

**WAGES DISTRIBUTION SYSTEM OF SAILORS
IN SARANG
(JOHN RAWLS'S THEORY OF JUSTICE PERSPECTIVE)**



THESIS

**Submitted to Ushuluddin Faculty in Partial Fulfillment of the Requirements for
the Degree of S-1 of Islamic Theology on Theology and Philosophy**

By:

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SPECIAL PROGRAM OF USHULUDDIN FACULTY

STATE ISLAMIC UNIVERSITY

(UIN WALISONGO SEMARANG)

2015

A DECLARATION

I declare that this thesis is definitely my own work. I am completely responsible for content of this thesis. Other writer's options or findings included in the thesis are quoted or cited in accordance with ethical standards.

Semarang, June 25, 2015

The Writer,



Muhammad Aseffudin

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ADVISOR APPROVAL

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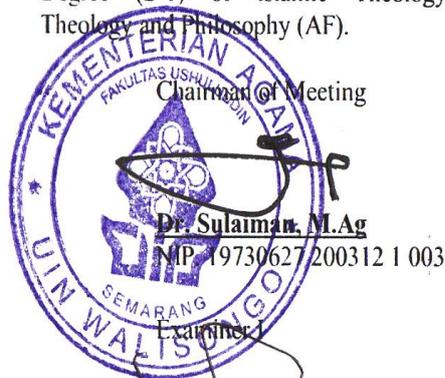
RATIFICATION

The thesis of Muhammad Aseffudin 1041110301 entitled WAGES DISTRIBUTION SYSTEM OF SAILORS IN SARANG (JOHN RAWLS'S THEORY OF JUSTICE PERSPECTIVE) was examined by Thesis Examination Council of Ushuluddin Faculty of State Islamic University (UIN) Walisongo Semarang and passed on:

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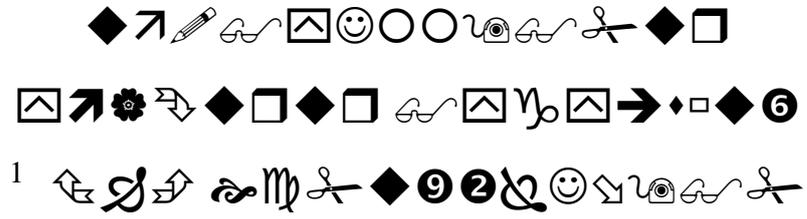
DEDICATION

Highest dedication goes to:

Writer's parents (*Bapak soho Ibu*) who always support him through their *riyadha*.

Everyone who teaches me even a letter, all of you are part of my life journey. May your knowledge become your *shadaqâh jariyâh*. Amiin.

MOTTO



And the Heaven He has raised high and He has set up the Balance

¹ (Q.S. Ar-Rahman: 7)

TRANSLITERATION

VOWEL LETTERS

Â	a long spelling
Î	i long spelling
Û	u long spelling

ARABIC LETTER	WRITTEN	SPELLING
ا	A	Alif
ب	B	Bâ'
ت	T	Tâ'
ث	Ts	Tsâ'
ج	J	Jîm
ح	<u>H</u>	Hâ'
خ	Kh	Khâ'
د	D	Dâl
ذ	Dz	Dzâl
ر	R	Râ'
ز	Z	Zai
س	S	Sîn
ش	Sy	Syîn
ص	Sh	Shâd
ض	Dh	Dhâd
ط	Th	Thâ'
ظ	Zh	Zhâ'
ع	'A	'ain
غ	Gh	Ghain
ف	F	Fâ'

ق	Q	Qâf
ك	K	Kâf
ل	L	Lâm
م	M	Mîm
ن	N	Nûn
و	W	Waw
هـ	H	Hâ'
ي	Y	Yâ'

ACKNOWLEDGMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I would like to extend my deep appreciation to all those who have assisted me during my graduates studies at State of Islamic Studies (UIN) Walisongo, Semarang. First, I would like to thank to Prof. Dr. H. Muhibbin Noor, M.A., the Rector of State of Islamic Studies (UIN) Walisongo, Semarang. Second, my sincere thanks go to Dr. H. Mukhsin Jamil, M.Ag., the dean of Faculty of Ushuluddin.

My special thanks go to Prof. Dr. H. Yusuf Suyono, MA and Ahmad Afnan Anshori, M.A., M.Hum, as my academic advisors, without their guidance and encouragement, this work would not be accomplished. I was benefited greatly from their constructive criticism and was indebted to them in a way that perhaps cannot be repaid.

Furthermore, I would like to express my great thanks to Dr. Zainul Adzfar, M.Ag as the chief of Theology and Philosophy Department and Dra. Yusriyah, M.Ag as the secretary, who both offered and facilitated me to find the problem which is proper to be discussed. Additionally, many sincere thanks go to all my lectures that taught and educated me during my studies.

Certainly, I also would like to express my special gratitude to my parents, Mohammad Aly and Siti Chasanah, who continuously encourage and motivate me through their pray and advices, my beloved sister and brother Muhammad Arif A, Ana Faiqoh and Elly Nur Laila and to my extended family in Sarang who used to support my academic ambitions. This simple expression really cannot describe the depth of my feeling. And for all my family Abied, Anas, Alya, Adib, Ulul.

I also feel so grateful to be part of FUPK family member to meet special people in positive and competitive environment of Ulul Albab dormitory.

Therefore I would like to say thank very much to Dr. H. Fakhrudin Aziz, Lc., PgD., MSI., and FUPK 1 untill 10. May our brotherhood be everlasting.

I would say thank to WEC (Walisongo English Club) and JHQ (*Jam'iyah Hammalah Qur'an*), you give me such a valuable experience of organization and also new great family.

The last but not the least, thanks for Musholla Nurul Huda. In there I study to real life unite with society such as *Pengajian Ibu-Ibu*, *Tahlilan* with Bapak-Bapak. I feel so grateful be a part of you all. Thanks for Hery, Munir, Mas Tio, Mbok Dhe, thanks for being.

Semarang, May 25, 2015

The Writer

Muhammad Aseffudin

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ABSTRACT

The sailor community is one of the components that fall into the category of coastal communities. The mentioning of fishermen associated with the profession of fishing at sea. In the other words, the fishermen are the ones who make a living from the sea directly related to fishing. People made the sea as a source of livelihood especially those related to fishing, called as fishermen, regardless of variations available equipments.

This research focus on wages distribution system of sailor in Sarang. The writer try to analyze this system using the theory of justice by John Rawls. In choosing theory of justice by John Rawls is based on consideration that this theory appropriate with these problems. From this, the researcher moved to conduct this research that could later contribute new ideas over a system that is more directed to the justice and welfare. Based on the background of the issues mentioned above, there are several problems that can be formulated by author such us: firstly, how is the system of wages distribution used by sailors of Sarang? And secondly, how is this system analyzed using John Rawls's Theory of Justice?

This study uses a qualitative approach. That is the assessment of the research problem will generate descriptive data, or in other word, this study prefers descriptive data collection as outlined in the form of report and description. A qualitative approach was considered appropriate to study the problems in this case, because of the things that were observed directly related to the actual problems faced today.

After doing research, explaining and analyzing in previous chapters, it can be concluded that: *First*, Generally, wages distribution practice that occurred in Sarang is the result 100% of haul that had been sold in TPI will be decreased by supplies cost and LW cost first. Then will be divided become two parts, 50% for *Majikan*, and 50% for ABK. Among the ABK, the 50% then will be divided again by one condition, which is divided by 25 parts then it is added with 9 parts. Writer found *Majikan* exploitation from prevailing LW system. Based on data from LW system that prevailed in fishing communities Sarang, then the employer is one who obtained a huge advantage as ship owner. Employers will be more fortunate, while the ABK would be miserable. *Second*, after analyze the problem with point of view by John Rawls's Theory of Justice, the writer states that ABK Sailors like being in a *veil* called *ignorance* or *without knowledge*. Sarang Sailors feel alienated from the system that prevailed by the employer, ranging from wages distribution procedure, until cost of supplies and also there are many exploitation by *Majikan* towards ABK.

Keyword: *Wages Distribution System, Sailors, Theory of Justice, John Rawls*

CHAPTER I

INTRODUCTION

A. Background

Justice is one topic in the philosophy of the most widely studied. Theories of natural law that promote the search for justice from Socrates to Francois Geny retains of justice as law crown.² The problem of Justice is interesting problem to be explored further as many things related with it either with morality system state and community of life. Justice has become a serious subject since the beginning of the emergence of Greek Philosophy. Even in Islam, Justice gets the most important portion of the other studies. Islam as religion was expected role in the developing the ethics of justice and fairness.³ Hence the talk of Justice has a very wide scope for every human person, from their birth until their death. Many people think that acting is fair and unfair depends on the strength of, to be fair quite visible easy, but of course not as well as its application in human life.

Justice is abstract thing, so it will be difficult to realize a justice if it does not know what the meaning of Justice. For it is necessary to formulate the definition of the most approach and provides a sense of justice. The definition of justice is very diverse, it can be shown from the various opinion expressed by expert in the field of law which give different definition of justice. Thomas Aquinas (natural law philosopher) distinguishes justice in to two groups, namely general justice (*Justicia Generalist*) or Justice according to the will of the law should be fulfilled for the sake of the common good and justice specifically based on the similarity or proportionality.

Justice is essentially treats someone or the other party in accordance with their rights. That the rights of every person are recognized and treated in

² Theo Hujibers, *Filsafat Hukum dalam lintasan Sejarah*, cet. Viii (Yogyakarta: Kanisius, 1995), hlm 196

³ Musa Asy'arie dkk. (eds), *agama, kebudayaan dan Pembangunan menyongsong Era Industrialisasi* (Yogyakarta: IAIN Sunann Kalijaga Press, 1994), hlm. 99.

accordance with the dignity, equality, rights and obligations, without distinction of ethnic, ancestry, and religion.⁴

In this paper the author wants to focus on the study of economical justice because in the end, this paper will discuss the justice system economic impact on the moral dimension of the people concerned.

In the Islamic view, the concept of socio-economic justice is fundamentally different from the concept of fairness in capitalism and socialism. Socio-economic in Islam, rather than being based on spiritual commitment, also based on the concept of universal brotherhood of fellow human beings.

Islam is a big commitment to brotherhood and justice, demanded that all resources into the mandate of the Lord, are used to realize *Maqâshid Syari'ah*, namely the fulfillment of human needs, especially the need of basic (primary), such as clothing, food, shelter, education and health.⁵ Brotherhood and justice also demands that resources are distributed fairly among all the people through fair policies and instruments of charity, *infâq*, taxes, *kharaj*, *jizyah*, export-import clearance and so on.

Tawhîd which is the foundation of Islamic economy has a strong relationship with the concept of socio-economic justice and brotherhood. Economic *Tawhîd* teaches that God as the absolute owner and a man is only as fiduciary, has a consequence, that in which every individual property rights there are others who should be issued in accordance with the command of God, in the form of *zakât*, and alms *Infâq* and another way to implement the distribution of income in accordance with the concept of human brotherhood.

It should be emphasized, that the attachment of the property rights of another person in *Surâh Al-Ma'arij* verses 24, means "And those within whose wealth is a recognized right" is not intended to break the spirit of the work of any individual or creates a feeling of lazy for some people. It also doesn't mean to create a rigid flatness of wealth. In Islamic economics perspective, the proportion of equity that is truly equal, as in socialism, not justice, instead it is seen as an

⁴ Winardi, Politik Ekonomi, Bandung: Tarsito 1976

⁵ Ismael Saleh, Hukum dan Ekonomi, Jakarta: Gramedia Pustaka Utama 1990

injustice. Because Islam respects the accomplishments, work ethic and ability than people who are lazy.

The basis of this cooperative attitude can not be separated from the Islamic principle that assesses differences of income as a *Sunnatullah*. The Foundations are among others, that the work ethic and the ability of a person must be appreciated than a slacker or is not capable or trying. Islamic form of appreciation is an attitude that allows one's income is different from others, because businesses and its effort. Revelation of God, "Indeed, Allah has favored some of you above sustenance others". (*Surah* 16:71). However, people who were given excess sustenance must spend most of his money to community groups who can not afford (*dhu'afâ*). So that the whole community regardless of absolute poverty.

Thus, in Islamic economics, enforcement of socio-economic justice is based on the sense of fraternity (brotherhood), love each other (*mahabbah*), corporate (*takâful*) and helping each other (*ta'âwun*), both between the rich and the poor and between the ruler and the people.

In this study, the author wanted to examine the justice systems that exist in society Fisherman's Sarang by John Rawls's theory of justice. The reason the researchers chose this figure is the theory offered is so very interesting and comprehensive. In a hypothetical author, John Rawls's theory of justice will be able to solve the problems of injustice that the authors found in fisherman's Sarang wages distribution system.

The first step is the researcher wants to know the first outline of the theory of justice by John Rawls. Theory of justice is a theory that was born from the idea of a progressive and revolutionary figure like John Rawls's. The theory is built to offer a suitable method for solving a problem related to morality.⁶

Theory of justice which inside contained on the original contract and the original position is a new base that invites people to look at the principles of justice as (object) not just as a means of entry. We imagine Rawls wants to bring

⁶ Base On Ben Rogers, John Rawls, In "Prospect Magazine"

his theory in this application in politics, law, and economics as the ultimate understanding. Rawls's critique of the classical utilitarianism and intuitionism is one of the main starting points in developing a theory of justice as a whole. Justice can only be understood if it is positioned as a state to be realized by the law. An effort to bring about justice in the law is a dynamic process that taking a lot of time. These efforts are also often dominated by forces that fought in the general framework of political order to actualize.⁷

Rawls tries to formulate two principle of distributive justice, as follows: first, *the greatest equal principle*, that everyone should have an equal right to the most extensive basic liberty, covering the same freedom for everyone is the most fundamental (human rights) should be owned by everyone. In other words, only with the same guarantee of freedom for all the people that justice will be realized (principle of equality). *The greatest Equal Principle* is the principle of equality of rights, a principle that gives equal rights and thus inversely proportional to the load of obligations of every person. This principle is the spirit of the principle of freedom of contract.

Second, inequalities of social and economics should be arranged so that the principle or two to consider the following principles, namely the *different principle and the principle of fair equality of opportunity*. Both are expected to provide the greatest advantage to those who are less fortunate, and to provide confirmation that the conditions and equal opportunities, all levels and positions must be open to everyone (Objective Difference Principle). The different principle and the principle of fair equality of opportunity is an objective difference principle, meaning that the second principle of proportionality guarantee the exchange of rights and obligation of the parties, so it is reasonable (objective) is accepted as long as the differences in the exchange of qualified good faith and fairness. Thus, the first principle and the second principle can not be separated from one another. In accordance with the principle of proportionality, Rawls's justice will be achieved if both these conditions applied comprehensively. With

⁷ Carl Joachim Friedrich, *Filsafat Hukum Perspektif Historis* (Bandung: Nuansa dan Nusamedia, 2004), hal. 239

such a strong emphasis on the importance of giving equal opportunity for all parties, Rawls is not trying to get caught up in the extreme fairness of capitalism on the one hand and socialism on the other. Rawls says that if in conflict situations *the principle of equal greatest principle* should be prioritized *different principle than the principle and the principle of fair equality of opportunity*. Meanwhile, the principle of fair equality of opportunity should be prioritized rather than the different principle.

Justice must be understood as *fairness*, in the sense that not only those who have the talent and ability to better be entitled to enjoy a variety of social benefits are more, but these benefits should also open up opportunities for those who are less fortunate to improve his prospects. In connection with this, excess liability morality of those who are lucky to be placed on the frame of the interests of the disadvantaged groups.⁸

The different principle does not demand the same benefits (equal benefits) for everyone, but the benefits are reciprocal (*reciprocal benefits*), for example, a skilled worker would be more appreciated than unskilled workers. Here justice as *fairness* principle of reciprocity is much stressed, but not necessarily just *simply reciprocity*, the distribution of wealth is done without looking at the differences in objective differences between the members of the community. Therefore, in order to ensure an objective rule of justice that it be accepted *as fairness is pure procedural justice, that justice as fairness* should be proceed at once reflected through fair procedures to ensure a fair result anyway.

The main field is Rawls's principles of justice according to the basic structure of society (Basic structure of society) which includes social institutions, politics, law, economics, because the structure of the institutions have a fundamental impact on people's life prospects. So the main problem is to formulate and deliver justice to the reason for a series of principles that must be met by a basic structure of a just society, namely what is the procedure fair distribution of income to the community.

⁸ Frank N Mc Gill (ed), *Masterpiece of World Philosophy*(New York: Harper CP, 1990)

Anyone who wants to see about sharing agreement within a community must know the structure of the related society. The structure of society determines the legal system prevailing in the society. One form of agreement is often practiced in Indonesian society is processing treaty land, trade and fisheries or fishing. This study will discuss the practice of sharing agreement in the fishing community in the Sarang area that does not yet exist foundation used. Not only that, this study will also review the impact of the moral good in structuring political, economic and other social systems.

The fisherman community is one of the components that fall into the category of coastal communities. The mentioning of fishermen associated with the profession of fishing at sea. In the other words, the fishermen are the ones who make a living from the sea directly related to fishing. People made the sea as a source of livelihood especially those related to fishing, called as fishermen, regardless of variations available equipments.⁹

Sarang society assesses that being a fisherman is a common thing and not overly burdensome. Work as a fisherman does not require much modality, even without modality. Most important is the capital of reckless and physically strong. While the skills to be a reliable fishing can be learned from the experiences over the sea.

