

# "Lebak Lebung Auction" Fisheries Resources Management Based on Local Authority in South Sumatera"

**"Lelang Lebak Lebung" is Local Wisdom –based Fisheries Resource Management in South Sumatera**

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## ABSTRACT

Lebak Lebung is a term used by the people of South Sumatera to refer to seasonally flooded waters or floodwaters. The term Lebak Lebung is only known in the area of South Sumatera. According to the scientific understanding of the meaning of Lebak Lebung swamp is a floodplain which is lowland on the banks of a river which is flooded when the river water disappears (during the rainy season). According to the data from The South Sumatera Marine and Fisheries Service (2015), the total inland waters of South Sumatera covering 2.5 million hectares and 43 % are in the form of Lebak Lebung swamps. The Lelang Lebak Lebung activity in managing fisheries resources is one of the ways to contain regulations that play an important role and aim to maintain the balance between fishing and the availability of fish resources to be captured so that the fish population can maintain its balance and sustainability

**Keyword :** *Balancing and sustainability, Lebak lebung, Local wisdom, Inland waters, floodplain,*

## I. PRELIMINARY

### 1.1. Background

Most of the waters in South Sumatra consist of public waters. Public waters are parts of the surface of the earth that are permanently or periodically covered by surface water, both freshwater and brackish water, which are general (Gaffar, 2013).

The area of public waters in Indonesia, whether in the form of lakes, reservoirs, rivers, swamps, lebak and others reaches 55 million hectares during the rainy season or around 18 million hectares during the dry season. From these public waters, there are various types of fish of economically important value, both consumption and ornamental fish species. Public waters have become fishing grounds, both capture fisheries and fish farming.

According to data from the South Sumatra Maritime and Fisheries Service (2015), the area of South Sumatra's public waters reaches 2.5 million hectares, consisting of 43% lebak, large rivers and offspring 31%, lakes 11% and 15% swamps. The productivity of lebak swamp is quite high because of the high nutrient content derived from decomposition of decaying foliage. Lebak Lebung swamp waters can be used as a fishery business both for fishing and fish farming with a cage or pond system, especially in lebak swamp where the water is high enough and not dry in the dry season.

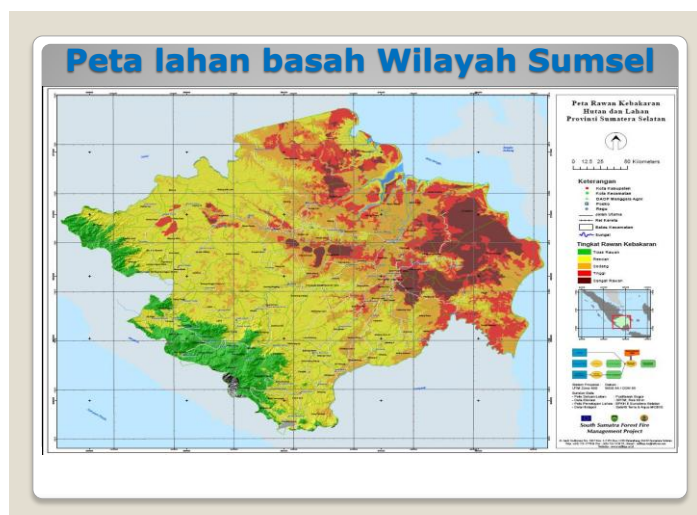


Figure 1. Map of lowland areas in South Sumatra Province

Considering that most of the areas in South Sumatra are lowlands (yellow in Figure 1) consisting of public waters, mainly in the form of lakes, reservoirs, rivers, lebak and flooded swamps, the role of waters as fish protein suppliers in South Sumatra has a function that very important because it involves the lives of many people. (Muslim, 2008), in South Sumatra public waters are not only used as a place to fish, but also as the main transportation that connects between regions. Here are some functions of public waters: as fish habitat, transportation facilities, sources of clean water for households and the fishing industry, sources of electricity, agricultural aeration and tourism.

