

Urgency of Indonesian Waters Area Protection from Illegal Unreported Unregulated Fishing

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Article Information

Submitted : January 20, 2020
Revised : April 30, 2020
Accepted : June 30, 2020

Keywords :
IUU; Indonesia; Illegal
fishing; Maritime

Abstract

Indonesia as the largest archipelagic country has considerable potential with vast areas of water that can be utilized, but it must be accompanied by strict supervision because of many illegal practices such as IUU Fishing. This problem becomes important to deal with because Indonesia's maritime potential cannot be maximized as long as IUU Fishing practices remain. The author(s) formulated a problem in the form of "How does protect Indonesian waters against the practice of IUU Fishing?" The author(s) uses a qualitative descriptive method to analyze the problem of how IUU Fishing can be handled in Indonesian waters. The theory used is the Collective Security proposed by A.F.K Organski. In this paper, we argued that there must be decisive action to stop the activities of IUU Fishing and the government is expected to immediately pay attention to the importance of protecting Indonesian territorial waters from lurking hazards. Not only the danger of smuggling of goods and other information but also, activities such as violating ship crossings culminating in illegal fishing. It must be dealt with a strong legal basis so that in the future, it will become a warning for other countries that Indonesia is serious in safeguarding its sovereignty.

I. INTRODUCTION

Republic of Indonesia Unitary State (NKRI) is one of archipelago states in South East Asia that is 6.32 millions squared kilometers (km²) wide, two-third areas of which is ocean. Republic of Indonesia Ministry of Ocean and Fishery (KPPRI)'s data confirms that Indonesia has 17,4999 islands extending from Sabang through Merauke, with total breadth of 7,81 millions km² containing 3.25 millions km² ocean with Exclusive Economic Zone (EEZ) of 2.55 millions km², excluding about 2.01 million km²-wide land extending, including 17,499 islands with varying sizes and resided by people with diverse ethnics and tribes [1].

Indonesia's broad area and its archipelago form of state make it the one with many borders. There are two type of border in Indonesia: continental and

maritime borders. A total of 13 states are adjacent directly to Indonesia, the 10 of which are maritime border, while the rest is continental one. In addition, behind its broad territory, it has natural resource wealth distributed throughout its territory. KKPRI confirms that Indonesia has 50,875 km²-wide coral reef, 18% of total coral reef throughout the world and 65% of total coral triangle width [1].

Coral triangle is an area with most diverse maritime life sources in the world consisting of six states (Indonesia, Philippine, Timor Leste, Solomon islands, Papua Nugini and Malaysia). Coral triangle supports the life and development of 3,000 coral fish species and fish with high salability such as Tuna. In addition, it is the house for such fish like whale, shark, dolphin, stingray, and 6 out of 7 turtle species in the world [2].



Types of living resource wealth existing in Indonesian ocean are in fact varying from big pelagic fish (e.g. Tuna, Marlin, *cakalang* (skipjack tuna), *tongkol*, *cutut* (grey reef shark), and *tenggiri*) and small pelagic fish (e.g. *selar*, *layar*, *tembang*, *lemuru*, *teri* and *kembung*); demersal fish such as *kakap*, *kerapu*, *manyung*, *stingray* *bawal*, *layur*, *peperok*, *gulamah*, *beloso* and *kuniran*; and commercial reef fish (e.g. *napoleon*, *kerapu tikus*, *baronang*, *ekor kuning*, *lencam*); crustacea such as shrimp and lobster and squid [3]. Considering the data above, it can be seen that there is a significant decrease during 2014-2015, meanwhile during 2015-2016 Indonesian fishery export increases slightly. The TCT sector and other fish sectors increase in 2017. Shrimp still becomes number-one commodity in 2018 in export value and volume of fishery and maritime living products.

