

Government Policy Directions on Illegal Unreported Unregulated (IUU) Fishing in Indonesia

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Abstract - Indonesia always concerned about fishery crime that happen everyday. Illegal, Unregulated and Unreported (IUU) Fishing is transnational crime that have many effect, not only for fishery industry but also give the effect for environment. Therefore this paper will discuss about modus operandi for the implementation of IUUF criminal acts in the Indonesian sea, the negative effect for criminal acts of IUUF in Indonesia and the policy of Indonesian Government to resolve IUUF. Modus operandi for the implementation of Illegal Unreported and Unregulated fishing (IUUF) in Indonesia consist of : document forgery, put the fishes not in the port base, double flagging and double registered, catch fishes without permission and or not completed of SLO / SPB, modify the ship without permission, use a foreign skipper, register odd pumpboat as an Indonesian ship and make a fake document of ABK demography, turn off the ship transmitter, illegal transshipment in sea, make a fake logbook report, fishing ground offence, use forbidden fishing gear, have no or no partnering with fish processing. The negative impact of IUUF are the contribution of fishery is low, decreasing of national export income and non-tax revenue. IUU Fishing have been decrease the potency of using the national port base, added value of national ports, and revenue from services and legal operating taxes, damaging the ecosystem, also loss of value from coastal areas. IUU Fishing give the negative impact in fish stock that it is the important protein for some country include Indonesia. IUU Fishing have been reduce national employment potential in fishery sector like a reduce the fish company, processing fish company and the other sector. The illegal fishing also give impact with Indonesian fisherman especially traditional fisherman.

Keyword : Policy, Government, Illegal Fishing

1. Introduction

The sea is one of the main resource for living of world community. The sea and everything in it is the main support of food resource for many people in the world. If the condition of the sea is ruined it will bring up of poverty index and make the famine global. As a country that have many resource of fisheries and marine, the empowerment with an ecosystem approach become the important thing that is done by Indonesia. Because of that, the government have to create the healthy sea environment in the other to can give contribution to provide sustainable resources.

Indonesia have many sea topography than other country. Indonesia have almost all forms of topography like a coral reefs, slopes and ramps steep, underwater volcano, basic sea trough, basin and bowl is locked and the other things. The Indonesian sea including the Biggest Marine Mega –Biodiversity area, and have 8.500 fish species, 555 seaweed species and 950 coral reefs species.

The area of Indonesian sea is large with many resources have the important meaning to Indonesia because consist of fishery resources that have big potency as a source of economic growth and become one of the national development

prime mover. As a maritime country, Indonesia has about 5.8 million km² of marine waters (75 percent of the total territory of Indonesian) consisting of 0.3 million km² of territorial sea waters; 2.8 million km² of marine waters; and 2.7 million km² of Zona Ekonomi Eksklusif Indonesia (ZEEI). In Indonesia's vast marine waters, there are large fisheries resources, the abundance of fisheries resources in Indonesia's marine waters has attracted the attention of foreign parties to be able to enjoy them illegally through illegal fishing activities.

Indonesia is concerned about fisheries crime that is increasingly rampant. Illegal Unregulated and Unreported (IUU) fishing is transnational crime which has a very detrimental impact not only on the fishing industry, but also on environmental issues.

Indonesia's marine biodiversity, which is the center of the world's marine biodiversity, continues to experience threats in recent decades. The biggest threat comes from humans who should maintain the preservation of one of the main sources of this livelihood. From the research data of Lembaga Ilmu Pengetahuan Indonesia (LIPI), it is continually revealed that the damage to coral reefs in Indonesia which is one of the important components of marine ecosystems has now reached 70 percent. Severe damage is caused by human behavior that exploits the sea blindly without regard to the rules. "Local threats from coastal development, mangroves are cleared and ponds are built, occur over fishing and destructive fishing."

Here are two facts that show how the condition of the world's oceans is today :

1) The fact is that the most important marine species for maintaining safe food stocks have experienced the biggest decline.