Lebak Lebung area consists of lebak, lebung and river which are naturally in high tide season as a place for fish development and at low tide where people work on rice fields or for other agricultural purposes. Lebak lebung is a very fertile area because it contains many nutrients and also natural food for fish. Besides that, swamp lebak lebung is very important as a producer of freshwater fish (Samuel, Susilo and Zahri, 2002). These waters are classified as productive and can function as areas for food, spawning areas and nurseries for fish (Utomo and Ashari, 1999).

To maintain the preservation of fish catch resources, effective and integrated management of aquatic ecosystems is needed. One way of managing ecosystems that has long been applied in South Sumatra is the establishment of the Lebak Lebung auction area in river, lake, and swamp flood waters. Conservation of fish resources is an effort to protect, preserve and utilize fish resources, including ecosystems, species and genetics to guarantee, preserve the sustainability of their resources, availability and sustainability while maintaining and increasing the quality and diversity of fish resources (Government Regulation RI Number 60 of 2007 ).

Because the term Lebak Lebung is only known in the area of South Sumatra which is a local wisdom in the field of fisheries, the authors consider it important to raise this topic with the title "Lebak Lebung Auction" Management of Fisheries Based on South Sumatra Local Wisdom.

## 1.2. Purpose

The purpose of this article is to :

- Understanding the meaning of Lebak Lebung
- Understanding the ins and outs of the implementation of Lebak Lebung Auction activities in South Sumatra
- Learn the advantages and disadvantages of Lebak Lebung Auction
- Providing suggestions and opinions for the preservation of local wisdom in the Lebak Lebung auction in South Sumatra.

## II. LITERATURE REVIEW

### 2.1. History of Lebak Lebung Auction

Lebak lebung is a term used by the people of South Sumatra to refer to seasonal inundated waters or flooded swamps. the term lebak lebung is only known in South Sumatra Province. According to the scientific understanding of lebak lebung swamp waters is a floodplain swamp waters (floodplain) is a low plain on the riverbank that is inundated when the river water overflows (during the rainy season). In South Sumatra Province, the potential of the Lebak Lebung swamp waters is quite large. According to data from the Office of Maritime Affairs and Fisheries of South Sumatra Province (2002), the area of South Sumatra's public waters is 2.5 million ha and 43% is in the form of swamp lung lebung.

Lebak Lebung auction is a system of control of public waters in South Sumatra, especially tributaries that are flooded swamp (lebak lebung). The control of waters by the Marga Government has been stated in the "Simboer Tjahaya Oendang-oendang". This law is the oldest law, which has been used since the seventeenth century in the area of Palembang Darusalam Kingdom.

The original text of this law was written in an ancient Arabic script, compiled and implemented around the year 1630, when the Kingdom of Palembang Darussalam was ruled by Queen Sinuhun Seding. Since the government of Sri Sultan Abdurrahman, the area of Palembang has expanded, this law has been amended and expanded with a regional law called the Sindang Merdika Law. Thus in accordance with developments, this Act was changed by the invaders and made into a customary law, no longer a constitution.

The Marga government has full authority over the people in its territory. The Marga government was led by a clan leader called Pasirah. Pasirah is a person that is highly respected by the people in Marganya.

The Dutch East Indies government at that time confirmed the custom of auctioning these waters with IGOP Stbl. 1919. No.814 (*Inlandsche Gementee Ordonantie Palembang*). Broadly speaking, the purpose of the auction lebak lebung is to:

1. Obtain finance for clan cash who need funds for construction and payment of salary officials.
  2. Arranging fishing activities so there will be no struggle between the fishermen and illegal fishing.
- Meanwhile fishing activities in the waters, including in the rivers continue. Then in 1973, the Regional Representative Council of the Province of South Sumatra (DPRD SUMSEL) established a Regional Regulation (Perda) TK I. South Sumatra Province No.

