a socio-legal research design combining normative legal analysis and qualitative empirical investigation. The normative component examines legislation governing fisheries, coastal and small-island management, spatial planning, regional government, environmental protection, and the protection of fishers. Relevant policy documents, spatial-planning instruments, government regulations, and administrative materials are also examined to identify the formal allocation of authority and the legal status of small-scale fishers. The empirical component is designed to investigate how these legal arrangements operate within the everyday experiences of fishing communities in Demak Regency. Primary data should be obtained through semi-structured interviews with small-scale fishers, fishing-community leaders, local government officials, fisheries officers, spatial-planning authorities, and other stakeholders involved in coastal governance. Participants should be selected purposively based on their direct involvement with fishing activities, spatial decisions, or coastal-resource management.

The empirical data are analyzed through thematic analysis and then triangulated against the normative findings. Five analytical themes guide the research: access to fishing space, livelihood impacts, participation in spatial governance, institutional coordination, and legal remedies. Interview accounts are compared across different groups to identify similarities and disagreements concerning coastal-space allocation and government intervention. The study also examines whether formal procedures for participation correspond with the practical capacity of fishers to influence decisions. Particular attention is given to asymmetries in bargaining power between small-scale fishers and actors possessing greater economic or institutional resources. Ethical safeguards should include informed consent, confidentiality, voluntary participation, and careful treatment of potentially sensitive information concerning disputes. Because this article is intended as a socio-legal study, empirical claims concerning specific disputes, numbers of respondents, or direct quotations should ultimately be replaced or supplemented with verified field data from the author's actual research.

Results and Discussion

1. Fishing Space as a Livelihood Resource

For small-scale fishers, fishing space represents a productive resource comparable to agricultural land for farmers. Access to fishing grounds determines whether fishing activity can continue, while access to landing sites and coastal infrastructure influences whether catches can be transported and marketed.

Nevertheless, fishing space is rarely treated as a conventional form of property. Its legal status is shaped by public regulation, fisheries management, spatial planning, navigation requirements, conservation objectives, and other public interests. This creates an important distinction between ownership and access. A fisher may not possess proprietary rights over a particular marine area but may nonetheless depend upon continued access to that area for livelihood purposes.

Research concerning small-scale fisheries rights emphasizes that secure access can support both economic welfare and sustainable resource management. FAO (2015) identifies tenure rights as an important dimension of protecting small-scale fisheries. Similarly, Rassweiler et al. (2019) argue that allocation of fishing rights should consider social and cultural objectives rather than treating allocation as a purely economic optimization problem. In Demak, therefore, coastal governance should recognize fishing access as an important livelihood interest even where exclusive ownership is not legally established.

2. The Transformation of Coastal Space

The physical transformation of Demak's coastline complicates the question of fishing access. Erosion, tidal flooding, land subsidence, and changing coastal morphology can alter fishing routes, landing points, aquaculture areas, and settlement patterns. Coastal transformation may therefore produce both direct and indirect effects. Direct effects occur when fishing grounds become inaccessible or dangerous. Indirect effects emerge when roads, ports, embankments, industrial developments, or coastal protection projects change patterns of access and resource distribution.

The socioeconomic consequences of abrasion in Demak have been documented in recent research examining fishing and aquaculture communities. The study covering Demak, Brebes, and Semarang found significant effects of abrasion on productive activities and household economic conditions. These findings are consistent with broader scholarship demonstrating that environmental change can undermine the asset base upon which small-scale livelihoods depend (Allison and Ellis 2001; Cinner et al. 2018).

Legal governance should therefore treat environmental change as a spatial-governance issue. Adaptation and coastal-development policies should identify how changes in physical geography affect access to livelihood resources. Otherwise, policies designed to protect coastal settlements may unintentionally restrict fishing activities or relocate economic burdens from one community to another.