In the report titled Living Blue Planet 2015 shows the shocking reality that the world is currently facing the threat of hunger and global poverty due to reduced commercial fish stocks. The report said that the world's seas are now losing 74 percent of fish families that have become popular foods, such as tuna, mackerel and bonitos. This number means that there are approximately billions of fish lost and irreplaceable population. The slow loss of popular fish stocks in the world is caused by human activities that endlessly damage the sea. The fishermen catch fish in a shorter period of time than the reproduction of fish. Even the use of fish bombs to catch large amounts of catch directly destroys popular fish fish nurseries. There is no other word, it needs big changes to ensure that marine life remains abundant for future generations

2) In addition to the popular fish crisis, the world's sea conditions also experienced a sharp decline in the number of coral reefs and mangrove trees.

In addition to the species of oceans, a type of popular fish experienced a massive decline in population. It turns out that the world's sea conditions are experiencing severe degradation of the condition of coral reefs and mangrove trees. Even though the two ocean entities have an important role in fish life. Based on the 2015 Living Blue Planet report, by 2050, coral reefs could disappear entirely due to global climate change. Whereas on this day alone, there are more than 25 percent of all the world's marine species living on coral reefs, there are even 850 million of the world's people who depend their lives on the benefits of coral reefs. If coral reefs are extinct from the entire ocean, it's not impossible to become a major disaster for natural ecosystems and disasters for the economy and community poverty.

Fisheries crime has developed into a very serious and organized transnational crime. Many parties who commit illegal fishing are also involved in other transnational organized crime activities such as money laundering, bribery, drug or drug smuggling, arms smuggling, trafficking in persons, forced labor, taxation crimes, smuggling of goods and others. The magnitude of the potential of marine and fisheries resources owned by Indonesia, certainly needs to be utilized optimally. One of the biggest challenges faced in the management of marine and fisheries resources, including the high practice of Illegal, Unreported, Unregulated fishing (IUU fishing). This practice has caused a negative impact on economic, ecological, social aspects and even violates state sovereignty.

2. The Formulation of Problem

Illegal fishing activities still occur in Indonesian waters, although various efforts to overcome them have been carried out by the Indonesian government. This illegal cross-border activity is not merely an issue of Indonesia, but also an issue between countries considering the perpetrators and their activities are cross-country, and therefore, the handling must also be carried out across countries, especially through bilateral cooperation with neighboring countries in areas where fishermen often enter Indonesian waters illegally, which is an interesting problem to be studied and studied in this paper is :

1. What is the negative impact of the IUUF crime in Indonesia?
2. What is the policy of the government of the Republic of Indonesia in overcoming the IUUF crime?

3. The Method of Research

3.1. The Types of Research and Data Collection Techniques

The research methods used in this research is a descriptive study using qualitative methods, where data and information related to research problems obtained through library studies and interviews in the field were analyzed qualitatively, to be interpreted according to the meaning contained in the data and information. The Technique data collection is carried out through literature studies and in-depth interview with parties who are considered competent and have information and data relating to research problems.

3.2. The Time and Location of Research

Literature study is conducted in Jakarta through information retrieval and collection of written data obtained through books, scientific journals, and also through news / newspaper articles and internet media. The interview activity was conducted in Jakarta and research location in the area of Riau Islands Province, West Kalimantan Province and Maluku Province, with various parties who are considered to understand the research problem and can provide information according to research needs. The three regions outside Jakarta were deliberately chosen as research locations because they have waters that are rich in fish resources and also illegal fishing activities often carried out by foreign fishing vessels. In West Kalimantan, illegal fishing activities are mostly carried out in the ZEEI of the South China Sea and in the waters of West Kalimantan. The existence of waters around Riau island such as Natuna sea. who are rich in resources Fish and bordering international waters and neighboring countries are strategic places for illegal fishing activities. The waters around Maluku which include the Banda Sea, Aru Sea and Arafura Sea are golden fishing ground which have always been a bone of contention for fisheries companies both nationally and

internationally. And therefore also, in this waters area is also prone to illegal fishing activities. The overall study was conducted from April 2011 to October 2011.