KKPRI's Data states that shrimp contributes foreign exchange by 39.36% of total export value with Japan, Netherlands, USA and China being the main targets of Indonesian shrimp products [4]. It is followed with *Tuna-Cakalang-Tongkol (TCT)*- Tuna, Skipjack, Octopus that, according to KKPRI's data, increases by 8.9% or US\$ 41 millions. However, this volume of TCT product decreases by 15.6% or 22 thousands tons due to the change of TCT form from frozen intact formerly into processed and fillet products. The primary markets of TCT are the USA and Japan [4]. Furthermore, there is the second commodity in the figure,

Sotong-Cumi-Gurita (cuttlefish, squid). Viewed from both value and volume, this *Sotong-Cumi-Gurita* product increases significantly. This commodity export value increased from US\$ 371 millions or 10.53% of total Indonesian export value in 2017 to US\$ 128 millions or 52.56%. The volume also increases by 40.44% or 29.77 thousands tons; this increase occurs in the period of January-September 2018 [4]. This commodity export has China, Vietnam, and Taiwan as its main target of market. Furthermore, there is *Kepiting-Rajungan* (crab-small crab) with substantial export value, US\$ 370.14 millions or 10.50% of total Indonesian fishery export value, in the same period. However, viewed from volume aspect, *Kepiting-Rajungan* export is relatively smaller than other commodities, only 21.57 thousands tons [4]. Japan, China, Malaysia, USA, and Singapore are the main target markets of *Kepiting-Rajungan*. It can be concluded that if shrimp and TCT are the main commodity of Indonesian export in maritime and fishery export.

Sea as the broadest part of Indonesian territory plays big and important role in Indonesian development history. It is because sea serves as maritime transportation and trading media. It can be seen from Sri Wijaya and Majapahit Kingdom era, when sea successfully led Indonesia to being the state with spice trading center in the world.

However, the role of sea in Indonesian development is getting weaker since the

colonization period in Indonesia. Indonesian trading partners began to be interested in Indonesian natural wealth and intended to take over it. Kingdoms in Indonesian coastal areas were overthrown one by one to attenuate Indonesian maritime power. Thus, the colonizers could enter into and master Indonesia easily.

After Indonesia's independence, its maritime power was still weak. It is because maritime-based developments were still small in number and not prioritized by the government at that time. In 2014, under President Joko Widodo's leadership, maritime aspect finally is included into the priority of national development.

The return of maritime aspect is corresponding to the Vision of Future Nation Maritime and Nawacita mission announced by President Joko Widodo. The focus of Indonesian development is also indicated with President Joko Widodo's speech in the 9th *East Asia Summit* (EAS) summit on November 13, 2014 in Nay Pyi Taw, Myanmar [6]. In the regional forum, President Joko Widodo confirmed Indonesian concept as the World Maritime pivot planned through 5 (five) main pillars in Indonesian development. Those five pillars focus on the recovery of Indonesian identity as the great and strong maritime nation, the security of maritime interest and safety, and the empowerment of maritime potency to realize the marine food sovereignty.

To help make the agenda of World Maritime Pivot successful, a series of policies in maritime sector should be made with the five pillars. One of them is the policy of sinking foreign fish ship by Ministry of Maritime and Fishery (KKP). This policy is intended to strengthen the national ability of enforcing the law on the sea, just like the KKP's sovereignty mission. Susi Pudjiastuti, as Minister of Maritime and Fishery, stated that conducting law enforcement on Indonesian is very important because the Indonesia's poor attention to maritime field so far has

triggered the loss of potential fishery resource due to illegal fishing activity.