3. Contestation between Fisheries and Other Coastal Uses

Fishing space increasingly competes with other coastal uses. Aquaculture, ports, conservation, tourism, industrial development, energy infrastructure, shipping routes, and coastal-protection structures can all require spatial allocation. Such competition becomes especially difficult when the economic value of a

proposed development is more easily measured than the social value of small-scale fisheries.

This problem reflects a broader challenge in marine governance. Bennett et al. (2019) argue that social equity must be incorporated into marine spatial planning because economic development and conservation can generate uneven effects. Spatial decisions that appear efficient from a macroeconomic perspective may impose significant costs on communities whose livelihoods depend upon access to particular areas.

In Demak, the legal question is therefore not whether development or conservation should occur. The more important question is how decisions concerning coastal space should be made and how affected communities should be protected. A legitimate governance process must identify affected fishing communities, assess livelihood consequences, provide opportunities for participation, and consider reasonable alternatives before restricting established livelihood access.

4. Participation as a Substantive Right

Participation is often included in environmental and spatial-planning procedures, but procedural inclusion does not automatically create meaningful influence. A meeting may satisfy a formal requirement while providing fishers with little practical capacity to alter the final decision. This problem is particularly relevant when communities possess limited technical knowledge, financial resources, or institutional access compared with government agencies and commercial actors.

Meaningful participation requires accessible information, sufficient time for consultation, recognition of local knowledge, and mechanisms through which community proposals can affect outcomes. Reed (2008) emphasizes that stakeholder participation is most effective when it is integrated into decision-making rather than treated as a symbolic exercise. For small-scale fishers, participation should include discussion of fishing routes, seasonal grounds, landing sites, ecological conditions, and livelihood dependencies.

Participation also has a legal-justice dimension. Schlosberg (2004) argues that environmental justice involves recognition as well as distribution. Recognizing fishers means recognizing their experiences, knowledge, and legitimate interests in coastal governance. Participation therefore becomes a mechanism through which the state can convert abstract legal recognition into practical inclusion.

5. Marine Tenure and Secure Fishing Access

Marine tenure provides a potentially useful framework for strengthening fishing access. Halim et al. (2020) show that traditional marine-tenure systems in Indonesia contain elements comparable to territorial use rights in fisheries. Such systems can provide clearer access arrangements and encourage stewardship. In areas where community institutions are strong, formal recognition of appropriate

tenure arrangements may improve both resource management and livelihood security.

However, tenure arrangements must be designed carefully. Exclusive rights may protect existing users but can also exclude migrants, women involved in fisheries, new entrants, or neighboring communities. The objective should therefore not be to create rigid privatization of marine space but to establish socially legitimate and ecologically sustainable access arrangements.

In Demak, community-based fisheries management could potentially be strengthened through formal recognition of local fishing practices and participatory zoning. Such recognition should remain consistent with national fisheries conservation objectives. The central principle should be that those who depend upon and help sustain a resource should have meaningful institutional representation in decisions concerning its management.

6. The Importance of the Morodemak Experience

The Morodemak case is particularly relevant because previous research has directly examined legal protection and sustainability among small-scale fishers in Demak. Warassih, Sulaiman, and Rahayu (2018) found that small-scale fishers in Morodemak demonstrated significant commitment to sustainable fishing practices, including the use of environmentally friendly fishing gear and campaigns encouraging other fishers to avoid destructive practices. Their findings challenge assumptions that small-scale fishers necessarily prioritize immediate economic returns over ecological sustainability.

This evidence has important implications for legal policy. If fishing communities already possess norms and practices supporting sustainability, government regulation should seek to strengthen rather than replace them. Community participation can become an asset for enforcement and conservation. At the same time, community-based practices require institutional support when they encounter external pressures, environmental change, or competing uses of coastal space.

The Morodemak experience also demonstrates that legal protection should be understood relationally. Protection is produced not only by statutes but through interactions among government institutions, community norms, economic conditions, political interests, and environmental practices. This socio-legal perspective is essential for understanding why formal legal rules may produce different outcomes in different communities.

