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# Joint Security Efforts to Combat IUU Fishing in the Waters of Indonesia

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## ABSTRACT

*Illegal, Unreported, and Unregulated (IUU) Fishing still being a significant threat to marine security and the sustainability of Indonesia's fishery resources. IUU Fishing has occurred a lot in the Fisheries Management Area of the Republic of Indonesia (FMARI) in the form of illegal fishing by foreign fishing vessels or destructive fishing methods that are not according to provisions in fishing national law. It provides an excellent loss for Indonesia regarding social, ecological/environmental, and economic aspects. First, this study aims to construct legal arrangements in Indonesia related to eradicating IUU Fishing by analyzing cases in Indonesia's maritime areas and implementing resource-based theory in analyzing the issues. Second, to find the international legal efforts that Indonesia can make in eradicating IUU Fishing. The research method used is normative research with a statute and conceptual approach. The research was conducted by analyzing primary legal materials in the form of regulations by considering the data obtained in the field. Consequently, the data that will be studied are government action in minimizing the impact and international cooperation established by Indonesia in handling IUU Fishing in the waters of the Unitary State of the Republic of Indonesia. The conclusion is that eradicating IUU Fishing requires international cooperation through joint security between Indonesia and the bordering states. In the context of eradicating IUU Fishing in Indonesia, law enforcement also needs improvements for violations of the law on fisheries.*

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## KEYWORDS

*illegal, unreported, and unregulated (IUU) fishing, joint security, international cooperation, national waters*



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## Introduction

Indonesia, the third largest fish catch-producing state in the world with the main export markets of Asia and the United States, continues to play an active role in law enforcement to combat Illegal, Unreported, and Unregulated (IUU) Fishing. Success in eradicating IUU Fishing requires an active role from all states involved in fishing activities to ensure the compliance of business actors following applicable laws at the national, regional, and international levels.

This geostrategic condition presents an excellent opportunity for Indonesia's economic growth as well as various challenges. This, for example, includes massive illegal fishing by Chinese, Vietnamese, and Malaysian ships in the North Natuna Sea and Malacca Strait as well as rampant smuggling of goods and marine products at the border (for example, Nunukan Island and Sebatik, which is the border of Indonesia and Malaysia). IUU Fishing has become a global concern that causes problems of decreasing fish resources and the environment, slavery, and economic loss. Losses due to IUU Fishing globally are estimated to be between 10–23.5 billion USD per year, while for Indonesia, it is estimated at around USD 4 billion per year (Indonesia Ocean Justice Initiative, 2021). State losses due to illegal fishing activities in Indonesian waters reach USD 4 billion annually, equivalent to IDR 56.13 trillion. Note that the estimated loss of illegal practices, IUU Fishing reached

USD 15.5 billion to USD 36.4 billion from 11-26 million tons of fish caught (Communication Bureau, 2021).

According to Food and Agriculture Organization (FAO) data, Indonesia is currently the third largest in the world in terms of fishery production state, after China and India. Around 63.49 % of Indonesia's fishery resources have only been utilized from the total sustainable potential, but some areas experience overfishing conditions. Note that overfishing is caused by the decline in the quality of the marine environment or damage from pollution that occurs in the sea area. Another reason is that the fishing rate of fishermen exceeds the limit of the sustainable potential of fishery resources. This problem must be addressed because if not, problems will occur to Indonesia's fishery resources, such as IUU Fishing, waters that have an overfishing status due to a large number of IUU Fishing will trigger IUU Fishing actions in other waters, such as in Indonesia (Kumala et al., 2021). The enormous losses experienced by Indonesia due to IUU Fishing activities are causing Indonesian fishermen to be less prosperous. This leads to economic losses for the state from the fisheries sector, which reach 300 trillion per year.

IUU Fishing practices have numerously occurred in the Fisheries Management Area of the Republic of Indonesia (FMARI), both in the form of illegal fishing by foreign fishing vessels and in the form both illegal fishing by foreign fishing vessels or destructive fishing methods that are not according to provisions in fishing national law. It is becoming worse with the complexity of using marine resources that have an external impact on fish resources and the environment. It certainly provides a genuine loss for Indonesia regarding social, ecological/environmental, and economic aspects (Laporan Kinerja, 2020). IUU Fishing reduces the potential of fishery resources in Indonesian waters. This impacts the export value of Indonesia's primary fishery commodities. Other than that, IUU Fishing not only affects the possibility of fishery resources but also poses a threat of environmental damage to Indonesian waters (Narwati & Kumala, 2023). There has been no scientific calculation of the damage to fish resources and the environment due to IUU Fishing practices and destructive fishing activities.

