

Illegal Fishing in the Natuna Sea: How UNCLOS 1982 Shapes Law Enforcement Between Vietnam and Indonesia

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Abstract

Illegal, unreported, and unregulated (IUU) fishing poses a significant threat to marine ecosystems, coastal livelihoods, and regional security, particularly in the strategically important Natuna Sea. This paper examines how the United Nations Convention on the Law of the Sea (UNCLOS) 1982 provides the legal framework for addressing illegal fishing activities and shaping law enforcement strategies between Vietnam and Indonesia. The study analyzes the obligations of coastal and flag states under UNCLOS, focusing on exclusive economic zones (EEZs), sovereign



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rights over marine resources, and the responsibilities to prevent, deter, and penalize IUU fishing. Through a case study approach, the article explores specific incidents involving Vietnamese fishing vessels operating in Indonesia's EEZ around the Natuna Sea. It assesses how Indonesia has leveraged UNCLOS provisions, alongside domestic maritime law, to assert sovereignty, enforce regulations, and protect marine resources. The study also highlights challenges in enforcement, including jurisdictional ambiguities, resource constraints, and diplomatic tensions that complicate bilateral and regional responses. The analysis demonstrates that while UNCLOS 1982 establishes clear legal standards for maritime governance, its effectiveness depends on coordinated law enforcement, regional cooperation, and the integration of domestic and international legal mechanisms. The paper argues that addressing illegal fishing in the Natuna Sea requires not only adherence to UNCLOS but also proactive diplomatic engagement, capacity-building, and multilateral cooperation within Southeast Asia. Ultimately, the study concludes that UNCLOS serves as both a legal foundation and a practical tool for promoting sustainable fisheries management, strengthening maritime security, and mitigating conflict between Vietnam and Indonesia in the Natuna Sea.

KEYWORDS *Illegal Fishing, UNCLOS, Law Enforcement, Natural Resources, Conflict Resolution*

Introduction

Indonesia is located between the Pacific Ocean and the Indian Ocean and between the continents of Asia and Australia, and as the largest archipelagic country in the world with 17,504 islands. In 2018, nearly 270,054,853 people lived there, making it the world's fourth-most populous country and the world's largest Muslim population, with over 230 million people. Since the end of World War II, the law of the sea as part of international law has undergone significant changes, and it can even be said that it has undergone a revolution along with the

development of the times and existing demands.¹ Today, the role of the law of the sea is increasingly important, not only because the sea serves as a "highway" that connects various nations around the world for various activities, but also because of its richness, such as fish resources that are very important for human life, as well as the wealth of minerals found on the seabed. As a country where most of its territory is sea, with two-thirds of its territory made up of waters, Indonesia is also directly bordered by the high seas. This puts Indonesia at a challenge related to the management of fishery resources, both within its jurisdiction and outside its sovereignty and outside its jurisdiction.²

Historically, the ocean has had two main roles, the first as a means of communication, and the second as a rich natural resource, both biological and non-biological. These two functions encourage the development of legal regulations. The basic principle that governs the law of the sea is that "the land rules the sea", which means that the territorial territory of the land is the basis for determining the maritime rights of a coastal state. Coastal states have full sovereignty over their territorial seas, including the seabed and airspace over them, but with an obligation to ensure the right of peaceful passage for foreign vessels. Indonesia, as an archipelagic country, has many beaches and is known to have abundant wealth and potential for biological resources. This potential opens up great economic opportunities for Indonesia's economic progress and becomes a pillar of national development. However, the wealth of fishery resources

¹ Chapsos, Ioannis, and Steve Hamilton. "Illegal fishing and fisheries crime as a transnational organized crime in Indonesia." *Trends in Organized Crime* 22.3 (2019): 255-273; Chapsos, Ioannis, Juliette Koning, and Math Noortmann. "Involving local fishing communities in policy making: Addressing Illegal fishing in Indonesia." *Marine Policy* 109 (2019): 103708.

² Tarigan, Muhammad Insan. "Implementation of countermeasures effort of illegal fishing in Indonesia (case study on sinking the FV Viking vessel)." *Journal of Indonesian Legal Studies* 3.01 (2018): 131-146; Yanti, Amelia Lewerissa. "Impersonating Fishermen: Illegal Fishing and the Entry of Illegal Immigrants as Transnational Crime." *Journal of Indonesian Legal Studies* 3.2 (2018): 273-290.

in Indonesian waters also attracts the attention of foreigners, who often exploit them illegally through *illegal fishing activities*.³

UNCLOS 1982 or the *United Nations Convention on the Law of the Sea* is a fundamental international agreement in the regulation of the law of the sea. Conventions it aims to create a comprehensive legal framework for the management, utilization, and protection of marine resources around the world. With more than 160 countries as parties, UNCLOS 1982 regulates various aspects related to the sea, including the jurisdictional boundaries of coastal states, the rights and obligations of states in the use of marine resources, and dispute resolution mechanisms. UNCLOS 1982 defines various maritime zones that can be claimed by coastal states, such as the Territorial Sea and the Exclusive Economic Zone (EEZ), as well as the rights and obligations of states in managing marine resources. The main objective of the establishment of UNCLOS is to ensure the fair and sustainable use of marine resources, as well as to protect the marine environment from destructive practices. In this case, UNCLOS also serves as a basis for enforcing international law related to illegal fishing activities.⁴

This *illegal fishing* practice has caused significant losses, both in terms of ecosystem and economy for Indonesia. To address this problem, various international legal efforts have been pursued, one of which is through the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS 1982), which aims to regulate the fair and sustainable use and

³ Rasyid, Sulaiman. "Determination of the Jurisdiction of Fisheries Crimes as Transnational Organized Crimes." *Unnes Law Journal* 7.1 (2021): 167-188; Roisah, Kholis, et al. "Legal Development in the Overcoming Overfishing in Indonesian Coastal Areas." *Journal of Indonesian Legal Studies* 8.2 (2023): 1065-1102; Salsabila, Aldhanalia Pramesti. "Optimization of Task Force 115 with the Coordination Model of Central and Regional Task Forces as a Form of Illegal Transshipment Prevention in Indonesia." *Lex Scientia Law Review* 2.1 (2018): 5-20.

