

SHIP SINKING POLICY: A LEGAL CHOICE TO ERADICATE ILLEGAL FISHING IN INDONESIA

Faradiba Putri Rahmadani¹, Agus Triono²

¹Universitas Lampung, Indonesia, E-mail : faradibarara09@gmail.com

²Universitas Lampung, Indonesia, E-mail : agus.triono@fh.unila.ac.id

Submitted: Jul 21, 2022; Reviewed: Aug 22, 2022.; Accepted: Sept 26, 2022

Article Info	Abstract
Keywords: Policy, Ship Sinking, Illegal Fishing DOI: 10.25041/lajil.v4i2.2670	<i>Illegal fishing poses a significant threat to Indonesia's marine resources, and addressing this issue is crucial for the country. To combat illegal fishing, the Indonesian government has implemented several policies, one of the most controversial being the sinking of vessels found to be involved in such activities. This article examines the government's strategies against illegal fishing, particularly focusing on the policy of sinking ships as a method to eradicate illegal fishing in Indonesian waters. The research conducted is normative legal research, utilizing a statutory approach. Data were collected by reviewing relevant national and international legal documents and analyzed descriptively. The findings reveal that the government's policies to counter illegal fishing include the establishment of Task Force 115, the Indonesian Marine Policy, a Transshipment Policy, and a Ship Sinking Policy. The effectiveness of these measures largely depends on the legal discretion of the minister in office. The Ship Sinking Policy, is viewed as a decisive and concrete action, significantly more impactful than other interventions. Furthermore, the policy of sinking ships is implemented based on sufficient preliminary evidence, which is essential to minimize conflicts with other countries. This approach underscores Indonesia's commitment to enforcing its maritime laws while maintaining diplomatic relations.</i>

A. Introduction

Indonesia is a unitary state with over 70,000 islands stretching from Sabang to Merauke¹ with wide marine area. Indonesia has been recognized as an archipelagic country in UNCLOS

¹ Efridadewi and Jefrizal, 'Penenggelaman Kapal Illegal Fishing di Wilayah Indonesia Dalam Perspektif Hukum Internasional'.

1982. Approximately, 70% of Indonesia's territory is sea² which is the home of diverse flora and fauna. The sea also serves as the source of living for the community living along the coastlines.

Marine resources have major contribution to the improvement of the community welfare in Indonesia.³ The abundant marine resources also attract other countries to take some benefits as well. There have been occurrences where other countries violated the law to take benefits from Indonesia's sea, such as illegal fishing.

Illegal fishing is a fishing activity carried out by foreign people or ships in the waters of a country without a valid permit from the country concerned. This illegal fishing activity is conducted by ships registered under a country that belongs to a regional fishery management organization yet fails to comply with the internationally established regulations.

Illegal fishing is driven by economic motives. Illegal fishing that occurs in Indonesian waters carried out by foreign fishermen is regarded as a transnational crime. Illegal fishing is transnational in nature and the fishers work in networks that extend beyond national borders. This illegal fishing activity is a serious problem that should be addressed by Indonesian government.

The occurrence of illegal fishing in Indonesian waters is increasingly concerning. The World Food Agency or FAO recorded the loss experienced by Indonesia per year due to illegal fishing reached IDR 30 trillion. According to Susi Pudjiastuti, the Minister of Marine and Fisheries, the loss was actually greater than 20 billion US dollars or around IDR 300 trillion. Within the last ten years, the total loss have reached IDR 3000 trillion⁴.

The Ministry of Marine Affairs and Fisheries holds the most significant roles in determining the policies regarding illegal fishing. One of the most popular policies is the sinking of foreign and ex-foreign ships as a real implementation of Law no. 45 of 2009 concerning Fisheries⁵. The Fisheries Law adopted several provisions from international law on marine affairs, one of which is UNCLOS 1982 that was adapted into the Law No. 17 of 1985.

Ship sinking is the action to eradicate illegal fishing activities and provide a deterrent effect against violations that can harm the country. However, the policy has raised pros and cons from several parties. Many parties support the policy, but some others object to it. This paper describes the government policies against illegal fishing and ship sinking as an effort to eradicate illegal fishing in Indonesian waters. This normative legal research was conducted by examining library materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. These materials were arranged systematically and analyzed to answer the research questions and to draw comprehensive conclusions.