Foreign fishing vessels that often illegally enter Indonesian waters are fishing vessels originating from China, Malaysia, Vietnam, Thailand, and the Philippines. These fishing vessels enter using various modus operandi, and then the fishermen exploit marine resources in Indonesian waters to be sold in their states with multiple profits. During September and October 2021, marine security threats in Indonesia's Exclusive Economic Zone (EEZ) were identified from external factors with increasingly diverse variations. The first threat is illegal fishing by (a) Vietnamese and Chinese fishing vessels in the northern zone of the North Natuna Sea, (b) Malaysian fishing vessels in the Malacca Strait; and (c) Sri Lankan fishing vessels in the Indian Ocean west of Sumatra. Note that the second maritime security threat came from Chinese research ships accompanied by warships and Chinese Coast Guard ships with an increased threat intensity compared to the previous months (Indonesia Ocean Justice Initiative, 2021).

Furthermore, one can find an interesting trend that the number of Vietnamese crew members arrested by the Ministry of Maritime and Fisheries Affairs from year to year continues to increase, most of the Vietnamese crew members are arrested in the Natuna Sea, which is included in the State FMARI 711 due to the abundance of potential fish resources in the Natuna Sea, and Vietnamese crew members still consider Natuna waters to be included in Vietnam's territory. Meanwhile, the number of Filipino and Thai crew members arrested has decreased yearly (Table 1).

**Table 1. Nationality of crew members arrested by PPNS Fisheries January 2014 to November 2017**

<b>Nationality of crew members arrested by PPNS Fisheries January 2014 to November 2017</b>						
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>	<b>Percent</b>
Vietnam	73	354	674	790	1,891	44.81
Indonesia	194	85	387	401	1,067	25.58
Philippines	70	181	366	64	681	16.13
Thailand	119	84	84	18	305	7.22
China	25	68	7	1	101	2.39
Myanmar	6	25	46	14	91	2.15
Malaysia	0	2	35	4	41	0.97
Cambodia	0	2	34	2	38	0.90
Laos	0	0	4	0	4	0.09
Taiwan	1	0	0	0	1	0.02

Source: Ministry of Maritime and Fisheries Affairs of the Republic of Indonesia 2017

According to the data released by the Indonesian Marine and Fisheries Affairs Ministry, since the beginning of the year until April 2021, they have succeeded in arresting 82 foreign fishing vessels that have committed illegal fishing in Indonesian waters. The Eastern Indonesian waters encompass several regions, namely: a) Papuan waters, which consist of Sorong, Bintuni Bay, Fakfak, Kaimana, Merauke, and Arafuru waters; b) the Maluku Sea and Halmahera Sea; c) Tual Waters; d) the Sulawesi Sea; e) the Pacific Ocean; f) Indonesian-Australian waters; and g) East Kalimantan waters. For the western waters of Indonesia, it includes a) the waters of the northern part of Kalimantan, the South China Sea area; b) the waters of Nanggroe Aceh Darussalam (NAD); c) Malacca Straits; d) North Sumatra (Pandan Waters, Sibolga Bay); e) Karimata Strait; Tambelan Island waters (waters between Riau and West Kalimantan); f) Natuna Sea (South China Sea); g) The waters of the Island of Gosong Niger (West Kalimantan) (Table 2).

**Table 2. Number of IUU Fishing Cases 2018–2023**

<b>Year</b>	<b>Number of IUU Fishing cases</b>
2018	193
2019	151
2020	158
2021	137
2022	82
January – July 2023	35

Source: Ministry of Maritime and Fisheries Affairs of the Republic of Indonesia

As a coastal state, Indonesia primarily prevents and eradicates IUU Fishing in Indonesia's EEZ. It was confirmed by the International Tribunal of the Law of the Sea (ITLOS) when interpreting Articles 62 (4), 192, and 194 of UNCLOS 1982 concerning the obligations of flag states in IUU Fishing matters. These steps include supervision, inspection, and law enforcement, especially against ships threatening fish resources' sustainability in Indonesia's EEZ.

## Methodology

The research focuses on conditions in Indonesia related to the division of fishing areas and events or cases in Indonesian territory. Subsequently, the authors analyze data on cases associated with IUU Fishing in Indonesian territory related to the legal arrangements in force in Indonesia and international cooperation carried out by Indonesia and bordering states to protect Indonesia's sea territories and solutions to related problems. Related to this research innovation is the preparation of reconstruction using the strategy of securing the Indonesian sea area. This research is expected to provide theoretical and empirical evidence related to the construction of Indonesian legislation and its implementation to secure Indonesia's maritime territory.

### 1. Indonesia's Involvement in Indonesia's Global Initiative Against IUU Fishing

Based on Article 5 paragraph (1) of Law No. 31 of 2004 concerning Fisheries, as amended by Law No. 45 of 2009, the FMARI consists of Indonesian waters, the Indonesian Exclusive Economic Zone (EEZ), rivers, lakes, reservoirs, swamps, and other puddles that can be cultivated in the territory of the Republic of Indonesia. With the breadth of the FMARI for fishing, capture fisheries have an essential role in providing food, employment opportunities, trade, and community welfare. Hence, it needs to be managed with sustainability-oriented management.