⁴ Roisah, Kholis, et al. "Measurable Fishing as An Attempt of Preventing Overfishing Phenomenon in Indonesian Waters." *Lex Scientia Law Review* 8.1 (2024): 385-404.

management of marine resources. Stronger and more efficient law enforcement under UNCLOS 1982 is expected to reduce illegal practices in the Natuna Sea. *Illegal fishing* refers to fishing activities that violate the law, namely fishing activities that are not subject to applicable regulations and are not reported to the authorized fisheries institution or institution. This practice can occur in all types of capture fisheries activities, regardless of the fishing gear used, location, targeted species, and level of exploitation, and can occur in all types of fisheries, both small-scale and industrial, in national and international jurisdictions.⁵

This *illegal fishing activity* is detrimental to the state because the fish caught by foreign vessels are not reported to the authorized fisheries management agency. In addition, if the catch is carried out using tools that are prohibited by the Indonesian government, this can damage the marine ecosystem that has been well maintained. The issue of *illegal fishing* is not a new thing to discuss, because the cases continue to increase every day. For example, many foreign fishermen and vessels involved in illegal fishing practices use methods such as bombing with explosives, anesthesia, the use of poisons, and prohibited tools in Indonesia such as tiger trawlers. Such acts, including the forgery of fishing permits, fall under the category of fish theft crimes, especially in Indonesian waters.⁶

⁵ Kusuma, Anita Dian Eka, and Akbar Kurnia Putra. "The role of UNCLOS 1982 in maintaining and protecting the international marine environment." *Lampung Journal of International Law* 6.1 (2024): 23-38; Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18; Sunyowati, Dina, et al. "Indonesia-Timor Leste maritime boundaries on exclusive economic zone: Equitable principle." *Lex Scientia Law Review* 7.1 (2023): 347-372.

⁶ Yustitiantingtyas, Levina. "Pengamanan dan Penengakan Hukum di Perairan Indonesia sebagai Konsekuensi Penetapan Alur Laut Kepulauan Indonesia (ALKI)." *Pandecta Research Law Journal* 10.2 (2015): 143-152; Suciningtyas, Pangesti. "The South China Sea Disputes in International Law Perspective." *The Digest: Journal of Jurisprudence and Legisprudence* 2.1 (2021): 117-142.

One of the main objectives of UNCLOS 1982 is to regulate the fair and sustainable use of marine resources by prioritizing the principles of justice for all countries, both developing and developed. These principles are the basis for law enforcement against various illegal fishing practices that damage the balance of marine ecosystems. However, although the 1982 UNCLOS provides a clear legal basis, the challenges in its implementation are still enormous, especially related to the enforcement of coastal states' rights to their marine resources. Indonesia, as an archipelagic country with a large area of waters, faces a major challenge in tackling illegal fishing in the Natuna Sea, involving neighboring countries like Vietnam. Conflicts over fishing rights, overlapping territorial claims, and continued illegal fishing practices show that the implementation of international maritime law, although regulated in UNCLOS, still faces significant obstacles. Vietnam, as one of the countries often involved in illegal fishing incidents, also faces difficulties in controlling this practice in the Natuna Sea region.⁷

In addition, in implementing the 1982 UNCLOS policy, Indonesia and Vietnam must face various legal challenges, both at the national and international levels. Countries involved in illegal fishing practices often violate existing legal provisions and this is often difficult to legally account for at the international level. For example, although Indonesia has sovereignty over the waters of the Natuna Sea, resolving disputes with foreign countries, such as Vietnam, often involves a lengthy and ineffective process of diplomacy. This problem is exacerbated by the misalignment between the policies of the countries involved and the implementation on the ground, which demands stronger law enforcement

⁷ Darwis, and Bama Andika Putra. "Construing Indonesia's maritime diplomatic strategies against Vietnam's illegal, unreported, and unregulated fishing in the North Natuna Sea." *Asian Affairs: An American Review* 49.4 (2022): 172-192; Wibowo, Dwi Santoso, Ateng Supriatna, and Yuni Tri Hewindati. "Analysis of compliance level of fishing activities in the Natuna Sea." *Torani Journal of Fisheries and Marine Science* 7.1 (2023): 17-29.

and better coordination between countries. Law enforcement through the UNCLOS mechanism is expected to clarify the obligations of countries related to the management of marine resources and the enforcement of the rights of coastal states to their maritime territories. Indonesia, as a country that is often a victim of illegal fishing, has the full right to protect its marine resources in accordance with the provisions of UNCLOS. On the other hand, Vietnam as one of the countries that is often involved in this illegal practice, must understand and comply with existing international obligations in order to maintain good relations with neighboring countries and protect the sustainability of their marine resources.

The impact of illegal fishing practices not only affects the marine ecosystem, but also on the economies of the two countries. For Indonesia, illegal fishing causes significant economic losses, considering the importance of the fisheries sector as one of the main natural resources. As part of efforts to address this problem, UNCLOS 1982 provides a legal instrument that countries can use to work together in combating illegal fishing. Through this research, the role of UNCLOS 1982 in law enforcement against illegal fishing in the Natuna Sea will be further discussed, focusing on the challenges faced by Indonesia and Vietnam and their impact on the ecosystems and economies of both countries. This research will also examine the extent of the effectiveness of existing policies in reducing the impact of illegal fishing practices, as well as how UNCLOS 1982 can be used as a legal basis to strengthen the management and protection of marine resources in the region.⁸

This study uses a normative juridical method. The data used is

⁸ Situmorang, Raymundus Putra, et al. "Application of Oceanographic Data on Illegal Fishing Surveillance for Supporting Maritime Security (Case Study: North Natuna Sea)." *Jurnal Pertahanan: Media Informasi tentang Kajian dan Strategi Pertahanan yang Mengedepankan Identity, Nasionalism dan Integrity* 8.3 (2022): 381-400.

sourced from secondary data obtained through literature studies, including books, scientific journals, official reports from national and international institutions, as well as legal documents such as UNCLOS 1982, Indonesian fisheries law, and Vietnamese legal policies. In addition, this study also uses reports from the Indonesian Ministry of Maritime Affairs and Fisheries (KKP), the World Food and Agriculture Organization (FAO), and various other reliable data sources that discuss *Illegal, Unreported, and Unregulated Fishing* (IUU Fishing) in the Natuna Sea. The data collection technique was carried out by analyzing various literature, news, and official publications related to the legal challenges faced by Indonesia and Vietnam in the implementation of UNCLOS 1982.