8 / PERDASS / 1973/1974 dated July 14, 1974 concerning the lebak lebung auction. This Perda in principle regulates the uniformity of regulations on the procedures for auctioning lebak lebung in clans in the Province of South Sumatra. The Perda was first changed to a Perda TK. I. South Sumatra Province No. 6 of 1978. This change in principle concerns changes in clan cash arrangements. The amendment is 70% for Kas Marga to become the TK.II Regional Government Cash concerned.

With the Republic of Indonesia Law No. 5 of 1979 concerning Village Government, the Marga Government system in the South Sumatra Region no longer exists. The clan government system was replaced by the Village Government system. Thus the Head of Clan (Pesirah) no longer has power over its people and also its natural resources (lebak lebung). But the Lebak Lebung auction system is still being continued based on the Decree (SK) of the Governor of KDH TK I South Sumatra on November 5, 1982 No. 705 / KPTS / II / 1982 concerning the delegation of authority to conduct lebak lebung auction to TK II Region in the Province of TK I South Sumatra Province. Then some TK II Regions made Regional Regulations (Perda) regarding the auction of lebak lebung in their respective regions. Musi Banyuasin (Muba) Regencies District Regional Regulation No. 09 of 1985, in Muara Enim Regencies Regulation No. 05 of 1987, in Ogan Komering Ilir (OKI) Regencies, Bylaw No. 28 of 1987. Now, each regency has changed the regional regulation several times regarding the auction of lebak lebung. The local regulation (Perda) of Ogan Komering Ilir (OKI) Regencies has been updated, namely Perda No. 8 of 2001 concerning lebak lebung auction in OKI Regencies.

## **2.2. The Process of Implementing Lebak Lebung Auctions**

### **2.2.1. Auction object**

The object of the auction is fish resources, namely all types of fish and other aquatic biota found in the lebak lebung and river areas, except for biota that is protected by statutory regulations. Determination

of the auction object is based on community proposals determined by the Regent's decree (SK) as the head of the region.

The object of auction can be in the form of lebak lebung, rivers and other waters. However, not all waters can be used as auction objects. The waters that cannot be auctioned include: (1) the main river that functions as a transportation route, (2) the coastal area as far as 4 nautical miles measured from the coastline to the high seas and / or towards archipelagic waters, (3) nyurung land, is an area when low-water land is contained in a river and when high water is submerged by river water, (4) a fishery reservoir / reserve contained in the Lebak or Lebak River.



**Gambar 2. Lebak Lebung**

### 2.2.2. Auction Committee

The composition of the auction committee consists of:

- a. Person in charge : Regent
  - b. Auction Supervisor :
    - Chairman : regional Secretary
    - Secretary : Head of Village Administration Section
    - Member : 1. Head of Regency Fisheries Service
    2. Head of Law and Organization
    3. Head of Finance
    4. Head of Revenue Service
  - c. The auctioneer :
    - Chairman : district chief
    - Secretary : district chief secretary
- Recipient Treasurer : District staff appointed by the district chief and Legalized by Decree of the Regent as
- Treasurer Receiver / Depositor
- Member : Kpl District Fisheries Service Office
- Kpl Desa appointed by the district chief

Other elements according to the designated needs district chief

### 2.2.3. Pengemin

A manager is an auction participant or person who wins an auction. If a participant gives the highest bid of an auction object, and the person can pay in cash at that time, then that person is called a manager.

#### **2.2.3.1. Obligations and prohibitions of the developer**

1. Every developer is not permitted to lead more than 3 (three) auction objects
2. Implement and comply with the instructions and technical guidance from the Fisheries Service
3. Using labor (fishermen) from the village around the auction object
4. At the end of the auction period that has been determined, the developer must return the waters of the auction object that was attempted to its original state
5. The craftsman are prohibited from inhibiting and endangering water traffic
6. The craftsman is prohibited from harming farmers when processing rice fields which are included in the lebak lebung area that is auctioned.
7. The craftsman is prohibited from reselling the management rights to third parties.
8. The craftsman prohibited from nesting in lebak that has been planted with rice and opening water dams used for irrigating rice fields.