To strengthen the capture fisheries management system, the government, through the Ministry of Maritime and Fisheries Affairs (MMFA), has authorization to manage fishery resources and has grouped the FMARI for fishing activities into eleven regions. Note that they are stipulated by the MMFA Regulation No. PER.01/MEN/2009 concerning the Fisheries Management Area of the Republic of Indonesia (Table 3).

**Table 3. Waters of Fishing Management Area of Indonesia**

No.	Code of FMARI	Waters of Fishing Management Area of Indonesia
1.	571	Malacca Strait; and the Andaman Sea
2.	572	Indian Ocean (West of Sumatera); and Sunda Strait
3.	573	Indian Ocean (South of Java until South of Nusa Tenggara); Sawu Sea; West Timor Sea
4.	711	Karimata Straits; Natuna Sea; and South China Sea
5.	712	Java Sea
6.	713	Makasar Strait; Bone Bay; Flores Sea; and Bali Sea
7.	714	Tolo Bay; and Banda Sea
8.	715	Tomini Bay; Maluku Sea; Halmahera Sea; Seram Sea; Berau Bay.
9.	716	Sulawesi Sea; and North of Halmahera Island
10.	717	Pasific Ocean and Cendrawasih Bay
11.	718	Aru Sea, Arafura Sea, and East Timor Sea

Source: The Ministry of Maritime and Fisheries Affairs of the Republic of Indonesia Decree No. Kep.50/Men/2012 concerning the National Action Plan for the Prevention and Countermeasures of Illegal, Unreported, And Unregulated Fishing 2012–2016

Indonesia continues to be committed to eradicating IUU Fishing practices. In 2001 Indonesia ratified the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated (IPOA-IUU Fishing), namely FAO instruments or regulations aimed at combating and reducing IUU Fishing in their states.

One of the efforts is strengthening the role of fishing ports as the implementation of the Port State Measures Agreement (PSMA) ratification through Presidential Decree No. 43 of 2016. This PSMA ratification also reinforces Indonesia's position and commitment to eradicating IUU Fishing activities. Moreover, the PSM Agreement implements the Constitutional mandate to protect Indonesia's natural resources, especially fishery resource wealth. It complements strengthening the national legal regime, particularly the law of the sea and fisheries. In addition, this is a form of Indonesia's concern for global efforts to eradicate IUU Fishing through strengthening cooperation between port states. Participation in this Agreement also complements Indonesia's membership as a party to the 1982 UNCLOS and the 1995 UN Fish Stock Agreement.

Regarding strengthening the function of fishing ports, Indonesia recently issued a regulation, namely Government Regulation No. 11 of 2023, concerning Measured Fisheries. Under Article 18, paragraph 1, Fishing Vessels that catch fish on FMARI must land their caught fish at the Base Port specified in FMARI. Even if the catch is transferred to a fishing vessel, the fish must be obliged to land the caught fish at the same base port as the base port of the fishing vessel. One of the objectives of making such a regulation is to prevent and reduce IUU Fishing in Indonesia.

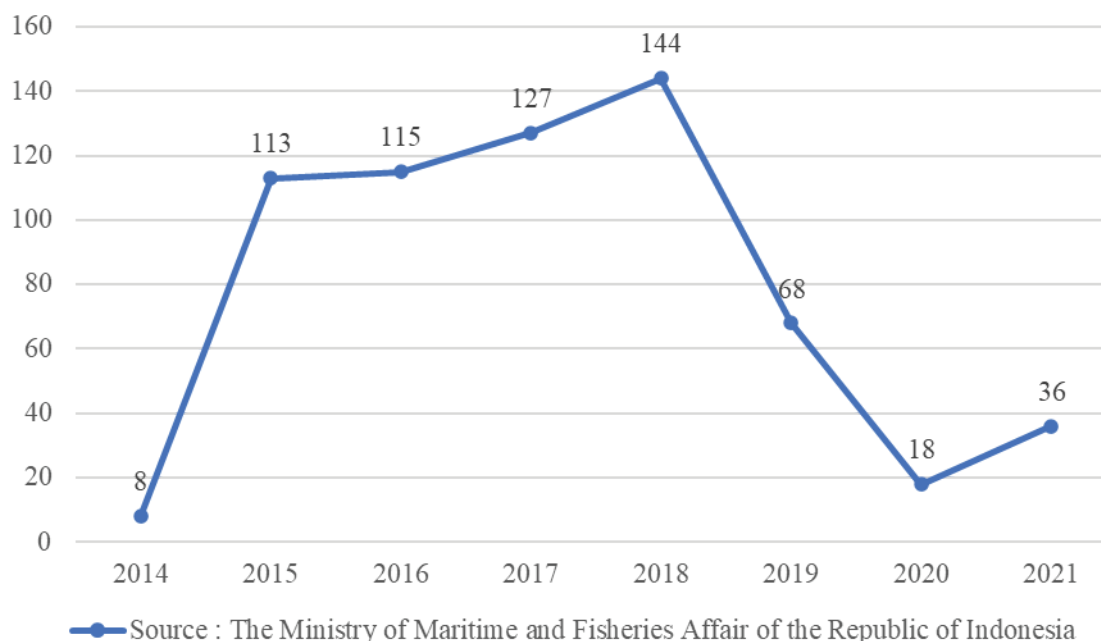
In addition to strengthening the function of fishing ports, there are other national regulations related to Illegal Fishing, namely: a) Law No. 6 of 2023 concerning Stipulation of Government Regulation instead of Law No. 2 of 2022 concerning Job Creation to become law; b) Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries; c) Law No. 5 of 1983 concerning the Indonesian Exclusive Economic Zone (EEZ); d) Law No. 21 of 1992 concerning Shipping; e) Law No. 6 of 1996 concerning Indonesian Waters. The sinking of foreign fishing vessels is one form of the Indonesian government's efforts to tackle and eradicate IUU Fishing. The Indonesian government has given a mandate to officers overseeing the Indonesian seas to be able to take firm action, one of which is by sinking foreign fishing vessels carrying out illegal fishing practices in Indonesian waters. Note that it is done based on Law No. 31 of 2004 and regulated in Article 45 of Law No. 8 of 1981 concerning the Criminal Procedure Code. The policy of sinking foreign vessels carrying out illegal fishing is a specific act of destroying confiscated property. This destruction can be done by sinking, burning, drowning, and blowing up. (Table 4).