B. Discussion

1. Indonesian Government Policy on Illegal Fishing

Illegal fishing is detrimental as it causes both direct and indirect impacts to Indonesia. A strict policy should be determined to eradicate illegal fishing in Indonesian waters. The government's policy towards illegal fishing is aimed at eradicating illegal fishing as well as supervising the management of the utilization of Indonesia's marine resources. There are various policies made by the government, including the implementation of new regulations and the ship sinking policy.

² Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Penenggelman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

³ Banjarani, 'Illegal Fishing Dalam Kajian Hukum Nasional Dan Hukum Internasional'.

⁴ Munawaroh, 'PENERAPAN SANKSI PENENGGELAMAN KAPAL ASING PELAKU ILLEGAL FISHING OLEH PEMERINTAH INDONESIA (PERSPEKTIF HUKUM INTERNASIONAL)'.

⁵ Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Penenggelman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

In Law No. 45 of 2009 concerning Fisheries, the definition of fishing is an activity to obtain fish in waters that are not in a state of being cultivated by any means or means, including activities that use ships to load, transport, store, cool, handle, process, and /or preserve it⁶. Thus, illegal fishing is any kinds of fishing activities that violates the provisions of the Fisheries Law.

In international settings, illegal fishing is defined in the IPOA (International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing), referring to fishing activities carried out by a country or foreign ship in certain waters⁷ that violate the existing laws and regulations. Fishing conducted by a vessel flying the flag of a country that is a member of a regional fishery management organization becomes illegal if it violates the laws of that country or international regulations. Thus, illegal fishing refers to activities that contravene the national laws of the concerned country and international law⁸.

The Ministry of Maritime Affairs and Fisheries (KKP) employs a top-down policy model in its actions to sink ships as a measure against illegal fishing. This model is characterized by the keywords command, change, control, and compliance⁹. The policy begins with directives issued directly from the President, which are then relayed to the Ministry of Marine Affairs and Fisheries. The Ministry, in turn, instructs Task Force 115 to execute these directives decisively. This approach is reinforced by stringent oversight aimed at preventing deviations from the prescribed instructions during the operational process.

Under the leadership of President Joko Widodo, the government continues to take serious efforts to eradicate illegal fishing. One of the ways is by establishing a Task Force for the Eradication of Illegal Fishing (later called Task Force 115) through Presidential Regulation Number 115 of 2015¹⁰. Task Force 115 is assigned to carry out Law Enforcement Operations in order to eradicate Illegal Fishing.

The authority of Task Force 115 is to carry out the functions of data and information collection and analysis, prevention, prosecution, and justice, namely: 1) determining operational targets in the context of eradicating illegal fishing; 2) coordinating the process of collecting data and information with related institutions; 3) establishing the elements of Task Force 115 to carry out the eradication of illegal fishing in areas that have been determined by Task Force 115; 4) carrying out command and control over the elements of Task Force 115. The elements of Task Force 115 consist of the Ministry of Marine Affairs and Fisheries, the Navy, the Police, the Marine Security Agency and the Attorney General's Office of the Republic of Indonesia.

Task Force 115 is expected to optimize the use of all existing legal instruments to eradicate illegal fishing in effective and efficient ways. Crimes in the field of fisheries are closely related to other transnational crimes. Illegal fishing does not only impact the economic sector, but it also affects the fishermen welfare. Illegal fishing is also a factor that contributes to the high poverty rate among local fishermen. Illegal fishing also impacts the ecosystem and marine life due to illegal use of fishing gear on fishing at a large scale.

In order to deal with illegal fishing, the Indonesian government has made several policies, including the issuance of Presidential Regulation No. 16 of 2017 concerning Indonesian Marine Policy. This policy was issued with the consideration that Indonesia has a large territorial waters with abundant potential which should be managed optimally and sustainably. The management

⁶ Susanto, J., & Masyhar, A. Susanto, J., & Masyhar, A., 'Law Enforcement on Fisheries Crime After the Enactment of Law Number 45 of 2009: A Normative Analysis | Journal of Law and Legal Reform'.