#### **2.2.3.2. The craftsman Rights Protection**

1. Everybody is prohibited from catching, nesting, fishing, taking fish and other aquatic biota from auction objects that have been won by the developer without permission from the owner.
2. Exceptions to the above provisions are for the owners of rice fields whose rice fields are included in the Lebak Lebung area which is only a reasonable food necessity and is not for sale

#### **2.2.4. Protection of rights and restrictions for rice field owners**

1. Every one is not allowed to make artificial melting on land / rice fields which are included in the Lebak Lebung auction area, unless there is permission from the Regent
2. Lebung or river inheritance for ownership and inheritance must be authorized by the Regent and recorded in the auction Register.
3. If in point 2 above a dispute occurs, the settlement is through the District Court (PN).
4. Against the melt or river or legacy legacy that already exists and belongs to the community, if the water is still in the right of the owner to take the fish but if the water has receded automatically becomes the owner with the obligation to contribute to the Regional Government adjusted to the extent.
5. Provisions regarding the amount of contributions referred to in item 4 shall be stipulated in a Decree of the Regent.
6. The craftsman is prohibited from destroying the rice that has been planted by the owner of the rice field / rice processor.
7. The craftsman is prohibited from nesting in paddy fields that have been planted with rice, except with permission or agreement from the owner / processor of the paddy fields.
8. The owner of a rice field who plants rice in his field which is auctioned must be within 3 meters of the lebak / lebung that is auctioned.
9. Natural Lebung which is found in paddy fields which is included in the Lebak Lebung auction object is absolutely the owner's right and the penguin is obliged to give rewards to the owner of the land / paddy by 35%.

#### **2.2.5. Auction Implementation**

1. Lebak Lebung auction is conducted by the auction committee on the same day.
2. If the auction is not appropriate on that day, it can be continued the next day.
3. The auction is conducted openly, directly in public with a gradual bidding system with a standard price set by the Regent, with the proposal of the sub-district head.
4. The committee did not accept a written offer.
5. The auction period is valid from January 1 to December 31 of the current year.
6. Before bidding on the auction object, the auction will first announce the number of auction objects to be auctioned and the number of eligible bidders and observers present.
7. For each auction object, the auctioneer must state the boundaries of the auction object area and the standard price.



8. If the provisions of points 1 to 4 above are not fulfilled, the auction is canceled.
9. Bidders who bid the highest pay cash in the form of cash at the auction price at the same time to the treasurer / recipient.
10. If the participant with the highest bid cannot pay cash at that time, the auction falls on the participant who bids at the second highest price and if the second bidder cannot pay cash at that time too, then the auction is canceled and repeated immediately.
11. For bidders who cannot pay the bid price (as in item 10), they will be fined 10% of the highest bid price and will not be allowed to participate in the bid object at the time of the re-bid.
12. If the highest bidder is deemed unfair by the bidding committee, the bidding committee may stop and cancel the bid for the auction object referred to by the tender supervisory committee.
13. Against auctioned objects that cannot be sold can be offered again for auction and if they are still unsold, they will be returned to the local Government C.q. District Fisheries Service.
14. The auction committee and auctioneer are not allowed to double as bidders.
15. Civil servants, TNI, POLRI, regional officials, village heads and village officials are prohibited from participating in bidders.
16. The auction committee announced back to the public the auction objects that had not been sold.
17. Re-auction for auction objects that have not been sold as referred to in item 13 shall be carried out in accordance with regional regulations.
18. The re-auction as referred to in item 16 shall be carried out no later than 30 days after the first auction.
19. If the provisions of items 17 and 18 are not fulfilled, the auction shall be declared null and void.

#### **2.2.6. Distribution of Auction Results**

The distribution of auction results is as follows:

- a. 2% for the Camat as the chief executive in the subdistrict area
- b. 3% for the village head in regency
- c. 5% for village officials in the Regency
- d. 5% for BPD (Village Representative Body) in the Regency
- e. 2% for traditional stakeholders in the Regency
- f. 4% for the District Fisheries Service to carry out technical and conservation guidance
- g. 55% of the village treasury as Village Government revenue which is used for development costs
- h. 24% for the regions.