Furthermore, the data collected was analyzed in depth to identify the main problems, causative factors, and obstacles in the implementation of fisheries law policies in the Natuna Sea. This analysis is carried out systematically by describing problems based on the perspective of international law, national policies, and political and economic dynamics of the two countries. The results of this study are expected to provide a comprehensive overview of the challenges faced and offer more effective solutions in the enforcement of UNCLOS 1982 to overcome the issue of IUU Fishing in the disputed areas between Indonesia and Vietnam.

UNCLOS: Defining International Law for the Regulation, Management, and Protection of Marine Resources

The United Nations Convention on the Law of the Sea or commonly known as UNCLOS which in Indonesian is known as the International Convention on the Law of the Sea is an international treaty born from the third United Nations conference on the law of the sea. The Treaty was signed in that the Treaty entered into force as the basis of international

law on 16 November 1994 after Guyana became the 60th country to ratify it. UNCLOS is structured with use a comprehensive and comprehensive legal framework to regulate all marine and ocean activities on a global scale.

This convention interprets various kinds of related marine issues that are interrelated, which includes marine issues regulated in this UNCLOS convention, including regulations related to the Sea and Maritime Zone, marine research and technology, to dispute resolution related to international problems experienced by countries on an international scale. This convention was enacted to replace the international treaty on the sea that came into force in 1958. Indonesia is one of the countries that has signed and joined the UNCLOS convention. The government has ratified UNCLOS 1982 with Law Number 17 of 1985 concerning the ratification of the United Nations Convention on the Law of the Sea. The result of the ratification stated that all legislative provisions must refer to the rules contained in UNCLOS.

One of the forms of implementation of international maritime law carried out in Indonesia after ratifying UNCLOS is that Indonesia established Law Number 31 of 2004 which regulates fisheries to ensure the stability of marine ecosystems and their contents over a long period of time. In its regulation, UNCLOS clearly explains that freedom to the high seas must be exercised in accordance with the rights written in the Declaration of the Region or UNCLOS names it "The Area", which is interpreted as the ocean floor or seabed and the land under it that is outside the limits of national jurisdiction. This is stated in Article 1 of UNCLOS.¹⁰

⁹ Susetyorini, Peni. "Kebijakan kelautan Indonesia dalam perspektif UNCLOS 1982." *Masalah-Masalah Hukum* 48.2 (2019): 164-177.

¹⁰ Jamilah, Asiyah, and Hari Sutra Disemadi. "Penegakan Hukum Illegal Fishing dalam Perspektif UNCLOS 1982." *Mulawarman Law Review* 5.1 (2020): 29-46; Callista, Prameshwari Ratna, Muchsin Idris, and Nanik Trihastuti. "Klaim

UNCLOS is a convention that has several main objectives in its formation, including to create a legal framework that regulates all aspects related to the use of the sea and the use of resources in it. This convention regulates the division of sea boundaries for each country such as territorial sea areas, exclusive economic zones (EEZs) so that the maritime boundaries in each country have been clearly determined. The form of implementation of the UNCLOS goal is that after ratifying UNCLOS, Indonesia's seas become 60 times wider than before.

Then UNCLOS was also formed to prevent conflicts between countries by seeking to provide guidelines for the peaceful settlement of maritime boundary disputes and the peaceful use of resources. One form of UNCLOS implementation is the case of Indonesia that is disputed because foreign ships belonging to Vietnam in the Natuna Sea are actively engaged in illegal fishing. This problem is solved by bilateral dialogue with reference to UNCLOS.

UNCLOS also guarantees freedom of navigation in international waters to support global trade and maritime security. Some countries use these provisions to regulate international shipping corridors with the aim of guaranteeing smooth trade. International merchant ships that pass through the Strait of Malacca are one of those that use the principle of freedom of navigation which is one of the objectives of the formation of UNCLOS.

Indonesia and other coastal countries implement a moratorium policy on fishing boats as a deterrent to overexploitation of marine resources and participate in carrying out sea patrols to combat illegal fishing. In this case, UNCLOS has a role to play to regulate the use of all marine resources so that they can be used sustainably and fairly. Scientific research activities in the ocean or seabed exploration are also carried out

Tiongkok Tentang Traditional Fishing Ground Di Perairan Natuna Indonesia Dalam Perspektif Unclos 1982." *Diponegoro Law Journal* 6.2 (2017): 1-13.

with strict permits and supervision to prevent exploitation that will later damage the marine environment. The institution formed from the legal framework produced by UNCLOS in regulating seabed exploration fairly is the International Seabed Authority (ISA).¹¹

Legal Challenges of Indonesia and Vietnam in Implementing UNCLOS 1982 Related to IUU Fishing in the Natuna Sea

The implementation of the *1982 United Nations Convention on the Law of the Sea* (UNCLOS) related to the handling of illegal, unreported, and unregulated fishing activities (IUU Fishing) in the Natuna Sea is a significant challenge for Indonesia and Vietnam. The 1982 UNCLOS provides a clear legal basis for the *Exclusive Economic Zone* (EEZ) as far as 200 nautical miles from the baseline of each coastal state, including the sovereign right to manage the natural resources within it. However, the maritime dispute involving overlapping claims between Indonesia and Vietnam in the Natuna Sea is one of the main sources of ineffective law enforcement against IUU Fishing. This is exacerbated by the involvement of Vietnamese fishermen who often enter the waters of Natuna, which is legally Indonesia's EEZ area, as well as the limited legal response from both countries in resolving the problem.¹²