For the fisherman, work is something that has aims to prosper in the economic aspect alone. So, a lot of fisherman who worked for their employer with a sense of abiding because the most important thing, they got a reasonable wage from the catch fishing results. It impacts on how the wage distribution system without the basic law of each employer.

Wages or salary distribution system of fisherman will be determined after a ship got the result from fish already sold. After getting nominal from catching fish at sea, the employer will distribute the result for the workers. From beginning until now, there is no agreement about percentage of wage distribution. Assessment are used from past until now simply be embraced statutes generally

⁹ Ismail Arifuddin, *Agama Nelayan*, (Yogyakarta: Pustaka Pelajar, 2012), hal. 79

by ship employer. So, all system that prevailed in the ship held controlled by employer.

In practice, the searcher found a lot of irregularities in the system which is always held hereditary. First awkwardness, searcher found a form of fraud in the pricing of supplies for fishing ship. Long duration of fishing for about 3-5 days, and it requires no small amount of supplies. Begin from food, water, cigarettes, diesel fuel, ice and much more. Indeed, the terms of which were taken during fishing supplies able to meet basic human needs, especially food. The problem comes from determining the price of each of the supplies. The employer will determine to price based their destiny.

John Rawls said, in creating justice, two main are used, the same freedoms as much as possible, as long as it benefits all parties and the principle of inequality are used to benefit the most vulnerable. This last principle of the differences and similarities are fair for the opportunity.¹⁰ In cases such as this means that there has been a misuse of freedom for the workers because in this case, the advantage only owned by the employer because the pricing is determined solely supplies and increasingly detrimental to the weak or the worker.

Meanwhile, further irregularities are occurring in the distribution system of salaries or wages of the workers. In practice the distribution of wages doesn't has certain foundation. All sort of sales process and management of taxes and so forth have been maintained by the employers. While the workers were exhausted at home after fishing only suppose what the salary range is obtained later after seeing the catch during fishing. That makes researchers want to uncover the existence of a system that is incredible suction side of the employers to the workers aboard.

The basic idea of John Rawls is the true principle of justice is something that is agreed upon by those who are free and rational to be accepted as reference to determine the basic themes in their assumption, if the deal they made under fair condition for all parties. In this case the workers do not know the system that

¹⁰ Darji Darmodiharjo dan Shidarta, *Pokok-pokok Filsafat Hukum: Apa dan Bagaimana Filsafat Hukum Indonesia* (Jakarta: PT Gramedia Pustaka Utama, 1995)

made by employer. In terms of John Rawls referred to as the veil ignorance,¹¹ where the workers do not know about this advantages in terms of the distribution of natural assets and capacity, good intelligence, strength, and psychological traits.

Actually, there are some people who want to rebel over the system but still shaded frightened and confused to whom they expressed the intention of this heart. From this, the researcher moved to conduct this research that could later contribute new ideas over a system that is more directed to the justice and welfare.

B. Research Question

Based on the background of the issues mentioned above, there are several problems that can be formulated by author such us:

1. How is the system of wages distribution used by sailors of Sarang?
2. How is this system analyzed using John Rawls's Theory of Justice?

C. Research Aims and Significances

Every time we hold events, automatically has the objective purpose to be achieved, whether it is a primary goal and secondary or direct-indirect purpose.¹² Same with a making of research paper. Research purposes must be in accordance with the topic of problems. The Purposes of this research are:

1. To find out how the history and the formation of wages distribution system of Sarang sailor.
2. To explore the impact of the injustice and the imbalance of wages distribution system of Sarang sailor.
3. To give a description of how the system based on the perspective of John Rawls's Theory of Justice.

¹¹ Muqowim, "Keadilan di Mata John Rawls", dalam *jurnal esensia*, volume 2, Nomor 1, Edisi Januari 2001

¹² Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta: Rineka Cipta, 1998

The significances of this research are:

1. The benefits theoretically expected after knowing how is the system of wages distribution formed, Sarang communities sailor will be enlightened and know the weaknesses and the surplus of the system.
2. Significances practically is after knowing how the system of the wages distribution system of Sarang sailor was formed, as well as providing an overview of the new system from the perspective of John Rawls's theory of Justice, will be expected to contribute ideas about a new system to the Sarang community that will more direct to the Justice, welfare and destruct the large-scale exploitation.

D. Prior Research

1. Monumental Book "A Theory of Justice", one of great work from revolutionary thinker John Rawls, published by Harvard University Press, 1997, in Cambridge, Massachuset, became one of the most philosophic books addressed and commented not only from among philosophers, but also come from the politicians. The author will take many theory by John Rawls from this book to analyze the problem in Sailors Sarang.
2. Dr. Arifuddin Ismail, the book Agama Nelayan, published by Pustaka Pelajar in Yogyakarta at 2012, research on aspect of regarding Mandar religiosity related with Fisherman ritual. With this book, I will obtain the reportaire of the fishing communities characteristic.
3. Book entitled "*Keadilan Sosial (Pandangan Deontologis Rawls dan Habermas Dua Teori Filsafat Politik Modern)*" by Bur Rasuanto published by PT. Gramedia Pustaka Utama at 2005 in Jakarta, contains about social Justice offered by John Rawls and Habermas. In this book, the author says that social justice is not only about the adequacy of rice, but also affluent democracies.
4. Book entitled "*Keadilan Sosial: upaya mencari makna kesejahteraan bersama di Indonesia*": by Andang L and A. Prasetyantoko published

by Buku Kompas at 2004. This book will add knowledge about social justice and became color in thesis writing.

5. Book entitled “*Jaminan Sosial Nelayan*” by Kusnadi and Ainur Rahim published by Lkis at 2007. This book contains conflict of social among Sailors relating poverty and using existing resources on the fisherman. Next, this book will add variation for writer about the Life of Sailors.

E. Research Method

This study uses a qualitative approach. That is the assessment of the research problem will generate descriptive data, or in other word, this study prefers descriptive data collection as outlined in the form of report and description.¹³ A qualitative approach was considered appropriate to study the problems in this case, because of the things that were observed directly related to the actual problems faced today. Therefore, there are some things that need to author described below:

1. Type of Research

This research is field intended to obtain primary data. As a complement to the data in the result of later research is to conduct interviews with respondents who becomes the object of the study to obtain data that can be accounted for.

In addition, this study is also a library research. The author will receive the data from the literature in the form of books, papers, articles, and other writings that discussed about the lives of fisherman and Theory of Justice by John Rawls.

2. Methods of Data Collection

This study uses data collection techniques such us library research and field study observation and interviews techniques. In observation, and observing the research conducted directly or systematically

¹³ Sudarto, *Metodelogi Penelitian Filsafat*, Rajawali Pers: Jakarta, 1996

recording of phenomena or symptoms were investigated.¹⁴ In interviews way, I use guidance interviews, debriefing conducted with respondents using a guidance interviews (questionnaire that was read) a set of question to be asked of the respondents. Research divided in to two respondents, first is the workers and second is the employers, is expected later obtain more objective information.

3. Methods of Processing and Data Analysis

In qualitative research, data analysis is done from the beginning and throughout the process of the study. The data analysis technique that used in this study using descriptive techniques which includes three procedures, namely:

a. Data Reduction

Data Reduction is the process of summarizing and selecting basic thing and focusing important things about the observations that emerged from the field notes. Fields notes arranged systematically by emphasizing important points so that the data is easy to control and also easy to find at any time will be used.¹⁵

b. Presenting Data

Presenting data is the delivery of information based of data that obtained from fisherman communities in Sarang and various related to John Rawls's Theory of Justice in accordance with the focus of research to be well structured, coherent, so easily seen, read and understood.

c. Draw Conclusion and Verification

Based on the data that obtained through the study of variety of data sources of Sarang Fisherman communities analyzed by the Theory of Justice of John Rawls, researcher concludes that still tentative. However, with increasing data through continuous verification process,

¹⁴ Ny. Suharsimi, *Prosedur Penelitian Suatu Pendekatan Praktek*, Bina Aksara: Jakarta, 1989, hlm.185

¹⁵ Ny. Suharsimi, *Prosedur Penelitian Suatu Pendekatan Praktek*, Bina Aksara, Jakarta, 1989

it will obtain conclusion that are grounded. In other words, any conclusions continue to do verification during the study. Conclusion obtained through the analysis of the data is used as a guideline to develop recommendations and implications.

F. Systematics of Writing

In order for the application of methodologies can be stated in systematic writing, relating each other and orderly, so the writer divides the thesis in to five chapters as follows:

1. **Chapter I** contains the search methodology thesis writing problems. For that sub-section in the introduction to this discussion include background relevant with knowledge of Justice, which still needs to be and always interesting to be studied in depth along with the times, the author goes along with the concept of Justice in Islam. Fundamental issues concerning the system of Justice in the distribution of fishing salary in Sarang and theory of Justice by John Rawls became the issues in the thesis, all of which can support the thesis writing.
2. **Chapter II** describes some definitions of Justice according to some figures, the types of Justice, issues related to Justice.
3. **Chapter III** is part of data. The author will give a description of the fisherman community life in Sarang and the system prevailing in the rules of the ship in Sarang. The author also includes John Rawls's Theory of Justice related to the Justice system in Sarang Fisherman Life.
4. **Chapter IV** is an analysis of the author towards existing problems. It is the Justice system that still prevailing in the fishing communities in Sarang by relating the perspective of theory of Justice by John Rawls. The author also include in-depth study of the irregularities in the distribution of salary justice system and try to formulates new system that more direct to the Justice and welfare for all elements.
5. **Chapter V** contains conclusions, suggestions and closing

CHAPTER II

JOHN RAWLS AND THEORY OF JUSTICE

A. Biography of John Rawls

1. The Life of John Rawls

John Rawls was born in Baltimore on 1921 and passed away on 2002 (21 Feb. 1921-24 Nov. 2002). John Rawls or His complete name is John Bordley Rawls is a second child from five brothers. His Father, William Lee Rawls is a successful taxation law specialist and also expert in constitution sector. His mother, Anna Abell Stump, comes from the honor Germany family. This woman who supports feminism movement had ever got a position as a President of *League of Women Voters* in her home area. Because of this background, many people who close with him, Rawls is considered as one who has blood of noble or *sense of noblege*.¹⁶

Early in life John Rawls developed a close bond with his mother, a strong supporter of women's rights and other liberal social causes. Opening his eyes to the suffering of the city's large black population as well as the plight of others who were less fortunate, she inspired in her son an early interest in social justice. That inclination was reinforced during summer family vacations near the village of Brooklin, Maine: Rawls was made well aware of the disparity between his own good fortune and the situation of the local children, most of whom had little hope of bettering their lives.

In his youth, when he graduated his study in Princeton, Rawls was ever once got opportunity as a soldier, it w as been bad experience in his life. Rawls saw the accident occurred in Pacific region, even Rawls once appointed by his country in New Guinea, Phillipine and Japan

¹⁶ Honderich, Ted (ed), 1995, *The Oxford Companoion to Philosophy*, Oxford, New York: Oxford University Press.

when America destructed and bombarded Hiroshima at 1945. Five years after Hiroshima bombardment, Rawls criticized it through his article in American Political Journal, Dissent. When he was in Harvard University at 1960, he also was campaigned anti-war in an Anti-War conference in Washington when America tried to conquer Vietnam.

Because of the war was not appropriate with his deepest heart, John Rawls decided to leave army institution at 1946. Then, he was come back to his campus Princeton University, for continue to write his doctoral dissertation in Moral Philosophy major. After that, he married with Margareth Fox, a painter degree. They got five children from their marriage. In his ending study at 1949-1950, Rawls took course in politic major, it was been his first great work about Justice (a Theory of Justice), which published at 1971.

A Theory of Justice was been one of Philosophy book that was many discussed and commented not only from philosopher, but also from economist and politician. After the second War, he taught as a Professor of Philosophy, in a row Princeton University, Cornell University, and Masschusetts Institute of Technology (MIT). Since 1962, he taught in Harvard University until his pension period.

A Theory of Justice considered as a great work about ethic that discussed about Justice of Social. This book, since published at 1971-1997, printed frequently more than 22 times. In his preface, John Rawls said about the purpose of writing this book with way explain its social-ethic position and a protection correlates with point of view and scope-space of moral for individual in a society.

John Rawls became one of specialist whom always became reference for philosophy, law, economy and political science entire the world. Many people never forget John Rawls's Theory. Rawls was known as a Famous Philosopher of America in the end of 20th century. John Rawls trusted as a person who gives big impact of thought towards discourse about justice values until now.

2. The Works of John Rawls

a. Article *Justice as Fairness*

In the beginning of his academic career in 1958, Rawls wrote article under title *Justice as Fairness* as beginning and his debut thought about justice concept. Before and after launching *A Theory of Justice* he wrote several articles as explanation about his great work. His theory of *justice as fairness* envisions a society of free citizens holding equal basic rights cooperating within an egalitarian economic system.

b. Theory of Justice

Rawls really deserve to think out polemical about justice on decade 1970 in America. That immediately become broad talk in all over world. Theory of Justice is indeed affair that must be noted. After the emergence of book, Rawls became well known as a foremost philosopher in American and in all over the world. Estimated have available now no less than 5.000 books or article that talk about his idea. *A Theory of Justice* even in America quickly sold 200.000 copies, at least 23 time reprint, and has also been translated into 23 languages. Most of students focus on politics and philosophy ensured to learn his idea. Story about how Rawls has rethought out politics philosophy and rejuvenates liberalism is a part of past academic legend

c. Political Liberalism

In 1993 just published his second book, political liberalism, which is to revise some views of his in first book, for example by admitting that modern society so heterogeneous and hence tolerance shall be fair society individuality. In *Political Liberalism* (1993), Rawls turned towards the question of political

legitimacy in the context of intractable philosophical, religious, and moral disagreement amongst citizens regarding the human good. Such disagreement, Rawls insisted, was reasonable - the result of the free exercise of human rationality under the conditions of open enquiry and free conscience that the liberal state is designed to safeguard. The question of legitimacy in the face of reasonable disagreement was urgent for Rawls because his own justification of Justice as Fairness relied upon a (Kantian) conception of the human good that can be reasonably rejected. If the political conception offered in *A Theory of Justice* can only be shown to be good by invoking a controversial conception of human flourishing, it is unclear how a liberal state ordered according to it could possibly be legitimate.

d. The Law People (1999)

In his twilight period he returned to publish his third book, *The Law of People* (1999), book about international justice that fulfills the trilogy of his work. Although there were passing comments on international affairs in *A Theory of Justice*, it wasn't until late in his career that Rawls formulated a comprehensive theory of international politics with the publication of *The Law of Peoples*. He claimed there that "well-ordered" peoples could be either "liberal" or "decent." Rawls argued that the legitimacy of a liberal international order is contingent on tolerating *decent peoples*, which differ from *liberal peoples*, among other ways, in that they might have state religions and deny adherents of minority faiths the right to hold positions of power within the state, and might organize political participation via consultation hierarchies rather than elections.¹⁷

¹⁷ *The Law of Peoples [LP]*, Cambridge, MA: Harvard University Press.

B. John Rawls's Theory of Justice

Justices Common conception John Rawls consist of a main idea which is: “: All social primary goods-liberty and opportunity, income and wealth, and the bases of self-respect-are to be distributed equally unless an unequal distribution of any or all of these goods is to advantage of the least favored”.¹⁸

1. Justice priority according to Rawls

Now we can see that in Rawls's theory there are three justice principles. But further Rawls¹⁹ submit two priorities in performing those three principles. That priority must appear because effort performs a principle maybe exist in conflict with the other principle. Rawls tries to formulate two distributive justice principles as follows:

a. *The greatest equal principle*

Each person is to have an equal basic liberties compatible with a similar scheme of liberties for others²⁰. This is the most fundamental thing (human right) that everyone must have. In other words, only by guarantee existence of same freedom for everyone therefore justice will be materialized (rights equality principle). Principle of *The Greatest Equal Principle* none other than rights equality principle, constituting principle that give rights equivalence and of course inversely proportional with charge of obligation that everyone has. This principle is soul of freedom contract principle.

First Priority determines that equal freedom principle as big as lexical applies earlier instead of second principle, both difference principle and also equation principle on chance. It is meant if –and just if – first of all we accomplish first principle

¹⁸ A Theory., p. 303

¹⁹Rawls, John, 1973, A. Theory of Justice, London: Oxford University, page 45.

²⁰ A Theory of Justice, p. 53

charge before being continued to accomplish second principle. First priority in social justice is freedom as big as it. Just after freedom is glorified completely we can be free too to direct effort to catch up demand that exist in second principle.

According to Bentham relating with *The Greatest Equal Principle*, this purpose will be caught for all of people (Every to count for one, nobody for more than one). But it doesn't mean that, human as an individual or personal become goal in society structure. In *Utilitarianism* theory, human as individual is not to be cared, because in this theory satisfaction distribution never be paid attention. It means, we will catch up a satisfaction as great as possible, but asked for also that some person to sacrifice one self by greater happiness for another group. It is meant, that according to them greater satisfaction for some people is sufficiently compensation for the decreasing satisfaction another group. The effect the people that have been lucky will be luckier more, and this luck is carried away from unlucky people anymore, it explicitly that with such way man is treated as medium, economic principles are be accentuated for human personal need.²¹

b. Second Priority is relationship between two part principles of justice second one. **Social Inequitably and economic must be managed in such a way so needs to be noticed principality or two following principles**, which is *the different principle and the principle of fair equality of opportunity*. Both are:

1. Expected to give greatest luck for people the less fortunate, and,

²¹ Dr. Theo Hujibers, *Filsafat Hukum dalam Lintasan Sejarah*. Kanisius, Jogjakarta. 1982.

