

Government Policy in Eradication of Illegal Fishing Practices

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ABSTRACT

Indonesia, as an archipelagic state, possesses vast marine territory with significant fisheries potential, yet faces serious challenges from illegal, unreported, and unregulated (IUU) fishing. This practice causes substantial economic losses, environmental degradation, and social inequality among local fishers. This study aims to examine the impacts of illegal fishing and analyze government policies addressing the issue. The research uses a normative legal method with a statutory approach. Findings show that illegal fishing leads to overfishing, ecosystem destruction, and reduced fish catch for small-scale fishers. The Indonesian government has implemented various policies, including the National Plan of Action (NPOA) to combat IUU fishing, and established a Joint Task Force supported by coordinated sea surveillance through Monitoring, Control, and Surveillance (MCS). However, limitations in human resources and funding remain significant obstacles in monitoring Indonesia's vast waters. To address this, the government encourages community involvement through the formation of Community Surveillance Groups (Pokmaswas). Synergy between central and local governments, local communities, and international cooperation is essential for sustainable marine resource management. The implementation of responsible fishing practices, in accordance with the Code of Conduct for Responsible Fisheries (CCRF), is crucial to ensure the sustainability of Indonesia's marine resources for current and future generations.

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INTRODUCTION

Indonesia is an archipelago with a land area two to one of its own. Its fisheries potential, such as capture fisheries and aquaculture, is supported by Indonesia's vast maritime territory, which comprises 62% of the nation's territory, and its 2.7 million square kilometers of exclusive economic zone (EEZ), which has earned it the label of a maritime nation (Barus & Septaria, 2023).

Indonesia's vast maritime territory represents a natural resource that can be a promising asset for the economic sector, particularly in the fisheries and maritime sector. The oceans hold riches that can be a source of revenue for the state. While the advantage of having a large maritime territory can produce natural resources that can be utilized to the greatest possible extent for the prosperity of the people, while fulfilling the constitutional mandate, it will certainly be balanced with challenges. Indonesia's larger maritime territory presents a challenge for Indonesia in defending its maritime territory. The natural wealth contained within its territorial territory has been reverberating since the Dutch East Indies colonial era, as Indonesia's natural wealth attracted colonizers not only because of Indonesia's strategic location as a seaborne trade route but also because of the exploitation of Indonesia's seas and fisheries. This fact serves as evidence of the potential wealth of Indonesia's marine natural resources.

The vastness of Indonesia's waters can be a double-edged sword, as it can pose challenges for its waters. The richness of Indonesia's maritime territory has led to the emergence of ill-intentioned fishing practices from illegal fishermen bordering Indonesia, particularly in maritime areas. Illegal fishing practices pose a threat to the country, with Indonesia estimated to potentially suffer state losses of up to Rp. 774.3 billion in the January-May 2025 period due to illegal fishing practices, according to a report from the Ministry of Maritime Affairs and Fisheries (KKP). At least the findings of the Ministry of Maritime Affairs and Fisheries revealed that there were 23 points where fish aggregating devices (FADs) were installed illegally by foreign countries, which hindered fish migration to Indonesian waters. This is also reported to be detrimental to fishermen because they have to travel farther to fishing grounds, according to reports from fishermen in North Sulawesi, Biak, and North Maluku. The Directorate General of Marine Resources and Fisheries Surveillance (Ditjen PSDKP) of the Ministry of Maritime Affairs and Fisheries (KKP) detected at least 147 illegal fishing vessels, comprising 62 foreign vessels and 85 Indonesian vessels, between 2020 and June 2025. The arrests of 147 illegal fishing vessels were carried out in the waters of the Riau Islands, comprising 85 Indonesian vessels and 62 foreign vessels.

Threats to the sustainability of Indonesia's marine natural resources do not only come from outside but also from within, data presented by the Ministry of Maritime Affairs and Fisheries, that although there have been efforts from the government to tackle illegal fishing, it is still not optimal to stop this practice in Indonesian marine areas.

Based on the problem background above, the problem formulation in this research is: (1) What are the impacts of illegal fishing practices on the country? And (2) What policies has the government implemented to combat illegal fishing practices? Based on the formulation of the problem, the aim of this research is to study and analyze: (1) Impacts of illegal fishing practices and (2) Government policies to combat illegal fishing practices.

METHOD

To answer the research questions, this study employed a qualitative-descriptive approach using a normative research method with a statute approach (Irwansyah & Yunus, 2020). This approach emphasizes the analysis of legal norms and statutory regulations as the primary framework for examining the issues under study.

The study was conducted by reviewing laws and regulations in relation to relevant case studies, which functioned as secondary data sources. These data were obtained through library research, media sources, official documents, and other publicly accessible materials (Zed, 2008).