Illegal fishing is any illegal fishery activities, the fishery activities not governed with the existing regulation or the activities not reported to the available fishery managing institution [7]. In Indonesia itself it has occurred massively, thereby resulting in the decreased or depreciated capture fisheries in recent years. Some Fisheries Management Areas (FMA) even show red indicator for some fish types, meaning that excessive exploitation or overfishing has occurred. Considering a study conducted by *International Union for Conservation of Nature*, the potency of fish capture in Indonesian water area will decrease by 40% in 2050. Even UCSB and Maritime and Fishery Research and Development Center predict that the potency of fish capture in Indonesian water area will decrease dramatically by 81% in 2035 [8]. Food and Agriculture Organization (FAO) confirmed that Illegal unreported unregulated fishing action is responsible for and affects the capture of one out of five fish fished legally by fishermen [8]. FAO also confirmed that each state suffers from about US\$ 23 millions billions loss [9]. *Detik finance* news site explains data obtained from FAO indicating that Indonesia suffers from about IDR 30 trillion-loss annually due to Illegal fishing [10]. The value indicated by FAO's data, according to Indonesia's Minister of Maritime and Fisheries Susi Pudjiastuti, is too small, considering the recalculation of Indonesia's loss. Minister Susi Pudjiastuti argued that Indonesia suffers from about US\$ 20 billions loss or equivalent to IDR 240 trillions [10]. She calculated by estimating the lowest price of fish in marine and fish export, *Tongkol* – cob fish costing US\$ 1/kg. Susi Pudjiastuti explains that *Tongkol* - cob fish costing US\$ 1/kg captured by a ship with capacity of 60-70 Gross Tons (GT) and there are 1,200 – 1,300 ships [10]. This calculation has not included yet the ships unlisted as

Indonesian ship and conducting illegal fishing in Indonesian waters.

Excessive exploitation (overfishing) of some fish types occurs in Indonesian outermost FMAs as they have higher intensity of illegal fishing practice than other areas. North Natuna Sea, Malaka Strait, and Sulawesi Sea are Indonesian outermost FMAs often becoming the target of illegal fishing due to its location close to international waters. In addition, the poor supervision in Indonesian outermost areas also leads to the increase in potential illegal fishing activity conducted by foreign fishing ship coming from the states around the region. This poor supervision can be due to the gap between facilities and infrastructures and Indonesian territory width. President Indonesia, Joko Widodo, in the second debate for Presidential Election held on April 10, 2019, confirmed that Indonesia has burnt a total of 488 ships coming from foreign countries entering into Indonesian water territory and capturing fish in Indonesian waters [11].

The effect of massive illegal fishing activity in Indonesia includes the decreased stock of capture fisheries in basic material supply for domestic fish processed industry that can inhibit national economic growth. Data of Food and Agricultural Organization (or called FAO) shows that Indonesia is predicted to suffer from IDR 30 trillion-loss annually due to illegal fishing activity. Meanwhile, Indonesia's Minister of Maritime and Fishery, Susi Pudjiastuti, reported that the loss suffered by Indonesia due to Illegal Fishing is higher than FAO's data, US\$ 20 billions or about IDR 240 trillions [10].

In addition, the effect generated by illegal fishing activity also extends to the safety sector. The decreased stock of capture fisheries has forced the local fishermen to struggle harder to get the catch. Local fishermen are forced to stake their safety as individual or citizen at looking for fish up to the off shore with any risk. On the other hand, *illegal fishing* is also a form of colonization over Indonesian sea that can inhibit the realization of World Maritime Pivot concept as announced by President Joko Widodo. In the 2nd debate of Presidential Election held on April 10, 2019 he said that Indonesia has burnt a total of 488 ships coming from foreign countries entering into Indonesian water territory and capturing fish in Indonesian waters [11].

The data shows that out of 488 ships burnt and sunk, Vietnam is the state most frequently often conducting fish capturing in Indonesian water area with 276 ships, followed by Philippine with 90 ships and Thailand on the third rank with 50 ships.

It indicates that Illegal Fishing occurring in Indonesia is substantial and we can imagine if the ships belong to Indonesia, fish and sea catch can be maximized and support Indonesian economy. From the data, we should also recognize the knowledge on maritime zone specified by international law.