Meanwhile, the Ministry of Marine Affairs and Fisheries Republic of Indonesia has issued Regulation of the Minister of Maritime and Fisheries Affairs No. 39 of 2019 concerning implementing Port State Provisions to Prevent, Obstruct, and Eradicate IUU Fishing. This regulation contains the implementation of PSM, institutions, mechanisms, and procedures for foreign ships entering the port, education, and training for PSM officers, as well as monitoring and reporting.

In addition, the Ministerial Decree of Maritime and Fisheries Affairs No. 52 of 2020 concerning ports where Port State Regulations are Implemented to Prevent, Hinder, and Eradicate IUU Fishing has been issued. In the decision, the Maritime and Fisheries Affairs Ministry appointed four ports that foreign vessels could enter, namely the Nizam Zachman Jakarta Ocean Fishing Port (PPS), Bitung PPS, Bungus PPS, and Benoa Seaport. Note that Indonesia has a minimum Standard Operating Procedure (SOP) for port state measures that must be fulfilled by all Indonesian fishing ports, public campaigns for PSM provisions and denial of port services for fishing vessels indicated to practice IUU Fishing. Not only that, Indonesia will also increase collaboration and exchange of information between national institutions, including supervision and control between port states, coastal states, FAO, Regional fisheries management organizations (RFMO) and other organizations. In addition,

it also encourages the implementation of the Global Record of Fishing Vessel, Global Information Exchange, and the use of e-PSM between states that have ratified PSMA.

**Table 4. Number of foreign vessels involved in IUU Fishing sunk by the Government of Indonesia**



Source: The Ministry of Maritime and Fisheries Affairs of the Republic of Indonesia

## 2. International Cooperation with Other States

Law No. 31 of 2004 concerning Fisheries, as amended by Law No. 45 of 2009, expressly states the importance of Indonesia in cooperating with neighboring states or with other states in the context of conservation and management of fish resources in the high seas, among others by notifying and submitting relevant evidence to the state flag of origin of the ship suspected of carrying out activities that may create obstacles in the conservation and management of fish resources, as well as being active in membership of regional and international bodies/institutions/organizations in the framework of regional and international fisheries management cooperation.

International cooperation is a process among interconnected states (Putri, 2019). In his Introduction to International Politics: A Theoretical Overview, William D. Coplin explains that cooperation was initially formed because states wanted to carry out new and better routine interactions for common goals (Coplin, 1971).

Indonesia's efforts to overcome cross-border illegal fishing activities are not easy and enough to be done by the Indonesian government alone. Moreover, Indonesia has made various efforts to protect its marine resources against Illegal Fishing, starting from independent efforts from the state-to-state efforts to cooperate to eradicate Illegal Fishing. However, this still does not guarantee that the number of Illegal Fishing in Indonesia will decrease. It is still necessary to optimize efforts against Illegal Fishing cases and the protection of Indonesia's marine resources.

Bilateral cooperation between Indonesia and neighboring states in the region, which are also fellow ASEAN member states, need to be developed to overcome the problem of illegal

fishing, which has threatened Indonesia's fishery resources. This bilateral cooperation needs to be developed to strengthen the regional commitments that ASEAN built in 2008 through the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices, including Combating IUU Fishing in the Region. The RPOA collaboration is adopting the International Plan of Action (IPOA) to Prevent, Deter and Eliminate IUU Fishing. This means that regional commitments alone are not enough because it is proven that illegal fishing practices in the region, including in Indonesian waters, are conducted by fellow fishermen from ASEAN member states and, therefore, must be strengthened through the development of bilateral cooperation.

