



Handling of Illegal Fishing Based on Legal Perspectives in Indonesia

Fauziyah¹, Fitriana Dina Rizkina², Ahmad Rihnu Erzal Wahyudi³

¹Faculty of Law Universitas Muhammadiyah Jember, E-mail:

fauziyah@unmuhjember.ac.id

²Faculty of Agriculture Universitas Muhammadiyah Jember, E-mail:

fitrianadina@unmuhjember.ac.id

³Faculty of Law Universitas Muhammadiyah Jember, E-mail:

rihnuerzal01@gmail.com

Article Info

Received: 28th May 2023

Accepted: 29th September 2024

Published: 30th September 2024

Keywords:

Illegal Fishing; Law Enforcement; Interoperability.

Corresponding Author:

Fitriana Dina Rizkina,

E-mail :

fitrianadina@unmuhjember.ac.id

DOI:

10.24843/JMHU.2024.v13.i03.p13

Abstract

Indonesia is a source of illegal, unreported and unregulated (IUUF) fishing because Indonesia is a maritime country with estimated fish resources of 9.9 million tons per year. Indonesia prohibits IUUF because it violates the provisions of UNCLOS 1982, Law no. 45/2009, and Law No.32/2014. This research aims to determine the handling of Illegal Fishing based on statutory regulations related to law enforcement problems and a recommended model for institutional forms of law enforcement coordination for handling Illegal Fishing that is integrated on a cross-sector basis. The results of the research explain that handling illegal fishing in Indonesia is an action that violates the provisions of UNCLOS 1982, Law of the Republic of Indonesia Number 45 of 2009, and Law of the Republic of Indonesia Number 32 of 2014. In addition, Task Force 115 was formed to support initiatives in strengthen law enforcement against IUUF in Indonesia. Therefore, a platform that can combine various facilities from various institutions into an integrated data and information center can be developed through the Task Force 115 Control Center, which is used to manage interoperability. Then, Ministerial Regulation Number 37/PERMEN-KP/2017 was revised to provide a more concrete legal basis for outlining the implementation of interoperability, guaranteeing more effective cooperation between institutions, and overcoming sectoral ego constraints.

I. Introduction

The real implication of this is that foreigners could potentially enter Indonesian maritime and border areas illegally in order to plunder the country's marine wealth. Illegal fishing (IF) is quite likely to occur in Indonesian waters. Even now, Vietnamese, Filipino, and Malaysian foreign fishing vessels still engage in IF in Indonesian waters. The Directorate General of Marine and Fisheries Supervision detained 652 fishing-related vessels between 2010 and 2015, including 210 Indonesian fishing vessels and 442 foreign fishing vessels.

The 488 IF vessels that were sunk between April 2016 and April 2019 were. Illicit, unreported, and uncontrolled fishing is a subcategory of illicit fishing. The International Plan of Action (IPOA) defines IUU fishing as fishing that occurs within a nation's territorial seas but is not authorized, reported, or regulated. Apart from the situation of fisheries in other nations with limited seas and natural resources, factors causing IUU fishing in Indonesian waters are also restricted to the Indonesian fishery management system. The size of Indonesia's sea waters, which necessitates a large number of ships and personnel to manage and supervise fisheries and marine natural resources, is a major factor in the country's still-limited fishing system.¹

The conflict between regional traditional fishermen and foreign fisherman is the first IF effect in Indonesia. For instance, using trawlers, particularly those from Thailand, Myanmar, the Philippines, and Taiwan, may result in disputes with nearby fisherman. Another illustration of a social impact is the termination of employment (PHK) for employees at fish processing plants as a result of a lack of fish raw materials (social impact through IF). Second, IF in Indonesian waters resulted in economic costs for Indonesia. The Minister of Maritime Affairs and Fisheries reported on December 1, 2014, that IF had suffered economic losses totaling \$20 billion (240 trillion rupiah). Third, IF operators' use of trawling equipment, fishing bombs, disposal of old engine oils, and/or ship ballast water degrade the maritime ecology.²

Based on Presidential Decree Number 115 of 2015 about the Illegal Fishing Eradication Task Force, issued October 19, 2015, the Task Force was established to eradicate illegal fishing. This Task Force was ostensibly established to aid efforts to end illegal fishing. To arrange The Secretary to the Marine Corps and Fisheries Task Force Commander are in charge of Task Force 115, the organization that oversees this collaboration. Four government agencies, including the Directorate General of Marine and Fisheries Resources Supervision within the Ministry of Maritime Affairs and Fisheries, the Indonesian Navy, the Marine Police within the Regional Police, and the Maritime Security Agency, worked against IF in addition to Task Force 115.³

Illegal fishing refers to the practice of capturing fish that does not comply with regulations established in national and international laws related to fishing. Indonesia has taken action to address the issue of illegal fishing, both in its territorial waters and its Exclusive Economic Zone (EEZ). In territorial waters, perpetrators of illegal fishing can be punished with fines or imprisonment, while in the EEZ, criminal penalties cannot be applied, thus not providing a significant deterrent effect on the wrongdoers. Handling illegal fishing in Indonesia involves a series of measures and policies to protect fishery resources, ensure the sustainability of marine ecosystems, and control unauthorized fishing activities. Indonesia has implemented various efforts to address illegal fishing in the country. The country has established legal regulations concerning illegal fishing, formed a task force for the prevention and eradication of illegal fishing known as Task Force 115, enhanced surveillance and patrols in national waters, engaged in international cooperation to tackle illegal fishing, and more.