From the results of the division it can be seen that the results of the Lebak Lebung Auction can increase the source of village income, in addition to increasing employment.

### **III. DISCUSSION**

#### **3.1. Judging from the Benefits of Lebak Lebung Auction**

If seen from the benefits of the Lebak Lebung auction it is actually very noble, namely:

1. Get financial resources for the village treasury who need funds for construction and payment of village officials.
2. Arranging fishing activities so there will be no struggle between the fishermen, as well as
3. Reducing illegal fishing (illegal fishing), so that conservation of fishery resources can be maintained.

From the above objectives, it has been arranged for the use of natural resources economically and regulates their use for the benefit of many people and so that there is no destructive and excessive fishing (illegal fishing). But besides that the most important thing is the need to maintain a balance between the use of fish resources that can be done with the balance of natural abilities available for conservation purposes.

### 3.2. Judging from the Impact of the Lebak Lebung Auction

According to Nasution, Z (2008; 2012), regency regions that have lebak lebung land are Ogan Komering Ilir (OKI), Ogan Ilir (OI), Musi Banyuasin (MUBA), Banyuasin (BA) and Muara Enim (ME) Regencies. The auction in the five regencies each had different impacts, but in general there were positive and negative impacts. For the government generally a positive impact because the auction lebak lebung become a source of regional income (PAD), while for the community there are those who feel profitable (positive) and some who feel disadvantaged (negative).

#### 3.2.1. Positive impact

- a. With this auction system, it can increase the Regional Original Revenue (PAD).
- b. Opening employment as fish processing entrepreneurs such as (salted fish, salai fish, fish and fish processed products such as fish crackers) and fish catchers.
- c. Fostered communication and mutual cooperation between fishing fishermen.

#### 3.2.2. Negative impact

- a. Fishers / fish farmers whose capital level is low, receive less attention in protecting business opportunities. Those who win the auction are always people with strong capital while fishermen are on the weak side
- b. There is always a prolonged conflict between the land owner and the owner, the land owner is no more than a spectator
- c. The competition of the pengemin to win the auction which from year to year is increasing causing the preservation of fish resources from year to year seen a decline in public water areas
- d. Catching tends to use large tools such as funnels, tuguk, kerakat, ponds, will endanger the preservation of fish resources
- e. Pondok operational costs, fixed fishing gear (tuguk, funnel and etc.) quite high, 3-5 years durability. If the following year not win then the tool must be withdrawn.
- f. The basic price of the auction based on the previous basic price (Regional Regulation of the OKI Regency in 2001) is less realistic and the condition of the waters (fish potential) is not always greater than the previous year.
- g. The auction winner usually sells back to several fisherman cultivators so that the price is cumulatively more expensive than the original price
- h. Obligations to clear waters are almost said to be of no concern
- i. With the cultivation of lebak lebung by pengemin, opportunities for the community to develop fish culture will be hampered, making land optimization difficult.
- j. The social gap between the leader / owner of the strong capital and the fishermen whose condition does not change, will often cause social unrest and intrigue in the community and this must be watched out for.
- k. Small fishermen in carrying out fishing activities are very dependent on the rules made by the auction winner, for example : the price of fish is determined by the winner of the auction, and must be sold to the winner of the auction, the fishing area is restricted, the fishing community even though it has long lived in these waters if violating the rules will still be driven out.
- l. Beach and bad land areas being auctioned are against the TK.I Regional Regulations. South Sumatra No. 18 of 1984 article 13 (coastal waters are prohibited from being auctioned)
- m. The closure of fish migration from one location to another, this disrupts fish breeding
- n. Disturbing the reservoir on the deep lebak because it also took part in the auction
- o. The principle of ownership belongs to the government. Optimal utilization of fish resources from Lebak Lebung does not go to the people who have the right to use Lebak Lebung, but the right to enjoy monopoly profits for one party.