Bilateral cooperation between Indonesia and neighboring states in the region, especially between Indonesia and the state where their fishing vessels or fishermen often enter Indonesian waters illegally, also needs to be built and developed. This takes into consideration that this illegal activity has seriously threatened the existence and sustainability of natural resources. The topic of discussion pertains to the fisheries resources in Indonesia. Through the development of bilateral cooperation between Indonesia and neighboring states in the region, illegal cross-border fishing activities are expected to be appropriately handled. At least four neighboring states of Indonesia need to pay attention to countermeasure illegal fishing bilaterally. Thailand, Vietnam, the Philippines, and Malaysia are the four neighboring states because their fishing vessels or fishermen often enter and catch fish illegally in Indonesian waters. Most foreign vessels carrying out illegal fishing activities in Indonesian waters come from the four neighboring states (Mubarok, 2017), although there are also several other states. Indonesia cooperates with several states to overcome IUUF in Indonesia's marine areas.

First, Joint Maritime Security between Indonesia and Thailand: Indonesia and Thailand, through their respective governments, have made efforts to build commitments to cooperate in overcoming illegal fishing (Agastia, 2021). There is an Agreement between the government of the Republic of Indonesia and the Government of the Kingdom of Thailand on Cooperation in the Field of Defense 2015 concerning defense and security, containing about building mutual trust, building the defense capacity of the Republic of Indonesia, and strengthening the defense industry of the Republic of Indonesia. Other than that, a Memorandum of Understanding (MoU) related to cooperation in the marine and fisheries sector focuses on eradicating IUU Fishing because this could harm both states in 2002 (Rikzan, 2018). This cooperation aims to prevent cases of illegal fishing can disrupt relations between the two states. One form of cooperation that will be developed is to invite Thai investors to be involved in the fish processing process. Through this collaboration, Thai fishing vessels operating in Indonesia can process their catch into finished products while still in Indonesian territory. The Indonesian government wants Thailand not only to catch fish but also to process it in Indonesia. Through this kind of cooperation, it is hoped that it will reduce or prevent illegal fishing activities by Thai fishermen. Thailand is also interested in protecting Indonesian fishery resources for the continuity of their own business in Indonesia. The location designated for establishing the fishing industry is Tual, in Maluku, which is the national fish barn (Batubara et al., 2016). Within the framework of bilateral cooperation in the fisheries sector, the possibility of irregularities may occur and, therefore, must be watched out for and anticipated by both parties if the two states want to build and develop cooperation in the fisheries sector transparently and genuinely.

Second, Joint Maritime Security between Indonesia and Vietnam: Indonesia and Vietnam have also tried to build cooperation in overcoming illegal fishing. Indonesia and Vietnam have agreed to cooperate in the fisheries sector, but Indonesia requires Vietnam to commit to countermeasure illegal fishing in Indonesian waters. Indonesia asked Vietnam to stop their fishing vessels from entering Indonesian waters illegally. Illegal fishing occurs, among other

things, because of the unresolved water border between Indonesia and Vietnam. There is an MoU on Marine and Fisheries Cooperation in 2021 for cooperation between the two states in the marine and fisheries sector. The agreement in the form of an MoU was signed by the Head of Indonesia Maritime Security Agency, Laksdya TNI Dr. Aan Kurnia, and the Vietnam Coast Guard Commander Major General Le Quang Dao in two different places, namely the Vietnam Coast Guard Headquarters and at the Indonesian Bakamla Headquarters. The MOU contains: First, in the field of capacity building related to maritime security and safety through joint exercises, training, education, workshops, and seminars. Second, the implementation of a speech between fellow coast guards. Third, information sharing and communication. Fourth, search and rescue operations and crime prevention activities at sea. Fifth, visit the port. And sixth, law enforcement activities include eradicating illegal, unregulated, and unreported fishing activities while still taking into account the sovereignty of each state (Ngurah, 2020)

Third, Joint Maritime Security between Indonesia and the Philippines. There is no specific agreement between Indonesia and the Philippines regarding efforts to eradicate illegal fishing. Moreover, both states do not yet agree on maritime boundaries, especially in the north and south of Miangas Island, where traditional fishermen often use the territorial waters from both states to find fish. The Joint Border Committee (JBC) and the Joint Commission for Bilateral Cooperation (JCBC) have an agenda for regular sessions to bridge bilateral border issues between the two states and the issue of illegal fishing. The Government of Indonesia and the Philippines held the 11th Joint Permanent Working Group Meeting on Maritime and Ocean Concerns (JPWG-MOC) in 2021. A discussion forum between Indonesia and the Philippines was established in 2003 to discuss bilateral and regional issues regarding marine governance. The issues covered in the JPWG-MOC discussion include maritime boundary delimitation, safety and security of navigation at sea, conservation and management of fisheries, cooperation in law enforcement between the two states, as well as other maritime issues. The meeting resulted in the EEZ Agreement and improved communication; renewal of the MoU regarding maritime and fishery cooperation. More intensive discussions between relevant agencies in enhancing maritime security and safety cooperation were also included. Moreover, the outcome resulted in the identification of several similar positions between the two states in the negotiation of international instruments on biodiversity beyond the reach of national jurisdictions and the use of the international seabed area and the achievement of an agreement to further enhance cooperation between the two states in another international forum (Ministry of Foreign Affairs, 2021).