Indonesia as one of states with broad sea has three ocean area scopes important to safeguard. Simela Viktor Muhammad, in a journal entitled *Illegal Fishing in Indonesian Waters: Problem and the attempt to solve it bilaterally in the region* explained the criteria of maritime to be managed as follows:

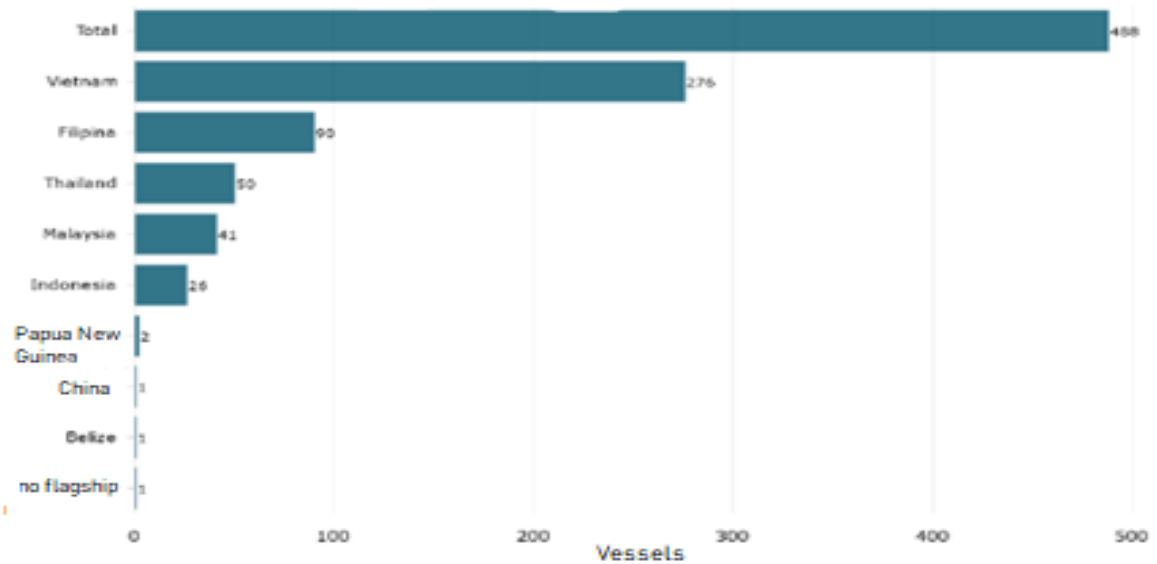


Fig. 2. The Number of Illegal Fishing Vessels that have been Sunk.

(Source: Indonesia's Minister of Maritime and Fisheries)

1. Sea belonging to Indonesian territory, the sea area under Indonesian sovereignty [3]; on the first type of sea, the area is 12 mill far from baseline. Here Indonesia has absolute scope and sovereignty over its sea territory and the wealth contained within and still recognizes the crossing right for foreign ships [3].
2. Sea belongs to Indonesia's authority, a sea territory over which Indonesia has sovereign rights to its natural wealth and authority to govern certain matters [3]; this second type is Additional Zone 24 mile far from baseline. In this zone,
3. government is entitled and authorized to control the violation of a rule. It is Exclusive Economic Zone (EEZ) about 200 miles far from baseline. Here Indonesia is entitled to utilize the natural wealth completely, particularly in Indonesian fishery sector. However, in this EEZ, the state does not have authority to maintain sea environment or to give permission for constructing man-made islands, to allow any scientific research to be conducted related to maritime field and to allow the any installation and other construction to be conducted here. EEZ applies to the authority of catching and managing natural

resource existing in Indonesian sea only [3].

4. Sea is Indonesian interest, meaning that Indonesia is related to the sea territory although it does not have sovereignty or sovereign rights to the sea territory [3]. This third type is categorized into offshore, the location of which is close to Indonesian EEZ. In this third type of sea, Indonesia is entitled to manage and to maintain the natural resources and wealth existing because it is entitled to manage the wandering or migrating fish just like those existing in Indonesian Ocean and Pacific Ocean with *Bluefin Tuna* fish type [3].