4. Discussion

4.1. The Negative Impact of IUUF in Indonesia

Practices Illegal, Unreported, Unregulated Fishing (IUU fishing) has caused negative impacts on economic, ecological, social aspects and even violated state sovereignty. Some of the negative impacts that are visible include among others : **First**, the contribution of fishery is low to PDB. The existence of IUU fishing activities in Indonesian waters has reduced the capture fisheries contribution to the national economy and led to the loss of fisheries resources. According to the Indonesian BPS data (2017) it is seen that the contribution of fisheries to national PDB before 2014 is not more than 2.16%.

Second, export income. The rise of IUU fishing has had an impact real to reduced national export income. The results of research by G. Pramode, et.al (2014) note that in 2011 there were around 20-35% of tuna fish with a volume of about 3,889 - 6,805 tons, exported to the United States illegally and not reported (Pramod, et. Al., 2014).

Third, Non-National Income. IUU fishing has reduced the potential use of national put the fishes sites and added value to national fishing ports, as well as income from services and taxes from operating operations. IUU fishing has reduced the fishery resources in turn it will reduce income from a company that has a valid arrest permit.

Fourth, damage to ecosystems. Loss of value from coastal areas, for example shrimp resources close to coastal fishing areas and from mangrove areas that may be damaged by IUU fishing. Income reduction for people who fish in coastal areas.

Fifth, IUU fishing have negative impact on fish stocks and fish availability, an important source of protein in several countries, including Indonesia. Reducing the availability of fish in local markets will reduce protein availability and national food security. This will increase the risk of malnutrition in the community. In addition, the government's plan to increase the value of Indonesian fish consumption is feared that it will not work well.

Sixth, employment. IUU fishing has reduced national employment potential in the fisheries sector such as fishing companies, fisheries processing and other related sectors. The lack of raw material supply for fish is allegedly caused by the rampant practice of IUU fishing in Indonesia. one example is the recognition of Anak Buah Kapal (ABK) Philippine fish in Bitung (2017) that the pattern of fisheries known so far uses "principle 1: 3", meaning 1 time the fish caught landed in Bitung and 3 times landed in General Santos Philippines.

Seventh, conflict with the artisanal fleet. The rise of illegal fishing has caused conflict with Indonesian fishermen, especially traditional fishermen in fishing in Indonesian waters. this is due to illegal fishing also affects Indonesian fishermen, especially traditional fishermen who are again fishing on the same fishing ground.

4.2. Policies Taken by The Minister of Fishery and Marine Republic of Indonesia

In utilizing marine and fisheries resources there are at least two practices of fisheries management policies carried out, including (MMAF-UCSB, 2016):

1. Drain all existing fish for massive domestic fish production in a short time, but resources will run out in a few decades and there are no more fish in the sea. For example, cod fisheries in other countries that have been depleted must be closed and conserved for decades to give the fisheries time to recover.
2. Arranging and managing sustainable fisheries resources by implementing all instruments and tools, especially governance, science, monitoring and strong law enforcement so that catches are in accordance with the Allowable Catch Amount (JTB) and guaranteed long-term sustainability. This is through decades of process to reach well managed fisheries.

The first choice has the consequence that the resources will run out and not continue, while the second choice lasts a long time and requires high costs.

Seeing the characteristics of Indonesia, the Republic of Indonesia's Minister of Fisheries and Marine Affairs takes a more stringent new breakthrough option, but towards sustainability, namely by consistently eliminating IUU fishing practices, firmly carrying out strong fisheries governance through eradicating IUU fishing that has had a very detrimental impact on Indonesia's social economy.

Strong fisheries governance is translated by the Minister of Fisheries and Maritime Affairs of the Republic of Indonesia into three pillars, namely, sovereignty, sustainability and prosperity. These three things must run parallel in a strict manner, to more quickly respond to existing challenges.

This choice provides an opportunity to capture fisheries resources for Indonesian fishermen in their own homes, which has recently been followed by several neighboring countries, upholding sovereignty in the sea along with strengthening local fishermen in each country.

The three pillars put forward by the minister of fisheries and marine affairs :

1. The pillar of sovereignty. Article 33 Paragraph (3) of the 1945 Constitution states that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Based on this, it can be seen that the state constitution has guaranteed that safeguarding the sovereignty of the state is not only a matter of maintaining the security of the territory of the Unitary Republic of Indonesia, but also maintaining the resources contained in it so that it can be utilized to the maximum extent for the prosperity of the Indonesian people. This is manifested in the form of meetings with Ambassadors or leaders of international institutions, as well as working visits abroad to garner support in international forums on resistance to acts of IUU fishing as transnational organized crime as a global crime.