Indonesia faces legal challenges in terms of enforcing sovereignty and jurisdiction over the Natuna Sea area, especially due to violations by foreign fishing vessels, including from Vietnam. Under the 1982

¹¹ Nugroho, Arif Satrio, and Ika Riswanti Putranti. "International Seabed Regime in Southeast Asia: The Lack of ASEAN Member States' Role in Seabed Mining." *Indonesian Perspective* 3.1 (2018): 37-51; Idris, Idris, and Taufik Rachmat Nugraha. "Does the International Community Have Efforts to Protect the Marine Environment from Seabed Mining?." *Sriwijaya Law Review* 5.2 (2021): 273-286.

¹² Ambarsari, Karina Tri, et al. "Concept of illegal fishing for Indonesian regulations and UNCLOS." *Yuridika* 38.1 (2023): 1-16.

UNCLOS, Indonesia has the sovereign right to explore and exploit fish resources in its EEZ. However, practices on the ground show weak law enforcement due to several factors, such as the lack of effective maritime patrols, the limitations of monitoring technology, and the lack of capacity of maritime law enforcement. Data from Indonesia's Ministry of Maritime Affairs and Fisheries (KKP) shows that during 2021, Indonesia caught more than 100 foreign vessels carrying out IUU fishing activities in Natuna waters, the majority of which came from Vietnam. This suggests that foreign ships still routinely commit sovereign violations, despite UNCLOS providing a strong legal basis.¹³

The disagreement between Indonesia and Vietnam regarding the boundary of the EEZ in the Natuna Sea is a significant obstacle in the implementation of the 1982 UNCLOS policy. In recent years, Vietnam has often used the concept of "traditional fishing ground" to justify the existence of their fishermen in the area claimed as Indonesia's EEZ. This concept is controversial because it was not recognized in the 1982 UNCLOS, which favored an exclusive economic zone approach based on geographical delimitation. Although Indonesia has established maritime boundaries in accordance with UNCLOS and official maps, Vietnam has not fully recognized the delimitation. As a result, fisheries conflicts continue to recur, and the bilateral negotiation process regarding the delimitation of the boundaries of the exclusive economic zone is still ongoing to this day.

¹³ Wiliawati, Yulia, Danial Danial, and Fatkhul Muin. "Eksistensi UNCLOS 1982 dalam Upaya Penegakan Hukum Laut Internasional di Perairan Negara Pantai." *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 2.2 (2022): 286-298; Fauziyah, Salma Nur. "Penegakan Hukum Penenggelaman Kapal Asing Terkait Illegal, Unreported, Unregulated Fishing Di ZEE Dalam Unclos 1982." *Rechtswetenschap: Jurnal Mahasiswa Hukum* 1.1 (2024); Gunawan, Yordan, et al. "The Law Enforcement of Illegal Fishing in the Perspective of UNCLOS 1982: The Case of Illegal Fishing in the North Natuna Sea." *Jurnal Cita Hukum* 10.3 (2022): 545-564.

On the other hand, Vietnam also faces internal challenges in controlling the fishing activities of its citizens that violate international law. Although Vietnam is one of the countries that ratified the 1982 UNCLOS, the implementation of national laws against IUU Fishing is still ineffective. The Vietnamese government often has difficulty keeping tabs on thousands of fishing vessels operating in open waters, including disputed areas in the Natuna Sea. This lack of supervision is caused by several factors, such as limited resources for law enforcement officials, weak legal sanctions against fishermen who violate, and high economic encouragement in the fisheries sector. Vietnamese fishermen, who depend on the fisheries sector for their livelihoods, are often driven by the economic need to fish in resource-rich regions such as Natuna.¹⁴

From a regional perspective, the overlap of jurisdictions between Indonesia and Vietnam in the Natuna Sea opens up loopholes for foreign fishing vessels to illegally exploit fish resources. In addition, the implementation of *Regional Fisheries Management Organizations* (RFMOs) and bilateral agreements has not been fully effective in preventing IUU Fishing activities. So far, cooperation between Indonesia and Vietnam in the field of maritime security is still sporadic and has not touched the root of the problem. For example, bilateral agreements between the two countries are still focused on coordinating joint patrols, but do not include a more in-depth maritime dispute resolution mechanism. As a result, conflicts in the Natuna Sea are frequent, and the law enforcement process based on UNCLOS 1982 is still not optimal.¹⁵

The implementation of UNCLOS in both countries is also faced

¹⁴ Merdekawati, Agustina, Taufiq Adiyanto, and Irkham Afnan Trisandi Hasibuan. "UNCLOS 1982 AND THE LAW ENFORCEMENT AGAINST ILLEGAL FISHING IN INDONESIA: JUDGES'DIVERGING PERSPECTIVES." *Mimbar Hukum* 33.1 (2021): 39-62.

¹⁵ Rajesh Babu, R. "State responsibility for illegal, unreported and unrelated fishing and sustainable fisheries in the EEZ: some reflections on the ITLOS Advisory Opinion of 2015." *Indian Journal of International Law* 55.2 (2015): 239-264.

with challenges of domestic law. In Indonesia, Law No. 45 of 2009 concerning Fisheries and the policy of sinking ships that had been enforced by the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, became a real effort in cracking down on foreign vessels that perpetrated IUU Fishing. However, this policy drew criticism from neighboring countries, including Vietnam, who felt aggrieved by the crackdown. Meanwhile, in Vietnam, the domestic legal framework is not strong enough to provide effective sanctions to fishermen who commit violations in other countries' waters. This shows the need to harmonize domestic legal policies with the provisions of UNCLOS 1982 so that the implementation of this agreement can be more optimal.¹⁶

Political and economic challenges also affect the enforcement of UNCLOS law in the Natuna Sea. From a political perspective, Indonesia and Vietnam have different national interests in responding to this maritime dispute. Indonesia focuses on enforcing territorial sovereignty and protecting fish resources, while Vietnam focuses more on economic access for their fishermen. This factor causes the diplomacy approach of the two countries to tend to be slow in resolving maritime boundary conflicts and implementing UNCLOS. Economically, the fishing industry plays an important role in Vietnam's economy. According to FAO, Vietnam is one of the largest exporters of fishery products in the world, with the sector's contribution reaching 5% of national GDP. This economic pressure prompted Vietnam to give more tolerance to their fishermen, even though their activities violated the provisions of UNCLOS.