Fourth, Joint Maritime Security between Indonesia and Malaysia. The issue of illegal fishing in Indonesia and Malaysia relations has a different nuance. Fishermen from each party feel that they have not violated the territory, while the security forces at the border see from the other side that the fishermen are considered to have violated the boundary of the territorial waters and therefore need to avoid it or be arrested and then detained and detained. Legally. This Indonesia-Malaysia bilateral cooperation was built and developed, in addition to avoiding among field officers, specifically also aimed at preventing and overcoming illegal cross-border activities at the border, including illegal fishing (Long et al., 2020).

Fifth, Joint Maritime Security between Indonesia and the United States of America (USA) Indonesia in eradicating IUU Fishing, Fisheries Crime, and related crimes, as well as ocean preservation, has a cooperation agreement with the USA as follows:

Joint Declaration on Comprehensive Partnership between Indonesia and USA which is signed on Jakarta, November 9, 2010;

Indonesia MMFA and the United States Department of Justice signed the Maritime Domain Awareness Development Assistance agreement in Jakarta on September 4, 2014;



The Memorandum of Understanding on Maritime Cooperation between Indonesia and the United States of America was signed in Washington, DC, on October 24, 2015;

Agreement between and Skytruth concerning Partnership on Global Fishing Watch which was signed on October 13, 2015;

Technical Arrangement Indonesia MMFA and USAID regarding the Implementation of Intermediate Results 3.2 of USAID Assistance Agreement No. 497-AA-030 (the USAID Marine Biodiversity and Sustainable Fisheries Program), signed in Jakarta, Indonesia, July 29, 2016;

The Memorandum of Understanding (MoU) on the Oceans and Fisheries Partnership (Oceans) – Indonesia Activities was executed between the Indonesia Ministry of Marine Affairs and Fisheries (MMFA) and the United States Agency for International Development (USAID) Regional Development Mission for Asia. This agreement was officially signed on February 16, 2017, in Jakarta.

There are several benefits to Indonesia's bilateral cooperation with other states, including:

First, reduce illegal fishing activities carried out by illegal foreign fishing vessels in Indonesia and the ASEAN region. Through cooperation between states, we will get technological assistance, integration of marine security and safety systems, and capacity development of Human Resources in law enforcement in fisheries. Second, expanding Science and Technology cooperation in the Marine Sector. Indonesia can conduct joint observations and research on marine ecosystems based on this marine cooperation, including oceanographic research and climate change diversity. These advantages will enhance understanding of the complex interactions between the ocean and the atmosphere and the ability to predict long-term climate and ecosystem change responses. In addition, this collaboration allows the prevention and treatment of marine pollution caused by the negligence of particular parties or accidents. Third, improving marine security capacity building to meet ship security standards to detect and prevent maritime security threats: narcotics smuggling, human trafficking, piracy, and weapons smuggling. In this case, Indonesia needs to secure maritime areas and ports to achieve maritime security as a manifestation of the world maritime axis.

### **3. Law Enforcement of Illegal, Unreported and Unregulated (IUU) Fishing in Indonesia**

The 1982 UNCLOS granted coastal states the right to law enforcement and application of their national legal rules regarding fishing in their EEZ. If there are indications of committing a violation, the coastal state can detain the foreign vessels by informing the ship's flag state and then setting a deposit. Law enforcement against violations of IUU Fishing in the EEZ has its efforts, and this is because of the interests of the coastal state (Chapsos et al., 2019). There are also the interests of the flag state. Therefore, if viewed from international law regarding law enforcement against IUU Fishing in the EEZ, according to Article 73 paragraph (1) UNCLOS 1982. It is explained that if foreign vessels do not comply with the fishing laws and regulations of the coastal state in the EEZ, the coastal state can board, inspect, arrest and conduct judicial proceedings against said foreign ship, as necessary to ensure compliance with laws and regulations stipulated under the provisions in UNCLOS 1982 (Kuemlangan et al., 2023; Urbina, 2022).