¹ Esperansa, R. L. (2020). *REKONSTRUKSI HUKUM KELEMBAGAAN PENEGAKAN HUKUM TERHADAP PENANGAN ILLEGAL FISHING DI INDONESIA: SATGAS 115* (Doctoral dissertation, Universitas Muhammadiyah Malang).

² Ibid.

³ Ibid.

In addition to Indonesia, there are several countries that deal with illegal fishing in their countries, such as Japan and Australia. In an effort to tackle illegal, unreported, unregulated (IUU) fishing, Japan and Indonesia have established a close partnership, especially through cooperation between related agencies such as the Japan Coast Guard (JCG) and the Marine Security Agency (Bakamla). The sustainability of this cooperation is not only limited to the diplomatic level, but also includes concrete support in the form of providing fisheries surveillance vessels to Indonesia. This step aims to increase the capacity of fisheries surveillance by Indonesian authorities, while providing better guidance to the country's fisheries industry. The importance of this cooperation is further emphasized by the granting of two vessels in October 2023, which are directed to support the Integrated Fisheries Industry Empowerment (PIT) program and efforts to eradicate IUU fishing. Japan's actions in providing this tangible assistance demonstrate their commitment to proactively contribute to tackling issues involving marine resources in the Asia-Pacific region.

In addition, Japan's role as a central actor in the initiative to establish a regional maritime regime is an important aspect in joint policy-making efforts. Japan's participation in the ASEAN Regional Forum (ARF) consistently proves its involvement in discussions and policy setting related to maritime issues, including the handling of illegal fishing, it can be concluded that Japan not only focuses on countermeasures at the national level, but also actively participates in regional and international cooperation to maintain the sustainability of marine resources and promote sustainable fisheries governance.⁴

Meanwhile, Australia has implemented a series of measures to address illegal fishing through various initiatives and collaborations at both regional and international levels. Alongside Indonesia, Australia participated in the establishment of The Regional Plan of Action to Promote Responsible Fishing Practices Including Combating Illegal, Unreported and Unregulated Fishing (RPOA-IUU) in 2007. The goal was to enhance fisheries management in the region. Additionally, Australia played a crucial role in the development and implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), adopted by FAO members.

At the national level, Australia has legislation requiring Australian-flagged fishing vessels to obtain permits before operating in waters beyond the Exclusive Economic Zone (EEZ). These efforts are reinforced by the formulation of the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing by the Australian government. Australia's success in addressing illegal fishing is also evident in its collaboration with countries in the Indo-Pacific region. Australia actively collaborates with the Pacific Islands Forum Fisheries Agency to support the implementation of the Regional Monitoring, Control, and Surveillance Strategy. Moreover, Australia is engaged in cooperation with ASEAN countries and Quad partners—a regional security group involving Australia, the United States, India, and Japan—to facilitate collaboration and enhance fisheries law enforcement.

⁴ Lase, F. (2021). *Penegakan Hukum Terhadap Nelayan Asing yang Melakukan Tindak Pidana Illegal Fishing di Perairan Selat Malaka (Studi di Kantor Dit Polairud Polda Sumut)* (Doctoral dissertation, Universitas Medan Area).

Therefore, it can be concluded that Australia has taken concrete steps at both national and regional levels in efforts to combat illegal fishing through the implementation of stringent legislation, active involvement in international initiatives, and close collaboration with regional partners.⁵

Sustainable fisheries are characterized by significantly lower fishing⁶, lower exploitation rates⁷, large reductions in bycatch⁸, less concern about over-exploitation of marine ecosystems⁹, elimination of destructive fishing practices and territorial management in fisheries planning.¹⁰ In this regard, the paradigm of fishing management since 2014 has been based on maintaining sea sovereignty and fisheries sustainability. This paradigm is implemented through the IUU Fishing eradication policy in the territorial waters of the Republic of Indonesia and is further studied in this study from a legal and socio-economic perspective. The purpose of this research is to find out the handling of Illegal Fishing based on laws and regulations, namely to find out the problems of law enforcement in handling Illegal Fishing in Indonesia and to find out the recommendation model for the institutional form of coordinating law enforcement handling of Illegal Fishing that is integrated based on cross-sectors.