7. The Problem of Unequal Bargaining Power

Contestation over fishing space rarely occurs between actors possessing equal resources. Government agencies, developers, investors, conservation organizations, and commercial fisheries may possess greater financial resources, technical expertise, legal representation, and political connections than individual

small-scale fishers. Such asymmetry can affect the quality of consultation and negotiation.

The literature on marine spatial planning demonstrates that institutional power influences which interests become visible within planning processes. Flannery et al. (2018) argue that marine spatial planning involves political choices about who can influence spatial decisions. Consequently, a formally participatory process may still reproduce inequality if some actors possess greater capacity to participate effectively. Legal protection should therefore incorporate mechanisms that compensate for structural inequality. Fishers should have access to understandable planning information, independent legal or technical assistance where necessary, collective representation, and grievance procedures. Community organizations can also strengthen bargaining capacity by enabling individual fishers to participate collectively.

8. Fishing Space and Environmental Justice

Environmental justice provides a broader framework for understanding fishing-space contestation. Schlosberg (2012) argues that justice involves distribution, recognition, participation, and capabilities. Applied to coastal fisheries, distribution concerns access to marine resources and the allocation of environmental burdens. Recognition concerns the social identity and livelihood dependence of fishing communities. Participation concerns the ability of fishers to influence coastal decisions. Capabilities concern whether communities possess the resources necessary to maintain meaningful livelihoods.

This framework reveals why simply designating fishing areas is insufficient. If a designated fishing zone is inaccessible, ecologically depleted, or disconnected from landing infrastructure, formal allocation may provide little substantive benefit. Likewise, if fishers are formally invited to participate but lack information or institutional support, participation may remain superficial.

Legal protection should therefore be evaluated according to outcomes. The relevant question is not simply whether a regulation recognizes fishers but whether fishers can actually access fishing space, participate in decisions, sustain their livelihoods, and obtain remedies when rights or legitimate interests are adversely affected.

9. Conservation and the Rights of Fishers

Marine conservation can generate tensions with small-scale fishing when protected areas restrict traditional fishing activities. Conservation, however, is not necessarily incompatible with fisher rights. Evidence from rights-based fisheries management suggests that secure and well-designed access arrangements can contribute to conservation because resource users have incentives to protect resources when they expect to benefit from long-term sustainability (Halim et al. 2020).

The challenge is to avoid conservation models that treat fishing communities primarily as threats. Small-scale fishers may possess valuable ecological knowledge and may already use informal conservation practices. Their involvement can improve monitoring, compliance, and legitimacy. At the same time, destructive fishing practices should remain subject to appropriate regulation regardless of their community origin.

A balanced framework should therefore combine ecological objectives with social safeguards. Conservation zoning should be based on credible scientific evidence, transparent procedures, and community consultation. Where restrictions significantly affect livelihoods, governments should consider transition assistance, alternative livelihood programs, or carefully designed access arrangements.

10. Marine Spatial Planning and Institutional Coordination

Marine spatial planning can potentially provide a mechanism for resolving competing coastal interests, but its effectiveness depends upon institutional coordination. Shafira et al. (2022) identify several factors affecting marine spatial planning implementation in Indonesia, including institutional arrangements, stakeholder involvement, and coordination. These challenges are particularly significant where marine boundaries intersect with land-use planning, fisheries management, conservation, and infrastructure development.

In Demak, integrated planning should connect marine-space allocation with coastal land transformation. Fishing livelihoods depend on more than offshore fishing grounds. They require access to beaches, landing sites, roads, markets, storage facilities, and settlement areas. A planning process that allocates offshore space without considering these supporting systems may fail to protect livelihoods.

Institutional coordination should therefore include fisheries agencies, spatial-planning authorities, environmental agencies, disaster-management institutions, village governments, and community organizations. Such coordination can reduce contradictory policies and clarify responsibility when disputes arise.