⁷ Borit and Olsen, 'Evaluation Framework for Regulatory Requirements Related to Data Recording and Traceability Designed to Prevent Illegal, Unreported and Unregulated Fishing'.

⁸ Hikmah, 'Illegal Fishing in Indonesia from the National and the International Law Perspectives'.

⁹ Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Peneggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

¹⁰ Tombakan, 'Prosedur Penegakan Hukum Terhadap Kejahatan Illegal Fishing di Perairan Indonesia Berdasarkan Undang-Undang Nomor 45 Tahun 2009 Tentang Perikanan'.

of marine resources is carried out in order to realize Indonesia's ideals as a World maritime Axis and efforts to provide benefits for the welfare of the community.

Indonesia's maritime policy is a general guideline for marine policy and steps for its implementation through ministry programs and activities designed to accelerate the implementation of the World Maritime Axis. Based on this Presidential Regulation, Indonesia's maritime policy consists of the National Policy Document and the Indonesian Marine Policy Action Plan. The National Document of Indonesian Maritime Policy will serve as a guideline for government ministries/agencies in planning, implementing and evaluating development in the marine sector. It also serves as a reference for the community to participate in carrying out the marine sector development.

The Ministry of Maritime Affairs and Fisheries, which oversees policies related to Indonesia's marine areas, has implemented a transshipment ban as part of its strategy to combat illegal fishing.¹¹ This prohibition on transshipment is articulated in two key regulations: Ministerial Regulation No. 56 of 2015, concerning the Temporary Suspension of Capture Fisheries Business Licensing in the State Fisheries Management Area of the Republic of Indonesia, and Ministerial Regulation No. 57 of 2015, concerning Capture Fisheries Business in the State Fisheries Management Area of the Republic of Indonesia¹². This moratorium is a targeted measure intended to curb the prevalence of illegal fishing activities within Indonesian waters.

This regulation mandates that ships first dock at Indonesian ports prior to exporting goods. Upon docking, these ships are subject to various Non-Tax State Revenues (PNBP), including specific levies. For a more comprehensive understanding, refer to the Minister of Marine Affairs and Fisheries Regulation No. 57 of 2014, particularly Article 37, paragraphs 5, 6, and 9, which outline the transshipment restrictions as follows:

Paragraph 5 specifies, "Each vessel transporting fish from foreign countries is assigned two base ports, while those carrying fish for export purposes are assigned one base port." Paragraph 6 states, "All fishing vessels and fish-carrying vessels must offload their catch at the designated base port as indicated in their SIPI and SIKPI permits." According to Paragraph 9, "Any vessel failing to offload its catch at the assigned base port as stipulated in paragraphs 2, 3, 4, 5, and 6 will face sanctions including the revocation of their SIPI or SIKPI permits."

Some of the reasons the government implements the Transshipment Policy are as follows:

- a. Indonesia ranks second in the world because it has the longest coastal area, but its marine exports are number five in the world. The yield from marine fisheries need to be maximized.
- b. To avoid fraudulent transport ships that do not land their cargo at the port.
- c. With this policy, it is hoped that the arrangement of the sea will be even better, thereby it can reduce the number of fish exports that are not recorded by the government
- d. Overall, the transshipment ban will not interfere with the export of fishery products. Although there is a possibility of reducing marine catches, the potential for fish farming is greater.
- e. There are foreign ships that do transshipment, such as China, Thailand, and the Philippines.
- f. The policy regarding the prohibition of transshipment is also considered to be in line with the KKP policy to agree on an initiative from the Ministry of Trade in achieving the target of increasing exports of marine products.

In response to the challenge of illegal fishing, the Ministry of Maritime Affairs and Fisheries has introduced six key policies to address the issue effectively¹³. First, the ministry

¹¹ Putri, 'Kebijakan Pemerintah Indonesia dalam Menangani Illegal Fishing di Indonesia'.

¹² Almuzzamil, 'Kebijakan Pemerintah Indonesia Dalam Menanggulangi Illegal Fishing Pada Tahun 2014-2015'.