In resolving this challenge, concrete steps are needed from both

¹⁶ Busro, Zaki Mubarok. "Burning and/or Sinking Foreign Fishing Vessels Conducting Illegal Fishing in Indonesia: Some Obligations and Loopholes." *Asia-Pacific Journal of Ocean Law and Policy* 2.1 (2017): 174-179; Raharjo, Agus, et al. "The sinking ship policy to the perpetrator of illegal, unregulated and unreported fishing in criminal law perspective." *E3S Web of Conferences*. Vol. 47. EDP Sciences, 2018.

countries. First, the settlement of the EEZ boundary dispute in the Natuna Sea must be prioritized through a bilateral diplomacy mechanism that refers to the principles of UNCLOS 1982. Second, the two countries need to increase cooperation in maritime patrols and surveillance, including sharing intelligence data related to IUU Fishing activities. Third, the harmonization of domestic law with UNCLOS 1982 must be prioritized so that law enforcement against maritime violations can be more effective. Finally, alternative economic approaches for fishers in Vietnam need to be developed to reduce the pressure on the exploitation of fish resources in the disputed areas.¹⁷

Thus, the legal challenges faced by Indonesia and Vietnam in implementing the 1982 UNCLOS policy in the Natuna Sea include overlapping EEZ claims, weak law enforcement, and differences in political and economic interests. Solving these challenges requires a joint commitment from both countries to prioritize regional cooperation, effective law enforcement, and diplomatic solutions based on the provisions of UNCLOS 1982. If this can be achieved, then IUU Fishing conflicts in the Natuna Sea can be minimized, and fisheries resource management can run sustainably.

The Effectiveness of UNCLOS 1982 in Tackling Illegal Fishing in the Natuna Sea: Indonesian and Vietnamese Perspectives

The United Nations Conventions on the Law of the Sea 1928 (*UNCLOS 1982*) provide the basis for international law to regulate the various rights and obligations of countries related to the use and

¹⁷ Sasmita, Anggraini Ika, Bima Bramasta, and Fany Widiana. "Diplomasi Maritim Indonesia dalam Kasus Illegal Fishing oleh Nelayan Vietnam Tahun 2018-2019." *Jurnal Hubungan Internasional* 14.1 (2021): 81; Mariane, Irene. "Illegal Fishing di Kawasan Perbatasan Laut Teritorial Indonesia." *Supremasi Hukum* 16.01 (2020): 7-15.

management of marine resources, including regulating fishery activities. UNCLOS establishes the rights of coastal countries to the Exclusive Economic Zone (EEZ) which includes the management of marine natural resources in each maritime country.¹⁸

UNCLOS provides a legal basis for countries to take action against violations that occur in countries' waters, including *Illegal, Unreported, Unregulated fishing (IUU fishing) practices*. The case of IUU fishing carried out by Vietnamese ships in the waters of Natuna, Riau Islands. This violation is very detrimental to Indonesia and violates Indonesia's sovereignty in the management of natural resources.

In response, Indonesia, as a sovereign country over Natuna waters, has the right to enforce the law and maintain the integrity of marine resources through diplomacy efforts and law enforcement actions, in accordance with the provisions regulated by UNCLOS. The diplomatic relations between Indonesia and Vietnam also establish cooperation in various fields, such as determining the continental boundary line and IUU fishing.

Incidents that occur in Natuna waters between Indonesian patrol ships and ships often occur. It is recorded that Vietnam is the largest contributor to IUU fishing with 364 vessels in 2015. Then Malaysia and Thailand with 70 and 68 ships respectively. This violation is certainly very detrimental to Indonesia when Indonesia's natural resource wealth and sovereignty are disturbed because they are plundered by other countries.

Law enforcement of illegal *fishing* practices is not described in detail in UNCLOS 1982, but it is explained in article 73 of UNCLOS 1982 which outlines that coastal states have the right to laws and regulate matters that happen on their territory. 17] In addition, UNCLOS has

¹⁸ See Widjaja, Sjarief, et al. "Illegal, unreported and unregulated fishing and associated drivers." *The Blue Compendium: From Knowledge to Action for a Sustainable Ocean Economy*. (Cham: Springer International Publishing, 2023), pp. 553-591.

provided a framework and authority to countries to address problems that occur in their waters. Countries that ratify UNCLOS have the right to restrict or prohibit trade on the import of illegal fishing products. Laws made by states through the UNCLOS framework can include the defense, confiscation, restriction, and even destruction of vessels used in *illegal fishing*.¹⁹

Indonesia was late in ratifying through Law No. 17 of 1985. In the provisions of Article 62 paragraphs (3) and (4) of the 1982 Convention on the Law of the Sea, coastal states are required to grant access rights to other countries to exploit biological resources in the EEZ area of coastal countries if there is a surplus in terms of the use of biological resources by coastal states. The weaknesses of the constitution are being seriously addressed by affirming Indonesia's commitment to safeguarding state assets from IUU Fishing activities. The losses that Indonesia must receive in IUU Fishing activities reach 300 Trillion[18] in terms of finance, in terms of the environment, the impact of the use of chemicals and IUU Fishing activities in Indonesian waters has an impact on the damage to the Indonesian Marine Environment which causes frequent abrasion due to the destruction of the Indonesian Sea environment.