11. The Role of Local Government

Local government is an essential intermediary between national legal frameworks and community experiences. Although authority over marine resources is distributed across levels of government, local institutions remain important in infrastructure provision, community development, social assistance, coastal adaptation, and conflict mediation. Local governments also possess closer relationships with affected communities and therefore can identify local conditions more effectively.

However, local government should not merely implement decisions made elsewhere. Effective decentralization requires institutional capacity and opportunities for local participation. The government should create mechanisms through which fishing communities can communicate concerns before spatial decisions are finalized. Local government can also strengthen legal protection by

developing community information programs, maintaining transparent databases of coastal uses, facilitating access to government assistance, and establishing local complaint mechanisms. Such measures can reduce the distance between formal law and community experience.

12. Access to Justice and Complaint Mechanisms

Legal protection becomes meaningful only when communities can challenge harmful decisions and seek remedies. Small-scale fishers may face substantial obstacles when attempting to contest spatial decisions because legal processes can be expensive, technically complex, and geographically distant. These barriers can discourage communities from pursuing legitimate claims.

Access to justice should therefore include administrative complaint procedures, mediation, community-based dispute resolution, legal assistance, and judicial remedies where appropriate. The objective should be to provide graduated mechanisms that allow disputes to be addressed before they become entrenched conflicts. Effective grievance systems can also improve governance because they provide government with information about unintended consequences. Complaints should not automatically be treated as opposition to development. They may reveal failures in consultation, inadequate compensation, inaccurate spatial data, or unforeseen livelihood effects.

13. Toward a Rights-Based Fishing-Space Governance Model

The findings support a Rights-Based Fishing-Space Governance Model based on five interconnected principles: secure access, recognition, participation, proportionality, and remedy. Secure access means that legitimate livelihood dependence should be considered when coastal areas are allocated to competing activities. Recognition requires formal institutions to acknowledge the socioeconomic and cultural importance of small-scale fishing. Participation requires fishers to influence decisions rather than merely receive information after decisions have been made.

Proportionality requires authorities to balance competing interests and select measures that achieve legitimate public objectives while minimizing unnecessary livelihood harm. Where restrictions are necessary, alternatives and transitional measures should be considered. Remedy requires accessible mechanisms for challenging decisions and obtaining correction when harm occurs. Together, these principles transform legal protection from a static statutory entitlement into an institutional process.

Such a model is consistent with the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, which emphasize secure tenure, participation, equity, and human rights (FAO 2015). It also reflects contemporary approaches to blue justice, which seek to ensure that marine economic development does not disproportionately burden vulnerable coastal populations (Bennett et al. 2021).

14. Policy Recommendations

First, marine spatial planning in Demak should establish a fishing-space inventory identifying important fishing grounds, seasonal fishing areas, landing sites, navigation routes, and supporting coastal infrastructure used by small-scale fishers. This inventory should incorporate community knowledge alongside scientific and spatial data.

Second, government should require livelihood-impact assessments before approving coastal activities that could significantly restrict fishing access. Such assessments should consider household income, employment, food security, mobility, landing infrastructure, and alternative livelihood opportunities.

Third, small-scale fishers should receive institutional representation in coastal planning bodies. Representation should include women involved in fisheries-related activities and other groups whose economic contributions may be overlooked by conventional definitions of fishing communities. Research on women fishers in Demak has demonstrated that gendered dimensions of fisheries livelihoods remain insufficiently reflected in legal protection (Pujirahayu, Sulaiman, and Rahayu 2018). Fourth, the government should develop community-based fisheries-management arrangements where appropriate. These arrangements could recognize local knowledge and sustainable practices while maintaining state oversight, scientific monitoring, and compatibility with conservation objectives.

Fifth, coastal-development decisions should include transparent compensation and livelihood-transition mechanisms where fishing access must legitimately be restricted. Compensation should not be limited to physical assets when the primary impact concerns loss of livelihood opportunity. Sixth, local government should strengthen legal-aid and grievance mechanisms for small-scale fishers. Information about complaint procedures should be provided in accessible language, and mediation should be available before disputes escalate into prolonged litigation.