And resulted in the signing of the joint communique between Indonesia and 9 (nine) countries. Even the President in October 2015 immediately formed a Task Force for Eradication of IUU fishing which was determined through Presidential Regulation No.115 of 2015, and the Minister of Maritime Affairs and Fisheries was appointed as the Task Force Commander to coordinate 5 elements of the Indonesian Navy, Indonesian National Police, Attorney General's Office, Bakamla and KKP. Indonesia has ratified the Port State Measure Agreement (PSMA) to detect the occurrence of IUU fishing and disseminate information on IUU fishing

vessels globally. Then implement a moratorium on permits for foreign-made (ex-foreign) fishing vessels and cessation of cargo transfers in the middle of the sea (transshipment at sea). In the framework of monitoring and controlling the practice of IUU fishing which has caused a loss of US \$ 20 billion per year, there is a need for firmness in governance at sea. This was preceded by the enactment of a ship licensing moratorium policy contained in the Regulation of the Minister of Maritime Affairs and Fisheries 56 Year KP Number. Regulation of the Minister of Maritime Affairs and Fisheries Minister Number 10 Year regarding Temporary Termination (Moratorium) of Licensing of Fishing Fish Businesses in WPP-NRI. This moratorium regulation is only intended for foreign fish vessels exceeding 30 GT, namely vessels whose construction is carried out abroad. In addition to carrying out a moratorium on ship licensing to realize responsible fisheries resource management and prevent IUU fishing at WPP-NRI, transshipment prohibitions are also carried out through the Regulation of the Minister of Maritime Affairs and Fisheries Number 57 Year. The reason for the transshipment ban was imposed because of the many violations committed, where the transshipment results were not landed in Indonesian fishing ports but were immediately taken abroad. As a result, the number of fish caught is not recorded and there is a re-export of fish to Indonesia. On the other hand, the Fish Processing Unit (UPI) lacked raw materials and the processing fishermen went bankrupt because there were no raw materials. In addition, transshipment also hampers the ability to track and validate all production of caught fish on WPPNRI, eliminate potential state revenues (tax and non-tax) and provide opportunities for smuggling (drugs, fuel, etc.), slavery, wildlife trade, species capture - types of fish that are forbidden, etc. Then the Minister of Fisheries and Maritime Affairs of the Republic of Indonesia also implemented the Fisheries Law, Fisheries No. 45. The sinking of IUU fishing aboard vessels carried out in accordance with the provisions in Law No. 31 of 2004 concerning Fisheries as amended by Act No. 45 of 2009UU No. 45. This needs to be done to provide a deterrent effect on the perpetrators of illegal fishing. currently 317 illegal fishing vessels have been sunk, in collaboration with the Indonesian Navy and Indonesian National Police.

2. Sustainability Pillar. The pillar of sustainability is important to ensure that Indonesia's marine wealth is not exhausted by just one generation. In accordance with the vision of the "Sea of the Nation's Future", the sea must be able to sustain national development and improve the quality of life of the Indonesian people in the present and the future (Susi Pudjiastuti 2016). The KKP is very serious in restructuring fisheries management with the aim that the sustainability of fish resources can be realized and the sustainability of fisheries business can be guaranteed, the ultimate goal can improve the welfare of fishermen. Strategic policy in preserving marine and fisheries resources in a sustainable and sustainable manner with the stipulation of Regulation of the Minister of Marine and Fisheries NKP No. 1 of 2015 namely restrictions on the capture of three important fishery species namely Lobster (*Panulirus* spp.), Crab (*Scylla* spp.), And Rajungan (*Portunus pelagicus* spp.). In the regulation, there is an article which regulates the limitation of catching lobsters, crabs and crabs for