In realizing the concept of World Maritime Pivot, the first measure the government should take is to secure Indonesian sea from illegal fishing activity. For that reason, the policy of sinking foreign ship plane began to be enacted by KKP under Susi Pudjiastuti's leadership. This policy is intended to be the government's attempt of responding to illegal fishing case by conducting law enforcement on the sea as mentioned in Law Number 45 of 2009 about the Amendment to Law No.31 of 2004 about Fisheries (Fisheries Law).

The policy of sinking foreign fish ships made by KKP is an implementation of

criminal sanction to the actors of illegal fishing as governed in Article 69 clauses 1 and 4 of Law Number 45 of 2009 about Fisheries [12].

The policy of sinking foreign ships is conducted by KPP with *Satgas 115* (Task Unit 115) consisting of TNI AL (Indonesian Navy), Polri (Indonesian Police), BAKAMLA (Sea Security Agency) and Indonesian Attorney. Since the enactment of policy of sinking fish foreign ships on October 2014-April 2017, 317 foreign fish ships conducting illegal fishing have been sunk. Most of them (142 ships) came from Vietnam. Meanwhile, the rest came from other states around the region such as Philippine, Thailand, Malaysia, Papua Nugini, China, Belize, and some others were without state flag [13].

The imposition of sanction in the form of ship sinking is intended by the government to give shock therapy to the actors of illegal fishing. This presence of shock therapy is expected to give deterrent effect to the actors in order not to repeat their action in the future, thereby reducing illegal fishing case number in Indonesia.

II. CONCEPTUAL FRAMEWORK

A. Concept of Illegal, Unreported and Unregulated (IUU) Fishing

IUU Fishing is a global issue concerning the irresponsible activity of utilizing fishery resource in contradiction with the enacted law. *Illegal, Unreported and Unregulated (IUU) Fishing* is considered as a problem of the competition for resource between on state and another resulting in the loss to one state and the profit to another.

Food and Agriculture Organization (FAO) has described clearly the coverage of *Illegal, Unreported and Unregulated (IUU) Fishing* in *International Plan of Action (IPOA) 2001* as the implementation of *Code of Conduct for Responsible Fisheries (CCRF)*. IUUF scope, according to IPOA, is divided into 3 (three): *illegal fishing,*

unreported fishing, and *unregulated fishing.*

a. The activity of *illegal fishing* intended in IPOA is [14]:

- *Activities conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;*
- *Activities conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law;*
- *Activities in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.*

b. The activity of *unreported fishing* intended in IPOA is [14]:

- *Fishing activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations;*
- *Fishing activities undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.*

c. The activity of *unregulated fishing* intended in IPOA is [14]:

- *Fishing activities in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag*

of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization. Fishing activities in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

In this study, the author uses illegal fishing concept only. It is because in this case, the author focuses only on fish stealing case often committed by foreign fish ship coming from many states surrounding the region. Illegal fishing concept is very helpful to the author in understanding what the illegal fishing itself means, thereby facilitating the author to analyze the illegal fishing case occurring in Indonesia.

B. National Interest Concept

In the context of international relation, each state must interact with other states or other international actors. Such the interaction is intended to achieve a certain objective or interest. However, the problem here is that not all states have shared objective or interest. Each of states has different objective or interest based on its own national interest.

National interest, according to Morgenthau, is a state's ability of protecting and defending its identity from other states' threat [15]. In other words, national interest, according to Morgenthau, is a power. The difference of objective and interest between states often results in overlapping interests between them, as if requiring each of them to strengthen its power in order to secure their national values.

Policy makers or decision makers of individual states usually formulate certain

stance or policy based on their national interest. Based on national interest, a policy is expected to be beneficial to the state by as maximally as possible or at least not affecting other states and/or international actors in order not to harm the state.

Morgenthau saw that there are two national interest levels: vital and secondary. Vital national interest is the one pertaining to safety as an independent and sovereign state [16]. Vital national interest protects a state's fundamental values, just like in this case President Joko Widodo's interest in recovering Indonesian self identity as a maritime nation through World Maritime Pivot agenda.