In this research, references from previous studies conducted by various researchers addressing the handling of illegal fishing from a legal perspective are utilized. The study by Andrea A. Stefanus and John A. E. Vervaele titled "Fishy business: regulatory and enforcement challenges of transnational organised IUU fishing crimes" suggests that a robust regulatory and enforcement system is needed to address actions carried out by Organized Crime Groups (OCG) in the context of Illegal, Unreported, and Unregulated (IUU) fishing. This can be realized through the implementation of criminal regulations and law enforcement in accordance with the provisions of suppression conventions.¹¹

Research conducted by M. Nursalim et al. suggests that the dispute in the North Natuna Sea, which includes China's unilateral claims and illegal fishing activities, is considered a violation of the principles of international maritime law conventions. The resolution of this conflict can be pursued through various methods, including negotiation, mediation, and arbitration between Indonesia and China. Additionally, the litigation path in international courts, such as the International Court of Justice and ITLOS, can also be considered as an option to address issues related to international maritime law. The article

⁵ Tuanger, A. S. (2023). MEKANISME PENYELESAIAN HUKUM ILLEGAL FISHING DI PERBATASAN INDONESIA DAN AUSTRALIA. *LEX PRIVATUM*, 12(3).

⁶ Kondo, N. S., Keban, Y. T., Rijanta, R., & Mulyo, J. H. (2019). Dampak Sosioekonomi Moratorium Izin Penangkapan Ikan dan Larangan Transshipment di Kota Bitung. *Marine Fisheries: Journal of Marine Fisheries Technology and Management*, 10(1), 71-82.

⁷ Hilborn, R. (2007). Moving to sustainability by learning from successful fisheries. *AMBIO: A Journal of the Human Environment*, 36(4), 296-303.

⁸ Cox, T. M., Lewison, R. L., Žydelis, R., Crowder, L. B., Safina, C., & Read, A. J. (2007). Comparing effectiveness of experimental and implemented bycatch reduction measures: the ideal and the real. *Conservation Biology*, 21(5), 1155-1164.

⁹ Clark, W. C., & Dickson, N. M. (2003). Sustainability science: the emerging research program. *Proceedings of the national academy of sciences*, 100(14), 8059-8061.

¹⁰ Revenga, S., & Badalamenti, F. (2008). Management of marine protected areas for fisheries in the Mediterranean. *Options Mediterraneennes Series B*, 62, 107-111.

¹¹ Stefanus, A. A., & Vervaele, J. A. (2021). Fishy business: regulatory and enforcement challenges of transnational organised IUU fishing crimes. *Trends in Organized Crime*, 24(4), 581-604.

emphasizes the importance of applying international law and achieving a fair and transparent dispute resolution in handling the North Natuna Sea matter between Indonesia and China.¹²

In the research by Sartono, Lukman, and Dohar, it is discussed that illegal fishing has detrimental effects on Indonesia, both economically and politically, and poses a threat to the country's maritime defense. Efforts to address IUU Fishing through stringent policies have become the government's choice to create a deterrent effect and minimize occurrences of illegal fishing in Indonesian waters. The importance of maintaining the government's policy consistency in dealing with illegal fishing is crucial, emphasizing that the policy should not experience a decline in handling and should not accommodate short-term interests. Furthermore, the policy must remain in line with existing regulations and be implemented through more intensive diplomatic efforts to reduce negative impacts on bilateral relationships between countries.¹³

2. Research Method

The research uses a conceptual approach to the problems of legal rules of law enforcement institutions handling Illegal Fishing which do not yet have legal rules, and a qualitative research approach that explores library research. The research is exploratory in nature in order to obtain data and information, relating to matters concerning law enforcement institutions regarding the handling of Illegal Fishing in Indonesia that are not yet known to researchers, and explanation in order to be able to explain whether to strengthen or weaken/reject the argument; put forward in the legal reconstruction of law enforcement institutions regarding the handling of Illegal Fishing in Indonesia, in order to obtain strong legal rules for law enforcement institutions in handling Illegal Fishing.

A method of gathering legal materials involves using library research. The aforementioned legal materials have been gathered, with steps including material grouping, inventory taking, literature searches, and material examination. The following processes were used to assess the legal papers, which were all acquired from various libraries and online resources/websites. They are all about Abdulkadir Muhammad. 1. Systematizing legal information; 2. Obtaining relationships from legal categories/rules; and 3. Conducting analysis: Explaining and articulating these linkages in a descriptive qualitative and thorough manner. Draw conclusions that address the study's goals.

¹² Nursalim, M., Puspoayu, E. S., & Hikmah, N. (2023). Penyelesaian Sengketa terhadap Aktivitas Perikanan Kapal Cina di Perairan Laut Natuna Utara Menurut Hukum Laut Internasional. *NOVUM: JURNAL HUKUM*, 139-160.