¹³ Putri, 'Kebijakan Pemerintah Indonesia dalam Menangani Illegal Fishing di Indonesia'.

has made all fishing boat data publicly accessible online, enabling verification of official permits. Second, the practice of transshipment — loading and unloading at sea — is prohibited and subject to strict surveillance. Third, the focus of combating illegal fishing has shifted towards preventative measures and policies that deter criminal activity, including the confiscation and destruction of vessels in collaboration with maritime security forces. Fourth, fishing vessels that fail to install a vessel monitoring system (VMS) within 24 hours are subject to immediate enforcement actions. Fifth, consistent with Law No. 45, Article 69, the ministry has also taken measures to sink vessels involved in illegal activities. Sixth, these actions are guided by the FAO Code of Conduct for Responsible and Sustainable Fisheries.

Additionally, the government has adopted a policy of sinking ships to combat illegal fishing, a directive issued by the President and implemented by the Minister of Maritime Affairs and Fisheries through Task Force 115. This approach is enforced with rigorous oversight to prevent any deviations from the directive during operational execution.

The Ministry of Maritime Affairs and Fisheries has established Regulation NKP No. 1 of 2015 to preserve marine life by prohibiting the capture of three key fishery species: lobster (*Panulirus* spp), crab (*Scylla* spp), and rajungan (*Portunus pelagicus* spp)¹⁴. This regulation specifically addresses the restrictions on catching these species for consumption and trade, particularly when they are in a reproductive state, laying eggs, and mandates compliance with minimum size requirements. As of July 2017, the successful enforcement of this regulation has reportedly prevented significant economic losses estimated at IDR 509.68 billion due to smuggling of these crucial marine resources. The policy serves as a deterrent to smugglers, impacting illegal activities from various countries.

The regulation calls for active participation from various related agencies, emphasizing the need for collaborative management of territorial waters and fisheries. These agencies are tasked with sharing responsibilities and authority to ensure the efficient, optimized, and coordinated implementation of fishery management based on the WPPNRI framework, which is designed to enhance the effectiveness of fisheries management within the Indonesian Exclusive Economic Zone.

2. Ship Sinking in the Context of Illegal Fishing Eradication

Indonesia's extensive territorial waters represent a significant economic asset that can bolster national development, with fisheries serving as a crucial component. The fisheries sector plays a vital role in enhancing the livelihoods of small-scale fishermen and contributing to the nation's economic growth¹⁵. However, Indonesia faces substantial challenges, notably the issue of illegal fishing by foreign vessels, which poses a severe threat to the sustainability of its marine resources. Illegal fishing activities in Indonesia include operating without a permit, using counterfeit licenses, employing banned fishing gear, and capturing species that are protected or regulated.

The rich fishery resources of archipelagic nations like Indonesia attract illegal operations from foreign fishing fleets. This issue is exacerbated by a global increase in fish demand coupled with a decline in supply, leading to overfishing. Technologically advanced nations, facing fish shortages domestically, often extend their fishing efforts to other regions¹⁶. Indonesia, with its abundant marine biodiversity, has become a prime target for such exploitative practices. Addressing these challenges requires robust enforcement of marine

¹⁴ Ardhani, 'Arah Kebijakan Pemerintah Mengenai Illegal Unreported Unregulated (IUU) Fishing di Indonesia'.

¹⁵ Rahman, 'PENENGGELOMAN KAPAL SEBAGAI USAHA MEMBERANTAS PRAKTIK ILLEGAL FISHING'.

¹⁶ Efridadewi and Jefrizal, 'Penenggelaman Kapal Illegal Fishing di Wilayah Indonesia Dalam Perspektif Hukum Internasional'.

protection laws, international cooperation, and sustainable fisheries management to safeguard the future of Indonesia's marine economy and the communities dependent on it.

According to data from the Ministry of Maritime Affairs and Fisheries, there are 14 fishing ground zones worldwide, of which only two still have significant potential, including Indonesian waters.¹⁷ This remaining potential in Indonesian waters has unfortunately attracted illegal fishing activities by foreign fishermen, causing substantial economic losses to Indonesia. The impact of these activities is evident as the fish trade in Indonesia has diminished compared to several other ASEAN countries, despite Indonesia being one of the largest fish producers globally.