consumption and sale. Where, every person is prohibited from arresting these three important fishery species in a laying condition with the minimum size specified in the regulations. With restrictions on fishing size and saleable size, the perpetrators of smuggling lobster or egg-laying crabs that have been aimed at Vietnam and various countries have had a deterrent effect. Data up to July 2017, the failure of smuggling of crab and lobster resources has been able to save state losses of Rp. 509.68 billion. Then by maintaining the ecosystem of fish resources for the livelihoods of fishermen in the future. The commitment to reorganize responsible fisheries management is also realized through an environmentally friendly fish catching policy. This was confirmed by the issuance of the Minister of Marine and Fisheries Regulation No. 2 of 2015 Pelarangan Alat Penangkap Ikan (API) Pukat Hela and Pukat Tarik (including cantrang) which were replaced by the Regulation of the Minister of Marine and Fisheries No. KP 71 of 2016 concerning Fishing Lines and Marine Placement of Fishing in the Fisheries Management Area of the Republic of Indonesia, given the increasingly thin condition of fisheries resource degradation due to over fishing in the Java Sea. In addition to high fuel consumption, the weakness of the lack of trawlers is the low power of selectivity, which can be indicated by the high catch (by catch). This high level of catch can certainly damage the sustainability of resources. Besides the prohibition on the use of trawl and trawl fishing gear, to breeding ground and spawning ground *Thunnus albacares* on WPP-NRI 714, a Regulation of the Minister of Maritime Affairs and Fisheries KP No. issued. 4 of 2015 regarding Fishing Prohibition on WPP-NRI 714 in October-December.

3. Welfare Pillar. Management of marine and fisheries resources is for the greatest prosperity of the people, therefore all programs are designed for the needs of stakeholders, namely fishermen, fish cultivator, fishery product processor / marketer, salt farmer, and other marine and fisheries communities. In to protect and empower fishermen in accordance with Law 7/2016, for the first time small fishermen got insurance programs from the Government, namely since 2016. The government also provides ship assistance, fishing gear, means of cold chain systems, training, counseling, science and technology innovation, and also build Integrated Marine and Fisheries Center "Sentra Kelautan dan Perikanan Terpadu (SKPT)" on the outer islands, and establish cooperation to access capital, including providing alternatives in the transfer program of cantrang fishing gear. Governance Reform Fisheries Management needs to be strengthened by governance at the regional level, namely the Republic of Indonesia's Fisheries Management Area "Wilayah Pengelolaan Perikanan Negara Republik Indonesia (WPPNRI)". For this reason, the Institutional Manager of WPPNRI will be tasked with coordinating the fisheries management authority at the provincial level in the WPPNRI with the Ministry of Maritime Affairs and Fisheries in order to regulate fisheries licensing and the suitability of the number of permits according to the sustainability of fishery resources.

Fisheries management reforms need to be carried out with the development of a partnership framework in fisheries management (colaborative management). Considering the characteristics of the fish resources, fisheries management

partnerships involve government agencies at the central level as well as in the regions, capture fisheries businesses, NGO and other relevant stakeholders.

Partnership between stakeholders is one of the important elements of successful fisheries management. Through partnerships in fisheries management, government, fish resource users, and other stakeholders share responsibility and authority in fisheries management. The existence of these partnerships is expected to have an active role and the interests of fish resource users and other stakeholders can be more accommodated in fisheries management, aimed at preserving fish resources and improving the welfare of the people.

Institutional fisheries management with WPPNRI base is intended to increase efficiency, optimization and coordination of the implementation of fisheries management in WPPNRI. Fisheries which are the subject of management are certainly those that utilize fish resources which are the authority of the central government, namely fish resources whose distribution or migration is outside the waters which are the management authority of the Regional Government (Article 9, 11 & 13 of Law Number 23 of 2014 concerning Regional Government) (Pasal 9, 11 & 13 Undang – Undang Nomor no. 23 Tahun th. 2014 Tentang Pemerintahan Daerah).

The results of the study stated that the implementation of the IUU fishing policy carried out consistently with national fisheries governance reform in accordance with sustainable principles will have an impact on increasing fish catches, for example 25% for cakalang fisheries (KKP-UCSB).