The impact of illegal fishing practices on the ecosystems and economies of both countries, and how UNCLOS 1982 can mitigate these impacts

UNCLOS 1982 has proven to be an essential legal framework in law enforcement against illegal fishing practices, providing a strong legal basis for Indonesia to protect its marine resources in the Exclusive Economic

¹⁹ Van Phuong, To, and Robert S. Pomeroy. "Addressing Illegal, Unreported and Unregulated Fishing of Vietnamese Fishing Vessels in Foreign Waters." *Asian Fisheries Science* 36.1 (2023).

Zone (EEZ) area. However, strong and consistent law enforcement is indispensable to prevent further violations. The application of strict sanctions against violators can significantly reduce incidents of illegal fishing. In addition, handling this problem also requires international cooperation, especially between countries in the region, including Vietnam. UNCLOS 1982 can serve as a platform for dialogue and collaboration in addressing these challenges together. With the proper implementation of UNCLOS 1982 and better law enforcement, it is hoped that the negative impact of illegal fishing on the marine ecosystem can be minimized, as well as support economic sustainability for local fishermen and the fishing industry in Indonesia. Concludes that although UNCLOS 1982 has great potential in addressing illegal fishing, its success depends heavily on the commitment and concrete actions of all countries involved.

The practice of illegal fishing has a significant impact on the ecosystem and economy, both in Indonesia and neighboring countries such as Vietnam. From an ecosystem perspective, illegal fishing causes severe damage to marine habitats and a drastic decline in fish populations. Destructive methods of capture, such as the use of fish bombs and poisons, not only destroy marine life but also disrupt the food chain that exists within the ecosystem. Irregular and unreported fishing, known as IUU Fishing (Illegal, Unreported, and Unregulated Fishing), threatens the sustainability of fishery resources and can lead to long-term damage to marine biodiversity. This has the potential to disrupt the balance of marine ecosystems, such as coral reefs as well as threaten the sustainability of fish ecosystems which in turn can affect other species and the overall health of the marine environment.²⁰

²⁰ Leonardo, Adam, and Nowar Deeb. "Illegal, unreported and unregulated (IUU) Fishing in Indonesia: Problems and solutions." *IOP Conference Series: Earth and Environmental Science*. Vol. 1081. No. 1. IOP Publishing, 2022; Mackay, Mary, Britta Denise Hardesty, and Chris Wilcox. "The intersection between illegal

From an economic perspective, the impact of illegal fishing is also very detrimental. It is estimated that this practice causes significant economic losses, with estimated losses reaching more than Rp 365 trillion annually in Indonesia. This figure is equivalent to almost 25% of the existing fisheries potential, which shows how much of a negative impact it has on state revenues from the marine and fisheries sectors. In addition, the loss of fishing opportunities that should be used by local fishermen reaches 1 million tons every year. This decline in catches not only reduces state revenues but also threatens the livelihoods of fishermen who depend on marine resources for their livelihoods. With the increasing distance of fishing areas to the high seas, fishermen also have to face higher operational costs, which further worsen their economic conditions.²¹

In this context, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) plays an important role in addressing the problem of illegal fishing. UNCLOS provides a clear international legal framework for the management of marine resources, establishing the rights and responsibilities of states in fisheries management in exclusive economic zones (EEZs). The Convention also encourages international cooperation in law enforcement and surveillance, which is essential to address illegal cross-border fishing practices. By ratifying UNCLOS, countries have a strong legal basis to take action against foreign vessels that engage in illegal fishing, including vessels from neighboring countries.

Thus, the implementation of UNCLOS 1982 is expected to be an effective tool in reducing the negative impact of illegal fishing on ecosystems and the economy. Cooperation between countries facilitated by UNCLOS can also improve supervision and law enforcement, so that

fishing, crimes at sea, and social well-being." *Frontiers in Marine Science* 7 (2020): 589000.

²¹ Suherman, Agus, et al. "The eradication of IUU fishing in indonesia for fisheries resources sustainability by the task force 115." *AAFL Bioflux* 13.5 (2020): 2522-2537.

illegal fishing practices that are cross-border can be minimized. Through this joint effort, it is hoped that the sustainability of marine resources can be maintained, which will ultimately support economic welfare and environmental sustainability in the region.

To mitigate the negative impact of illegal fishing practices on the ecosystems and economies of both countries, a number of comprehensive and coordinated strategic measures can be taken, with UNCLOS 1982 instrumental in providing a solid legal framework for such action. First of all, strict law enforcement needs to be significantly improved, where states should conduct more intensive and regular patrols in their waters. Strict measures, such as sinking ships proven to be illegal fishing, should be implemented as a preventive measure to provide a strong deterrent effect and reduce similar incidents in the future. In addition, international cooperation is urgently needed, where countries must establish effective bilateral and multilateral cooperation to share information and resources in combating illegal fishing. This cooperation may include the exchange of data on fishing activities, the development of a joint monitoring system, as well as training for law enforcement officers to increase their capacity in handling cases of illegal fishing.

Increasing education and awareness among local fishermen and the community is also key in this effort. Well-designed educational programs can help fishers understand the importance of sustainable marine resources and the negative impacts of illegal fishing, as well as encourage them to comply with existing fisheries regulations. In addition, sustainable resource management should be developed through policies that include the establishment of appropriate catch quotas and the protection of endangered species. Thus, the balance of the ecosystem can be maintained and fishery resources can be utilized in a sustainable manner, providing long-term benefits to the community and the environment.²²

²² Charles, Anthony T. "Towards sustainability: the fishery experience." *Ecological Economics* 11.3 (1994): 201-211.

Finally, UNCLOS 1982 provides a clear and comprehensive legal framework for the management of marine resources and the protection of the maritime environment. The Convention establishes the rights and obligations of states in managing fishery resources in their Exclusive Economic Zones (EEZs), thus providing a strong legal basis for law enforcement action against illegal fishing practices. By utilizing the legal framework provided by UNCLOS, it is hoped that these measures can minimize the negative impact of illegal fishing practices, so that the marine ecosystems and economies of both countries can be protected and sustainable, and create a better future for future generations.