2. Gives confirmation that with condition and same chance all position and responsible position has to be opened to everyone (Principle distinctive Objective).

The different principle and the principle of fair equality of opportunity is objective principle differences, it means the both principle guarantee the materialized proportional the exchange of right and obligation, so naturally (objective) accepted to existence of difference exchange as long as fulfill *good faith and fairness requirements*. Thus, first principle and second principle can not be separated by one another. According to proportional principle, this justice of Rawls will materialize if both of condition is applied comprehensively. With the emphasizing that so strength on the importance to give same opportunity for all parties, Rawls tried so that justice is trapped in extreme capitalism in one party and socialism in other side. Rawls said that if in principles conflicting situation *the greatest equal principle should be* prioritized more than principle *the different principle* and *the principle of fair equality of opportunity*. While in other side, *the principle of fair equality of opportunity* should be prioritized more than *the different principle*.

According to Rawls fairly equation principle upon opportunity lexically applies earlier than difference principle. First Priority determine that basic freedom may not be limited on behalf of greater material fortune for everybody or even for them who although is benefited least. If has to be arranged limitation, freedom just may be limited by greater freedom balance for everybody. In other words certain limitation upon freedom just may be arranged for reaching broadest freedom system for everybody.

Justice should be understood as *fairness*,²² in the meaning not only they which have talent and just better ability that deserve to enjoy various of more social benefit, but that gain should also open opportunity for them who is the less fortunate to increase the life prospect. In the related to that thing, excess morality responsibility from them what make a profit should be placed on importance frame of their group that is less fortunate.

The different principle doesn't demand same benefit(*equal benefit*) to everyone, but benefit that its reciprocal character(*reciprocal benefit*), for example an employee which is competent of course will be more appreciated as compared to employee that doesn't competent. Here justice as *fairness* really emphasize principality of reciprocity, but it is not meant only *simply reciprocity*, wealth distribution is done without seeing differences objective between society members. Therefore, in order to be guaranteed a play rule that is objective so acceptable justice as *fairness is pure procedural justice*, it means is justice as *fairness must* proceed all at once reflected through fair procedure to guarantee also fair result.

Correlation with complexity of contractual relation in business world, specially related by justice in contract, therefore based on the thoughts we may not be glued on classic justice distinction. the meaning is justice analysis in contract must fuse right equality concept in exchange (achievement-contra achievement) as it were comprehended in the context justice commutative as well as distributive justice concept as base as contractual of relationship. Understanding justice in a contract can't bring us towards *monoistic* (single understanding) attitude, however more than that we have to be comprehensive attitude. In commutative justice that became

²² Frank N Mc Gill (ed), *Masterpiece of World Philosophy* (New York: Harper CP, 1990)

paradigm of relationship inter-personal, include contract, it will be better if never understand as an only equally because this understanding will bring injustice when faced with imbalance by parties who concerned in contract. In commutative justice contained therein also meaning-proportional distribution. Similarly, in a patterned distributive justice in state relationship with citizens, the concept of proportional distribution-contained therein can be pulled into the perspective of the parties' contractual relationship.

To create his idea, John Rawls encouraged us in order to, we can think up origin position (*original position*), as contract for come into a special society or build a certain governance form. The main idea is that justice principle for society basic structure is object of first agreement (*original agreement*). Those Principles are noticed by free and rational people for their interest, furthermore which will be accepted in first position like determining basic terms for their assumption. These principles is to manage next agreement, those principles determine social collaboration types what can be entered and governance forms that can be built. The way correlates to this by John Rawls called by *Justice as Fairness*.

In *Justice off fairness*, early position about similarity related to natural condition in cognitive traditional about social contract. This early position is not considered as actual historical condition about various problems. This must be understood as something that really hypothetic which is marked in such a manner so directing at a justice conception. *Term Justice of Fairness is* thinking that the parties (involved people) in early situation are rational and same unconcerned in these matters (*mutually disinterested*). With their potency like wealth, prestige, and social status, actually they can suppress,

but they are not considered to take behalf one by another one with proprietary potency

John Rawls argues that people in early situation will take priority to choose two different principle, which are; first they require similarity in determining rights and basic duty, second, having a notion that difference of social and economic like difference of wealth and authority is fair if they can give compensation gain for everyone, and in particular for the most unlucky society member (*the least advantage*). Nevertheless, problem on a basic justice principle is so difficult. Rawls didn't hope so much that expectation that he gave can convince for everyone. Therefore one needs to be noted since early is that *justice of fairness* , like view of another contract, consist of two parts, which are; first, an interpretation on an early situation and existing choice problem , second , a number of principle which is approved.²³ Just can be accepted by first part of the theory, but doesn't accept the other part, and also on the contrary. Concept of early contracts situation can appear rational, despite special principles that propose to be refused.

John Rawls's social contract theory can help to explain how classical philosophy is still keep on insisting influence to contemporary is thought. Rawls honestly admit obliged to John Locke and JJ Rousseau, he who declares that he is really influenced by Immanuel Kant, so theory that be interposed is not completely original.

The important contribution of Rawls for moral philosophy and socio-politic comes from fact that he has taken Kant's ideas and his social contract on higher level. According to him, he said that his theory is more appropriate as moral basis for

²³ John Rawls, *A Theory of Justice*, P. 15

democratic society. Rawls also said that his theory is better than stood alternative *utilitarianism*.²⁴

2. At Back Veil of Ignorance

Rawls's answer is simple all at once controversial: isolate them from of all information by assuming they are at back “Veil of Ignorance” or called by Rawls Veil Of Ignorance . At back “ veil ” that imagined by them that gather in the early position it is freed from all of social and historical contingent, cleared from all elements that make agreement can't be made (because the difference information about known and unknown one, status, motivation and the purpose of gather, rationality). How isolated they are, indeed causes a lot of debate, because as Rawls described

Veil of ignorance so attained situation which place the member society basic structure activity in same position, therefore they should leave all their particular science. In such situation no one understands his position, and doesn't know gain in giving wealth and natural compensation. They also don't know what will happen to her and also to others, a kind of this situation called “ignorance hood” (veil of ignorance).

No one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength.

Nor, again does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his

²⁴ Robert Paul Wolf, *Understanding Rawls: a Reconstruction a Critique of a Theory of Justice*(New Jersey: Princetown University Press, 1977), p. 14-i7.

*aversion to risk or liability to optimism or pessimism.*²⁵
I assumed that parties never know special condition his own society. It means they didn't know economical and political situation, or civilization and cultural standard that have been achieved.

Isolation towards people at the *orpos* is almost perfect until was assumed that they don't know in which generation they live. But at any other party, should be imagined they are not attacked people “emergency amnesia” utterly. Because they still know that society constitute the circumstance of justice's subject that is they have to know about common fact about human society, understand with politics and economy theory principle, basis of social organization and human psychology law.

Veil of Ignorance's concept is so fundamental here because can determining whether contract or agreement can be done or not. In Veil of Ignorance, members of *orpos* in symmetrical position, moral nor the information, conflict of interest will be disappeared, so makes selection with acclamation certain justice conception become possible. Without their limitation access to a various information and science, the complicated of bargaining at *orpos* will be unsaved.²⁶

3. Basic Truth and Justice Principles According to Rawls

Rawls stated three kind of truth for justice principle that he builds, two among those on moral estimation effort that actually is considered,

²⁵ John Rawls, *A Theory*, p. 118

²⁶ *Ibid.* P. 16. Then Rawls recorrect this his own understanding. In his book “Political Liberalism” footnote page 53, Rawls wrote: “ where it is said that the theory of justice is a part of the theory of the rational decision. From what we have just said, this is simply incorrect. What should have been said is that the account of the parties, and of their reasoning, uses the theory of rational decision, though only in an intuitive way. This theory is itself part of a political conception of justice. There is no thought of deriving those principle from thr concept of rationality as the sole normative concept. I believe that the text of *Theory*as a whole supports this interpretation”.

and the third based on what he called as *kantian* interpretation to his theory. First justification is based on thesis: “If a principle can enlighten estimation and our moral decision that is truly considered about what is that justice and injustice, therefore that principle can be accepted”. According to the second justification: “If based on our moral decision, a principle is chosen under condition that would be convenient for election, therefore justice principle can be accepted”. That principle will be suitable with our moral consideration.²⁷

Both of justification would be convenient with our moral consideration refer on what so-called just and unjust also conditions of that according to justice principle. Among moral judgments about just and unjust with condition for principle election there is reciprocal adaptation. Rawls called it as balance of reflection (reflective equilibrium). As pointed by Lois I. Katzner, reflection balance is reached if available compatibility among election conditions and our intuitive concept about justice.²⁸ If happen discrimination among principles that will be chosen with our moral considerations about special problem, we should take principle as following: Reflection on principles and condition of where principles will be chosen must bring us to influence our moral consideration. Early conditions for this justice principle election by Rawls called as “original position” (original position).

In the third principles truth, Rawls developed Kant's idea about autonomous subject. For Kant, the subject who autonomous is someone who determined by rational principles, are not by temporary encouragement.²⁹ Rationality sign of a principle is able become principle for everyone. Original position is our point of view in seeing the world. We show our freedom from confinement nature and society

²⁷ Katzner, Louis, I, “The Original Position and Veil of Ignorance” in John Rawls, 1980, Theory of Social Justice, H Gene Blocker (ed), Ohio: Ohio University, p. 560.

²⁸ Katzner, Louis, I, “The Original Position and Veil of Ignorance” in John Rawls 59

²⁹ Ibid 526-528

by the ways that we know original position. In other words, if man accepts principle that is admitted by him has to be chosen in original position, he expresses his image as human being, which is acting autonomous acting. Immanuel Kant self identified “autonomy” by rationality. Question “why man shall act autonomy” will appear when declaring that we act autonomy if we accept chosen principle in original position. Autonomy and rationality are two important elements inside it.

On the third basis of consideration, Rawls declared that his theory is more superior than utilitarianism because giving more accurate explanation to our judgment about what is called “justice”. With priority system among three principles that we have already seen, Rawls saw superiority of social justice principle that he built. If applied in the factual problem, those principles according to Rawls will produce making our moral estimation about what just and unjust and estimation about social institution justice

Justice is essentially treats someone or the other party in accordance with their rights. That the rights of every person are recognized and treated in accordance with the dignity, equality, rights and obligations, without distinction of ethnic, ancestry, and also religion.³⁰

Plato divides Justice into two groups, individual justice and state justice. According to him, individual justice is someone capacity to conquer himself with using ratio manner.³¹

In other side, according to Aristotle Justice divides into five forms, its are 1) commutative justice, it is treatment towards someone without seeing services they did, 2) distributive justice, it is treatments towards someone suitable with the services they made, 3) natural power justice, it means giving something appropriate with everything given by others for us, 4) conventional justice, it means someone who had obeyed to the regulation of law that obligated for us, 5)

³⁰ Winardi, Politik Ekonomi, Bandung: Tarsito 1976

³¹ Jan Hendrik Raper, *Filsafat Politik Plato*(Jakarta: Rajawali, 1991), hlm. 81

justice based on improvement theory is someone who did effort to recovery the fair name or reputation of others who got destruction of their name.

Justice is abstract thing, so it will be difficult to realize a justice if it does not know what the meaning of Justice. For it is necessary to formulate the definition of the most approach and provides a sense of justice. The definition of justice is very diverse, it can be shown from the various opinion expressed by expert in the field of law which give different definition of justice. Thomas Aquinas (natural law philosopher) distinguishes justice into two groups, namely general justice (*Justicia Generalist*) or Justice according to the will of the law should be fulfilled for the sake of the common good and justice specifically based on the similarity or proportionality.

C. Using Justice and Word “Fair”

Generally, Justice and the word “fair” used in four matters: balance, equal and non-discrimination, giving rights to the one who has the right, and commodities distribution based on the level and properness. All of them will be explained as follows:

1. Justice as Balance

Justice is a balance condition. If we analyze some system or association that has various part created in every part or pattern, so it absolutely there are several requirements, both proper measurement in every part and pattern correlates inter-part. If these regulations collected, this association will be stood firm, giving influence, and also fulfill the duties and obligation that given for them.

Every balance society needs many activities such us economic, politic, law and culture activities. All of activities must be distributed to all society members and every member must be used in some activities proportionally. Social balance requires us to pay attention for need weights. In al-Qur’an Allah said:



It means: And the Heaven He has raised high and He has set up the Balance (Q.S. Ar-Rahman: 7)

When discuss verse above, the expert of interpretation mention that intended one by the verse is composed balance situation. All object and its particle was placed in size necessarily one. Each division is measured very accurately. In one *hadits* Prophet say: “With justice, stand upright sky and earth”.

The opposite of Justice in this matter is imbalance, not cruel (*Zhālim*). Many people do effort to answer all of impossibility within *Ilāhi* Justice from balance and imbalance natural perspective, as a replacement from Justice and cruel (*Zhālim*) perspective.

The discussion about justice in balance meaning as an opposite from imbalance will appear if we see natural system generally. Whereas discussion about justice in definition as an opposite of cruel (*zhālim*) and happened when we see every individual separately is other discussion. Justice in first understanding make common behalf as problem. In other side justice in second meaning take the rights of individual as a main problem. Because of that, many people who submit objection will say again, we don't refuse balance principle entire the world, but care towards this balance, *like it or lump it*, will cause the emergence of giving priority without basic. All of this priority, from general point of view can be accepted and relevant, but it still can't be accepted and doesn't relevant from individual point of view. Justice in symmetry and proportional meaning are including

³² (Q.S. Ar-Rahman: 7)

within consequence of God characteristics who Great Wise and Most Knows everything.³³

2. Justice in Equality

Second meanings of justice are equality and the rejection towards discrimination in anything forms. When said that someone do just, it means that the one at the sight of all individual equally, equivalent, without do distinction and prioritize towards something or someone. In this definition, justice is same with equality. The definition of justice like that is demand confirmation. If we understand justice as a certainty of unprotected various feasibility which is different and think that everything and everyone equally, justice like this identical with the cruel (*zhālim*) itself. If we have consideration that giving equally is justice action, so doesn't giving for everyone equally also should be considered as actions of justice. General consideration that the cruel (*zhālim*) is done equally to everyone, it means the justice comes from system of thought suitable with it. Whereas if we understand that justice is equality protected when the feasibility in same, that definition can be accepted, because, justice implicates and requires equality like that.

3. Justice in Giving Rights

Justice in this matter means protection of individual right and giving right for every object which deserves to get it. In this definition, the cruel (*zhālim*) is disappearance and violation towards others right. Justice in this discussion means social justice or the justice must be obeyed and must be respected within the human law and every individual really has to fight to uphold it. Justice in this understanding

³³ According to Article by Muhammad Taufiq in *Muqaddimah Jurnal: Filsafat John Rawls Tentang Teori Keadilan*.

is based on two things *First*, right and priority, which is existence various rights and priority as individual if as compared to one other part. If someone does something that needs to result, example, it has prioritized for its work. Cause of the arising priorities and that preference is work and its own activity. Such its thing with baby, when baby was born by his mother, he has priority claim on mother's breast milk. Source of that priority is creation plan in the form of breast milk for the baby.

Second, human typical character, create one in the form in which human use some ideas and methods in order to intermediaries ideas and methods he can achieve his goals. Those ideas will form set of ideas that can be determination with intermediately. The summary is in order that every individual society can reach for happiness. Understanding of Human justice such admitted by awareness of everyone. While the point that is contrary refused brutality by awareness of everyone. Justice and brutality on this one hand base on priority and precedence, and on the other hand base on human character that forced use a number of convention to design what should, and what should not, and browse good and evil

4. Delegation of form

Understanding of justice intended is action to maintain expediency in delegation of form, and doesn't prevent flood and blessing upon possible to create and perfecting on it was available. All concrete, on level forms any of them, having typical site concerned his ability to accept that emanation. Remembering God's Substance is Absolute perfection and Absolute goodness that always gives emanation, therefore She exactly will give form or form perfection to each concrete according to that maybe be accepted

So, God's justice according to this formula means that each concrete taking form and the form perfection accord with reasonable one and that maybe for it. The expert of wisdom (theosophies) strap fair attribute to God so in line with (high) substance of God and becoming perfect attribute for him. In other position, recognized rational in saying basic thesis of *mu'tazilah* is that man, as free one, responsible to Allah fair one. Furthermore, good and evil are rational categories ascertainable through logical reasoning; it is not dependent on revelation. God has created man mind in such a way shape so can see good one and evil objectively. This is natural consequence of their subject thesis that Allah's justice depends on objective science about good and evil, as it is specified by logical reasoning, whether the framer of law declare for it or not. In other words, *Mu'tazilah's* group declares for efficacy of logical reasoning instinct as source of ethical and spiritual knowledge, thereby erect the form rational objectivity.³⁴

Furthermore, the theosopher gets convinced that something concrete has no rights upon God, so that authorizing is that a sort of debt payment or realization of obligation. And if it has been accomplished, God can be seen fair because He has performed all his obligations to other sides accurately. Verily God's justice identical with benignity and his mercy .it means his justice gets implicated that his mercy doesn't be closed for all concrete as maximal as maybe reached by him.