RESULTS AND DISCUSSION

The Impact of Illegal Fishing Practices on the Country

Illegal fishing activities can impact various aspects, generally detrimental to the country in the economic, social, cultural, and environmental fields. In international law, illegal fishing can be defined as fishing activities or any actions related to fisheries carried out without a legal basis. Illegal fishing can be defined as activities carried out without regulations and permits issued by the relevant authorities. Illegal fishing can

be categorized as a fisheries crime because this activity is not reported to the coastal state government, thus becoming unregulated fishing.

Unregulated fishing can have a negative impact on coastal countries due to the high potential for overfishing and overcapacity, which threaten the sustainability of fish resources, an unfavorable fisheries business climate, weakened company competitiveness and marginalization of fishermen are real impacts of IUU fishing activities. Irresponsible actions carried out by fishermen are not only limited to fishing that is not in accordance with regulations (illegal fishing), but also fishing activities carried out using methods that can damage biota other than the target and the environment (Destructive fishing) (Mirza et al., 2021). Several points of legal violations committed by fishermen are in line with illegal fishing practices:

- a. Fishing without a permit (a Fisheries Business License (SIUP), a Fishing Permit (SIP), or a Fishing Vessel Permit (SIKPI)).
- b. Having a permit but violating the stipulated provisions (violation of fishing grounds, violation of fishing gear, violation of base compliance), falsification/manipulation of documents (procurement, registration, and vessel licensing documents), transshipment at sea, failure to activate transmitters (specifically for vessels required to install transmitters), and/or construction that endangers the preservation of fish resources.
- c. Destructive fishing using chemicals, biological materials, explosives, tools and/or methods, and/or structures that endanger the preservation of fish resources.

Government Policy in Combating Illegal Fishing in Indonesia

Illegal fishing practices that can disrupt ecosystems and impact the sustainability of marine resources will certainly harm Indonesia economically, socially, and environmentally. These practices also relate to a country's territorial sovereignty. International maritime law (UNCLOS 1982) stipulates three maritime zones: the Territorial Sea, the Exclusive Economic Zone (EEZ), and the Continental Shelf. Indonesia is one of the countries that ratified Indonesian maritime law through Law No. 17 of 1985, which legitimizes Indonesia in its relations with the nation.

State sovereignty is the basis for a country's jurisdiction over the management and utilization of its maritime territory. The International Convention on the Law of the Sea (UNCLOS) states several rights inherent to coastal states within the exclusive economic zone, as follows:

- a. Sovereign rights to explore and exploit, conserve, and manage living and non-living natural resources in the waters, seabed, and subsoil;
- b. Sovereign rights over exploration and exploitation activities such as energy production from water and wind;
- c. Jurisdiction over the establishment and use of artificial islands, installations, and structures, marine scientific research, and the protection and development of the maritime environment (Anwar, 1989).

State sovereignty is the basis for Indonesia to form policies in efforts to maintain the defense and security of the country's territory.

Illegal fishing is not a new practice in the fisheries world. Marine-related activities have always attracted public attention, as the sea has long been a global hub and transportation route. This is why, following the establishment of UNCLOS 1987, it was necessary to accommodate the provisions of national and state governments regarding the management of marine areas. The natural wealth contained in the sea

attracts many people to exploit marine resources, but this lack of good faith has led to irresponsible behavior that can be detrimental and even threaten the sustainability of marine ecosystems.

Irresponsible fishing practices have become an international concern, leading to the creation of the International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing (IPOA IUU Fishing) in 2001, which serves as a guideline for preventing, deterring, and eradicating illegal, unreported, and unregulated fishing. The IPOA IUU Fishing is a general method instrument that coastal states can implement as a concrete measure to combat illegal fishing practices.

Indonesia, through the Ministry of Maritime Affairs and Fisheries, created a National Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, or the Indonesian National Plan of Action, from 2012 to 2016 (Supeno, 2020). This strategic action plan was designed to enable organizational units within the Ministry of Maritime Affairs and Fisheries to develop action strategies that serve as guidelines for preventing and eradicating illegal fishing, in accordance with their respective mandates and objectives. The Indonesian National Plan of Action was established with the aim of realizing the mandate of the 2007 RPOA-IUU in national regulations related to illegal fishing, thereby realizing orderly, responsible, and sustainable fisheries management and development. The Indonesian National Plan of Action was formed based on 18 national regulations governing fisheries management and environmental conservation. The Indonesian National Plan of Action in efforts to eradicate illegal fishing requires synergy between relevant ministries and institutions and is not only focused on the Ministry of Maritime Affairs and Fisheries but must also be implemented through inter-institutional coordination.