To safeguard Indonesia's marine wealth from these illicit activities, the government has adopted stringent measures, including the enforcement of Law Number 45 of 2009 concerning Fisheries¹⁸. This law authorizes the sinking of foreign vessels found illegally fishing in Indonesian waters, a practice that has been in place since the administration of President Susilo Bambang Yudhoyono (SBY)¹⁹. The policy of sinking these vessels is viewed as an effective deterrent and a strong assertion of the nation's sovereignty.

The Ministry of Maritime Affairs and Fisheries, in its pursuit of maritime sovereignty, has articulated a vision focused on building a sovereign state that supports economic independence through the sustainable management of marine and fishery resources. This vision is translated into a mission that involves specific policies aimed at bolstering sovereignty and ensuring economic independence in the exploitation of these resources²⁰. Key among the strategies to achieve this mission is the eradication of illegal fishing, which is crucial for preserving Indonesia's marine ecosystems and securing the livelihoods of local communities dependent on fishing.

Illegal fishing practices within territorial waters often involve foreign entities and can be divided into two main types. The first type, semi-legal theft, occurs when foreign vessels use a legal fishing permit obtained from local entrepreneurs to operate either under the local flag or under the flag of another country. Despite the appearance of legality, this practice qualifies as illegal fishing because it involves capturing fish in unauthorized waters and bypassing the proper fish landing processes. This tactic is commonly referred to as the "borrowing flags" method or using a Flag of Convenience (FOC). The second type is outright illegal fishing, where foreign fishermen operate in a country's territorial waters under their own country's flag without any authorization²¹. Importantly, illegal fishing is not an activity exclusive to foreign actors; local fishermen and business operators are also known to engage in such practices.

Under the Fisheries Law, all parties engaging in fishing activities and the transportation of fish within the Fisheries Management Area of the Republic of Indonesia (WPRI) and the Exclusive Economic Zone of Indonesia (ZEEI) must possess a Fishery Business License (SIUP), a Fishing Permit (SIPI), and a Fish Transporting Vessel Permit (SIKPI). However, many foreign vessels operating in these areas have been found without these required documents, with some even presenting counterfeit credentials. Consequently, the law strictly prohibits the use of forged documents such as fake SIUP, SIPI, and SIKPI. Every fishing vessel must also secure a Sailing Approval Letter from the harbormaster at the fishing port and a

¹⁷ Efridadewi and Jefrizal.

¹⁸ Nurdin, Ikaningtyas, and Kurniaty, 'The Implementation of Vessel-Sinking Policy as an Effort to Protect Indonesian Fishery Resources and Territorial Waters'.

¹⁹ Thontowi, 'Pembakaran Dan Penenggelaman Kapal Nelayan Asing Dalam Perspektif Hukum Laut Nasional Dan Internasional'.

²⁰ Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Penenggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

²¹ Munawaroh, 'PENERAPAN SANKSI PENENGGELOMAN KAPAL ASING PELAKU ILLEGAL FISHING OLEH PEMERINTAH INDONESIA (PERSPEKTIF HUKUM INTERNASIONAL)'.

fishery vessel operating certificate, issued by the fishery supervisor once all administrative and technical requirements are met.

Violators of these regulations are subject to investigation and, if found guilty, face court trials followed by appropriate sentencing. Punishments include administrative sanctions, imprisonment, or fines. Additionally, Law No. 45 of 2009 on Fisheries specifically addresses the penalties for illegal fishing by foreign vessels, authorizing drastic measures such as the burning or sinking of these vessels. According to Article 69, paragraph (4), fishery investigators and supervisors are empowered to take such actions based on adequate preliminary evidence. This reflects Indonesia's firm stance on protecting its maritime resources against illegal exploitation.