In this study, the concept of national interest is used to help the author analyze Indonesian government's stance to implement the sinking of foreign fish ship as the attempt of responding to illegal fishing case occurring in Indonesia. The enactment of the fish sinking policy is intended to give shock therapy to the actors of illegal fishing expectedly to make them redoing their action reluctantly in the future.

C. Collective Security Concept

Safety has been an absolute thing to enforce by all states, regardless where the state is. It is related to the enforcement of state's and its sovereignty. Through the guaranteed mutual safety, the regional peace will come true by itself.

Along with the time, the concept of safety also develops. It is just like during Cold War period when the concept of safety is closely related to a state's military capability. Then, A.F.K Organski tried to explain the concept of safety selectively involving a state and collective system in the area aiming to maintain peace and to cooperate for collective safety.

Organski (1960) also explained five basic assumptions related to collective safety theory:

- In armed conflict, the member nation-states will agree on which state belonging to enemy (aggressor)
- All member nation-states attempt to ward off and to prevent aggression collectively, regardless its source or origin.
- All member nation-states have equal freedom of acting and ability of joining the action to fight against the enemy.
- The composite power of collective safety alliance members is enough to defeat the enemy's.
- Because collective threat arises from the states affiliated with safety collective coalition, the enemy state will change its policy; unless, the state will be defeated.

In this study, collective security concept suggested by Organski is used to help the author analyze illegal fishing as the threat against an area's safety that should be dealt with together; in this case the states in South East Asia should cooperate and can develop regulation specifically to deal with and to prevent the similar case. This illegal fishing case can harm all states in South East Asian region because most states are adjacent directly to waters area.

In Indonesia, illegal fishing case can be a threat against individual safety as it can lead to starvation due to the decreased fish stock in the future. In addition, illegal fishing conducted by foreign fish ship can also threat the local fishermen's livelihood as it has seized their capture area.

In the state safety aspect, the use of military power is needed to ward off the external threat. So is it in the implementation of fish sinking policy. The involvement of Indonesian Navy (TNI AL) in Task Unit 115 (*Satgas 115*) indicates that military power is also used by Indonesia in warding off the external threat,

particularly in illegal fishing case followed with transnational crime.

One of regional cooperation forms established in South East Asia is Southeast Asian Fisheries Development Center (SEAFDEC) that has passed through 51 Council Meetings and the agreement resulting from the meeting produces some programs aiming to improve the fishermen's productivity in each state and to safeguard the waters area from IUU Fishing action. The programs are, among others, ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain, ASEAN Catch Documentation Scheme, Regional Fishing Vessels Record, and Regional Cooperation to Support the Implementation of the Port State Measures (PSM) in ASEAN Region, and Regional Plan of Action for the Management of Fishing Capacity.

III. ANALYSIS

A. *The Measure Indonesia has taken to deal with the states doing illegal fishing in Indonesian waters.*

The actors of illegal fishing come from not only local but also international people. They take Indonesian natural resource without licensing legality. It results in some losses to Indonesia.

Data of Ministry of Maritime and Fisheries shows that Indonesia suffers from IDR 300 trillion-loss annually, constituting 25% of total potential Indonesian fisheries [17]. Thus, this illegal fishing makes the sea resource supply that should be utilized by local people is utilized by other states and become their income. Therefore, Indonesia makes a ship sinking policy. The policy can be seen in Article 69 paragraph 4 of Republic of Indonesia's Law Number 45 of 2009 about Fishery stating that [16]:

"... Investigator and/or supervisor of fisheries can take special

measure as to burning and/or sinking the fishery ship with foreign flag based on sufficient early evidence”

The implementation of such policy has been conducted with the evidence of a total of 488 ships doing illegal fishing sunk during 2014-2018 [8]. Nearly a half of total fishery ships doing illegal fishing come from foreign countries: Vietnam, Thailand, and Laos [19]. In addition, the state and or regional organization concerned with IUU Fishing activity, particularly European Union (EU), declined it strictly. Thus, the

resolution of IUU Fishing problems needs collective attention to achieve collective safety.