### 3.3. Some Notes for Repairing Lebak Lebung Auctions

1. From the negative impacts arising from the Lebak Lebung Auction, there are a number of records that can be put forward regarding the implementation of the lebak lebung auction in South Sumatra, for future improvements, including: Local fishermen and / or farmers in lebak lebung auction often cannot become 'masters in their own land'. In the future the winner of the Lebak Lebung auction should be prioritized for farmers / fishermen groups in the region, so as not to cause social jealousy between farmers / fishermen and strong capital owners.
2. Difficulties in the process of disbursing funds from banks to farmers / fishermen groups due to classical obstacles (low quality human resources and weak business management, lack of collateral, high-risk fishing businesses and lack of concrete guarantees of marketing results). For this reason, the role of the Government Bank in disbursing the People's Business Credit must be maximized and the requirements are not complicated.
3. The working group formed each time the auction is temporary. Because of that the relationship between the pacher or pengemin with the ax occurs every time the auction. Thus it is assumed that the "inner connection" in the working relationship is loose. Whereas groups that remain with a tight working relationship will be the basis for the formation of fishermen groups that can be developed into cooperative institutions, which will formally be able to open up opportunities for working capital.
4. The auction validity period is only one year and there is no certainty for the following year. This can trigger a weak sense of ownership that will reflect how much responsibility for the preservation of fisheries resources in the area. Therefore the proposed validity period can be 2-3 years.
5. The auction winner often resells the land he has won at a higher price. So there are indications he took part in the auction just to take advantage only. Going forward the rules must be tightened, if it is found out that the winner of the auction resells the land, then the results of the auction can be canceled and the management transferred by another party.
6. Land that has been won does not need to be limited / closed in such a way that it does not interfere with fish migration from one location to another and does not interfere with fish breeding.
7. Because the focus of the auction is to achieve regional income, while the rules regarding the preservation of fish resources are even almost ignored. This condition must be immediately corrected, namely by strengthening regulations and raising the awareness of all parties so that the function of the river can be achieved to the fullest, while still paying attention to its balance and sustainability.
8. Often reservoirs in the deep lebak also participate in auctions, so that the fish resource ecosystem and the environment are also disrupted. This should not happen, there needs to be an awareness of all parties to maintain the diversity of genetic resources (germplasm) and preserve the use of species and ecosystems.

### **3.4. Steps to Ensure Sustainability of Aquatic Resources**

In order to guarantee the preservation of water resources (economic and ecological value), the following areas need to be considered for the following lebak lebung auctions:

1. Bidders are people who are responsible for the utilization of water resources, that is, responsible for economic and ecological sustainability.
2. It needs to be activated by the institution/service in charge of evaluating the stock/population potential
3. It is necessary to consider the management of fish resources in an integrated and community-based manner by forming fishermen groups.
4. The concern of the auction winners to the preservation of fish resources so that the population is sustainable by using selective fishing gear and providing an asylum/reservoir area.
5. The auction is not held once a year, given the high cost of fishing gear, so the manager does not drain the available fish resources. Must pay attention to sustainability for their children and grandchildren.



6. Reserves do not participate in the auction.

With the steps above, it is hoped that the balance and sustainability of fisheries resources can be maintained for the continuation of our children's generations.

#### IV. CONCLUSION

From the results of the previous discussion it can be concluded as follows:

1. Lebak Lebung auction is one of the local wisdoms of fisheries management in South Sumatra.
2. Lebak Lebung Auction Activities in managing fisheries resources is one of the methods that contain regulations that play a very important role and aims to maintain a balance between fishing and the availability of fish resources to be captured, so that the fish population can be maintained in balance and sustainability.
3. In the field implementation, Lebak Lebung Auction activities have both positive and negative impacts. The positive impacts need to be preserved continuously and the negative impacts need to be evaluated for improvements

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