Right understanding and feasibility of everything related with God is not other from expression of existential need or the need of existential perfection everything to him. Each concrete that has capacity to create or having one of perfection type God exactly will grant with form or that perfection, since God is Mighty to do and certainly grant present. Thereby, God's justice as it was said by Mulla Shadra none other than common blessing and application comprehensive present to everything which has capacity to create or capacity to get perfection without restraining ever or accentuates the one on another one. Matter whether prime factor at returns difference capacity and that feasibility and how come we

³⁴ Mumtaz Ahmad (ed.), *Masalah-masalah Teori Politik Islam* (Bandung: Mizan, 1994), p. 154-155)

interpret and understanding difference capacity and that feasibility base on fact that everything on the essence differ of capacity sector and feasibility

While breakdown of justice according to John Rawls is measure that have to be given to achieve the balance between importance of personal and importance of collective. According to him there are three justice principle which are : (1) same freedom that as big as it, (2) difference, (3) fair equation on chance. In fact those three principles can't be created together because can happen one principle that impinge with the other principle. John Rawls prioritized the principle of same freedom as big as possible leksikal's an applying first than second principle and third. To know how justice theory that is interposed by John Rawls, famous Philosopher of America, writer will try to explore it to get clear understanding about his idea about justice theory.

D. Several Superiorities of Theory of Justice According to Rawls

Just take Rawls's understanding about freedom in his draft theory. Between our moral judgments that the most basic is confidence that basic structure society which is discriminate man in freedom thing is unjust society structure.³⁵ But utilitarian principle also can create view kind of that. Rawls declared that view of freedom according to the utilitarian's clan keep doubt assumption, which is assumption which declares that everyone has same ability and opportunity to perform basic freedoms. Freedom is not again value which on itself has to be available, but tends to become toy goods that can be distributed.

According to utilitarian view, if everyone doesn't find same satisfaction in basic freedoms thing, interest can be reached through dissimilar distribution in basic freedom thing. In other words, if ability to enjoy freedom is not same, therefore utilitarianism demands unequal distribution. People's freedom that have already been “cursed” which has low ability to enjoy freedom can be limited if that step can produce greater benefit. Utilitarianism justified institutional

³⁵ Rawls John, “basic Liberties and their Priority”, in Sterling M. McMurrin (ed), 1987, Liberty, Equality, And Law, Cambridge: Cambridge University Press p, 30

formation that systematically less giving benefit on individuals, as long as after maximization of another benefit.³⁶ On the contrary, the greatest equal principle as big as it provides foundation to negate that weakness with negate base freedom accomplishment discriminations, that basic of guarantee won't sacrifice them who least favored for the sake of maximizing interests such as the example of investment in advance

Typical picture of correct condition portrayed Rawls by using of traditional idea about social contract. In the traditional idea principles of politics organizational can be viewed as condition where people make social contracts. And principle of justice for society basic structure is principle that explains that free and rational person. And puts concern on behalf they should accept original similarity situation as it were formulated in terminology “cooperation”. That principle manages all further agreement, including in its governance form that should be founded. Idea “social contract” has several profits.³⁷

- a. Permitting us to have a look a justice principle as a result of option with rational one.
- b. Idea of duty that based on agreement emphasize individuals that takes a hand in option together has to make basic commitment towards the principles should be supported
- c. Idea “contract” as agreement of voluntary for the sake of reciprocal benefit contains encouragement in order to justice principle is available to support cooperation of everyone in society, including they who is the less fortunate.

The third of factor above places social contract to get hypothetical character, which is to socialize existence of certain agreement into a line of certain principles also. Then it also covers justice principle determinations which have to be chosen by rationale's individuals. Position of each individual is situation where

³⁶ Schaefer, David Lewis, 1979, Justice of Tyranny. *A Critique of John Rawls "Theory of Justice"*. New York: Kenniket.

³⁷ Op cit. p. 30

justice principle is developing. As a result of agreement for cooperative, justice principles should get common traits of, universal in implementation, can be universalized, can be announced, character get to decide and determining. The character comes from imperative in order that society basic structure distributes justly rights, prosperity, income, authority and another basic need.

Justice principle can be common if it can cover all social justice problems that may emerge. Universal in implementation means its charges should apply for all society members. Can be made universal in the meaning should be universal principle of the acceptance it can be developed all society citizen. If could be developed and leads society citizen action, the principle should be able to be announced and comprehended by everyone. Then because justice problem emerges where disparate individual experience conflicts on resulted gain by cooperative social, justice principles should get character to decide, in meaning provides ways to fix the most charge interfering. The last one justice principle should be principle that provides determination of result for dispute justice problem.

Rawls proposed alternative option that has the best and safest possibility. the way he called "*Maximin Rule*" and according to Rawls,³⁸ priority of the greatest equal principles as big as it will guarantee the best result of the worst in uncertainty so much principle which mutually competing. Definitely Rawls declares for that best result of the worst in utilitarianism demand or at least correct delimitation freedom gruffly if really the way result greater benefit for whole. Because utilitarianism corrects existence of victim by greater overall benefit under utilitarian's principles less class have gain access obviously lies in wretchedness.

E. The Model of Fair Society Structure according to Rawls

³⁸ Op cit hlm 45

Justice as fairness aims to describe a just arrangement of the major political and social institutions of a liberal society: the political constitution, the legal system, the economy, the family, and so on. The arrangement of these institutions is a society's *basic structure*. The basic structure is the location of justice because these institutions distribute the main benefits and burdens of social life, for example who will receive social recognition, who will have which basic rights, who will have opportunities to get what kind of work, what the distribution of income and wealth will be, and so on.

After seeing his idea about justice principles, we will observe how according to Rawls society basic structure can be managed for fulfilling the principles. This observation won't provide comprehensive *blue print* about fair society, but it will be:

- a. Guide for more to determine the contents of Rawls justice principle by observing its practical implication.
- b. As effort applying justice principle on structure and society, particularly moral judgment application that lies in it.³⁹

In developing this fair society structure model, Rawls centralizes himself particularly on society institutional formation that is according to Rawls will accomplish difference principle. In our society was existed personal possession on capital and a part of natural resources. Allocation branch kind of that was used to keep free market system. Therefore stability creator branch that the function set out also proper employment also available, while transfer branch guarantee society minimum income whether with family's assurance or special assurance for the sick or unemployed person or more systematic again with extra phase income. Distribution branch has obligation to look after justice in division with taxes medium and accommodation of property's right. This branch covers determination an amount of inheritance taxes and taxes determination to raise respondent income justice principle.

³⁹ Rawls, John, 1973, A. Theory of Justice, London: Oxford University, page 45

F. Critique for Rawls Theories

John Rawls has made two large claims for “the two principles of justice”. That they are what everyman would choose behind the veil of ignorance as the foundation for laws and institutions, and that they are the rock bottom requirement for the stability of political liberalism. I argue here that these claims are altogether unsubstantiated. The two principles are more like a social welfare function than like what we ordinary think of justice. They are false social welfare function in the sense that everyman would not choose them behind the veil of ignorance.

Their connection with the stability of liberal democratic government is tenuous at best. Stability is dependent on entire corpus of rules by which a society is guided, rules that are no more identifiable behind the veil of ignorance than when the veil is lifted. There no basis for supposing that the appropriate rules can be derived from two principles of justice, and there is some question asto whether they can be derived from any well-specified social welfare function. What remains valid in the two principles was recognized long before the two principles were enunciated.

CHAPTER III

Sailor Community of Sarang

A. Profile of Sarang

1. Geographic Location

Sarang subdistrict geographically, located at the eastern end of the Rembang North Coast, Central Java, on the east abut on by Bancar sub-district, East Java Tuban, south abut on District of Sedan, on the west by District Kragan, while in the north there is the Java Sea . Administratively District of Sarang overshadow some villages that line the most North Coast Apex. Among them are the village Temperak, Karangmangu, Bajing Jowo, Bajing Meduro, Sarang Meduro, Sendangmulyo, and most western village Kalipang. Distance between cities Sarang with Rembang district for about +- 45 Km. While the provincial capital of Central Java (Semarang) + 156 Km.

Public service offices District of Sarang located in the village Kalipang (district office), village Sendangmulyo (Police Office, Koramil, and Market), Sarang Meduro village (Fish Auction Place or TPI). The villages along the coast of the majority of the population are sailor (ABK or workers and capitalists or Majikan). In addition to the city called fish (as the source of population life comes from the results of fishing), also known as the city's Sarang students (boarding school located in the center of the village Karangmangu).

The origin of the name of the subdistrict's Sarang, originated as the area into a temporary place inhabited by Indonesian freedom fighters against the Dutch to develop some strategies of war, as they call the area 'Sarang' hideout Indonesian fighters, then up to now the area is named Sarang .

One of them is Karangmangu fishing village, a village on the north side of Central Java on the east part. Including parts of sub-districts Sarang Rembang district. Karangmangu originally named Karangkembang, at that time the majority of the population are farmers like most residents of Java, partly as a sailor. Those

population is a mixture of Javanese and Madura who had been assimilated, therefore there is a village called Bajing Jawa, Bajing Madura, Sarang Jawa and Sarang Madura.

At that time the migration takes place from Sedayu Gresik sand to Sarang as they chased the Dutch nation as a result do not want to work equal with the colonial nation, they come regularly and in groups, migrants that eventually brought winds positive for residents Sarang. They begin to develop a way of fishing which was originally a simple manner in the dressing in a way that is more advanced, and eventually the economy residents were increasingly raised.⁴⁰

Data of PNPM District of Sarang recorded a number of District residents Sarang are 58 080 people, made up of 29,686 souls of men and 28 394 women soul. PNPM-MD District of Sarang also noted the number of people who fall into the category of poor households some 26.288 households.⁴¹

2. Economical Activity of Sarang

Economical activity is an activity that can not be separated from human life. One way to meet the needs of human life is to conduct economic activity by utilizing the existing natural resources of adjacent.

Human needs must be met and maintained in order to guarantee a feasible and sustainable and can only be achieved through business/working man commonly referred to as "Economical Activities". With the economic activity, then humans will generate (produce). All sorts of economic activity that it can only take place when dealing with the human environment, the natural surroundings.

Forms of nature and natural resources that contained inside it, is one of the factors that affect economic activity in an area. Economical activity of the

⁴⁰ Santri Sarang. **Sejarah Berdirinya Pondok Pesantren Al-Anwar Karangmangu Sarang Rembang**. Retrieved on 12 november 2014 from <http://santrisarang.blogspot.com/2011/01/sejarah-berdirinya-pondok-pesantren-al.html>

⁴¹ Based on data of PNPM Mandiri Sarang at 2013

population in a region is different from other regions. For example, people in coastal areas of economic activity as fishing, salt processing, seaports, public servants, private employees, laborers, merchants. Activities of residents in low-lying areas are usually more diverse, it is due to natural conditions flat area suitable for a variety of purposes. As example are for residential, commercial, and industrial. While plateau usually activity or economic activities such as farmers, farm laborers, traders of agricultural products, artisans household tools and farm implements, seasonal workers and others.

Economic sector is a sector basis in the District's Sarang is the maritime sector (fishing), agriculture; trade, restaurants; and the financial sector, leasing and services company, while the economic sector which is a non-base sector is mining and quarrying; manufacturing sector; and water; transport and communications; and the services sector.⁴²

Sarang by our geographical location we can be categorized into two. The first is the coast and the second is the village. People predominantly coastal are sailor, because it is located at the edge of the coast. Coastal villages, among are Sarang Sarang Meduro, Bajing Jowo, Bajing meduro and Karang mangu. Coastal residents make the subsistence sailor to fulfill their needs. Sailor considered a job that does not require higher education capital so that the residents who do not have the educational background would choose this job.

The second are villagers, the villagers who live in the south of the highway Sarang. Most work as farmers because their area has a lot of rice fields and plantations. But do not rule out the village will go to work as sailor because of sailor considered a simple job that generates a lot of money.

Sarang economy grew rapidly because of the boarding school educational institutions. We can see the economy getting increasingly advanced years, and even become the second largest economy in Rembang, and is not separated from their boarding school where many students from various regions in Indonesia.

⁴² http://repo.pusikom.com/wp-content/uploads/skripsi/My%20Disc_126_SKRIPSI.txt
retrieved on q2 november 2014

Sarang with a dense population in this region makes the economy growing continuously.

B. Sailor Community of Sarang

1. Sailor of Sarang

Sailor society geographically is people who live in coastal area which is their mean of supports are managing fishery resource potential. This community is known as egalitarian society because someone here reaches status or certain social status by virtue of his/her own strength, not because of lineage. For example, someone who firstly is only a ship crew, for he is a diligent person and lives providently, he will be able to be *Majikan*⁴³ or a ship boss. A position reached by someone has to be done by intentional effort (achieved status) and it is not gained from the lineage (ascribed status).⁴⁴

Most of sailor societies in Indonesia belong to the group of traditional sailor; it means that they use simple tool and technology to catch fish. In the process of fishery production, the sailors have certain culture which is different from other social groups.⁴⁵ It is because in applying norm or rule of life, sailor society dominantly determines it based on local custom as the reference of their daily behavior. Various rules of life applied in this sailor society have restrictiveness because the work principle done by them is *desa mawa negara mawa tata*. It means that habit in certain place is considered good, but it is uncertainty can be applied in other place, so the habitual for each place is different.⁴⁶

⁴³ *Majikan* is the owner of the ship

⁴⁴ Soerjono Soekanto, 1999, *Sosiologi suatu Pengantar*, PT RajaGrafindo Persada, Jakarta, p. 265-266.

⁴⁵ Kusrini, 2009, *Kebudayaan Nelayan & Dinamika Ekonomi Pesisir*, Lembaga Penelitian Universitas Jember-Ar-RuzzMedia, Yogyakarta, p. 27.

⁴⁶ Suwardi Endraswara, 2003, *Budi Pekerti Dalam Budaya Jawa*, PT Hanindita Graha Widya, Yogyakarta, p. 11.

Sailor society recognizes social stratum even though it is not known strictly enough.⁴⁷ There are two main categories based on their capital: worker and boss (*Majikan*). However, actually they do recognize the social category based on kind/job division in the ship. Sailor society in Madura recognizes social category like *orenga* (boss in land), *pandhiga* (boat crew) and *pangamba* (loan capital provider).⁴⁸ Whereas Pambusuang Mandar sailor community categorizes social as *Panggawa Posasi* (the sailor great leader), *pongawa lopi* (ship armada leader), and *sawi* (common worker).⁴⁹

In *Pantura* (Javanese North Beach) including in Sarang Meduro Village, Sarang Subdistrict, Rembang Regency, from the highest position until the lowest one in sailor society environment, it is known terms like *Majikan* or boss (the ship owner), *Jeragan* or ship officer (the highest leader in ship), *Belah Ngarep* (worker), *Belah Tengah* (ship crew) and *Kancuran* (lower crew). Those who have high position will have implication in wealth and their social classes. This category also influences the amount of their wages division.

Generally, the way sailor divide their outcomes of piscatorial in the sea is by using wages distribution system which is run between *Majikan*, *Jeragan*, and ABK. The divisions are 20% supply fees, while the 80% left will be divided by two between *Majikan* (40%) and ABK (40%). However, there is division system that uses 4:6 systems. It means that *Majikan* gets 4 parts and ABK gets 6 parts.⁵⁰ According to the law number 16 year 1964 article 3 (verse) 1, it is stated that:

“jika suatu usaha perikanan diselenggarakan atas dasar perjanjian bagi hasil, maka dari hasil usaha itu kepada pihak nelayan penggarap paling sedikit harus diberikan bagian sebagai berikut: jika dipergunakan perahu

⁴⁷ Agus Sudaryanto, 2009, *Praktik bagi Hasil Perikanan di Kalangan Nelayan Pandangan Wetan*, Hasil Penelitian Dana Mandiri, p. 2.

⁴⁸ *Ibid*, p. 49-50.

⁴⁹ Ismail Arifuddin, *Agama Nelayan*, (Yogyakarta: Pustaka Pelajar, 2012), p.98.

⁵⁰ Wahyuningsih, 1996-1997, *Budaya Kerja Nelayan Indonesia di Jawa Tengah* (Kasus Masyarakat Desa Wonokerto Kulon Kecamatan Wiradesa Kabupaten Pekalongan, Bagian Proyek Pengkajian dan Pembinaan Masa kini Direktorat sejarah dan Nilai Tradisional Dirjend Kebudayaan Departemen Pendidikan dan Kebudayaan, Jakarta, p. 71.

layar, minimum 75% dari hasil bersih sedangkan jika yang dipergunakan kapal motor, minimum 40% dari hasil bersih”

In general, the wage division in Sarang is done by using system as follows: for example the result is 100%, it has to be reduced by the supply fees during standing to sea. The reminder of it then will be given to *Majikan* as much as 50% and to the workers as much as 50% too. Then, the 50% part for the workers will be divided in accordance with their positions in the ship. The bigger responsibility that someone has in the ship, the more output he will get. *Jeragan* will get more output since he has the biggest responsibility in the ship, then followed by *Belah Ngarep*, *Belah Tengah* and the last is *Kancuran*.

Frame work or working relationship between *Majikan* and ABK in the sailor society generally is based on local custom. In this matter, patron client relationship is based on tradition, and it is hard to be avoided in terms of fishery outcome division. It is then gained a comprehension that *Majikan* is generous side, so it is suitable that ABK obey and give their loyalty to him.⁵¹

This case can occur in all daily social relationships in sailor environment since it is supported by trust relation and each side resource exchange. Thus, it can be stated that the patron-client relationship is the social relation basis in sailor society. This relation can be the supportive matter, but it can also be the resistance of social economy change in sailor society.⁵² Therefore, the frame of working relation based on the local tradition can bring implication of lacking of protection for workers rights or ABK.