¹³ Sartono, S., Prakoso, L. Y., & Sianturi, D. (2021). Kebijakan Pemerintah Dalam Upaya Penanganan Illegal Fishing Dalam Sudut Pandang Pertahanan Negara Di LaUT. *Jurnal Strategi Pertahanan Laut*, 5(1).

3. Result and Discussion

3.1 Problems of Illegal Fishing in Indonesia

Illegal fishing is such a significant issue on a global scale that it is quite challenging to tally the number of operations. In developing nations where fisheries management methods are not well developed or where fishing regulations are not well enforced, illegal fishing has grown to be a major issue. In fact, it's estimated that illegal fishing costs the world between US\$10 billion and US\$23.5 billion annually.¹⁴ This is due to the fact that 26 million metric tons of fish worth up to \$23.5 billion are caught annually through illicit, unreported fishing practices globally. This equates to more than 1,800 pounds of fish being unlawfully taken from the sea or illegally caught every single second.¹⁵ As a result, over 90% of fish stocks worldwide are either fully or overexploited.¹⁶

This practice often occurs in Indonesian seas with the discovery of foreign ships carrying out fishing activities in Indonesian seas, even resulting in losses for Indonesia of around IDR 300 trillion per year. Illegal fishing in Indonesia is not a new thing.¹⁷ Illegal fishing activities in the sea area in Indonesia are carried out by fishermen from various neighboring countries around the Indonesian seas. This illegal fishing activity is carried out in various modes in order to get multiple profits from selling fish illegally.¹⁸ Some of the things behind the occurrence of illegal fishing in Indonesia are very complex and include various factors, including .¹⁹

- 1) Economic necessity: many fishers make a living from marine catches, and some of them feel compelled to engage in illegal fishing due to difficulties in obtaining permits or appropriate fishing gear.
- 2) Resource scarcity: Several fish species in Indonesian waters have suffered population declines due to overfishing. Hence, illegal fishers bypass the established boundaries to get a bigger catch.
- 3) Limited infrastructure for marine surveillance;
- 4) Limited allocation of funds to support supervision operations;
- 5) Limited number of personnel in the fisheries police and Civil Servant Investigators (PPNS);
- 6) The ability of Indonesian fishermen is still limited in optimizing the potential of fisheries in Indonesian waters, especially the Exclusive Economic Zone (EEZ);
- 7) The capability to monitor the activities of marine surveillance patrol vessels that can be known by foreign fishing vessels due to sophisticated communication technology,

¹⁴ Kondo, N. S., Keban, Y. T., Rijanta, R., & Mulyo, J. H. (2019). Dampak Sosioekonomi Moratorium Izin Penangkapan Ikan dan Larangan Transshipment di Kota Bitung. *Marine Fisheries: Journal of Marine Fisheries Technology and Management*, 10(1), 71-82.

¹⁵ Seafish. (2012). *The Seafish Guide to Illegal, Unreported, and Unregulated Fishing (IUU)*. Grimsby: The Authority on Seafood.

¹⁶ Trusts, P. (2017). How to End Illegal Fishing from Coastal Waters to the High Seas, Criminals are Robbing the Oceans and Hurting Economies. *A Brief from the PEW Charitable Trusts*.

¹⁷ Kementerian Kelautandan Perikanan.(2015). Illegal Fishing No More! Komitmen Serious Pemerintah Perangi Illegal Fishing.Majalah Mina Bahari

¹⁸ Muhamad, S. V. (2016). Illegal fishing di perairan indonesia: permasalahan dan upaya penanganannya secara bilateral di kawasan. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, 3(1).

¹⁹ Sodik, D. M. (2007). Combating illegal, unreported and unregulated fishing in Indonesian waters: the need for fisheries legislative reform.

resulting in non-optimal operational performance.

The fact that unlawful fishing operations are conducted purely for individual or corporate profit, putting the needs of the general public last. In order to increase the number of people or businesses that want to participate in doing this, it is possible to bribe officials in the licensing process. In some cases, officials go beyond assisting with licensing issues to protect the crimes committed by these perpetrators. These actions are frequently done out by individuals from associated institutions who want to make money for themselves.²⁰

3.2 Handling Illegal Fishing Based on Laws and Regulations

Fishing, according to Article 1 Point 5 of the Fisheries Law, includes actions employing ships to load, transport, store, chill, handle, process, and/or preserve fish in seas that are not currently in a state of being farmed. Since 2014, Susi Pudjiastuti has been the Indonesian Minister of Maritime Affairs and Fisheries, and she has implemented a program of sinking ships. There were no advantages and disadvantages of this policy from different groups. But from the end of 2017 until before February 2018, this policy was a topic of conversation in a number of contexts. The reason for this is that certain people in government circles believe that this policy should be changed.²¹

Law enforcement for Illegal Fishing is referred to in Law Number 45 of 2009 concerning Fisheries, regarding the setting of strict sanctions for perpetrators of illegal fishing. Article 73 of the Law on Fisheries regulates criminal sanctions for perpetrators of illegal fishing, namely: (1) A minimum fine of Rp. 1,000,000,000 (one billion rupiah) and a maximum of Rp. 20,000,000,000 (twenty billion rupiah); Imprisonment for a minimum of 1 (one) month and a maximum of 5 (five) years; (2) Revocation of fishery business license or fishing boat registration mark; (3) Revocation of fishing permits for foreign fishing boats that commit violations; (4) Release of illegally caught fish.