Conclusion

UNCLOS 1982 has a very important role in overcoming illegal fishing practices in the Natuna Sea, especially in the context of relations between Indonesia and Vietnam. UNCLOS is a clear and comprehensive international legal basis for managing and utilizing marine resources, including in the Exclusive Economic Zone (EEZ). Through the ratification of UNCLOS through Law No. 17 of 1985, Indonesia has a strong foundation to maintain maritime sovereignty and protect its marine resources. However, the implementation of this rule faces various obstacles, such as EEZ-boundary conflicts, limited sea patrols, and lack of coordination between countries. For example, Vietnamese fishermen often enter Indonesia's EEZ on the grounds of traditional fishing ground, a concept that is not recognized in UNCLOS, making it difficult for law enforcement.

This illegal fishing practice has a bad impact on the ecosystem and economy. Environmentally, these activities damage marine habitats, disrupt food chains, and threaten biodiversity, including fish populations and coral reefs. This damage not only has a local impact, but also disrupts the balance of marine ecosystems more broadly. From the economic side, Indonesia's losses reach more than Rp365 trillion per year. This practice

reduces the catch of local fishermen, lowers state revenues, and complicates the lives of coastal communities that are heavily dependent on the fisheries sector. In addition, the increasing fishing distance also makes the operational costs of fishermen even greater, which worsens their economic conditions.

To address this problem, Indonesia has taken strategic steps based on UNCLOS. One of the policies implemented is the sinking of foreign ships that are proven to be illegal fishing as a form of deterrent effect. Although controversial, this policy has proven to be quite effective. In addition, Indonesia is also increasing maritime patrols, using surveillance technology, and strengthening the capacity of law enforcement officers in the maritime sector. However, the success of these measures requires more support, especially in the form of bilateral and multilateral cooperation with countries such as Vietnam. This includes joint patrols, information sharing, and aligning their respective national policies with UNCLOS.

Meanwhile, Vietnam itself faces challenges in supervising its fishermen. Problems such as weak supervision, insufficiently stringent sanctions, and economic pressure. In the fisheries sector, it makes it difficult for them to control the activities of fishermen who violate the law. To reduce the conflict, the two countries need to accelerate the negotiation of EEZ boundaries through diplomacy and develop alternative livelihoods for Vietnamese fishermen so that they do not depend on illegal fishing. In addition, education and socialization to coastal communities in both countries about the importance of fisheries sustainability needs to be increased to encourage compliance with applicable regulations.

With the consistent implementation of UNCLOS, the problem of illegal fishing in the Natuna Sea can be reduced. UNCLOS provides a strong legal basis for countries to protect maritime sovereignty, protect marine ecosystems, and support the well-being of coastal communities. However, its successful implementation still depends on political

commitment, effective diplomacy, and close international cooperation. If all parties work together, the adverse effects of illegal fishing can be minimized, and marine resources can be used sustainably to support the lives of future generations.

References

- Ambarsari, Karina Tri, et al. "Concept of illegal fishing for Indonesian regulations and UNCLOS." *Yuridika* 38.1 (2023): 1-16.
- Busro, Zaki Mubarak. "Burning and/or Sinking Foreign Fishing Vessels Conducting Illegal Fishing in Indonesia: Some Obligations and Loopholes." *Asia-Pacific Journal of Ocean Law and Policy* 2.1 (2017): 174-179.
- Callista, Prameshwari Ratna, Muchsin Idris, and Nanik Trihastuti. "Klaim Tiongkok Tentang Traditional Fishing Ground Di Perairan Natuna Indonesia Dalam Perspektif Unclos 1982." *Diponegoro Law Journal* 6.2 (2017): 1-13.
- Chapsos, Ioannis, and Steve Hamilton. "Illegal fishing and fisheries crime as a transnational organized crime in Indonesia." *Trends in Organized Crime* 22.3 (2019): 255-273.
- Chapsos, Ioannis, Juliette Koning, and Math Noortmann. "Involving local fishing communities in policy making: Addressing Illegal fishing in Indonesia." *Marine Policy* 109 (2019): 103708.
- Charles, Anthony T. "Towards sustainability: the fishery experience." *Ecological Economics* 11.3 (1994): 201-211.
- Darwis, and Bama Andika Putra. "Construing Indonesia's maritime diplomatic strategies against Vietnam's illegal, unreported, and unregulated fishing in the North Natuna Sea." *Asian Affairs: An American Review* 49.4 (2022): 172-192.
- Fauziyah, Salma Nur. "Penegakan Hukum Peneggelaman Kapal Asing Terkait Illegal, Unreported, Unregulated Fishing di ZEE dalam Unclos 1982." *Rechtswetenschap: Jurnal Mahasiswa Hukum* 1.1 (2024).

- Gunawan, Yordan, et al. "The Law Enforcement of Illegal Fishing in the Perspective of UNCLOS 1982: The Case of Illegal Fishing in the North Natuna Sea." *Jurnal Cita Hukum* 10.3 (2022): 545-564.
- Idris, Idris, and Taufik Rachmat Nugraha. "Does the International Community Have Efforts to Protect the Marine Environment from Seabed Mining?." *Sriwijaya Law Review* 5.2 (2021): 273-286.
- Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18.
- Jamilah, Asiyah, and Hari Sutra Disemadi. "Penegakan Hukum Illegal Fishing dalam Perspektif UNCLOS 1982." *Mulawarman Law Review* 5.1 (2020): 29-46.
- Kusuma, Anita Dian Eka, and Akbar Kurnia Putra. "The role of UNCLOS 1982 in maintaining and protecting the international marine environment." *Lampung Journal of International Law* 6.1 (2024): 23-38.
- Leonardo, Adam, and Nowar Deeb. "Illegal, unreported and unregulated (IUU) Fishing in Indonesia: Problems and solutions." *IOP Conference Series: Earth and Environmental Science*. Vol. 1081. No. 1. IOP Publishing, 2022.
- Mackay, Mary, Britta Denise Hardesty, and Chris Wilcox. "The intersection between illegal fishing, crimes at sea, and social well-being." *Frontiers in Marine Science* 7 (2020): 589000.
- Mariane, Irene. "Illegal Fishing di Kawasan Perbatasan Laut Teritorial Indonesia." *Supremasi Hukum* 16.01 (2020): 7-15.
- Merdekawati, Agustina, Taufiq Adiyanto, and Irkham Afnan Trisandi Hasibuan. "UNCLOS 1982 AND THE LAW ENFORCEMENT AGAINST ILLEGAL FISHING IN INDONESIA: JUDGES'DIVERGING PERSPECTIVES." *Mimbar Hukum* 33.1 (2021): 39-62.
- Nugroho, Arif Satrio, and Ika Riswanti Putranti. "International Seabed Regime in Southeast Asia: The Lack of ASEAN Member States' Role in Seabed Mining." *Indonesian Perspective* 3.1 (2018): 37-51.