The relation between workers and *Majikan* depends on *Majikan* figure. As the result of it, patron-client relation between *Majikan* and the workers can be very risky if there is conflict or dispute happens between them. Nevertheless, Javanese harmony always occurs in all society level through mechanism of Javanese culture. Those values aim to create peacefulness and keep the peace in

⁵¹ Suzanne April Brenner, 1998, *The Domestication of Desire Women, Wealth and Modernity in Java*, Princeton University Press, New Jersey, p. 106.

⁵² Kusnadi, op. Cit., p. 39-40.

life by materializing harmonious attitude, respecting and appreciating others, and avoiding conflict.⁵³

How long the sailor stands to sea depends on how many fish that has been got and the amount of supply they have. This means when they think that the haul is *along*⁵⁴ or it is enough to bring back home, they, the sailor, will go along the side of land to sell the fish in TPI (Fish Auction Place). But when the sailor start to run out of their supply, they will go along to the side of land even though they have not got anything yet at all. When they start to run out of their supply, they are afraid they cannot go back to land. For example, when they start to run out of diesel fuel, they will go along to the side of land as soon as possible. In this case, the sailor usually feel crestfallen, for they do not get anything at all.

Each ABK always brings *sangu*⁵⁵ or personal supply to fulfill his own needs. There are several of *sangu* if it is seen from its price. For the heavy smokers, the nominal price they should prepare will be obviously higher than those who do not smoke. The heavy smokers always bring two boxes of cigarette which the price is expensive enough, depends on its brand. For those who are nonsmokers, they usually only bring snacks and fruits. The smokers usually need at least Rp. 150.000 to Rp. 200.000 to buy things like two boxes of cigarette, snacks, instant noodle, and so on. While, the nonsmokers are usually need maximum Rp. 50.000 to buy food and instant noodle. Therefore, in this case, compared with the nonsmokers, the smokers are the ones who will suffer a financial loss if they do not get enough haul.

2. Duty and Position of Each Sailor Category

Ship with all elements in it is like a society where there are various positions and its own duty. There are such social strata based on the authority and responsibility of the duty. (Need some more additional references).

⁵³ Sarjana Hadiatmaja dan Kuswa Endah, 2009, *Pranata Sosial Dalam Masyarakat Jawa*, CV Grafika Endah, Yogyakarta, p. 33.

⁵⁴ Term "*along*" means got many income (fishes)

⁵⁵ Sangu means self-provision

Sketchily, there are two elements in the ship. Those are as follow:

a. *Majikan*

Majikan is the owner of the ship; all at once he is the one who is in the highest class in this matter. Besides as the capital provider, *Majikan* also takes care of all supplies and handle the wage division.

b. Workers (ABK)

There are some kinds of worker in the ship with different duty and responsibility they have. Their positions and responsibilities determine the amount of wage they will get. The bigger role they have, the bigger wage they will get. Some of those positions are:

1. *Jeragan/Juru mudi (Ship's Captain)*

Jeragan is the captain or the one who takes control the ship. *Jeragan* has the biggest responsibility in the ship because good or bad working ethos the workers have is influenced by him. *Majikan* chooses someone who is appropriate with this position. There is no certain qualification in determining *Jeragan*. An ABK, Natsir, he stated that in choosing the ABK, it was only done based on the Hierarchy, means that ABK is chosen based on kinship. From kinship, it will be easier to make cooperation with *Jeragan* cooperatively. While the main element like capacity and ability are put as second number.⁵⁶ Usually *Jeragan* will be bid some agreements by *Majikan* before he decides to accept the offer.

Another criteria that needed by *Majikan* besides kinship are luck, responsibility, sailing experience. Another important thing dealing with one of his jobs which is choosing and determining the ABK,⁵⁷ *Jeragan* needs to have many ABK links. Such great duty

⁵⁶ Interview with one of Sarang Sailor named Nasir, done on 7 Septembere 2014 at 18.30 in Bajing Jowo Sarang Village.

⁵⁷ Interview with Mustahal, on 8 September 2014 at 20.20 in Sarang Meduro Sarang Village.

and responsibility of course have an effect on the amount of wage he will get later on. *Jeragan* is the ship worker who will get the biggest wage among all workers.

2. *Belah Ngarep (Front workers)*

ABK or these kinds of workers are those who have responsibilities under *Jeragan*. *Belah Ngarep* is chosen directly by *Jeragan*. Criteria that should be owned by ABK are physically strong, able to bear all responsibilities given by *Jeragan* and have courage to plop down into the water.

Usually, in one ship, there are 8 to 10 *Belah Ngarep* because these workers are so central. Of course *Belah Ngarep* has many responsibilities to maintain. All things start from fish net, processing the haul, for example, frozen the fish, and the hardest work is being juru arus. It means that when the fish net is set, they have to plop down into the water and bring small lamp as the center of net.⁵⁸ This kind of workers will get lower wages than *Jeragan*.

3. *Belah Tengah (Middle ABK)*

Workers or this kind of ABK are workers with least responsibility. *Belah Tengah* is usually those who have less experience in standing to sea. It is dominated by young men or workers from other villages who want to *nyimbat*⁵⁹ to fulfill their family needs.⁶⁰ There is no specific criteria has to be owned to be *Belah Tengah*. Whoever wants to stand to sea and has physic readiness, they are allowed to be the part of this kind of ABK.

⁵⁸ Interview with Tormudi, on Saturday 5 September 2014 at 20.00 in Sarang Meduro Sarang Village.

⁵⁹ *Nyimbat* is the term for temporary worker, not stay on certain ship. Usually, this worker is jobless who looks for job, or maybe we can call them seasonal worker.

⁶⁰ Interview with Rohman, on Saturday 7th September 2014 at 12.20 in Sarang Meduro Village

Duty had by *Belah Tengah* is just pulling the fish net when it has been set out in the water, and it is not too hard, for it is now helped by modern machine called “*Gardan*”.⁶¹ Therefore, this kind of ABK gets production sharing portion under *Belah Ngarep*.

4. Complement workers

Besides those three kinds of workers mentioned previously by the writer, there are some more kinds of additional workers. These kinds of workers are only as complement and helper for *Jeragan*, *Belah Ngarep*, and *Belah Tengah*. They are *Juru Masak*,⁶² *Belah Watang*⁶³ and *Kancuran*. The first is *Juru Masak*. He maintains all ABK needs in food, starts from cooking until preparing proper food for ABK. The second is *Belah Watang*. This kind of workers maintains machine and machine wheel. And the last is *Kancuran*. This kind of workers can be called as errand boys. Sometimes, *Kancuran* is handled by kids. Their duty are giving information to ABK about sailor time, delivering wages to ABK’s houses, helping to fulfill all needs when doing “*Ngaes*” or fixing ship together. Sailor often defines *Kancuran* as ship errand boys because they are often ordered to buy ship needs.

According to Mustahal, become a *Juru Masak* is not an easy thing to do and it is not a piece of cake. He, from his own experience of becoming a *Juru Masak*, realizes that he must cook by himself, for other ABK are irresponsive. Other ABK think that half wage portion given to *Juru Masak* makes him deserves to do the whole job on his own. Therefore, sometimes *Juru Masak* overwhelms because he must cook and prepare food for ABK on his own. Moreover when the

⁶¹ *Gardan* is the term for pull-net machine.

⁶² *Juru Masak* means cooker in the ship, usually organize food for all workers

⁶³ *Belah Watang* means the worker who has expert in machine of the ship, usually repair machine trouble

weather is rough, for instance, when storm happens, this situation makes cooking process is uneasy because the ship keeps moving, and it gets worst because the wave enters the ship.

C. Agreement Process of Fishery Wages Distribution in Sarang

According to Monograph Report of Sarang Sub district Year 2013 in Sarang, there are 95 ships, 43 motor-boats, and 298 small boats. What usually happens is that not all ABK come from local sailor's community (*tiang mbelah*), but there are some of them who come from neighboring village who work for ship owner in Sarang, or vice versa. There are some people from Sarang who work for ship owner from neighboring sub district like Kragan, Pandangan, Bulu, even Juana, Pati Regency. Even there are some farmers from village or environs who then work in the local ship. There are two kinds of ABK's recruitment process:

1. ABK Recruitment Process

a. Permanent ABK (Workers)

Generally, an ABK tends to be a permanent ABK. It means that they will join the same ship as long as the ship and the owner is still existed. In this type, it has been a long good relationship between *Majikan* and ABK. Friend relation or relation based on knowing each other becomes strong bonding for *Majikan* to keep employing an ABK. In fact, *Majikan* Sarang ship will trust *Jeragan* or ship officer to choose ABK. One of criterion a ship officer should have is strong relation, for instance, *Jeragan* must have many siblings and family, so it will make him easier to choose ABK. In this case, *Majikan* is no need to have a hand in. All things related to ship's operational is handled by *Jeragan*. However, *Majikan* will feel composed when employing ABK who has worked for him for a quite long time if it is compared with employing the new ones. It is because relation feeling and trust are automatically happened well. On the other hand, for new

ABK, they need to proof their working ethos, performance, and honesty.

b. Temporary ABK (*Simbatan*)

The amount of this second type of ABK is only a few because generally all Sarang people who work as sailor already have had their own *Majikan*. This second type is usually happened for ABK offers himself to the ship officer to help the ship he leads. The application process to join the work is done orally to *Jeragan* or directly to *Majikan*. *Jeragan* or *Majikan* usually grants the request straight away by considering that he just wants to help his neighbor who needs a job to fulfill his family needs. Altruism, a character which is like to pay attention to other's interests, can grow since it is pulled out by good behavior and willingness of helping each other in the local society.⁶⁴ Nevertheless, generally, a ship will only approve additional ABK for about 2-3 people, depends on the minimum limit of ABK who have to be set out in each departure, which is usually about 25 ABK. This kind of thing will have an effect on the amount of production sharing which will be lesser if the number of ABK is increasing. The local term for such condition is *ditumpuk* (as long as they want to be crowded).

However, there is a *Simbatan* case. For example, when it is the time to stand to the sea, *Jeragan* thinks that the number of ABK who will operate the ship is not enough because of sick or having another business, so a *Simbatan* ABK will be asked by *Jeragan* to substitute the ones who cannot join the job. It is done by considering the duty division in the ship that has worked well. With the number of ABK that are available, the lack of ABK should be covered up by recruitment of *Simbatan* or temporary ABK.

⁶⁴ Hilman Hadikusuma, 2011, *Hukum Perekonomian Adat Indonesia*, PT Citra Aditya Bakti, Bandung, p. 37

The movement of ABK from one *Majikan* to another *Majikan* or from one ship to another ship is possibly happened, but it is rarely happened in the research location. ABK's reason of offering himself to work in another ship can be because of economy problem or new atmosphere, for they feel bored to work in the previous ship. Pressed of needs may happen since *Majikan*'s ship is broken, so it takes a long time to repair it, so ABK will have off-day. Besides, it may happen as the consequence of the shrinkage of previous ship's production, even suffering a financial loss, so *Majikan* cuts down the frequency of standing to sea from 5 times a month to 3 times a month.

Such condition injures ABK so bad, so they will try to join another ship while waiting for the previous ship back to stand to sea anymore. Such quite long period of waiting and uncertainty then used by ABK, who are pressed by their economy needs, to join with another ship. In this context, the term of "*obah mama ana dina ana upa*" which means working definitely eat, there is a day, there is rice becomes relevant and realistic.⁶⁵

Sailor do not like to be unemployed, even when the wave is rough, they sometimes still go to stand to sea. It is done due to they want to get money to fulfill their necessities of life. If they cannot fulfill their necessities of life, they cannot help to owe some money from their *Majikan*, family, creditor or even Bank.

2. Custom Agreement

The beginning process of wages distribution agreement for ABK and *Majikan* can be stated that it is only based on the habit and there is no written agreement for this case. There is no institution that regulates wages distribution agreement. In Sarang, there is an organization

⁶⁵ Pardi Suratno dan Henny Astyanto, 2004, *Gusti Ora Sare 65 MutiaraNilai Kearifan Budaya Jawa*, Adiwacana, Yogyakarta, p. 166-167.

called KUD (Village Unit Cooperation) *Misoyo Mardi Mino* that manages all ship licensing, but it does not manage the agreement of sharing production. In this matter, wages distribution depends on the ship and *Majikan* because each *Majikan* has their own systems. Between one ship with another ship or one *Majikan* to another, they have different system of sharing production.

An ABK is considered as the one who has done the beginning agreement when *Kancuran* has informed him that the ship will set out tomorrow. When ABK agrees to join the ship, it is what is called as the beginning process of wages distribution agreement for one time standing to sea. It is because the clear and cash have been reached or *ijab kabul* when the ABK is willing to join the ship.⁶⁶ Hence, the relation becomes concrete or clear and not hazy because the agreement's result is known and heard.⁶⁷ Though the willingness of standing to sea is just the step of words (*afspraak*), but it has been a feeling responsibility (*morele verplichting*) to do it.⁶⁸

In other words, people will try to keep the promise because of being pushed by the magical bond and politeness.⁶⁹ While the end of the agreement of wages distribution are when ABK gets his wage upon his work through agent *Kancuran*.

It takes few days from the beginning to the end of the agreement of sharing production. For example, ABK is informed in November, 16th 2014 and the ship will set out in November, 17th 2014 for a week. When returning from the sea, the wage will not directly got by ABK, but usually ABK will get it in the following day. ABK *Kancuran* will deliver the wage to ABK's houses. When the wage has been received by ABK, it will be considered as the end of contract or the agreement

⁶⁶ Hilma Hadikusuma, 1990, *Hukum Perjanjian Adat*, PT Citra Aditya Bakti, Bandung, p. 132

⁶⁷ Hilma Hadikusuma, 1992, *Pengantar Ilmu Hukum Adat Indonesia*, CV Mandar Maju, Bandung, p. 35-36.

⁶⁸ Hilma Hadikusuma, 1990, *op. Cit.*, p. 114.

⁶⁹ Iman Sudiyat, 1981, *Hukum Adat Sketsa Asas*, Liberty, Yogyakarta, p. 70.

of sharing production. Thus, if one day the ship is broken or there is a problem with it, ABK will have no responsibility in such problem. When the wage is received, it is considered that everything becomes *Majikan*'s responsibility. However, if after standing to sea ABK is still needed and they have not got their wages yet, they will willingly help to overcome the problem.⁷⁰

In working relationship between *Majikan* and ABK, it is known that there is a non-written agreement which is if the fish net is broken, all ABK have responsibility to fix it. In fixing the net, ABK do not get any money, but only get food for lunch or dinner and cigarette, a cup of coffee and cold drinking while they are working.

Net reparation is usually done by 20-25 people for 7-10 days. When the net is broken, all ABK will repair it even when they will get no money at all for it. It is happened because they think that the net is the main tool to catch fish, so if the net is broken, they will not be able to catch fish, and as the result, ABK will get no money. Besides, if ABK do not want to fix the net, it is like a saying *gelem nangkane emoh pulute* (they just want to take the good, but refuse to fight for it when bad thing happens).⁷¹ Thus, the broken net has to be repaired together communally, while the damage of machine will be repaired by the expert because ABK do not have such expertise. Mutual assistance in Indonesian's life is not a new thing, for individually or generally. They cooperate not because of incentive motivation, but for the sake of helping out the burden or duty they have.⁷²

In Simbatan ABK, it can be stated that the beginning of agreement of wages distribution is almost the same with the previous one, which is when an ABK is allowed to join *Majikan* in the certain ship. Being

⁷⁰ Agus Sudaryanto, 2009, *Praktik bagi Hasil Perikanan di Kalangan Nelayan Pandangan Wetan*, Hasil Penelitian Dana Mandiri, p. 6.

⁷¹ Indy G. Khakim, 2008, *Mutiara Kearifan Jawa Kumpulan Mutiara-mutiara Jawa Terpopuler*, Pustaka Kaona, Blora, p. 144.

⁷² E.S. Ardinarto, 2008, *Mengenal Adat Istiadat Hukum Adat di Indonesia*, LPP-UPT UNS Press, Surakarta, p. 45.

allowed to join in the ship by *Jeragan* or *Majikan*, it can be concluded as the beginning process of the agreement of sharing production. The end of the agreement is when ABK receive their wages from *Kancuran* as intermediatery.

Wages between permanent ABK and ABK Simbatan or temporary ABK is not discriminated because they will get the same amount of wage depends on their duties and responsibilities. The main principle of this case is about cooperation to help each other; based on *saiyeg saeka praya* (regularity of working and togetherness) can be realized.⁷³ Nevertheless, if we pay attention to the beginning duty until the end of the agreement of wages distribution between ABK and *Majikan*, it seems that ABK *Kancuran* is very useful as the intermediatery or communicator. Besides that, ABK *Kancuran* is usually those who come from poor family who have to work since they are still young because they cannot continue their studies for lacking of money. In this case, *Majikan* wants to help *Kancuran* dealing with economy matter.