In addition to criminal sanctions, perpetrators of illegal fishing can also be subject to administrative sanctions such as revocation of fishing business licenses or fishing vessel registration marks. In addition to administrative sanctions, there are civil sanctions for perpetrators of illegal fishing in the form of compensation or restoration of environmental losses. There are several sanctions that can be imposed:

- 1) A fine of up to 20 billion rupiah

Illegal fishing perpetrators can be fined up to 20 billion rupiah. The amount of this fine depends on the type of violation, the amount of fish caught illegally, and the commercial value of the fish caught.

- 2) Imprisonment up to 10 years

In addition to fines, perpetrators of illegal fishing can also be sentenced to prison for up to 10 years. This applies to illegal fishing actors who carry out actions that damage the environment, such as using chemicals that damage marine habitats or catch fish non-selectively.

- 3) Freezing the ship

²⁰ Samiaji, R. (2015). *Harmonisasi kewenangan lembaga negara dalam menanggulangi tindak pidana Illegal Fishing di perairan Indonesia* (Doctoral dissertation, Brawijaya University).

²¹ Hassapni, W., & Kurniawan, R. (2019). KAJIAN KEBIJAKAN PENENGGELAMAN KAPAL PELAKU ILLEGAL FISHING DENGAN DISCOURSE NETWORK ANALYSIS. In *Seminar Nasional Official Statistics* (Vol. 2019, No. 1, pp. 49-58).

Ships used for illegal fishing can be frozen by the authorities. The freezing of this vessel is valid for an unspecified period of time, so that the vessel cannot be used to catch fish.

4) Withdrawal of fishery business license

Illegal fishing actors who have fishing business permits can lose the permit if they commit a violation. A fishery business permit is a permit required to carry out fishing activities legally.

5) Confiscation of the catch

Fish catches obtained illegally can be confiscated and confirmed by the authorities. Other actions regulated in laws and regulations Apart from the sanctions above, there are also other sanctions that can be imposed by the authorities in accordance with the applicable laws and regulations.

These strict sanctions are expected to minimize illegal fishing and maintain the sustainability of existing marine resources. Illegal fishing causes losses, therefore law enforcement efforts are needed to provide a deterrent effect to perpetrators of illegal fishing. Utilization of fish resources is needed to improve the standard of living of the community in a sustainable and equitable manner through optimal fisheries management, supervision, and law enforcement systems. The sinking of foreign vessels is carried out based on Law Number 45 of 2009 as stipulated in Article 69 paragraph (4) which states, in carrying out the functions of fishery investigators and/or supervisors, special actions can be taken in the form of burning and/or sinking fishing vessels with foreign flags. based on sufficient preliminary evidence.

3.3 Model for Settlement of Illegal Fishing in Indonesia

The national jurisdiction of Indonesia currently does not have effective fisheries law enforcement. Three government organizations, including the National Police, Fisheries PPNS, and the Indonesian Navy, are involved in the enforcement of fishing laws. Due to a number of issues, including overlap in laws and regulations, an absence of boundaries on the scope of authority, and insufficient human and ego-sectoral resources, the fisheries law cannot be successfully implemented.²²

The answer is then to synchronize efforts across all three law enforcement authorities to combat unlawful fishing. The establishment of Bakamla cannot be a solution to the incoherence of government entities in their approach to combating illegal fishing. Because Polri, PPNS Fisheries, and the Indonesian Navy were only established by presidential order, their existence cannot be compared to that of Bakamla. Similarly, it does not focus primarily on stopping illegal fishing. These inconsistencies in fishing law enforcement can be found:

(1) The form of division of the operational sector for fishery investigators at sea is not well coordinated. Patrol boats from the three agencies, namely the National Police, Fisheries and the Navy, are often found in one operating sector or in certain sectors there are not even a single patrol boat from the three agencies. This shows that the level of coordination between agencies 17 in carrying out the task of monitoring operations on capture fisheries activities is not carried out in a coordinative manner.

Indonesia has seven law enforcement agencies with a task force that patrols the water to defend this enormous marine area. The TNI-Navy, POLRI-Directorate of Water Police,

²² Samiaji, R. (2015). *Harmonisasi kewenangan lembaga negara dalam menanggulangi tindak pidana Illegal Fishing di perairan Indonesia* (Doctoral dissertation, Brawijaya University).