The legal basis for combating illegal fishing has not been specifically stated in the law, but the Fisheries Law contains several articles that can be categorized as illegal fishing practices. As a form of repressive effort to combat illegal fishing, a special court has been established.

The government's responsibility in eradicating illegal fishing The relevant Ministry formulated Regulation of the Minister of Maritime Affairs and Fisheries No. 24 of 2020 which serves as the legal basis for the establishment of the Illegal Fishing Eradication Task Force. The eradication of illegal fishing is carried out by forming a task force that utilizes personnel from the Ministry of Maritime Affairs and Fisheries but also forms coordination with various agencies that can support the optimization of the illegal fishing task force's performance. The task force's working area covers Indonesia's jurisdictional sea areas including territorial sea areas (including inland seas) and the Indonesian Exclusive Economic Zone (ZEEI) (Aida, 2011).

In the case of illegal fishing, eradication is carried out by combining legal efforts, law enforcement, regional cooperation, and diplomacy. Preventive efforts are made by monitoring territorial waters and the Exclusive Economic Zone (EEZ). Maritime surveillance strategies include Monitoring, Control, and Surveillance (MCS). Eradicating illegal fishing requires deregulation of permits related to the capture fisheries system, which also includes licensing of foreign vessels. Monitoring of illegal fishing is carried out by the Illegal Fishing Task Force, a collaboration between the Ministry of Maritime Affairs and Fisheries, the Indonesian Navy and Air Force, the Water Police, and the Maritime Security Agency (Bakamla). Strengthening the fishing fleet is necessary not only to take action against foreign fishermen who enter

Indonesian waters but also to supervise the operations of local fishermen in border areas. Involving local communities can also be a preventive measure, providing media such as legal counseling to the community to provide good insight regarding regulations. Legal counseling, this activity is carried out in various ways and forms for example through mass media, or directly holding seminars or just ordinary meetings with the community to discuss applicable laws so that the community knows about the law, and it is hoped that the community will comply with and implement the law or regulations, providing an understanding of the importance of preserving the sea and the ecosystems within it, as well as conveying the dangers of illegal fishing for both perpetrators and the community, appealing to all communities to immediately report to the police if illegal fishing occurs. National preventive efforts also include improving legal instruments, which are the front line that needs to undergo transformation if necessary to maximize legal efforts to eradicate illegal fishing (Ekananda, 2025).

Cooperating both bilaterally and regionally is an effort to eradicate illegal fishing externally. Indonesia can build international relations with countries that share borders and share priorities and goals regarding concerns about illegal fishing practices. Thailand, Singapore, and Malaysia are countries that border Indonesia through the Strait of Malacca. The fisheries potential in the Strait of Malacca is a factor in the approximately 58 vessels that entered the region and engaged in illegal fishing in 2017, statistically 80% of which were foreign vessels from Thailand. Illegal fishing practices, which can be categorized as transnational crimes, require relationships between countries that share the same goal of eradicating illegal fishing (Rikzan & Susiatiningsih, 2018).

Responding to the potential of fisheries, Indonesia has built diplomatic relations with various countries since 1968. Cooperation related to fisheries is not only established by Indonesia with countries that directly border Indonesia's territory but also opens opportunities to countries that do not border Indonesia's territory. Regarding international relations in the field of fisheries, Indonesia has built bilateral cooperation relations with at least 20 countries. Specifically, Indonesia grants special permits to Thailand, the Philippines, and China to be able to carry out fishing that obtains special permits to carry out fishing in the ZEEI (Indonesian Exclusive Economic Zone) area. Bilateral relations established with Indonesia are not only limited to permits to carry out fishing in the ZEEI (Indonesian Exclusive Economic Zone) area but also include eradicating illegal fishing. Thailand together with Malaysia conduct patrols as part of the coastal states connected by the Strait of Malacca to monitor the routes of ships sailing in the South China Sea. The Exclusive Economic Zone (EEZ) is an area that is vulnerable to illegal fishing practices because many countries still do not recognize the sovereign rights of a country in its EEZ area based on UNCLOS 1982. For example, China's Nine Dash Line claim to 90% of the South China Sea (Hakim & Mu'allifin, 2023).