D. Fishery Production Practice Between *Majikan* and ABK

1. Ship Operational Cost

Big ships in Sarang area are those that can accommodate 20-30 ABK, with a condition that if the number of ABK who join the ship is less than 20 people, the ship will not set out because the number of ABK is not qualified. If the number of ABK is more than 30, the ship will not set out too because it passes over the maximum limit of ABK's number, so it will have an effect on the division of wages due to the number of ABK who join the ship. An ABK generally tends to join the same *Majikan*, unless if

⁷³ M. Hariwijaya, 2006, *Filsafat Jawa Ajaran Leluhur Warisan Leluhur, Gelombang Pasang*, Yogyakarta, p 107.

the ship is sold or suffers from a financial loss over and over again. An ABK named Habibi when being interviewed said:

“biasane ABK bakal pindah kapal nek diroso koyone kapal kurang cukup, bola-bali melu miyang⁷⁴ tapi rak tau entuk hasil, malah Majikan utang abon⁷⁵ terus, akhire ABK sing sengsoro.”⁷⁶

(Usually ABK will join another ship when they find out that the wages are not sufficient enough, they keep on joining the ship to stand to sea, but they just get nothing, even more *Majikan* will owe some money from them to buy the supply. In the end, ABK are the ones who suffer from misery)

One of ABK Sarang’s complaints is about responsibility of supply which is burdened to the ABK because it is directly taken from the haul. Thus, if they get nothing during certain period of standing to sea, the debt of supply will increase. When once they get fish, it will be used to pay the debt of supply, and this thing will torment the ABK since it will make them get lesser wages. By doing this, the loss risk the *Majikan* has will decreased because ABK bear the expense of supply by amortizing the amount of haul to pay the debt of supply. However, sometimes there is addition or reduction of other ABK because the ship is broken or in the process of reparation, so it cannot set out. Usually, ABK whose ship is broken will offer themselves to join another ship because they are in charge to fulfill their family needs.

If the time is good, the weather is good, no big wave, and the haul is satisfying, sailor can stand to sea (*miyang*) 4-6 times a month. It means that the ship will set out 3-5 days then it will have break time in land 1-2 days and sets out the next morning. Each time standing to sea, the sailor get uncertain output. Sometimes they get plentitude fish (*along*), but

⁷⁴ *Miyang* is nelayan term means “sailing”.

⁷⁵ *Abon* means sea store or ship supply.

⁷⁶ Interview with Habibi on 11 Novembre 2014 in Sarang Meduro village, Sarang.

another time they get nothing. There are two terms related to how much or how few the wage that the sailor received. Sailor in Sarang often say *Bagen*⁷⁷ if the amount of wage they received is Rp. 300.000 or more than that. On the contrary, it is stated as *Cacaran*⁷⁸ if the amount of wage they received is Rp. 300.000 or lesser than that.

For one time standing to sea, the ship can get income from auction as much Rp. 30 millions up to Rp. 100 millions rupiahs, even more. Before it is divided to *Majikan* and ABK, it is firstly cut down by supply cost like diesel fuel, drinking water, ice cube, rice, sugar, tea, coffee, syrup, fuel oil, vegetables, cooking spices, and other things about Rp 20-25 millions rupiahs. In other words, if the haul costs only Rp. 30 millions rupiahs, so the amount of wages will be received by the sailor are just *Cacaran* or they just get a few money, but if the haul costs Rp. 100 millions rupiahs, so the amount of wages will be received by the sailor are *Bagen*, or it is categorized that the sailor will get much money.

2. Wages Distribution System

Sailor in Sarang, in implementing wages distribution system, they do not refer to or imitate the wages distribution system that is implemented in other places, for example, in the area with bigger sailor groups like in Pekalongan, Batang or so on. In an interview done by the writer with a *Majikan* named Sami'an, he pronounced:

“sabenero, sistem bagi hasil nelayan Sarang iku tergantung karek Majikan kapal dewe-dewe, jaman mbiyen sampek saiki sistem sing dinggo terus berkembang. Nek didarani luwih ngenakno Majikan yo salah, nek didarani luwih nyengsarakno ABK yo salah, amargo piye? Sistem bagi

⁷⁷ *Bagen* Is a term means if wages that accepted by wokors more than Rp 300.000 once sailing.

⁷⁸ *Cacaran* Is a term means if wages that accepted by wokors less than Rp. 300.000 once sailing.

hasil iku yo salah sijine ditujukan kanggo ngeringanke ABK koyo mbiayai tukang mocok ngangkut iwak moro TPI, ditambah kanggo ngelengkapi peralatan mesin modern. Jaman biyen pas durung ono mesin-mesin modern, ABK sengsoro banget soale pekerjaan ning kapal soyo abot lan soyo akeh. Lha saiki, mesin-mesin modern wis dicukupi Majikan ning kapal kanggo ngeringanke beban pekerjaan ABK”

(Actually, the wages distribution system depends on each *Majikan*. From a long time ago until now, the wages distribution system used by sailor in Sarang grows well. It is wrong if it is considered *Majikan* gets more prosperity, and it is not right too if it is considered as a way that torments ABK. Why? In the end, wages distribution system aims to help ABK out like defraying *Belah Mocok*⁷⁹ to carry the fish to *TPI*⁸⁰, and also to complete modern machines. Long ago, when the machine does not exist, ABK suffer from misery because they have many hard jobs. Now, modern machines in the ship are provided by *Majikan* to help out ABK duties).

In wages distribution of sailors in Sarang we will find several variables that will influence amount of wages which will be received. Such as supplies, number of ABK, cost of LW dan haul. Cost of LW itself is money that will be used as ship operational cost like financing *Belah Mocok*, change broken ship tools and for other ship operational facilities. Amount of taking LW is indefinit, it is based on *Majikan* decision, but commonly *Majikan* will take 10% from haul.

⁷⁹ *Tukang Pocok* Is worker who picks up fish from ship to TPI.

⁸⁰ TPI means Fish Auction Place.

Actually, the system of wages distribution in general is the net is divided by two or use *maro*⁸¹ system which is 50% is given to *Majikan*, and another 50% is given to ABK. The percentage of such division does not contend with what has been stated in the law number 16 year 1964 that if it is motor boat, so workers or ABK will get minimum 40% of netto.

Generally, wages distribution practice that occurred in Sarang is the result 100% of haul that had been sold in TPI will be decreased by supplies cost and LW cost first. Then will be divided become two parts, 50% for *Majikan*, and 50% for ABK. Among the ABK, the 50% then will be divided again by one condition, which is divided by 25 parts then it is added with 9 parts. The 9 parts are as the following:

1. One part will be given to *Jeragan*

In this matter, *Jeragan* or ship officer is the one who has crucial position in a ship. Besides as the direction-bolt, he is also as the captain who organizes all ship needs in other things choosing and determining ABK who will join the ship, determining the ship position while setting the fish net. Hence, *Jeragan* will get the biggest portion of wage's amount. One more part is the main wage from 50% of ABK's wages. However, actually the minimum amount of wage that will be received by *Jeragan* is 4 parts. It depends on the deal made between *Jeragan* and *Majikan* earlier. Usually, in the beginning of the agreement between *Jeragan* and *Majikan* before the new ship is set out to the ocean, they will discuss this matter first, which is about the wage deal that will be received by *Jeragan*. *Majikan* will give additional wage specifically for *Jeragan* as much as 2-3 parts from *Majikan*'s pocket as the symbol of appreciation for responsibility he gave to him.

⁸¹ *Maro* means divide into two parts.

2. 8 parts will be given to *Belah Ngarep*.

In this case, 8 parts will be given to *Belah Ngarep* due to *Belah Ngarep* belongs to one of workers who has many responsibilities compared with *Belah Tengah*. *Belah Ngarep*, as what has been explained by the writer earlier, has a quite big responsibility, besides as the regulator when the net is set, they will also handle the fish-cold process, processing, and process of fish sorting. Generally, in one ship there are 8-9 *Belah Ngarep*. According to someone whose profession is as *Belah Ngarep* named Tormudi,

*“Belah Ngarep iku berat tugase ning kapal, koyo sing ngawetno iwak, ngolah iwak, ndewek-ndewekno iwak tergantung jenise. Sing paling berat iku pas dadi juru arus, Belah Ngarep kudu wani njegur laut pas Jaring wes disebar. Resikone pas njegur iku kadang keweden nek dicokot iwak, ulo lan kewan-kewan liane. Makane dadi Belah Ngarep kudu kendel lan nduwe fisik sing kuat. Yo panteslah, Belah Ngarep entuk tambahan bagian gaji soale perngaweane bedo karo Belah Tengah”*⁸²

(The duty owned by *Belah Ngarep* in the ship is very hard, like cooling the fish, processing the fish and sorting the fish according to its kind. The hardest duty is when being *juru arus*, *Belah Ngarep* must be dares to plop himself down into water when the net is set. The risk he has is that when he plops down into water, he is afraid of being bitten by fish, snake or other animals. Thus, in becoming *Belah Ngarep*, someone must be brave and have strong

⁸² Interview with Tormudi, at 12th Novembre 2014 in Sarang Meduro village, Sarang.

physic. It is worth that *Belah Ngarep* gets additional wage as much as one part due to his duty is different from *Belah Tengah*.)

Being *Belah Ngarep*, someone needs to have enough experience of standing to sea because if a sailor is lack of experience, he will have difficulty while working. Thus, in this case, *Jeragan* will be very careful in choosing *Belah Ngarep*, and it is clear enough that *Jeragan* will be very careful by considering experience and physic.

In wages distribution practical of *Belah Ngarep*, addition wages as big as 8 parts will be shared to all member of *Belah Ngarep*. For example number of *Belah Ngarep* are 10 workers, so addition wages as big as 8 parts will be calculated, the nominal result will be shared to all member actually 10 workers.

Therefore, in this distribution process, there are workers who got bigger wages among one ABK to another ABK depend on position and also depend on obligation, responsibilities, energy and also thought that given to them. One after the other begins from biggest until smallest wages are *Jeragan*, *Belah Ngarep*, and the last is *Belah Tengah*. So in this matter, *Belah Tengah* just got 1 part of wage.

In this wages distribution process in Sarang, actually need a *Kancuran*, he is child workers who his age for about 12-15 years old. *Kancuran* will be given a half of wages part. Generally, *Kancuran* comes from poor family who be forced to help ship to fulfill their family need. *Kancuran* got many duties, such us they have to *wira-wiri* or got to place and another place to fulfill ABK and ship need. Top of *Kancuran* activities occurred when Ship has come from sea and berth at port (TPI) and bring down fish of result catching. They have to help ABK and also should washing plates, glasses, make drink for ABK and must jump down to the

sea if ship is loading and discharging. And so, a *Kancuran* also has strong physic and must able to swim at sea.

E. Dispute in Agreement of Wages Distribution

Destiny of Sailors labor in Indonesia will be more buried. Not only by wages distribution among them with *Majikan* who is not fair, but also government policy that not supports Sailor. Many problem faced Sailor society are very complex begin from finance, unfriendly season, and wages distribution system that exactly make minimum wages until make labor Sailor fall down into poor circle.

Sailors are not only people who depend their life from catching fish in the sea, but also they involved in catching fish process at sea. The life of Sailors society day bin day just depends on result of catching fish at sea. Their wages uncertainty able to fulfill their daily need, moreover just with traditional facilities and equipment.

Sailor have two worlds at once the comedy and tragedy, joy and sorrow, pleasure and terrible. Learning from the experience of everyday life, the sea sometimes be a good friend, calm wave seemed to allow fishing as much as possible. In these circumstances, they were laughing as he imagined when he got on the mainland will be able to do anything with the result of catching fish at sea. But on the other hand, the sea can be the enemy when large waves accompanied by a storm that could not be predicted when its presence is not even certain consequences.

There are people back to home safely with a lot catch, some of them are home with catch a bit, even there are some ship same in all his supply of equipment but their fate are different, that is went down with his ship.

Certainly, all the elements of fishing vessels began Employer or *Majikan* (Ship owners), ABK ordinary, extraordinary ABK and captain (driver) hope safety foremost, following a lot of catches. When the main

expectations of all elements of the ship are same, then everything should permeate and understand both worlds (comedy and tragedy).

If all elements of each ship are able to permeate and understand both worlds, then the employer will make every effort to consider the welfare of the his ABK by promoting justice for the ABK, no secret distribution of the salary and the system is covered, on the other hand, the ABK will be satisfied to accept fish catches.

But in fact many ABK found ambiguous ship systems and wages distribution. Whether it's the way employers treat his ABK, pay attention to the welfare of workers, exploitation outstanding on fish catches more favorable employer and several parties, till how the way ship systems to fulfill all the provisions that actually charged to the ABK with the way exploited the result of catches.

Several Disputes are:

1. The ABK did not believe in the results section.

Some of the ABK felt that the wages they earn are not in accordance with the estimates. They find the money received less than what they are calculated. Each ABK has its own estimate of how much wages they will receive because each type of job has been known part of the decision. Patterns in the employment agreement for fishery production by custom or law is not written in one side will benefit employer but on the other hand can also be detrimental to the ABK.

In some cases, distrust concerning fishery production often appears between the Employer or *Majikan* and the ABK, both when loading and discharging or bring the fish to fish auction place (TPI) and also the fish auction process. The employer then stayed to receive reports of *Jeragan* or other crew in charge (usually ABK type *Belah Ngarep*) on the auction

results they get. Usually the ABK will *nyeret*⁸³ or drag some basketball (basket) fish outside the auction system. The fish will then be divided equally to the crew. They will tell the employer, that they need *lawuhan* (side dish) for his family. But in reality, there are indeed bring *lawuhan* the family home for a side dish, but some are sold *lawuhan* to the *bakul iwak*⁸⁴ along the TPI for additional income.

2. Confusion in Distribution System

a.) Pricing Supplies

Conflict arises because the ABK did not know for certain expenditures for shopping supplies. Indeed shopping supplies generally can be estimated because the ingredients are purchased already fixed amount. For example, for 5-7 days at sea will usually bring diesel, rice, sugar, tea, coffee, vegetables, spices and ice beams so that total spending could reach 18-25 million rupiahs.

Rohman, one of ABK in Sarang said:

“Saiki majikan kemungkinan bangkrut wes cilik banget, amergo piye, soale majikan sak karepe dewe nek nentukke harga perbekalan. Terkadang regone ra masuk akal. Misale solar sing sak liter Rp 5000 iso dadi Rp 6000 per liter, padahal sak pemberangkatan biasane nggowo solar 58 jerigen atau total kabeh 1600 sampai 1700 liter, jajal dihitung batine. Iku durung liane koyo es, makanan, beras. Makane perbekalan dadi bisnise

⁸³ *Nyeret* means: Put some basket of fish to sale by himself.

⁸⁴ *Bakul iwak* means Some fish buyer in micro scale.

majikan dewe. Akhire belah ABK sing keno imbase, duwit bagen malah berkurang”

(Recently, possibility of Majikan got bankrupt is very small, why?, because Majikan abusively if determining cost of supplies. Sometimes, the cost is very not logic. For example, the normal cost of s liter of fuel is Rp 7000 can be Rp 8000 per liter, whereas if once departure of ship will bring 58 jerigen. Exactly ship will bring 1600 untill 1700 liter once departure to the sea, please try to count it!. Those are include other supplies such as ice, food, rice and so on. Because of that, cost of supplies will be business by Majikan itself. Consequently, at last it will influence of decreasing the wages for ABK).⁸⁵

But sometimes expenditures for ABK got increasing amount, so that the wages of the crew will be reduced. Wage reduction is often not understood by the ABK except by the Employer authorized to buy supplies ship. Total expenditure supplies besides known by the Employer or *Majikan*, *Jeragan* also usually know the total spending his supply because *Jeragan* the one who will be responsible as the distribution of wage behalf. The employer or *Majikan* will notify verbally to *Jeragan* supplies last challenge when the ship will depart. If verbally considered less powerful then the Employer will provide a record of the storage vessel agent was purchased.

⁸⁵ Interview with Rohman, He is one Of ABK. , at 12th Novembre 2014 in Sarang Meduro village, Sarang

b.) The Previling of Money Middle (LW)

In the matter of the fishery distribution in the sea, the employer or *Majikan* has a high authority, but they also have an obligation that is not as light as to bear the cost of maintenance of the boats and fishing gear, and eating crew during sailing.⁸⁶ But lately the employer has been given a boost after the previling of the middle or LW money system

Previling of the LW system into one thing complaints by the sailor. The system itself is not so clearly defined. According to an *Majikan* or employer who named Sami'an, LW is an abbreviation of *Lawuhan*. But history of LW is not so clear. Starting from a *lawuhan* term given to the entire crew to use purposes ABK family side dishes, but now has turned to the money part of the overall results of fishing vessels which are used for such purposes in ship equipment repair, giving fee for *tukang pocok*,⁸⁷ and be cost when ship is under repair.

At issue is the amount of money LW erratic even more cut the wages of the ABK. LW money is determined solely by the *Majikan* or *jeragan*. There are two ways of making money LW:

1. *Nyeret* or dragging some basketball fish before the auction , then sold to fish middlemen or *tengkulak*. The result will be taken and used the money LW as vessel operating costs .
2. Take a few percent of the money overall results of fishing . Usually it will take 10% of 100 % of fishing.

Unclear allocation of money LW make the crew feel very overwhelmed. LW load being pinned to the money from the sea so it will reduce the value of sailor wages . This makes the crew complained about the system . Actually there are several associations crew who wants to complain about

⁸⁶ Tolib Setiadi, *Intisari Hukum Adat Indonesia* (Dalam Kajian Kepustakaan), Alfabeta, Bandung, page 340.

⁸⁷ *Tukang Pocok* means someone who help bring down fish from ship to TPI.

the system , but there is no agency that regulates fishing wages distribution system . Moreover, the crew are afraid if they protest on the employer , will affect its position that it is possible to be demoted or dismissed from his ship . This matter is advised because the crew had no option other than sailor work , because it does not have a provision to open a new business

CHAPTER IV

ANALYSIS OF WAGES DISTRIBUTION SYSTEM

Kusnadi (2002: 2), said that a job like; make boats, nets, carry nets and equipment to the boat or ship, and also transporting the fish is not included fishermen. Then the wives, children and other members are not included as a sailor. Local terms in the mention of social categorization sailors workers are assortment, in the area of Bugis-Makassar called *sawi*, East coast of Jambi called *Kelasi* Sailors, Sunda region of coast of West Java called *Bandhege*, among the existing Java called *Pandhega*, in area Madura called *Pandhiga*⁸⁸ while in coastal Rembang Regency areas including Sarang called *Belah*.