Therefore, the coastal state can enforce the enactment of its national laws against violations committed by foreign fishing vessels carrying out IUU Fishing in their EEZ area. To exercise its authority by Article 73 paragraph (1) of the 1982 UNCLOS, the coastal state is equipped with provisions in Article 111 of the 1982 UNCLOS. It authorizes the coastal state to carry out hot pursuit of foreign fishing vessels based on sufficient initial evidence that the vessel has violated the laws and regulations of the coastal state. Article 73, paragraph (3) UNCLOS 1982 explains

that the punishment given to foreign fishing vessels may not include imprisonment if there is no agreement between the states concerned. Subsequently, the captured ship and crew must be immediately released (prompt release) after giving a reasonable bond or other form of guarantee to the coastal state under Article 73 paragraph (2) UNCLOS 1982 in the case of arrest or detention of fishing vessels. The coastal state must immediately notify the vessels' flag state through appropriate channels regarding the actions taken and any penalties subsequently imposed by the coastal state against the foreign fishing vessel (Article 73 paragraph (4) UNCLOS 1982).

In addition to international laws governing law enforcement against IUU Fishing in the EEZ, Indonesia also regulates law enforcement against IUU Fishing. Related to national law enforcement regarding IUU Fishing, it has been contained in Law No. 5 of 1983 concerning the Indonesian EEZ in Article 13, namely: In Order to exercise sovereign rights, other rights, jurisdiction, and obligations as referred to in Article 4 paragraph (1), the authorized law enforcement apparatus of the Republic of Indonesia may take law enforcement actions by Law no. 8 of 1981 concerning the Criminal Procedure Code. Based on the Republic of Indonesia regulations, every foreign or local vessel entering the Indonesian EEZ to make arrests must first have a fishing permit (Sorotan, 2022). In carrying out law enforcement in the Indonesian EEZ, the Government of the Republic of Indonesia has enacted Law No. 5 of 1983 concerning the Indonesian EEZ. The competent law enforcers of the Republic of Indonesia may take law enforcement actions per Law No. 8 of 1981 concerning the Criminal Procedure Code, with the following exceptions:

1. The arrest of vessels and/or people suspected of committing violations in the Indonesian EEZ includes stopping the vessels until the vessels and/or people are handed over at the port where the case can be processed further.

2. The submission of the vessel and/or people must be carried out as quickly as possible and may not exceed seven days unless there is a force majeure situation.

3. For detention, the criminal acts regulated in Article 16 and Article 17 are included in the category of criminal acts referred to in Article 21 paragraph (4) letter b of Law No. 8 of 1981 concerning the Code of Criminal Procedure. Referred the criminal acts regulated in Article 16 and Article 17 include activities in the form of:

- a. Economic Exploration and Exploitation activities such as power generation from water, currents, and wind in the Indonesian EEZ that do not have a permit from the Government of the Republic of Indonesia or based on international agreement with the Government of the Republic of Indonesia.

- b. Strategies for constructing artificial islands, installations, or other structures within the EEZ of the Republic of Indonesia without permission from the Indonesian government.

- c. Scientific research activities in the Indonesian EEZ that do not have a permit from the Government of the Republic of Indonesia.

Vessel sinking is according to the Law of the Republic of Indonesia No. 31 of 2004, later amended by Law No. 45 of 2009 concerning fisheries. So far, sinking fishing vessels has complied with procedures established by national regulations. According to applicable law, this process of action can be carried out immediately or through the courts. The policy of vessels sinking is a form of the government's seriousness in eradicating the global issue of IUU Fishing. It is intended to protect the territory and sovereignty, create a deterrent effect, and secure the sea from foreign plunder. Note that the sinking of fishing thief vessels is an effort by the government to show the obligation to protect the territorial waters and natural resources (Putri et al., 2017).

The government's policy of vessels sinking so far, the application has complied with applicable legal procedures. The process prior to the execution of the sinking, according to the court's decision, is: 1) Vessel sinking conducted by the investigator as the executor takes into account the vessel's safety and coordinates with the relevant agencies. 2) Ensuring the condition of the sunken vessels is free from objects/substances that can cause environmental pollution.

In addition, the sinking of foreign vessels can be found in Article 69, paragraph (4) of the Fisheries Law, which reads: (1) Fishery supervisory vessels have the function of carrying out supervision and law enforcement in the field of fisheries within the FMARI. (2) Fishery supervisory vessels may be equipped with firearms, as referred to in paragraph (1). (3) Fishery supervisory vessels may stop, inspect, carry, and detain vessels suspected of or reasonably suspected of committing violations in the FMARI to the nearest port for further processing. (4) In carrying out the functions as referred to in paragraph (1), fishery investigators and/or supervisors may take extraordinary actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence (Ismail et al., 2018).

Regarding law enforcement in the Indonesian EEZ, it pertains to maritime security, specifically in the field of fisheries. Article 14(1) of Law No. 5 of 1983 concerning the Indonesian EEZ designates TNI-AL Officers. Meanwhile, Article 73(1) of Law No. 45 of 2009, amending Law No. 31 of 2004 concerning Fisheries, authorizes Civil Servant Fisheries Investigators and Indonesian National Police Investigators for investigations.