15. Limitations

This study has several limitations. First, the socio-legal approach prioritizes institutional and community perspectives and therefore does not seek statistical generalization to all Indonesian coastal communities. Fishing communities within Demak may differ in terms of fishing gear, income, geographic location, household composition, and dependence on marine resources. Future studies should therefore combine qualitative interviews with household surveys and spatial analysis to identify differences among coastal villages and fishing groups.

Second, fishing-space contestation is dynamic because coastal morphology, government policy, economic investment, and fisheries conditions change continuously. A longitudinal research design would provide stronger evidence concerning how spatial decisions affect fishers over time. Future research should also examine the relationship between coastal erosion, land subsidence, climate adaptation, and changes in fishing-space access.

Third, further research should investigate the experiences of women, younger fishers, migrant fishing communities, and other groups whose interests may be less visible in formal planning processes. Comparative research between Demak and other northern-coast regencies could also identify whether similar legal and institutional problems occur elsewhere and whether different forms of participatory governance produce better outcomes.

Conclusion

Fishing space is not merely an area within the sea designated for economic activity. For small-scale fishers, it constitutes the spatial foundation of livelihood, food security, social identity, and community continuity. The transformation of coastal areas in Demak Regency therefore creates a legal problem whenever competing uses reduce meaningful access to fishing grounds or associated coastal infrastructure. The existence of legislation protecting fishers is important, but formal recognition alone cannot guarantee substantive protection. The effectiveness of law depends upon how rules are implemented through spatial planning, resource management, institutional coordination, and community participation.

The Indonesian legal framework already provides significant foundations for protecting small-scale fishers through fisheries legislation, coastal-management regulation, spatial planning, environmental law, and constitutional principles. Nevertheless, fragmentation among regulatory regimes and unequal bargaining power can create gaps between formal rights and actual access. Existing research concerning Morodemak demonstrates that small-scale fishers themselves can contribute to sustainable fisheries governance through environmentally responsible fishing practices and community campaigns (Warassih, Sulaiman, and Rahayu 2018). This finding suggests that communities should be treated as governance partners rather than merely beneficiaries of state protection.

The central argument of this article is that legal protection for small-scale fishers must be measured through substantive access to fishing space, meaningful participation, livelihood security, and effective remedies. Marine spatial planning should not simply organize competing activities according to economic or technical criteria. It should also address distributive consequences, recognize community dependence, and prevent vulnerable groups from bearing disproportionate costs.

A more legitimate approach requires the integration of ecological sustainability with social and legal justice. Secure access arrangements, participatory planning, community-based management, livelihood-impact assessments, institutional coordination, and accessible grievance mechanisms can provide the foundation for such an approach. The sea may legally remain a public resource, but this does not mean that access to it is socially or economically equal. Coastal governance must therefore ensure that the transition from an apparently “free” sea to an increasingly regulated marine space does not become a process through which small-scale fishers lose the practical foundation of their livelihoods.