Sarang fishing communities have prime source of income in their livelihood is dependent on the oceans, that is the result and or sea resources, as has been the writer describe in the face part. If further discussion., Then it seems to need to be clarified with the dialectic that may be complementary or there are other perceptions of the experts with the research that is the last result of the dialectic between "*das sollen*" and "*das sein*".

To discuss, it helps if presented in advance at least some idea of the characteristics of fishing communities in the perspective of the experts, among others, namely:

Kusnadi said;

.... Basically, social classification in fishing communities can be evaluated from three points of view; The *first*, in terms of mastery of the production equipments or complete equipment (boats, nets and other equipment) structure owners of fishing communities (equipment of production), and fishing workers, sailor workers have the equipments of production in the production

⁸⁸ Kusnadi, (2002), Konflik Sosial Nelayan (Kemiskinan dan Perebutan Sumber Daya Perikanan), Yogyakarta: LkiS

of a unit of a boat , sailors workers just contribute their power or energy to acquire the very limited rights..., *secondly*, in terms of the level of intervention scale of their capital, the structure of fishing communities divided into large and small sailor and big sailor in accordance large amount of their capital, *thirdly* ... , in terms of the technology used fishing equipment is divided into categories of modern fishing and traditional fishing. Modern fishermen using more sophisticated technology than the traditional fishing so that those differences have implications for the level of income and social welfare economics.⁸⁹ (Kusnadi, 20002: 1.2)

When viewed in general, the fact of social community as sociologically, according to pattern of concepts that based on Soekanto, as follows:

"... Social life that its container is community, cored on social interaction. It is a process of social interaction, where the mutual relationship between individuals and groups, and between individuals with groups. From one side then from the process will lead to structural patterns; culture; social institutions; social stratification, power and authority. While on the other hand from the point of mentality will arise; system of values, patterns of behavior). And a system of rules or norms. "⁹⁰(Soekanto, 1993: 45).

Great power that employers have in many cases then become a *power asymmetries*⁹¹, where the dominant power even in those who are minority but have a large capital. While the fishing community (ABK) which large numbers without having it become the capital controlled by the employer. Inequality relation of employers and the workers had an impact on many aspects such as lack

⁸⁹ Kusnadi, (2002), *Konflik Sosial Nelayan* (Kemiskinan dan Perebutan Sumber Daya Perikanan), Yogyakarta: LkiS

⁹⁰ Soekanto, S., (1993), *Kamus Sosiologi*, Jakarta: PT. Raja Grafindo Persada.

⁹¹ Thomas Hylland Eriksen, 2001, *Small Places, Large Issues*, Pluto, London. Page. 282.

of employment protection, assurance of old age, the risk of death in running a job or even time off from work.

In practice, any shortcomings or misfortune experienced by the workers or ABK usually the employer will help lend money or provide compensation for illness, death or accident, but all of it had no written rules. All based on the employer's kindness. For the ABK that they had a bargaining position is not strong will usually accept the explanation and let the dispute passed (lumping it) for granted.⁹²

A. Sailors at Back of Veil of Ignorance

Sarang Sailors feel alienated from the system that prevailed by the employer, ranging from wages distribution procedure, until supplies. The writer imagined that ABK Sailors like being in a *veil* called *ignorance* or *without knowledge*. The first Ignorance refers to the wages distribution systems and procedures. Employers implement revenue distribution system does not refer to or imitate the wages distribution system that is applied in other areas. For example in areas with a larger group of fishermen such as Pekalongan, Batang and so forth. While the second is ignorance refers to the procedure of purchasing goods supplies, ranging from foodstuffs, fuel, ship equipment and other items such ice, spices food and so on.

In the same manner as Rawls's statement all at once controversial: isolate them from of all information by assuming they are at back "Veil of Ignorance" or called by Rawls Veil Of Ignorance . At back " veil " that imagined by them that gather in the early position it is freed from all of social and historical contingent, cleared from all elements that make agreement can't be made (because the difference information about known

⁹² Sulistyowati Irianto, 2003, *Perempuan Di Antara Berbagai Pilihan Hukum Studi Mengenai Strategis Perempuan Batak Toba Untuk Mendapatkan Akses Kepada Harta Waris Melalui Proses Penyelesaian Sengketa*, Yayasan Obor Indonesia, Jakarta, page 49.

and unknown one, status, motivation and the purpose of gather, rationality).⁹³ In that behind of "veil" they freed from all influence of social contingent that can make several from them "exists" in the place that more lucky position in driving a bargain.⁹⁴

Sarang Sailors were isolated from all of kind information about wages distribution and cost of supplies price. *Majikan* will prevent from leak information about them in order to their position don't have rights in drove a bargain or even just asking about fund allocation correlates with those both cases.

1. Ignorance from Wages Distribution

In wages distribution system of sailors in Sarang we will find several variables that will influence amount of wages which will be received. Such as supplies, number of ABK, cost of LW and haul. Writer will more focus on cost of LW system, because it has been biggest problem for ABK. Cost of LW itself is money that will be used as ship operational cost like financing *Belah Mocok*, change broken ship tools and for other ship operational facilities. Amount of taking LW is indefinite, it is based on *Majikan* decision, but commonly *Majikan* will take 10% from haul.

One of ABK named Mustahal who very understand the ins and outs of Cost of LW system, because he has been ever entrusted by *Majikan* to organize allocation of LW money said that:

"aku pernah ngalami dikongkon ngurusi duit LW, duit iku sepuluh persen teko borongan miyang pas iku 100 yuto. Dadi kanggo LW dewe 10 yuto. Duite tak nggo mbayar belah mocok, belah masak, karo kancuran. Luwihe

⁹³ Rasuanto Bur, Keadilan Sosial: *Pandangan Deontologis Rawls dan Habermas, Dua Teori Filsafat Politik Modern*, PT Gramedia Pustaka Utama, Jakarta, 2005, page 55.

⁹⁴ *Ibid*, page 57.

tak nggo ngganti peralatan kapal sing rusak. Lha, duit-duit iku ejih luwih akih. Biasane luwihane tak cekel kanggo cadangan nek menowo ono butuhan kapal, tapi nek majikan sing doyan duit yo disikat langsung”

“I have ever been commanded by *Majikan* to organize cost of LW, the money is 10% from result of haul at that time Rp 100 million, so I have Rp 10 Million. The money allocated for *paying Belah Mocok, Belah Masak and also Kancuran*. The surplus money used for changing ship equipment that got broken. So, the money are still surplus much money. Commonly, the surplus will I take for substitution money maybe there are ship need, but if *Majikan* has a greedy characteristic, exactly will take away the money directly”.⁹⁵

Rawls said that isolate them from of all information by assuming they are at back “Veil of Ignorance” or called by Rawls Veil of Ignorance. At this case, ABK were alienated from information about cost of LW allocation by *Majikan*. So It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like.⁹⁶

Vagueness of LW allocation become a big problem for ABK because cost of LW is very determining how much wages that will be accepted. If cost of LW bigger, so wages that will be accepted by ABK become more little. Eventually cost of LW taken

⁹⁵ Interview with one of ABK named Mustahal

⁹⁶ Theory of Justice, page 165.

away from haul result of ABK. This LW system become self-profit for *Majikan*, for example if there is broken equipment or tools in ship so it will be changed from cost of LW, whereas all elements and assets of the ship is *Majikan* ownership. On contrary, this system will influence more torment ABK, in one side Vagueness allocation, and in other side ABK never have rights to be one of owner of ship equipments that was changed with cost of LW when they off from the ship.

Wages distribution that occurred recently show that Sailors or ABK income proportion is always constant and disposed very small if compared with *Majikan* or employer income. *Majikan* side as owner of the ship always place that sailors should carry cost of ship ownership investment, while *Majikan* never pay attention that every year ship got reduction of investment value that make operational cost got increasing.⁹⁷

2. Ignorance from Pricing Supplies

Sailors being in veil of ignorance secondly is about cost of pricing supplies. In cost of pricing supplies, *Majikan* will do cooperation with provider side of supplies to complete everything that necessary to be fulfilled during go fishing begin from solar, fuel, cooking oil, ice cream, flavor of food, foodstuff and so on.

Sailors of *sarang* begin to feel there disharmony correlates with total amount of pricing supplies because they guess the price is not logic if compared with general price. One of ABK named Rohman said:

⁹⁷ Sources 1 :Jurnal: Martruri, Y. Lopulalan dan S.R. Siehainenia. 2006. *Alternatif Pola Bagi Hasil Nelayan Purse Seine (Studi Kasus Di Kecamatan Saparua)*. Ambon:Universitas Pattimur

“Saiki majikan kemungkinan bangkrut wes cilik banget, amergo piye, soale majikan sak karepe dewe nek nentukke harga perbekalan. Terkadang regone ra masuk akal. Misale solar sing sak liter Rp 5000 iso dadi Rp 6000 per liter, padahal sak pemberangkatan biasane nggowo solar 58 jerigen atau total kabeh 1600 sampai 1700 liter, jajal dihitung batine. Iku durung liane koyo es, makanan, beras. Makane perbekalan dadi bisnise majikan dewe. Akhire belah ABK sing keno imbase, duwit bagen malah berkurang”

(Recently, possibility of Majikan got bankrupt is very small, why?, because Majikan abusively if determining cost of supplies. Sometimes, the cost is very not logic. For example, the normal cost of s liter of fuel is Rp 7000 can be Rp 8000 per liter, whereas if once departure of ship will bring 58 jerigen. Exactly ship will bring 1600 untill 1700 liter once departure to the sea, please try to count it!. Those are not include other suppllies such as ice, food, rice and so on. Because of that, cost of supplies will be business by Majikan itself. Consequently, at last it will influence of decreasing the wages for ABK).⁹⁸

However, sometimes expenditures for ABK got increasing amount, so that the wages of the ABK will be reduced. Wage reduction is often not understood by the ABK except by the Employer authorized to buy supplies ship. Total expenditure supplies besides known by the Employer or *Majikan*, *Jeragan* also usually know the total spending his supply because *Jeragan* the one who will be responsible as the distribution of wage behalf. The

⁹⁸ Interview with Rohman, He is one Of ABK. , at 12th Novembre 2014 in Sarang Meduro village, Sarang

employer or *Majikan* will notify verbally to *Jeragan* supplies last challenge when the ship will depart. If verbally considered less powerful then the Employer will provide a record of the storage vessel agent was purchased.

They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general consideration.⁹⁹ It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particular of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. They do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve.¹⁰⁰ This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances.

One of ABK Sarang's complaints is about responsibility of supply which is burdened to the ABK because it is directly taken from the haul. Thus, if they get nothing during certain period of standing to sea, the debt of supply will increase. When once they get fish, it will be used to pay the debt of supply, and this thing will torment the ABK since it will make them get lesser wages. By doing this, the loss risk the *Majikan* has will decreased because ABK bear the expense of supply by amortizing the amount of haul to pay the debt of supply.

⁹⁹ The veil of ignorance is so natural condition that something like it must have occurred to many. The formulation in the text is implicit.

¹⁰⁰ Theory of Justice, page 118.

However, sometimes there is addition or reduction of other ABK because the ship is broken or in the process of reparation, so it cannot set out. Usually, ABK whose ship is broken will offer themselves to join another ship because they are in charge to fulfill their family needs.

Based on the results of interviews with some of the ABK, they agreed that the pricing supplies by the employer is not very plausible, a lot of swelling prices. In fact they ever attempted manually counting the supplies to the standard price of the common price. For example, the price of diesel fuel standard price of Rp 6,000 per litre can be calculated by the employer up to \$ 7000 per litre, the Employer will benefit Rp 1000 per litre. Each departure requires 1600-1700 litres. We can calculate the profit employer to Rp 1.6 million to Rp 1.7 million each departure only on diesel fuel only. Yet on the other supplies items such as basic foodstuffs, food, water, ice cubes and others.

The ABK agreed in the pricing provisions lot of swelling prices covered by the employer. This exploitation is so big a problem for the workers or ABK, they presume the Employer creates a new business in the shipping business. Cost of pricing supplies changed into a separate business for the employer. In contrary, the pricing of supplies become its own losses for the ABK because it affects the amount of salary to be received later. The bigger amount of supplies make the smaller wages will be received by the ABK.

B. *Majikan* Exploitation towards ABK

As described earlier, Rawls direct linking theory with the conception of society as a system of social cooperation that is sustainable from one generation to the next generation. Medium principles of justice

which should be the subject of the basic structure of society must be the initial approval in a purely procedural situation.

In the area of the fishing village of Sarang there is social interaction proceeding in which reciprocal relations arise both between individuals and between individuals and groups so that the structure can not be denied arise social groups, cultural, social institutions, social stratification. There is a kind of institution called *KUD Misoyo Mardi Mino*, that organize administration in charge of shipping, but not to regulate all shipping bureaucracy such as the determination of wages sailor, the price of supplies, and the welfare of the sailors. In every village, there was a socio-economic levels, there are a sailors or a ABK of workers, there is a sailors owner of the equipment of production or the employer, some are related to matters such as the reservoir fishermen or middlemen fish and some are powerful and or authorized and there are controlled.

1. Social Stratification of Sailors

Sailor society recognizes social stratum even though it is not known strictly enough.¹⁰¹ There are two main categories based on their capital: worker and boss (*Majikan*). However, actually they do recognize the social category based on kind/job division in the ship. Sailor society in Madura recognizes social category like *orenga* (boss in land), *pandhiga* (boat ABK) and *pangamba* (loan capital provider).¹⁰² Whereas Pambusuang Mandar sailor community categorizes social as *Panggawa Posasi* (the sailor great leader), *pongawa lopi* (ship armada leader), and *sawi* (common worker).¹⁰³

¹⁰¹ Agus Sudaryanto, 2009, *Praktik bagi Hasil Perikanan di Kalangan Nelayan Pandangan Wetan*, Hasil Penelitian Dana Mandiri, p. 2.

¹⁰² *Ibid*, p. 49-50.

¹⁰³ Ismail Arifuddin, *Agama Nelayan*, (Yogyakarta: Pustaka Pelajar, 2012), p.98.

In *Pantura* (Javanese North Beach) including in Sarang Meduro Village, Sarang Subdistrict, Rembang Regency, from the highest position until the lowest one in sailor society environment, it is known terms like *Majikan* or boss (the ship owner), *Jeragan* or ship officer (the highest leader in ship), *Belah Ngarep* (worker), *Belah Tengah* (ship ABK) and *Kancuran* (lower ABK). Those who have high position will have implication in wealth and their social classes. This category also influences the amount of their wages division.

In categorizing or social stratification of Sarang Sailors Community start from highest level until the lowest level if we see based on wages distribution are *Majikan* (Employer); *Jeragan* (Ship Captain); *Belah Ngarep* (Front ABK); *Belah Tengah* (Middle ABK); *Kancuran* (Complement ABK) appropriate with the picture below:



1. *Majikan*, is the owner of the ship; all at once he is the one who is in the highest class in this matter. Besides as the capital provider, *Majikan* also takes care of all supplies and handle the wage division.
2. *Jeragan*, is the captain or the one who takes control the ship. *Jeragan* has the biggest responsibility in the ship because good or bad working ethos the workers have is influenced by him. *Majikan* chooses someone who is appropriate with this position. There is no certain qualification in determining *Jeragan*.
3. *Belah Ngarep or Front ABK*, ABK or these kinds of workers are those who have responsibilities under *Jeragan*. *Belah Ngarep* is chosen directly by *Jeragan*. Criteria that should be owned by ABK are physically strong, able to bear all responsibilities given by *Jeragan* and have courage to plop down into the water.
4. *Belah Tengah* (Middle ABK), Workers or this kind of ABK are workers with least responsibility. *Belah Tengah* is usually those who have less experience in standing to sea. It is dominated by young men or workers from other villages who want to *nyimbat*¹⁰⁴ to fulfill their family needs.¹⁰⁵ There is no specific criteria has to be owned to be *Belah Tengah*.
5. *Kancuran* (Complement ABK), besides those three kinds of workers mentioned previously by the writer, there are some more kinds of additional workers. These kinds of workers are only as complement and helper for *Jeragan*, *Belah Ngarep*, and *Belah Tengah*. They are *Juru Masak*,¹⁰⁶ *Belah Watang*¹⁰⁷ and *Kancuran*.

¹⁰⁴ *Nyimbat* Is the term for temporary worker, not stay on certain ship. Usually, this worker is jobless who looks for job, or maybe we can call them seasonal worker.

¹⁰⁵ Interview with Rohman, on Saturday 7th September 2014 at 12.20 in Sarang Meduro Village

¹⁰⁶ *Juru Masak* means cooker in the ship, usually organize food for all workers

¹⁰⁷ *Belah Watang* means the worker who has expert in machine of the ship, usually repair machine trouble

In order to know the wages distribution system in Sarang, writer give an example with many variable those are Number of ABK 25 people; amount of supplies Rp 20 million; haul result Rp 100 million and the last LW is 10% from haul result. We can understand deeply with example below:

D1:

- Number of ABK : 25, consist of
 - a. *Jeragan* : 1 person
 - b. *Belah Ngarep* : 9 persons
 - c. *Belah Tengah* : 15 persons
 - d. *Kancuran* : 1
- Amount of Supplies : Rp 20 Million
- Haul Result : Rp 100 Million
- LW : 10% from Haul Result

D2:

1. Amount of LW?
2. Wages part for *Majikan*?
3. Wages part for each ABK (*Jeragan, Belah Ngarep, Belah Tengah, Kancuran*) ?