In the process of illegal fishing cases in Indonesia, several cases have been decided by the Fisheries Court at the National District Court of Indonesia; for example, the LKM Ship BD 95599 TS has received a verdict. In the verdict, the Panel of Judges of the District Court handed down a criminal verdict against the captain of the vessel for his actions of committing IUU Fishing by operating a foreign fishing vessel and conducting fishing without being equipped with a Fisheries Business License and Fishing License in the Indonesian EEZ as threatened in Article 92 Juncto Article 26 paragraph (1) Juncto Article 102 of Law No. 31/2004 on Fisheries as amended by Law No. 45/2009 on Fisheries. The legislation in question is Law No. 31 of 2004 regarding Fisheries, modified by Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 regarding Fisheries. The legal provisions on the subject matter at hand can be found in Article 93, paragraph (2) in conjunction with Article 27, paragraph (2) in conjunction with Article 102 of Law No. 45 of 2009, which pertains to the amendments made to Law No. 31 of 2004 concerning Fisheries.

The sentence given by the Panel of Judges to the captain of the vessel, who is also the vessel's owner responsible for IUU Fishing, is in the form of a fine of Rp 200,000,000.00 subsidized by three months imprisonment. When viewed from the sanction given by the Panel of Judges to the defendant in this case, Indonesia has implemented law enforcement regarding the act of IUU Fishing per the provisions of International Law and National Law, which is reflected in the decision given by the Panel of Judges to the defendant in the form of a fine without imprisonment as stated in Article 73 paragraph (3) of UNCLOS 1982 and Article 102 of Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries, namely that the punishment given to foreign fishing vessels may not include confinement, if there is no agreement between the states concerned. Therefore, law enforcement to protect Indonesia's EEZ from IUU Fishing violations committed by foreign fishing vessels has been implemented well by the Indonesian government because it has succeeded in arresting foreign fishing vessels that enter EEZ waters without violating the applicable provisions.

## Conclusions

IUU Fishing, which often occurs in Indonesian waters, causes losses to Indonesia, not only material losses but also environmental damage. The eradication of IUU Fishing in Indonesia cannot only be completed by Indonesia because most fishing vessels that violate are from neighboring states. Moreover, eradicating IUU Fishing requires international cooperation through joint security between Indonesia and the bordering states. International cooperation provides several benefits for Indonesia, including reducing IUU Fishing, expanding science and technology cooperation in the marine sector, and increasing maritime security.

In the context of eradicating IUU Fishing in Indonesia, law enforcement also needs improvements for violations of the law on fisheries. All agencies that have law enforcement authority in the marine and fisheries sector up to Indonesia EEZ, namely the Indonesia Navy, MMFA, and Maritime Security Agency need to work together and carry out coordinated patrols so that the presence of warships and/or official government vessels can take place continuously.

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**Віната Р. Т., Кумала М. Т. Спільні зусилля із забезпечення безпеки для боротьби з ННН-рибальством у водах Індонезії. – Стаття.**

Незаконне, неповідомлюване та нерегульоване (ННН) рибальство залишається значною загрозою морській безпеці та сталому розвитку рибних ресурсів Індонезії. ННН-рибальство часто має місце у Зоні управління рибними ресурсами Республіки Індонезія (FMARI) і здійснюється у формі незаконного рибальства іноземними рибальськими суднами або руйнівними методами рибальства, які не відповідають положенням національного законодавства про рибний промисел. Це завдає значної шкоди Індонезії у соціальній, екологічній та економічній сферах. Це дослідження спрямоване, по-перше, на створення правових механізмів, пов'язаних із викоріненням ННН-рибальства в Індонезії, шляхом аналізу випадків такого рибальства у морських просторах Індонезії та впровадження теорії ресурсів при аналізі проблем. По-друге, авторами здійснено спробу пошуку ефективних міжнародно-правових зусиль, яких може докласти Індонезія для викорінення ННН-рибальства. У дослідженні використано метод нормативного дослідження у поєднанні зі статутно-концептуальним підходом. Дослідження проводилось шляхом аналізу первинних правових матеріалів у формі нормативно-правових актів з урахуванням даних, отриманих на місцях. Таким чином, вивчені дані є діями уряду щодо мінімізації впливу та міжнародна співпраця, налагоджена Індонезією у боротьбі з ННН-рибальством у власних водах. Автори підсумовують, що викорінення ННН-рибальства потребує міжнародного співробітництва шляхом забезпечення спільної безпеки між Індонезією та суміжними державами. У контексті викорінення ННН-рибальства в Індонезії практика роботи правоохоронних органів щодо протидії порушенням законодавства про рибальство також потребує удосконалення.

**Ключові слова:** незаконне, неповідомлюване та нерегульоване (ННН) рибальство, спільна безпека, міжнародна співпраця, національні води.