Eradicating illegal fishing requires a significant amount of human resources due to the vastness of Indonesia's maritime territory. The vastness of Indonesia's maritime territory is not commensurate with the quantity of human resources from various agencies involved in coordinating the illegal fishing task force. Budgetary limitations in providing adequate personnel and equipment to cover the vastness of Indonesia's waters also pose a challenge in carrying out its oversight function. The government is certainly overwhelmed even though a coordinated task force from various agencies

has been formed to support oversight performance. Involving the public in government efforts to eradicate illegal fishing is a step to overcome the state's limitations in terms of both personnel and equipment in carrying out its oversight function. The formation of Community Monitoring Groups (Pokmaswas) can be an alternative to overcome the state's limitations in carrying out its oversight function. The public's willingness to participate in preventing illegal fishing practices is an initiative by the community as a form of concern for the management and utilization of marine resources. The formation of Pokmaswas is accompanied by guidance from the Ministry of Maritime Affairs and Water Affairs. The main task of Pokmaswas is to actively act as the eyes and ears in the field regarding government oversight duties carried out regarding indications of violations occurring in Indonesian waters (Nofendi & Artati, 2023). The mechanism for community involvement as community monitoring groups (pokmaswas) in carrying out supervisory functions to assist the government's performance in preventing illegal fishing practices is carried out based on the Decree of the Minister of Maritime Affairs and Fisheries Number 58 of 2001 concerning Procedures for Implementing the Community Monitoring System in the Management and Utilization of Marine and Fishery Resources.

Fishery resources are classified as common property resources. Because they are not owned or controlled by any particular individual or group, access to these resources is open. This situation encourages overuse or uncontrolled exploitation. The decline in environmental quality and fish habitat further worsens the management of fishery resources. Amid these challenges, the fisheries sector remains a primary source of food, particularly animal protein, as well as a source of employment, recreation, trade, and other economic activities. However, if fishery resources are not managed optimally and fishing activities continue irresponsibly, the sustainability of these resources in Indonesia is seriously threatened (Fauziningrum et al., 2024).

In Dumai City, this situation has had a significant impact. Fishing activities by fishermen have become less efficient and productive, forcing them to fish farther from the coastline. This is exacerbated by the degradation of coastal waters due to various anthropogenic activities, such as shipping, industrial activities, port activities, and various other activities that have the potential to reduce the quality of the aquatic environment. The impacts of these activities include reduced fish catches, a decrease in mangrove forests, and increasingly frequent tidal flooding in the coastal areas of Dumai and surrounding islands. In response to these challenges, the Code of Conduct for Responsible Fisheries (CCRF) has emerged as a global reference for sustainable fisheries management practices. The CCRF establishes principles for the responsible management of fisheries resources to ensure their availability for current and future generations, within the context of food security, poverty alleviation, and sustainable development. In particular, Articles 7 and 8 of the CCRF emphasize the importance of fisheries management and fishing practices that are in line with the principles of 'responsible capture fisheries', in order to ensure the effective conservation, management and development of aquatic living resources while still paying attention to ecosystems and biodiversity.

Local governments have four primary roles in community empowerment: regulator, dynamist, facilitator, and catalyst. In the context of empowering fishing communities, these roles are realized through programs such as human resource development, provision of facilities and infrastructure, and the establishment of

fishermen's institutions. However, program implementation has not been optimal. Government training and guidance have not fully reached fishing communities due to budget and transportation constraints. However, the government has provided various forms of assistance, such as fishing gear, boats, fishermen's insurance, and land certificates. The establishment of fishermen's institutions such as KUB (Community Development Business Unit) and POKLAHSAR (Community Development Group) has also been carried out to facilitate development and increase fishermen's independence. Furthermore, there are supporting factors such as improving community mindsets and budget availability, as well as inhibiting factors such as limited human resources, budget, technology, and transportation facilities.

CONCLUSION

Indonesia, as an archipelagic nation with vast maritime territory, possesses significant potential for fishery resources, but also faces serious challenges, particularly from illegal fishing practices. Illegal fishing activities have significant negative impacts on various aspects, including state economic losses, marine environmental damage, and social inequality among local fishermen. This practice is carried out not only by foreign vessels but also by domestic fishing vessels in violation of regulations. The Indonesian government has responded through various policies, both nationally and internationally, such as the establishment of the National Plan of Action (NPOA) and the establishment of the IUU Fishing Eradication Task Force. These policies are supported by a legal approach, integrated maritime surveillance (Monitoring, Control, and Surveillance), and regional and bilateral cooperation. However, limited human resources and budgets remain obstacles to effective supervision and law enforcement. In addition to efforts from the central government, the involvement of local governments and communities through the establishment of Community Monitoring Groups (Pokmaswas) is a strategic step to address these deficiencies. Strengthening fishermen's capacity and legal assistance are also crucial in building awareness and compliance with fisheries regulations. Ultimately, the successful management of Indonesia's marine resources depends heavily on the synergy between the central and regional governments, communities, and the international community. Responsible fishing practices, in accordance with the principles of the Code of Conduct for Responsible Fisheries (CCRF), are key to maintaining the sustainability of Indonesia's marine resources for the benefit of current and future generations.

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