Therefore, EU develops some characteristics of IUU Fishing for the states having economic relation with them. Thus, when a state is involved in IUU Fishing, it will get yellow card or red card in the term of fishery export. Regarding the characteristics of IUU Fishing, EU, particularly European Union Commission, stated that [20]:

Table 2. The Number of Illegal Fishing Actor Ships Sunk During 2014-2018

No	Country	2014	2015	2016	2017	2018	Amount
1	Malaysia	-	12	27	12	22	73
2	Philippines	1	35	22	17	15	90
3	Vietnam	3	36	59	91	83	272
4	Indonesia	-	10	5	6	4	25
5	Thailand	2	19	-	1	1	23
6	Papua New Guinea	2	-	-	-	-	2
7	China	-	1	-	-	-	1
8	Nigeria	-	-	-	1	-	1
9	Belize	-	-	1	-	-	1
Total Amount		8	113	115	127	125	488

(Source: Indonesia’s Ministry of Maritime and Fisheries [18])

“Fishing is illegal if no authorization, against conservation and management measures by RFMOs, and against national laws and international obligations. Fishing is unreported if not reported, or the reporting contravenes international, RFMO or national laws and regulations. Fishing is unregulated if the fishing vessel has no nationality and fishing activities jeopardize fish stocks.”

The EU wants to solve IUU Fishing, so that it will not result in more loss to many parties, such as damaged environment on the sea, and the decreased fish stock and the diversity of sea resources. In addition, it is one of the EU's important pillars in its ambition to create international better domination over maritime domain. In addition, European Union as the largest market of imported fishery product in the world can control the states performing illegal fishing through their access to EU market, just like what it has done against some states in South East Asia [21].

- Vietnam

Foreign fish ships coming from Vietnam were often caught in Indonesia, but it does not make them stopping this activity until early 2019. One of incidences sufficiently “surprising” to Indonesia is when a Vietnamese fish ship was known fishing in Indonesian waters, and then *Satgas 115 Indonesia* warned the ship. But then, this Vietnam ship fish was helped by Vietnamese guard coast ship; and this incidence become the worlds’ trending topic [22].

Fig. 4 showing “The number of Illegal Fishing actor ships sunk during 2014” indicates that many Vietnamese ships were found and sunk in Indonesian waters. In addition, IUU Fishing also affects Vietnamese sea food export commodity. Vietnamese sea food export commodity increased from 9 to 15% during 2011-2015, the market of which is EU [23]. It sounds to be strange, because it is impossible to get the proportion of export commodity, if Vietnam relies on its own waters. The data shown in Fig. 4 “The number of Illegal Fishing actor ships sunk during 2014-2018” indicates that many Vietnamese fish ships illegally taking Indonesian sea resources.

Therefore, EU as Vietnamese export market conducted an investigation and finding that most of such exported commodity constituted the product of Illegal fishing. It led EU that is concerned with IUU Fishing since 2000s to give Vietnam a yellow card to make it obeying the regulation [24]. This yellow card was given to Vietnam in 2017. It is because Vietnam responded ineffectively to the illegal fishing problem by imposing sanction system or taking other action to reduce the illegal activity. In addition, European Union also found some data indicating that nearly 15% of fish caught is the product of illegal fishing [25].

The giving of yellow card for IUU Fishing is also followed with the meeting held between European Union and

Vietnam in which European Union gave some regulations to reduce Illegal Fishing. It is one of attempt of helping reduce illegal fishing occurring in South East Asian region. Thus, Fisheries Act (Law) arises as the state’s measure to reduce IUU Fishing activity.