D3:

1. Amount of *LW* : 10% from Haul Result
 : $\frac{10}{100} \times \text{Rp } 100 \text{ Million}$
 : Rp 10 Million
2. Wages part for *Majikan* : Last Result $\div 2$
 - a. Last Result : (Haul - Amount of LW) - Amount of Supplies

	: (Rp 100 Million – Rp 10 Million) – Rp 20 M
	: Rp 90 Million – Rp 20 Million
	: Rp 70 Million
Wages for <i>Majikan</i>	: Rp 70 Million ÷ 2
	: RP 35 Million
3. Wages part for ABK	: $\frac{\text{Last result}}{2}$
	: $\frac{\text{Rp 70 Million}}{2}$
	: Rp 35 Million
For each ABK (parts)	: $\frac{\text{Wages part for ABK}}{(\text{additional wages for ABK} + \text{Amount of ABK})}$
	: $\frac{\text{Rp 35 M}}{(10 + 25)}$
	: $\frac{\text{Rp 35 M}}{35}$
	: Rp 1 Million
Each ABK	:
a. <i>Jeragan</i>	: 2 parts of Wages + 3 parts from <i>Majikan</i>
	: 2 x Rp 1 Million + Rp 3 Million
	: Rp 5 million
b. <i>Belah Ngarep</i>	: 1 part of wage + 1 part of addition wage
	: Rp 1Million + Rp 1Million
	: Rp 2 Million
c. <i>Belah Tengah</i>	: 1 Part of Wage
	: Rp 1 Million
d. <i>Kancuran</i>	: 1 Part of Wage
	: Rp 1 Million

2. Prevailing Cost of LW

In the matter of the wages distribution in the sea, the employer or *Majikan* has a high authority, but they also have an obligation that is not as light as to bear the cost of maintenance of the boats and fishing gear, and eating ABK during sailing.¹⁰⁸ But lately the employer has been given a boost after the prevailing of the middle or LW money system

Prevailing of the LW system into one thing complaints by the sailor. The system itself is not so clearly defined. According to an *Majikan* or employer who named Sami'an, LW is an abbreviation of *Lawuhan*. But history of LW is not so clear. Starting from a *lawuhan* term given to the entire ABK to use purposes ABK family side dishes, but now has turned to the money part of the overall results of fishing vessels which are used for such purposes in ship equipment repair, giving fee for *tukang pocok*,¹⁰⁹ and be cost when ship is under repair.

At issue is the amount of money LW erratic even more cut the wages of the ABK. LW money is determined solely by the *Majikan* or *jeragan*. There are two ways of making money LW:

3. *Nyeret* or dragging some basketball fish before the auction , then sold to fish middlemen or *tengkulak*. The result will be taken and used the money LW as vessel operating costs .
4. Take a few percent of the money overall results of haul. Usually it will take 10% of 100 % of haul.

As an example of prevailing Cost of LW can be understood below:

Result of haul	: Rp 100 Million
Amount of LW	: 10% from Haul Result

¹⁰⁸ Tolib Setiadi, *Intisari Hukum Adat Indonesia* (Dalam Kajian Kepustakaan), Alfabeta, Bandung, page 340.

¹⁰⁹ *Tukang Pocok* means someone who help bring down fish from ship to TPI.

: $\frac{10}{100}$ x Rp 100 Million

: Rp 10 Million

We know that amount of LW is Rp 10 Million. It will be used for many things and allocated for:

1. Paying *Belah Mocok*¹¹⁰
2. Paying *Belah Watang*¹¹¹
3. Paying *Kancuran*¹¹²
4. Changing broken ship tools
5. Paying Ship Renovation such as buy paint; buy new net; buy lamps etc.

LW fund allocation itself is not explicitly communicated to the ABK or ABK because of the secret itself for the Employer. But there are also employers who entrusted to *Jeragan*. But when it was entrusted to one of the ABK, the ABK was required to shut up. As it is said by Mustahal that if the employer has characteristic “*doyan duit*” his own money then will be eaten by the employer. Not to mention the money LW very influential on the amount of wages to be received by the ABK, because it was taken out of the overall results of fishing.

Justices Common conception John Rawls consist of a main idea which is: “: All social primary goods-liberty and opportunity, income and wealth, and the bases of self-respect-are to be distributed equally unless an unequal distribution of any or all of these goods is to advantage of the least favored”.¹¹³

According to Bentham relating with *The Greatest Equal Principle*, this purpose will be caught for all of people (Every to count for one,

¹¹⁰ *Belah Mocok* means: The workers who put basket of fish from ship to TPI (Fish Auction Place)

¹¹¹ *Belah Watang* means: The wrokers who has duty to fullfil ABK’s need on the ship such as cooking

¹¹² *Kancuran* means: The workers who help to fulfil operational thing on the ship

¹¹³ A Theory., p. 303

nobody for more than one). But it doesn't mean that, human as an individual or personal become goal in society structure. In *Utilitarianism* theory, human as individual is not to be cared, because in this theory satisfaction distribution never been paid attention. It means, we will catch up a satisfaction as great as possible, but asked for also that some person to sacrificing oneself by greater happiness for another group. It is meant, that according to them greater satisfaction for some people is sufficiently compensation for the decreasing satisfaction another group. The effect the people that have been lucky will be luckier more, and this luck is carried away from unlucky people anymore, it explicitly that with such way man is treated as medium, economic principles are be accentuated for human personal need.¹¹⁴

Based on data from LW system that prevailed in fishing communities Sarang, then the employer is one who obtained a huge advantage as ship owner. Employers will be more fortunate, while the ABK would be miserable. Pursued a satisfaction that is as big as possible, but also that certain people are asked to sacrifice themselves for the sake of greater happiness for the other group.

In this case the employer pursuit of satisfaction as much as possible, but the ABK are required to sacrifice himself for the happiness and satisfaction of the Employer. As a result, people who have been lucky to be luckier again, and this advantage is taken away from those who are less fortunate. It is clear that in this way humans are treated as a means, economic principles take precedence over the needs of the human person.¹¹⁵

¹¹⁴ Dr. Theo Hujibers, *Filsafat Hukum dalam Lintasan Sejarah*. Kanisius, Jogjakarta. 1982.

¹¹⁵ Dr. Theo Hujibers, *Filsafat Hukum dalam Lintasan Sejarah*. Kanisius, Jogjakarta. 1982.

Unclear allocations of money LW make the ABK feel very burdened. LW load being pinned to the result of haul so it will reduce the value of the sailor's wages. This makes the ABK complained about the system. Actually, there have been several associations ABK who wants to complain the system, but there is no agency that regulates fishing wages distribution system. Moreover, the ABK fear that if they protest on employers, will affect its position that it is possible to be demoted or dismissed from his ship. It is advised because the ABK had no option other than fishermen work, because it does not have provisions for opening a business

C. New Formulation for Better Sailors Life

1. Welfare for ABK

a. Anticipation for ABK Need

Fishermen in the area Sarang just relying on fishing as income to fulfil their family need. They do not have any skills that could sustain revenue apart from the fishermen. So if they do not go to sea, then there is no inflow of funds to meet their respective needs.

There are several things that cause them not to fish that damage to the ship and inclement weather. An ABK will generally follow the same employer, except when the ship was damaged continuously. ABK will stop going to sea if the ship was damaged, they will repair the vessel or in terms Sarang called *Ngaes*.¹¹⁶ Usually the ABK that the ship was damaged, they will be offered to go to work on other boats driven the need to provide for the family.

¹¹⁶ *Ngaes* means repairing ship such as colouring with paint, changing broken tools of ship etc.

Because fishermen can not go to sea the second was not as friendly weather, usually called the *baratan*¹¹⁷. This weather makes fishing much idle because they fear big waves could endanger his life if daring sea. In addition to allowing the loss of lives, dared to sea when the weather is not friendly will also cause damage or sinking the ship so that material loss is also a fear of its own for the employer.

In this case, according to the author, employers already have to think about what will happen to the ABK if the ship stopped at sea. The ABK will experience a financial crisis that led to the unfulfilled needs of families. The employer must provide the ABK welfare by providing bailouts to the ABK. This bailout could be taken from money LW. LW money is not clear allocation should be utilized for the welfare of ABK, not for the satisfaction of their own profits for the employer.

Each home from fishing employers will attract 10% of total revenue for the LW. The employer must set aside a certain percentage of money LW to be used as a bailout if the vessel is damaged or the weather was not friendly. So that the ABK can still provide for the family even if they do not go to sea.

b. Compensation of Disaster

For Sarang people community who includes as *wong mbelah* (the subculture of fishermen) relations between the cleaving looks more fluid and full of a sense of kinship. For example, when one of the ABK members affected by disasters, accident, illness or death, they will look to feel the temptation. This was evidenced if there is one unfortunate ABK, and then another ABK will coordinate itself to ease the burden on the

¹¹⁷ *Baratan* means the wind that comes from west, as usual it makes wave will be bigger.

ABK. They would come to his house and give Santa a material to ease the burden.

But the problem here is the responsibility of the ship to ABK that got unfortunate or disaster. Employers as a ship owner just pay less attention to the welfare of the ABK when it comes to the disaster. Employers will provide free of charge.

Employers are more up to the principles espoused by the ABK when they are affected by disasters. This means that any money given by their employer they will receive with open arms. They call it *sak pawehe* (whatever he wants) Employer. ABK is not going to ask, but if given compensation by the employer they will receive with pleasure.

Employers are supposed to be sensitive to the welfare of the ABK, especially if one of the ABK members affected by disasters. The form of compensation shows the degree of accountability of the ship as an ABK to work.

Compensation for the unfortunate ABK could be made irregular by taking a few percent of the money LW. During the allocation of money LW unclear, should be explained from the beginning of the allocation of its users. So the distribution of the assets could be distributed fairly, not only benefit those who have been lucky (or employer), but more profitable people who are less fortunate (or ABK).

Justice should be understood as *fairness*,¹¹⁸ in the meaning not only they which have talent and just better ability that deserve to enjoy various of more social benefit, but that gain should also open opportunity for them who is the less fortunate to increase the life prospect. In the related to that thing, excess morality responsibility from them what make a profit should be placed on importance frame of their group that is less fortunate.

¹¹⁸ Frank N Mc Gill (ed), *Masterpiece of World Philosophy* (New York: Harper CP, 1990)

2. Ship Bureaucracy System

a. Career Opportunities

Second Priority is relationship between two part principles of justice second one. Based on Justice principle according to John Rawls that secondly is:

“Social Inequitably and economic must be managed in such a way so needs to be noticed principality or two following principles, which is *the different principle and the principle of fair equality of opportunity*. Both are expected to give greatest luck for people the less fortunate, and gives confirmation that with condition and same chance, all position and responsible position has to be opened to everyone (Principle distinctive Objective).”

There are several types of workers in the ship with the duties and responsibilities are different. Each position of workers and the duties and responsibilities carried will determine the amount of wages to be received. In the election to fill the position of the ship ABK refers to the local custom. It's not same within office and factory that opening career path, in a different ship systems. ABK designation made by one party and not put career ladder system, for example by looking at the progress of the work and be better.

For example in *Jeragan* election, this position is the captain of the ship or in control. *Jeragan* have the greatest responsibility in the ship because one influences whether or not the work ethic of other workers are also affected by it. This position handpicked by the employer, but there is no clear basis for selecting *Jeragan*. According to an ABK named Nasir, he found ABK election system based only on the Hierarchy, which is selected based on the

closeness of kinship. Due to the presence of elements of relatives, *Jeragan* will be easy to work together cooperatively. While the most basic elements of such a capacity and capabilities were taken as second priority.¹¹⁹

As for the election *Belah ngarep* will be elected directly by *Jeragan* addition to seeing the skills needed to be *Belah ngarep*, consideration of proximity is also needed, so *Jeragan* will determine the character of the right to determine *Belah ngarep*. But the system did not impose a Sarang ship opening career opportunity for anyone who has integrity and great progress. So that the ABK should do work hard without thinking about his future that can not be progressed.

The authors provide a new formulation for the better the lives of sailors, namely the opening of career as a tribute to anyone who has achievements in the ship. So that the ABK will do work hard to improve their own abilities.

Seeing the different wages distribution between ABK one another based on their duties on the ship, then it could be considered fair. Because each position to know where the most strenuous task that he will be paid more than those with relatively lower task.

We understand justice as a certainty of unprotected various feasibility which is different and think that everything and everyone equally, justice like this identical with the cruel (*dzalim*) itself. If we have consideration that giving equally is justice action, so doesn't giving for everyone equally also should be considered as actions of justice. General consideration that the cruel (*dzalim*) is done equally to everyone, it means the justice comes from system of thought suitable with it. Whereas if we understand that justice is

¹¹⁹ Interview with one of ABK named Nasir, on Friday 7 September 2014 at 18.30 in Bajing Jowo Village

equality protected when the feasibility is the same, that definition can be accepted, because, justice implicates and requires equality like that.

The different principle doesn't demand same benefit(*equal benefit*) to everyone, but benefit that its reciprocal character(*reciprocal benefit*), for example an employee which is competent of course will be more appreciated as compared to employee that doesn't competent. Here justice as *fairness* really emphasize principality of reciprocity, but it is not meant only *simply reciprocity*, wealth distribution is done without seeing differences objective between society members. Therefore, in order to be guaranteed a play rule that is objective so acceptable justice as *fairness is pure procedural justice*, it means is justice as *fairness must* proceed all at once reflected through fair procedure to guarantee also fair result.

BAB V

CONCLUSION

A. Conclusion

Sailor society geographically is people who live in coastal area which is their mean of supports are managing fishery resource potential. Ship with all elements in it is like a society where there are various positions and its own duty. There are such social strata based on amount of wages that will be received, the authority and responsibility of the duty. In *Pantura* (Javanese North Beach) including in Sarang Meduro Village, Sarang Sub district, Rembang Regency, from the highest position until the lowest one in sailor society environment, it is known terms like *Majikan* or Employer (the ship owner), *Jeragan* or ship officer (the highest leader in ship), *Belah Ngarep* (worker), *Belah Tengah* (ship crew) and *Kancuran* (lower crew). Those who have high position will have implication in wealth and their social classes. This category also influences the amount of their wages division.

In this study, writer analyze ship bureaucracy system in Sarang begin from wages distribution system, cost of LW until social stratification of sailors life with using point of view from Theory of Justice by John Rawls. This election theory considered by writer is very appropriate with the problem that happened in the bureaucracy system of ship in Sarang. After doing research, explaining and analyzing in previous chapters, it can be concluded that:

1. Generally, wages distribution practice that occurred in Sarang is the result 100% of haul that had been sold in TPI will be decreased by supplies cost and LW cost first. Then will be divided become two parts, 50% for *Majikan*, and 50% for ABK. Among the ABK, the 50% then will be divided again by one condition, which is divided by 25 parts then it is

added with 9 parts. Writer found *Majikan* exploitation from prevailing LW system. Based on data from LW system that prevailed in fishing communities Sarang, then the employer is one who obtained a huge advantage as ship owner. Employers will be more fortunate, while the ABK would be miserable.

2. After analyze the problem with point of view by John Rawls's Theory of Justice, the writer states that ABK Sailors like being in a *veil* called *ignorance* or *without knowledge*. Sarang Sailors feel alienated from the system that prevailed by the employer, ranging from wages distribution procedure, until cost of supplies. Firstly, in wages distribution system, writer found problem that is vagueness of LW allocation. This LW system becomes self-profit for *Majikan*. On contrary, this system will influence more torment ABK. Secondly, writer found that the pricing supplies by the employer are not very logic, a lot of swelling prices. Cost of pricing supplies changed into a separate business for the employer. ABK never know information about that, because *Majikan* strongly prevent it. In the area of the fishing village of Sarang there is social interaction proceeding in which reciprocal relations arise both between individuals and between individuals and groups so that the structure can not be denied arise social stratification those are *Majikan*, *Jeragan*, *Belah Ngarep*, *Belah Tengah* and *Kancuran*.

B. Suggestion and Recommendation

1. Suggestion

The writer analyzes the problem that occurred in bureaucracy system of Sarang sailors with using the Theory of Justice by John Rawls. It will be interesting study and get large scope if we can research it with many points of views. It needs to be explored further from the sociological, anthropological, economical even impact to the religiousness aspect. And this research is also limited by two questions of the research which do not scope many aspects. Therefore, the

authors suggest the next researchers who have concern for the problems people to conduct deeper analysis with many perspectives. It will be useful for giving contribution to the sailors society in Indonesia such as how to create better life exactly for sailor society.

2. Recommendation

a. For *Majikan*

Writer gives new formulation system for better life of Sailors in Sarang those are firstly about welfare for ABK those are giving anticipation of ABK need if ship stops fishing or there is unfriendly wind (*baratan*) and secondly compensation for disaster such as if ABK got illness or passed away. Secondly about bureaucracy system that is opening career opportunity.

b. For Government

Writer argues that government should give deep monitoring to the distribution system which is prevailed in Sailors exactly in traditional fisherman. Recently, there are many exploitation that very torment ABK and on contrary very give more profit for *Majikan*. With deep monitoring from government expected create balance and justice for all elements.

C. Closing

The research that has been done is still very far from what is required by an expert of anthropologist, sociologist and philosopher of Indonesia. This research is still far from the expected target due to lack of knowledge, references, time, and perseverance. So, building critics are needed to get better result of research.

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