The implementation of the ship sinking policy by Indonesia's Ministry of Marine Affairs and Fisheries (KKP) is underscored by several key factors. First, there is a solid legal foundation for this policy, including laws, presidential decrees, and provisions from law enforcement agencies that authorize such drastic measures²². This policy is grounded in legal documents such as presidential instructions and court rulings. For instance, the former Minister of KKP, Susi Pudjiastuti, highlighted a specific case where the sinking of 16 vessels was ordered directly by presidential instruction, bypassing the court process. She stated, "Yesterday I received an order from the President, now the process of sinking the ship is final, we will not do it again, so it doesn't cost money, time, and others."²³

Those actions are legally supported by Article 69 of Law No. 45 of 2009 concerning Fisheries, as amended by Law No. 31 of 2004. According to this statute, fishery investigators and/or supervisors are authorized to take special measures such as the burning or sinking of ships involved in illegal fishing activities, provided there is sufficient evidence.

Second, the strategy involves deploying instructional patterns and coordinating efforts to sink illegal fishing boats. This policy, directed by the President to the Ministry of Marine Affairs and Fisheries, requires collaboration with various agencies, including the Ministry of Politics, Law and Security, the Ministry of Foreign Affairs, foreign embassies in Indonesia, the Navy, and others.

Third, the ship-sinking policy is executed with high commitment to ensure its consistent, resolute, and sustainable application. The presence of strong commitment bolsters the policy's execution, yielding tangible and clear outcomes. Despite internal and external threats, these measures have continued unabated.

Minister Susi reported on the law enforcement activities at sea: in 2016, 78 vessels were apprehended and approximately 236 fishing boats were sunk. It is projected that in 2017, about 92 ships will be destroyed, with 51 already dealt with and another 41 pending final decisions. The process of burning and sinking illegal fishing vessels is conducted transparently and accountably, following thorough investigations and legal proceedings in fisheries courts²⁴. Several law enforcement agencies are involved, including the Navy, Water Police, Police, Marine Security Agency (BAKAMULA), PSDKP, and KKP. From the perspective of enforcement politics, the sinking of foreign-flagged vessels demonstrates a firm stance and a commitment to defending national interests and enhancing public welfare.

Since its inception under Minister of Marine Affairs and Fisheries Susi Pudjiastuti in 2015, the policy of sinking vessels involved in illegal fishing has yielded positive impacts on the Indonesian economy, particularly in the marine and fisheries sectors. In 2015, the Gross Domestic Product (GDP) growth in the fisheries sector rose from 7.35 percent in 2014 to 8.37

²² Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Penenggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

²³ Nasirin and Hermawan.

²⁴ Thontowi, 'Pembakaran Dan Penenggelaman Kapal Nelayan Asing Dalam Perspektif Hukum Laut Nasional Dan Internasional'.

percent. Additionally, fishery production increased from 20.40 million tons to 23.99 million tons.

However, the policy of sinking ships has been met with pros and cons²⁵. Some law enforcement officials are critical of the policy. Former Deputy Chief of Police, Commissioner General Badroedin Haiti, and Coordinating Minister for Political, Legal and Security Affairs Tedjo Edy Parjianto have expressed concerns that ships cannot be sunk arbitrarily. They emphasize that the enforcement of such actions must adhere to legal procedures recognized by international law. This includes a protocol of issuing an advance warning by firing a shot into the water on the starboard side of the pursued ship, in line with maritime pursuit regulations set forth in Chapter III of the United Nations Convention on the Law of the Sea (UNCLOS). According to UNCLOS, hot pursuit of a foreign vessel is permissible only if there are substantial grounds to believe that the vessel has violated the territorial waters of a country.

Concerns about the economic viability of sinking and burning foreign fishing vessels have been expressed by Navy staff, who argue that the costs, including the use of ammunition by the Indonesian Navy, outweigh the benefits. Additionally, they point out that if the policy remains sectoral without broader support and integration, it will not achieve optimal results.

The act of sinking ships by the Ministry of Marine Affairs and Fisheries (KKP), specifically through Task Force 115, as part of efforts to eradicate illegal fishing, exemplifies a top-down policy implementation model. The hallmarks of this model are command, change, control, and compliance²⁶. In this framework, directives originate directly from the President and are then passed down by the KKP, mandating Task Force 115 to execute firm measures. These instructions are accompanied by stringent controls aimed at preventing deviations during the operational process.