However, the regulation enacted by Vietnam in 2017, exactly after it was given yellow card by EU, does not cease the local Vietnamese people from taking sea products illegally. It can be seen from about 80 Vietnamese fish ships still found to be sunk in Indonesia in 2018 [18]. It indicates that the regulation has not been implemented effectively in Vietnam. In addition, there is a case when Vietnam coast guard ship hit Indonesian patrol ship that was catching the Vietnamese local fish ship at that time. This incidence became a hot topic because the Vietnamese fish ship has crossed Indonesian water border, but the coastguard ship instead defended its local ship. It can be said that Vietnamese coastguard ship has violated *International Regulations for Preventing Collisions at Sea 1972* and *International Convention for the Safety of Life at Sea 1974* [26].

In addition, Vietnam has a distinctive reason for the illegal fishing activity still occurring in Indonesia. Vietnam claims that the area is still in Vietnamese sea zone, so that it can be said that there is overlapping EEZ between Vietnam and Indonesia. Thus, Vietnamese ships still often come to do fishing in the place where, according to Indonesian’s perspective, it is illegal fishing. Moreover, Vietnam has big market for its sea food, so that it harms Indonesia.

- Thailand

Thailand and Indonesia are neighbor states whose sea territories are very close. In addition, these states have entered into cooperation in maritime area since 1968 [26]. One of important points in the cooperation says that Thailand may or get special permission to catch fish in Indonesian EEZ. This cooperation

facilitates the Thailand ships to do fishing in that area since 2002 [27].

Although both states have agreed the cooperation, it is not to say that infringement does not occur. Thailand becomes the second country with which Indonesia concerned in the term of IUU Fishing activity. It is because some Thailand ships still doing illegal fishing in Indonesian maritime territory. It can be seen from 23 Thailand ships sunk by Indonesia in the last 5 years as a method of eradicating IUU Fishing. In addition, Thailand was one of largest fish exporters in South East Asia in 2009, but it changed into a fish importer in 2015 [27].

The degradation of Thailand's status occurred after European Union (EU) gave yellow card for IUU Fishing occurring in the state in 2015. European Union found an ineffective system or regulation in the management of illegal fishing in Thailand. In addition, human trafficking case was also found in Thailand fishery industry, so that European Union forced Thailand to reform its policy and to emphasize on IUU fishing regulation expectedly exerting positive effect later on controlling the condition of fishery sector in Thailand [21]. Thereby, this event indicates something wrong in Thailand fish commodity due to the significant change occurring in its sea food and fish product.

However, the number of Thailand fish ships is not more than that of Vietnamese. It is because Indonesia and Thailand has good relationship and establishes cooperation to cope with Illegal fishing. Actually, there has been an interesting moment between these two states. Before Thailand was given yellow card for Illegal Fishing, it was the king of fish export in South East Asia with export value of more than 6 trillions dollar [27]. After receiving a yellow card for Illegal Fishing from European Union in April 2015, Thailand came to Indonesia in late 2015 to discuss about illegal fishing and to enter into MoU (Memorandum of Understanding) regarding the eradication of Illegal Fishing.

Therefore, from Fig. 4, it can be seen that there is no foreign ships caught in Indonesian territory in 2016. Nevertheless, some Thailand fish ships were still caught by Indonesian patrol ship in the following years.

IV. CONCLUSION

Indonesia has 17,4999 islands extending from Sabang through Merauke, with abundant fish resource wealth. However, Indonesian waters adjacent to other states make them vulnerable to IUU fishing (Illegal, Unregulated, Unreported, Fishing). This illegal activity is conducted by Indonesian neighbor states such as Vietnam and Thailand. These two states have evidently taken fish from Indonesian waters, as indicated with their 100 fish ships sunk.

The illegal fishing activity results in urgency for Indonesia to secure its water territory. It is because the sea wealth Indonesia has can support its economy and development if it is managed by local citizens. Therefore, Indonesia takes some measures as to make the policy of sinking ship as included in the Article 69 Paragraph 4 of Republic of Indonesia's Law No.45 of 2009 about Fishery. In addition, European Union helped Indonesia by imposing sanction in order to control export market in Vietnam and Thailand, through which the illegal fishing activity rate can be reduced.

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