Ministry of Transportation's Dirjen Hubla, Ministry of Maritime Affairs and Fisheries' Directorate General of PSDKP, Ministry of Finance's Director General of Customs, Bakamla, and the Task Force for the Eradication of Illegal Fishing (Satgas 115) are some of the law enforcement organizations mentioned. The seven law enforcement agencies conduct maritime security patrols in accordance with their powers and in compliance with the rules and regulations of each jurisdiction. Through Bakamla, the state is active at sea, carrying out legal violations that occur within Indonesian territorial waters and under its authority. Bakamla performs a range of tasks in order to carry out its responsibilities to conduct security and safety patrols in Indonesian waters and within Indonesian territorial waters. Bakamla also contributes to the implementation of the government's ambition to make Indonesia the world's maritime axis through its duties. The marine axis is a tactical idea that has been put into practice to ensure inter-island communication, develop the fishing and shipping industries, improve sea transport, and concentrate on maritime security. Upholding the sovereignty of the Republic of Indonesia's maritime territory, revitalizing the maritime economic sectors, enhancing and developing maritime connectivity, repairing environmental damage, conserving biodiversity, and growing the quality and quantity of marine human resources are some of the main initiatives under President Jokowi's administration to make Indonesia the world's maritime axis.

(2) In the form of equipment and fleet capabilities, both ships and aircraft, there is no harmony in enforcing the fisheries law, including the form of authority for the division of the operating sector, equipment capabilities, conflicting norms of laws and regulations governing law enforcement agencies, and settlement through fisheries courts that have not there are provinces that have unbalanced sea areas and even duplicative ones.

For example, TNI AL warships which are estimated to carry out defense functions also carry out maritime security duties, namely fisheries. Likewise, Maritime Patrol Aircraft (MPA) aircraft owned by the Indonesian Navy are only 5 out of the ideal number of 27 aircraft. The number of real MPA aircraft is also burdened with other MOM functions, making it ineffective in carrying out patrol duties, especially for surveillance of the presence of fishing vessels suspected of violating the law. Meanwhile, the National Police patrol boats also do not specifically deal with fisheries cases, but certain criminal acts at sea that require the presence of the Police, so that the handling of illegal fishing crimes that are detrimental to the state cannot be handled optimally. Several fishing boats from the Directorate General of Capture of the Ministry of Fisheries which have limited patrol capabilities (Class PC 36 Ship Patrol) do not fully have the ability to sail with terrain and distances outside the territory. This shows that Fisheries PPNS do not yet have the ability to carry out illegal fishing investigations up to ZEEI as stipulated of Law Number 45 of 2009 concerning Fisheries.

(3) Forms of conflicts of laws and regulations norms governing law enforcement agencies, and settlements through fisheries courts that do not yet exist in provinces that have limited sea areas in Medan, Batam, Jakarta, Aru and Pontianak. Some areas that have the potential for fisheries violations do not yet have a fisheries court. Therefore the implementation of a fisheries court in a certain area cannot be resolved at the Fisheries Court which regulates specifically but is resolved at the local District Court (PN). The HR capabilities of prosecutors and judges do not fully have the ability to handle illegal fishing cases, so the impact of the settlement is only using decisions that are not light crimes (Tipiring). This of course does not fulfill a sense of justice and does not create a deterrent effect for other illegal fishing actors.

(4) Ineffective form of regulation in dealing with illegal fishing. The enactment of Law Number 32 of 2014 regarding fishery law enforcement is expected to be a solution to legislative problems in the field of 18 fisheries. The establishment of the Maritime Security Agency (Bakamla) through Presidential Regulation Number 178 of 2014 (LN RI of 2014 Number 380) concerning the Maritime Security Agency (Bakamla) actually adds to the lengthy bureaucratic procedures in solving illegal fishing because basically the main tasks carried out are focused on aspects of shipping security, and SAR assistance at sea as regulated in Article 2. This Presidential Regulation also cannot make Bakamla have the authority to act on illegal fishing. The hierarchy of lower statutory provisions cannot regulate higher legal provisions (*lex inferiori derogat legi superior*). Article 73 of Law Number 45 of 2009 concerning Fisheries also does not regulate Bakamla's authority as a fishery investigator, thus Bakamla cannot be expected to become an agency capable of harmonizing the work of fisheries law enforcement officials or a solution in tackling illegal fishing.

(5) The form of cooperation in the Coordination Forum between fisheries law enforcement agencies is not carried out effectively. The Coordination Forum as regulated in Article 73 of Law Number 45 of 2009 concerning Fisheries has not been effective either at the central or regional levels. This communication and coordination deadlock is what triggers sectoral ego. Therefore the Ministry of Fisheries, Police and the Indonesian Navy as agencies with the authority to tackle illegal fishing need to realize this both at the central and regional levels together with the Ministry of Home Affairs in this case the Provincial, Regency/City Governments. This is also a form of implementation of Article 18 of Law Number 32 of 2004 concerning Regional Government. This Coordination Forum is a forum for communication and coordination that can be used to exchange information, help resolve cases currently being handled, discuss case studies, joint exercises, joint patrols and so on.