References

- Allison, Edward H., and Frank Ellis. 2001. "The Livelihoods Approach and Management of Small-Scale Fisheries." *Marine Policy* 25 (5): 377–88. [https://doi.org/10.1016/S0308-597X\(01\)00023-9](https://doi.org/10.1016/S0308-597X(01)00023-9).
- Bavinck, Maarten, Svein Jentoft, and Jan Kooiman, eds. 2015. *Interactive Governance for Sustainable Fisheries: Dealing with Complexities*. Dordrecht: Springer.
- Вїпї, Christophe, Manuel Barange, Rohana Subasinghe, Per Pinstруп-Andersen, Gerd Merino, Ganapathisubramanian Hemre, and Michael Williams. 2015. "Feeding 9 Billion by 2050—Putting Fish Back on the Menu." *Food Security* 7: 261–74.
- Вїпї, Christophe, Manuel Barange, R. Subasinghe, P. Pinstруп-Andersen, G. Merino, G. Hemre, and M. Williams. 2016. "Contribution of Fisheries to Food and Nutrition Security: Current Knowledge, Policy, and Research." *Aquaculture* 444: 1–10.
- Bennett, Nathan J., Andrїs M. Cisneros-Montemayor, J. Blythe, J. Silver, G. Singh, A. Andrews, S. Calт, et al. 2019. "Towards a Sustainable and Equitable Blue Economy." *Nature Sustainability* 2: 991–93.
- Bennett, Nathan J., et al. 2021. "Advancing Social Equity in and through Marine Conservation." *Frontiers in Marine Science* 8: 711868.
- Bennett, Nathan J., J. Blythe, A. White, and C. Campero. 2021. "Blue Growth and Blue Justice: Ten Risks and Solutions for the Ocean Economy." *Marine Policy* 125: 104387.
- Cinner, Joshua E., et al. 2018. "Building Adaptive Capacity to Climate Change in Tropical Coastal Communities." *Nature Climate Change* 8: 117–23.
- Cinner, Joshua E., et al. 2016. "Bright Spots among the World's Coral Reefs." *Nature* 535: 416–19.
- Coulthard, Sarah, David Johnson, and Yemi McGregor. 2011. "Poverty, Sustainability and Human Wellbeing: A Social Wellbeing Approach to the Global Fisheries Crisis." *Global Environmental Change* 21 (2): 453–63.
- Ehler, Charles, and Fanny Douvere. 2009. *Marine Spatial Planning: A Step-by-Step Approach toward Ecosystem-Based Management*. Paris: UNESCO.
- FAO. 2015. *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome: Food and Agriculture Organization of the United Nations.
- FAO. 2017. *The State of World Fisheries and Aquaculture 2016: Contributing to Food Security and Nutrition for All*. Rome: Food and Agriculture Organization of the United Nations.

- Flannery, Wesley, Miche6l Y Cinn6ide, and Stephen Clarke. 2018. "A Networked Approach to Stakeholder Participation in Marine Spatial Planning." *Marine Policy* 93: 27–35.
- Galappaththi, Eranga K., et al. 2021. "Social and Ecological Outcomes of Marine Conservation Initiatives in Small-Scale Fisheries." *Marine Policy* 132: 104678.
- Gurney, Georgina G., et al. 2014. "Participation in Devolved Coastal Governance: A Case Study from Indonesia." *Marine Policy* 48: 69–78.
- Halim, Abdul, Neil R. Loneragan, Budy Wiryawan, Rod Fujita, Dedi S. Adhuri, Adrian R. Hordyk, and M. Fedi A. Sondita. 2020. "Transforming Traditional Management into Contemporary Territorial-Based Fisheries Management Rights for Small-Scale Fisheries in Indonesia." *Marine Policy* 116: 103923.
- Halim, Abdul, et al. 2019. "Developing a Functional Definition of Small-Scale Fisheries in Support of Marine Capture Fisheries Management in Indonesia." *Marine Policy* 100: 238–48.
- Halim, Abdul, et al. 2021. "Going into Hak: Pathways for Revitalizing Marine Tenure Rights in Indonesia." *Ocean & Coastal Management* 215: 105944.
- Jentoft, Svein. 2000. "Legitimacy and Disappointment in Fisheries Management." *Marine Policy* 24 (2): 141–48.
- Jentoft, Svein, and Anthony Charles. 2011. "Human Rights in Fisheries: A Review of the Literature." *Marine Policy* 35 (2): 133–39.
- McClanahan, Tim R., and Nicholas A. J. Graham. 2015. "Marine Reserve Design and Fisheries Management." *Marine Policy* 51: 254–62.
- Muawanah, Umi, et al. 2018. "Review of National and Local Fisheries Governance in Indonesia." *Marine Policy* 95: 1–8.
- Nugraha, Adrian. 2021. "Legal Analysis of Current Indonesia's Marine Protected Areas Development." *Sriwijaya Law Review* 5 (1): 14–28.
- Pomeroy, Robert, et al. 2015. "Marine Spatial Planning in Asia and the Pacific." *Marine Policy* 61: 1–9.
- Pujirahayu, Esmi Warassih, Sulaiman, and Derita Prapti Rahayu. 2018. "Sustainable Fishery Campaign by Small-Scale Fishers: A Case Study on Law Protection on Small-Scale Fishers in Morodemak Village, Demak District, Central Java Province, Indonesia." *Environmental Justice* 11 (3): 114–17. <https://doi.org/10.1089/env.2017.0036>.
- Pujirahayu, Esmi Warassih, Sulaiman, and Derita Prapti Rahayu. 2018. "Perlindungan Hukum terhadap Nelayan Perempuan: Studi Kasus di Kabupaten Demak, Provinsi Jawa Tengah." *Masalah-Masalah Hukum* 47 (2).
- Rassweiler, A., et al. 2019. "A Framework for Allocating Fishing Rights in Small-Scale Fisheries." *Ocean & Coastal Management* 177: 52–63. <https://doi.org/10.1016/j.ocecoaman.2019.04.020>.
- Reed, Mark S. 2008. "Stakeholder Participation for Environmental Management: A Literature Review." *Biological Conservation* 141 (10): 2417–31.