Indonesia's capture fisheries production in 2016 was recorded at 7.9 tons and JTB in 2017 reached 12.54 tons. There is an opportunity of 3.7 tons for the growth of the fishing industry in Indonesia. This opportunity will create the necessary ABK and need appropriate skills, fishing gear development industry, fish processing industry and derivative industries. This opportunity will also increase the contribution of the maritime and fisheries sector such as taxes and PNBP.

The implementation of the IUU fishing policy carried out consistently with national fisheries governance reform will result in the opening of opportunities and needs for domestic fisheries capacity.

Construction of new vessels in accordance with Indonesia's conditions to replace foreign vessels, as well as innovative fishing technologies that are environmentally friendly, fisheries both capture and cultivation that are full of technology, needs to be answered by national industry.

5. Conclusions and Recommendations

5.1. The Negative Impact of IUUF In Indonesia

1. The contributin of fishery is low.
2. The rise of IUU fishing has had a significant impact on the reduction of national export revenues.
3. Non-tax revenue. IUU fishing has reduced the potential use of national fish landing sites and added value to national fishing ports, as well as services and tax revenues from legitimate operations.
4. ecosystem damage. The loss of value from the coastal area.
5. IUU fishing has a negative impact on fish stocks and availability of fish, an important source of protein in several countries, including Indonesia.

6. IUU fishing has reduced national employment potential in the fisheries sector such as fishing companies, fisheries processing and other related sectors.
7. The rampant illegal fishing has caused conflict with Indonesian fishermen, especially traditional fishermen in fishing in Indonesian waters.

5.2. The Policy of The Government of the Republic of Indonesia in Overcoming the IUUF Crime

At present, there needs to be a policy breakthrough in an effort to restore Indonesia's maritime glory as expected by President Jokowi in realizing Indonesia as the world's maritime axis.

Strong fisheries governance is translated into three pillars : sovereignty, sustainability and prosperity These three things must run parallel in a strict manner, to more quickly respond to existing challenges. The three pillars are strongly related to each other or in other words the three pillars cannot stand alone. These three pillars are a real effort in realizing Indonesia's vision as a global maritime axis and making the sea the nation's future.

References

- Kementerian Kelautan dan Perikanan, 2013. Buku Statistik Kelautan dan Perikanan. s.l.:Pusat Data, Statistik, dan Informasi Kementerian Kelautan dan Perikanan.
- Kementerian Kelautan dan Perikanan, 2015. Rencana Strategis Kementerin Kelautan dan Perikanan Tahun 2015 - 2019.
- Kementerian Kelautan dan Perikanan, 2016. Kementerian Kelautan dan Perikanan Replubik Indonesia. [Online] Available at: <http://www.kkp.go.id>
- Kementerian Kelautan dan Perikanan, 2016. Membangun Kedaulatan Perikanan Melalui Pemberantasan Illegal Fishing. Institut Pertanian Bogor.
- Kementerian Perhubungan, 2010. Cetak Biru Transportasi Multimoda Tahun 2010 - 2030, Jakarta: Menteri Perhubungan Republik Indonesia.
- Pidato pengukuhan doktor honoris causa , susi pujiastuti, Produktifitas Sumber Daya Kelautan dan Perikanan Indonensia, Departemen Teknik Sistem Perkapalan Fakultas Teknologi Kelautan, Institut Teknologi Sepuluh Nopember Surabaya, 10 Nopember 2017
- Dr. Yunus Husein, SH.,LL.M., staf khusus satuan tugas penangkapan ikan secara ilegal, penasihat meteri kelauttan dan perikanan Republik Indonesia,, SATGAS 115, di sampaikan di Fakultas Hukum Universitas Gajah Mada Yogyakarta, 15 November 2017
- <http://www.neraca.co.id/article/37637/pengelolaan-sumber-daya-laut-perikanan-tangkap-susun-rencana-wpp-nri-718> diakses pada 3 desember 2017 06:52 wib
- <https://news.detik.com/berita/3513215/lewat-pbb-indonesia-ajak-dunia-tekan-illegal-fishing> diakses pada 2 Desember 2017 ; 14. 51 wib
- <https://blog.act.id/2-fakta-tentang-kondisi-laut-dunia-saat-ini> diakses pada 03 desember 2017 11. 56wib