The Criminal Procedure Code (KUHAP) and Law Number 2 of 2002 concerning the Indonesian National Police both provide legal justification for the coordination between law enforcement agencies as an effort to strengthen partnerships (partnership building). based on the first sentence of Article 6 of the Criminal Procedure Code. Additionally, it is mentioned in Law Number 2 of 2002's article 3 paragraph 1 regarding the Indonesian National Police. Numerous other institutions have also been granted the power to conduct investigations as part of the implementation of the aforementioned statute, including:

1. In accordance with Law No. 16 of 2004 regulating the Prosecutor's Office, which states: The prosecutor's office has the obligation and authority to conduct inquiries into specific criminal offenses based on the law in 19 criminal sectors.
2. In particular, Article 14 paragraph (1) of Law No. 5 of 1983 concerning the Exclusive Economic Zone states that law enforcement officers in the area of investigations in the Indonesian Exclusive Economic Zone are Indonesian Navy Officers who are appointed by the Commander in Chief of the Armed Forces of the Republic of Indonesia.
3. Indonesian National Army Officers (TNI AL), who are designated under Law Number 9 of 1985's Fisheries Article 31 paragraph (1), are also designated as investigators in crimes committed in the Exclusive Economic Zone.
4. Customs and Excise officials as investigators based on Article 112 paragraph (1) of Law no. 10 of 1995 concerning Customs

Taking into account the coordination of law enforcement between institutions in Indonesia that has not met expectations, it is necessary to formulate the following policies:

- a. Improving the quality of law enforcement officials in creating professional law enforcement officers through formal education and joint training.
- b. Improving coordination between law enforcement institutions in order to create cross-institutional relations synergistically through one Operational Operations Control (Kodalops).
- c. Attempting to establish and or improve laws and regulations related to law enforcement in order to create legal certainty through academic studies, especially from universities as constructive and positive input.

In order to realize the strategy that has been determined, the efforts that can be developed by each government agency in harmony and integration, in this case the Coordinating Ministry for Maritime Affairs, the Ministry of Fisheries, the National Police, the Attorney General's Office, the Supreme Court, the Indonesian Navy include:

- a. Providing opportunities for law enforcement officials for PPNS Fisheries, Police, Indonesian Navy, Attorney General's Office and Fisheries Court to involve their personnel in joint education and training.
- b. Organizing education and training among investigators as well as studying certain cases in order to obtain information, experience, and common perceptions in handling criminal fisheries cases.
- c. Collaboration with universities through formal education and training to increase the knowledge of investigators regarding the implementation of illegal fishing tasks.
- d. Charting the issues that come up when agencies are trying to coordinate their efforts to stop illegal fishing.
- e. Establishing a joint supervisory agency will help prevent abuse of power by fisheries law enforcement officials at the level of fisheries supervisors, investigators, prosecutors, and judges by monitoring how each institution's responsibilities are carried out.
- f. Coordinate and integrate community services to ensure their smooth, rapid, and overlap-free operation.
- g. Establishing control, command, and allocation of operational sectors in line with their respective authorities and the relevant laws and regulations.
- h. Establishing a network of information and technology to gather intelligence on and data about the potential of fisheries, ship licensing, licensing of fishing businesses, shipping safety, reporting systems, and law enforcement procedures.

Improving coordination forums amongst law enforcement officers in the field of fisheries with the goal of achieving consensus on how best to carry out their responsibilities as fisheries investigators up to the Fisheries Court.

4. Conclusion

Due to its violations of the UNCLOS requirements of 1982, Law of the Republic of Indonesia Number 45 of 2009, and Law of the Republic of Indonesia Number 32 of 2014, it may be inferred from the foregoing explanation that IUUF is an act that is forbidden in Indonesia. Additionally, Task Force 115 was established in accordance with Presidential Regulation Number 115 of 2015 to support initiatives to strengthen Law enforcement against IUUF in Indonesia. However, sectoral egos have so far limited the ability of numerous organizations equipped with MCS facilities in Task Force 115 to exchange data and information about IUUF occurring in Indonesia. Therefore, a platform that can merge various facilities from

various institutions into an integrated data and information center can be developed through the Task Force 115 Control Center, which is utilized to manage interoperability. Then, Ministerial Regulation Number 37/PERMEN-KP/2017 was revised to provide a more concrete legal basis for outlining the implementation of interoperability, guaranteeing more effective cooperation between institutions, and overcoming sectoral ego constraints. Thus, the implementation of this integrated and cross-sector based institutional model is expected to strengthen Indonesia's role in overcoming the serious problem of Illegal Fishing and achieving better sustainability of marine resources.