- Schlosberg, David. 2004. "Reconceiving Environmental Justice: Global Movements and Political Theories." *Environmental Politics* 13 (3): 517–40.
- Schlosberg, David. 2012. "Climate Justice and Capabilities: A Framework for Adaptation Policy." *Ethics & International Affairs* 26 (4): 445–61.
- Shafira, F., et al. 2022. "Towards Marine Spatial Planning Implementation in Indonesia: Progress and Hindering Factors." *Coastal Management* 50 (6): 469–89.
- Satria, Arif, and Dedi S. Adhuri. 2010. "The New Village: Decentralization, Local Institutions, and Marine Resource Management in Indonesia." *Marine Policy* 34: 757–65.
- Turner, B. L., et al. 2003. "A Framework for Vulnerability Analysis in Sustainability Science." *Proceedings of the National Academy of Sciences* 100 (14): 8074–79.
- Warassih, Esmi, Sulaiman, and Derita Prapti Rahayu. 2018. "Sustainable Fishery Campaign by Small-Scale Fishers: A Case Study on Law Protection on Small-Scale Fishers in Morodemak Village, Demak District, Central Java Province, Indonesia." *Environmental Justice* 11 (3): 114–17.
- White, Alan T., et al. 2005. "Experience with Marine Protected Area Planning and Management in the Philippines." *Coastal Management* 33 (2): 151–70.
- World Bank. 2017. *The Potential of the Blue Economy: Increasing Long-Term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries*. Washington, DC: World Bank.

Legal Sources

- Republic of Indonesia. 1945. *The 1945 Constitution of the Republic of Indonesia*.
- Republic of Indonesia. 1960. *Law Number 5 of 1960 concerning Basic Agrarian Regulations*.
- Republic of Indonesia. 2004. *Law Number 31 of 2004 concerning Fisheries*.
- Republic of Indonesia. 2007. *Law Number 26 of 2007 concerning Spatial Planning*.
- Republic of Indonesia. 2007. *Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands*.
- Republic of Indonesia. 2009. *Law Number 45 of 2009 concerning Amendment to Law Number 31 of 2004 concerning Fisheries*.
- Republic of Indonesia. 2009. *Law Number 32 of 2009 concerning Environmental Protection and Management*.
- Republic of Indonesia. 2014. *Law Number 1 of 2014 concerning Amendment to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands*.
- Republic of Indonesia. 2014. *Law Number 23 of 2014 concerning Regional Government*.

Republic of Indonesia. 2016. *Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers.*

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

N/A