The implementation model used by the Combat Task Force (CTF) aligns with the perspectives of Ripley and Franklin, who argue in their thesis that successful policy implementation is determined by three factors: bureaucratic compliance, the smooth execution of routine activities, and the alignment between policy measures and their intended impacts. These elements characterize a top-down approach to public policy, driven by authoritative power and coercion from the central government, underpinned by clear legal mandates²⁷.

During the presidency of Joko Widodo, with Susi Pudjiastuti as the Minister of Maritime Affairs and Fisheries, the practice of burning and sinking foreign-flagged fishing boats significantly increased²⁸. Many regard these actions as effective shock therapy, deterring foreign-flagged vessels from entering Indonesian territorial waters. This decrease is thought to result from the growing apprehensions among both foreign and domestic fishermen. Various countries whose vessels were affected—predominantly Vietnam with 96 ships, followed by the Philippines with 59 ships, Malaysia with 38 ships, and others including Thailand, Taiwan, China, and South Korea—responded differently.

The authority of the Ministry of Maritime Affairs and Fisheries (KKP) to sink ships without a trial is grounded in Indonesian law, specifically Article 69, Paragraph (4) of Law No. 45/2009. This law states that fishery investigators and/or supervisors may execute special actions such as burning or sinking foreign-flagged fishing vessels based on sufficient preliminary

²⁵ Raharjo et al., 'The Sinking Ship Policy to the Perpetrator of Illegal, Unregulated and Unreported Fishing in Criminal Law Perspective'.

²⁶ Nasirin and Hermawan, 'Kontroversi Implementasi Kebijakan Penenggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'.

²⁷ Nasirin and Hermawan.

²⁸ Thontowi, 'Pembakaran Dan Penenggelaman Kapal Nelayan Asing Dalam Perspektif Hukum Laut Nasional Dan Internasional'.

evidence²⁹. This measure serves as a stern warning against illegal fishing and underscores Indonesia's commitment to monitoring and enforcing maritime laws.

The KKP is dedicated to restructuring fisheries management to ensure the sustainability of Indonesian waters, ultimately aiming to enhance the welfare of local fishermen. The decisive action of sinking vessels is seen as a strong deterrent against illegal fishing, as it deprives perpetrators of their main operational tool. This strategy not only prevents repeat offenses but is also viewed as a powerful and decisive stance in international diplomacy, showcasing Indonesia's firm commitment to protecting its maritime resources over less impactful measures.

C. Conclusion

From the discussion, it is evident that illegal fishing involves unauthorized or unlawful fishing activities. This issue is addressed in both national and international regulations. The Indonesian government has implemented various policies to combat this problem, including the establishment of the Task Force for the Eradication of Illegal Fishing (Satgas 115) through Presidential Regulation No. 115 of 2015. Task Force 115 is charged with conducting law enforcement operations to eradicate illegal fishing activities. Additionally, other significant measures include Presidential Regulation No. 16 of 2017, which outlines the Indonesian Maritime Policy, and a policy prohibiting transshipment to curb illegal activities further.

Moreover, the Ministry of Maritime Affairs and Fisheries (KKP) has adopted a policy, as stipulated in Article 69 Paragraph (4) of Law No. 45 of 2009, which amends Law No. 31 of 2004 concerning Fisheries, that allows for the burning and sinking of ships involved in illegal fishing. Despite the controversy surrounding this approach, sinking these vessels serves as a strong deterrent and has proven to be an effective strategy in curbing fish theft in Indonesian waters.