References

- Clark, W. C., & Dickson, N. M. (2003). Sustainability science: the emerging research program. *Proceedings of the national academy of sciences*, 100(14), 8059-8061.
- Cox, T. M., Lewison, R. L., Žydelis, R., Crowder, L. B., Safina, C., & Read, A. J. (2007). Comparing effectiveness of experimental and implemented bycatch reduction measures: the ideal and the real. *Conservation Biology*, 21(5), 1155-1164.
- Esperansa, R. L. (2020). *REKONSTRUKSI HUKUM KELEMBAGAAN PENEGAKAN HUKUM TERHADAP PENANGAN ILLEGAL FISHING DI INDONESIA: SATGAS 115* (Doctoral dissertation, Universitas Muhammadiyah Malang).
- Hassapni, W., & Kurniawan, R. (2020). Kajian Kebijakan PeneggelamanKapal Pelaku Illegal Fishing Dengan Discourse Network Analysis. *Seminar Nasional Official Statistics*, 2019(1), 49-58.
- Hilborn, R. (2007). Moving to sustainability by learning from successful fisheries. *AMBIO: A Journal of the Human Environment*, 36(4), 296-303.
- Kemeterian Kelautan dan Perikanan.(2015). Illegal Fishing No More! Komitmen Serius Pemerintah Perangi Illegal Fishing.Majalah Mina Bahari
- Kondo, N. S., Keban, Y. T., Rijanta, R., & Mulyo, J. H. (2019). Dampak Sosioekonomi Moratorium Izin Penangkapan Ikan dan Larangan Transshipment di Kota Bitung. *Marine Fisheries: Journal of Marine Fisheries Technology and Management*, 10(1), 71-82.
- Lase, F. (2021). *Penegakan Hukum Terhadap Nelayan Asing yang Melakukan Tindak Pidana Illegal Fishing di Perairan Selat Malaka (Studi di Kantor Dit Polairud Polda Sumut)* (Doctoral dissertation, Universitas Medan Area).
- Muhamad, S. V. (2012). Penangkapan Ikan Secara Ilegal di Perairan Indonesia: Permasalahan dan Upaya Penanganannya Secara Bilateral di Kawasan. *Politica*, 3(1), 59-85.
- Muhamad, S. V. (2016). Illegal fishing di perairan indonesia: permasalahan dan upaya penanganannya secara bilateral di kawasan. *Jurnal Politica Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, 3(1).

- Nursalim, M., Puspoayu, E. S., & Hikmah, N. (2023). Penyelesaian Sengketa terhadap Aktivitas Perikanan Kapal Cina di Perairan Laut Natuna Utara Menurut Hukum Laut Internasional. *NOVUM: JURNAL HUKUM*, 139-160.
- Revenge, S., & Badalamenti, F. (2008). Management of marine protected areas for fisheries in the Mediterranean. *Options Mediterraneennes Series B*, 62, 107-111.
- Sodik, D. M. (2007). Combating illegal, unreported and unregulated fishing in Indonesian waters: the need for fisheries legislative reform.
- Samiaji. (2015). Harmonisasi Kewenangan Lembaga Negara Dalam Menanggulangi Tindak Pidana Illegal Fishing Di Perairan Indonesia. Dalam *Jurnal Mahasiswa Fakultas Hukum*. Universitas Brawijaya.
- Sartono, S., Prakoso, L. Y., & Sianturi, D. (2021). Kebijakan Pemerintah Dalam Upaya Penanganan Illegal Fishing Dalam Sudut Pandang Pertahanan Negara Di LaUT. *Jurnal Strategi Pertahanan Laut*, 5(1).
- Seafish. (2012). *The Seafish Guide to Illegal, Unreported, and Unregulated Fishing (IUU)*. Grimsby: The Authority on Seafood.
- Stefanus, A. A., & Vervaele, J. A. (2021). Fishy business: regulatory and enforcement challenges of transnational organised IUU fishing crimes. *Trends in Organized Crime*, 24(4), 581-604.
- Trust, P. (2017). "Cara Mengakhiri Penangkapan Ikan Ilegal dari Perairan Pesisir hingga Laut Lepas, Penjahat Merampok Lautan dan Merugikan Ekonomi."
- Tuanger, A. S. (2023). MEKANISME PENYELESAIAN HUKUM ILLEGAL FISHING DI PERBATASAN INDONESIA DAN AUSTRALIA. *LEX PRIVATUM*, 12(3).

Laws and Regulations

The Criminal Procedure Code

Law Number 5 of 1983 concerning the Exclusive Economic Zone

Law Number 2 of 2002 concerning the Indonesian National Police

Law Number 32 of 2004 concerning Regional Government

Law Number 45 of 2009 concerning Fisheries

Presidential Decree Number 115 of 2015 about the Illegal Fishing Eradication Task Force.

Presidential Regulation Number 178 of 2014 concerning the Maritime Security Agency.