- Raharjo, Agus, et al. "The sinking ship policy to the perpetrator of illegal, unregulated and unreported fishing in criminal law perspective." *E3S Web of Conferences*. Vol. 47. EDP Sciences, 2018.
- Rajesh Babu, R. "State responsibility for illegal, unreported and unrelated fishing and sustainable fisheries in the EEZ: some reflections on the ITLOS Advisory Opinion of 2015." *Indian Journal of International Law* 55.2 (2015): 239-264.
- Rasyid, Sulaiman. "Determination of the Jurisdiction of Fisheries Crimes as Transnational Organized Crimes." *Unnes Law Journal* 7.1 (2021): 167-188.
- Roisah, Kholis, et al. "Legal Development in the Overcoming Overfishing in Indonesian Coastal Areas." *Journal of Indonesian Legal Studies* 8.2 (2023): 1065-1102.
- Roisah, Kholis, et al. "Measurable Fishing as An Attempt of Preventing Overfishing Phenomenon in Indonesian Waters." *Lex Scientia Law Review* 8.1 (2024): 385-404.
- Salsabila, Aldhanalia Pramesti. "Optimization of Task Force 115 with the Coordination Model of Central and Regional Task Forces as a Form of Illegal Transshipment Prevention in Indonesia." *Lex Scientia Law Review* 2.1 (2018): 5-20.
- Sasmita, Anggraini Ika, Bima Bramasta, and Fany Widiana. "Diplomasi Maritim Indonesia dalam Kasus Illegal Fishing oleh Nelayan Vietnam Tahun 2018-2019." *Jurnal Hubungan Internasional* 14.1 (2021): 81.
- Situmorang, Raymundus Putra, et al. "Application of Oceanographic Data on Illegal Fishing Surveillance for Supporting Maritime Security (Case Study: North Natuna Sea)." *Jurnal Pertahanan: Media Informasi tentang Kajian dan Strategi Pertahanan yang Mengedepankan Identity, Nasionalism dan Integrity* 8.3 (2022): 381-400.
- Suciningtyas, Pangesti. "The South China Sea Disputes in International Law Perspective." *The Digest: Journal of Jurisprudence and Legisprudence* 2.1 (2021): 117-142.
- Suherman, Agus, et al. "The eradication of IUU fishing in indonesia for fisheries resources sustainability by the task force 115." *AACL Bioflux* 13.5 (2020): 2522-2537.

- Sunyowati, Dina, et al. "Indonesia-Timor Leste maritime boundaries on exclusive economic zone: Equitable principle." *Lex Scientia Law Review* 7.1 (2023): 347-372.
- Susetyorini, Peni. "Kebijakan kelautan Indonesia dalam perspektif UNCLOS 1982." *Masalah-Masalah Hukum* 48.2 (2019): 164-177.
- Tarigan, Muhammad Insan. "Implementation of countermeasures effort of illegal fishing in Indonesia (case study on sinking the FV Viking vessel)." *Journal of Indonesian Legal Studies* 3.01 (2018): 131-146.
- Van Phuong, To, and Robert S. Pomeroy. "Addressing Illegal, Unreported and Unregulated Fishing of Vietnamese Fishing Vessels in Foreign Waters." *Asian Fisheries Science* 36.1 (2023).
- Wibowo, Dwi Santoso, Ateng Supriatna, and Yuni Tri Hewindati. "Analysis of compliance level of fishing activities in the Natuna Sea." *Torani Journal of Fisheries and Marine Science* 7.1 (2023): 17-29.
- Widjaja, Sjarief, et al. "Illegal, unreported and unregulated fishing and associated drivers." *The Blue Compendium: From Knowledge to Action for a Sustainable Ocean Economy*. (Cham: Springer International Publishing, 2023), pp. 553-591.
- Wiliawati, Yulia, Danial Danial, and Fatkhul Muin. "Eksistensi UNCLOS 1982 dalam Upaya Penegakan Hukum Laut Internasional di Perairan Negara Pantai." *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 2.2 (2022): 286-298.
- Yanti, Amelia Lewerissa. "Impersonating Fishermen: Illegal Fishing and the Entry of Illegal Immigrants as Transnational Crime." *Journal of Indonesian Legal Studies* 3.2 (2018): 273-290.
- Yustitiningtyas, Levina. "Pengamanan dan Penegakan Hukum di Perairan Indonesia sebagai Konsekuensi Penetapan Alur Laut Kepulauan Indonesia (ALKI)." *Pandecta Research Law Journal* 10.2 (2015): 143-152.

“Illegal, unreported, and unregulated (IUU) fishing is one of the greatest threats to ocean ecosystems, the livelihoods of coastal communities, and the future of global food security.”

— *Ban Ki-moon*, former UN Secretary-General

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

None

ACKNOWLEDGMENT

None

GENERATIVE AI STATEMENT

None

HISTORY OF ARTICLE

Submitted : January 21, 2024

Revised : March 30, 2024; June 18, 2024

Accepted : July 2, 2024

Published : July 31, 2024