REFERENCES

- Almuzzamil, T Muhammad. 'KEBIJAKAN PEMERINTAH INDONESIA DALAM MENANGGULANGI ILLEGAL FISHING PADA TAHUN 2014-2015' 4, no. 2 (2017): 14.
- Ardhani, Hanuring Ayu. 'Arah Kebijakan Pemerintah Mengenai Illegal Unreported Unregulated (IUU) Fishing di Indonesia'. *Humani (Hukum dan Masyarakat Madani)* 9, no. 2 (23 November 2019): 183–94. <https://doi.org/10.26623/humani.v9i2.1604>.
- Banjarani, Desia Rakhma. 'Illegal Fishing Dalam Kajian Hukum Nasional Dan Hukum Internasional: Kaitannya Dengan Kejahatan Transnasional', 2020.
- Borit, Melania, and Petter Olsen. 'Evaluation Framework for Regulatory Requirements Related to Data Recording and Traceability Designed to Prevent Illegal, Unreported and Unregulated Fishing'. *Marine Policy* 36, no. 1 (1 January 2012): 96–102. <https://doi.org/10.1016/j.marpol.2011.03.012>.
- Efritadewi, Ayu, and Wan Jefrizal. 'Penenggelman Kapal Illegal Fishing di Wilayah Indonesia Dalam Perspektif Hukum Internasional'. *Jurnal Selat* 4, no. 2 (24 August 2017): 260–72.
- Hikmah, Mutiara. 'Illegal Fishing in Indonesia from the National and the International Law Perspectives'. *Indonesian Journal of International Law* 11 (2014 2013): 60.
- Munawaroh, Siti. 'PENERAPAN SANKSI PENENGGELAMAN KAPAL ASING PELAKU ILLEGAL FISHING OLEH PEMERINTAH INDONESIA (PERSPEKTIF HUKUM

²⁹ Tombakan, 'PROSEDUR PENEGAKAN HUKUM TERHADAP KEJAHATAN ILLEGAL FISHING DI PERAIRAN INDONESIA BERDASARKAN UNDANG-UNDANG NOMOR 45 TAHUN 2009 TENTANG PERIKANAN'.

- INTERNASIONAL)'. *MIMBAR YUSTITIA Vol. 3 No.1 Juni 2019* 3, no. 1 (22 August 2019): 27–43.
- Nasirin, Chairun, and Dedy Hermawan. 'Kontroversi Implementasi Kebijakan Penenggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia'. *Spirit Publik* 12, no. 1 (April 2017): 9–24.
- Nuridin, Ikaningtyas, and Rika Kurniaty. 'The Implementation of Vessel-Sinking Policy as an Effort to Protect Indonesian Fishery Resources and Territorial Waters'. *IOP Conference Series: Earth and Environmental Science* 137 (April 2018): 012038. <https://doi.org/10.1088/1755-1315/137/1/012038>.
- Putri, Dwiyantri. 'Kebijakan Pemerintah Indonesia dalam Menangani Illegal Fishing di Indonesia'. *Gema Keadilan* 4, no. 1 (1 October 2017): 157–69. <https://doi.org/10.14710/gk.4.1.157-169>.
- Raharjo, Agus, Tedi Sudrajat, Rahadi Wasi Bintoro, and Yusuf Saefudin. 'The Sinking Ship Policy to the Perpetrator of Illegal, Unregulated and Unreported Fishing in Criminal Law Perspective'. *E3S Web of Conferences* 47 (2018): 06002. <https://doi.org/10.1051/e3sconf/20184706002>.
- Rahman, Zaqiu. 'PENENGGELAMAN KAPAL SEBAGAI USAHA MEMBERANTAS PRAKTIK ILLEGAL FISHING', n.d., 7.
- Susanto, J., & Masyhar, A. Susanto, J., & Masyhar, A. 'Law Enforcement on Fisheries Crime After the Enactment of Law Number 45 of 2009: A Normative Analysis | Journal of Law and Legal Reform', 2019. <https://journal.unnes.ac.id/sju/index.php/jllr/article/view/35590>.
- Thontowi, Jawahir. 'Pembakaran Dan Penenggelaman Kapal Nelayan Asing Dalam Perspektif Hukum Laut Nasional Dan Internasional'. *Pandecta Research Law Journal* 12, no. 2 (2017): 152–64. <https://doi.org/10.15294/pandecta.v12i2.11335>.
- Tombakan, Rico Coco. 'PROSEDUR PENEGAKAN HUKUM TERHADAP KEJAHATAN ILLEGAL FISHING DI PERAIRAN INDONESIA BERDASARKAN UNDANG-UNDANG NOMOR 45 TAHUN 2009 TENTANG PERIKANAN'. *LEX CRIMEN* 10, no. 4 (7 April 2021). <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/33405>.