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International Tensions and Legal Disputes: Indonesia's Aggressive Measures Against Unregulated Foreign Fishing Activities

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ABSTRACT. This paper explores Indonesia's aggressive measures against illegal, unreported, and unregulated fishing (IUUF) by foreign vessels in its territorial waters, a strategy that has triggered significant international tensions and legal disputes. Given Indonesia's vast marine resources, the country has become a prime target for foreign exploitation, exacerbating the IUUF issue. The primary objective of this study is to critically assess whether Indonesia's law enforcement, particularly its policy of sinking foreign vessels engaged in illicit fishing, complies with both national and international legal standards. Through normative and qualitative research, the paper examines the legal foundation of Indonesia's actions under Law No. 45 of 2009, and the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which grants coastal states the authority to enforce their regulations and apply criminal law against foreign vessels involved in unlawful fishing within their territorial waters. The findings reveal that Indonesia's vessel-sinking strategy is legally grounded, but it has sparked significant controversy. While domestic support for these measures has been strong, neighboring countries and international bodies have expressed concerns over the approach, leading to diplomatic challenges. This paper contributes to the broader discourse by analyzing the complex intersection of national sovereignty, international law, and marine resource management. It sheds light on the legal and political ramifications of Indonesia's enforcement actions, enriching the ongoing debate about the rights of coastal states and the management of global marine resources.

KEYWORDS. IUU Fishing, Indonesian Waters, Maritime Law, Sinking Vessel

International Tensions and Legal Disputes: Indonesia's Aggressive Measures Against Unregulated Foreign Fishing Activities

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Introduction

Indonesia is characterized as a marine country since its territorial waters are larger than its land area. The Indonesian archipelago enjoys sovereignty over its internal seas, archipelagic waterways, 12 nautical mile territorial sea, exclusive economic zone, and continental shelf, according to UNCLOS 1982.¹ Indonesian territorial waters are included in the Exclusive Economic Zone (EEZ), which extends 200 miles from the coast. The state is given the right to its wealth or natural resources inside the sea zone, in addition to the right to use and enact legal rules, together with the freedom to navigate

¹ Danilo García Cáceres, "Maritime Zones in International Law," in *Research Handbook on Ocean Governance Law* (Edward Elgar Publishing, 2023), 24–46.

activities.² The heat-flowing sea in Indonesia receives approximately 11 hours of sunshine, allowing marine life to develop in the form of fish and other varied species.³ During this period, the sea, with its abundance of resources, has made significant contributions to Indonesia's growth and public welfare. Indonesia's maritime resources are numerous, including seaweed, coral reefs, fish, and so on. Fish is an important marine resource in Indonesia and a driving factor in the country's economy.

In fact, being an archipelago rich in marine resources, this might lead to strife in Indonesia. One mainstream cultural controversy is the illegal conduct in the sphere of fisheries, sometimes known as IUU (Illegal, Unreported, and Unregulated) fishing. Other nations have expressed an interest in fishing in Indonesia, resulting in many foreign-flagged vessels engaging in illegal fishing in Indonesian maritime waters.⁴ Illegal, Unreported, and Unregulated (IUU) fishing is a broad term that encompasses many different types of fishing operations.⁵ IUU Fishing is discovered in fisheries of all sizes and types; it occurs both on the open seas and in areas under domestic sovereignty.⁶

IUU Fishing has an impact on all aspects and phases of fish harvest and utilization, and it is sometimes connected to organized crime.⁷ It is not limited to Indonesia; a few nations in the Asia Pacific region identify IUU fishing as a threat that must be eliminated for sustainable fisheries.⁸ Data on ships intercepted by warships varies widely, including unlawful transfers (transshipment), fraudulent documentation, fishing with illegal nets,

² Dewa Gede Sudika Mangku and Muhammad Adam Firdaus, "International Law And The Role Of The State Of Indonesia In Asean As A Conflict Medium On South China Sea Issues," *Jurnal Komunikasi Hukum (JKH)* 8, no. 1 (2022): 453–68.

³ Hertantyo Rizki Gumilar, "Illegal Fishing in Indonesia and the Role of International Maritime Law on Illegal Fishing Action," *Indonesian Journal of Environmental Law and Sustainable Development* 1, no. 1 (2022): 29–46.

⁴ Richard Al Khalik and Nellyana Roesa, "Foreign Vessel Sinking Policy in Eradicating Illegal, Unreported, and Unregulated (IUU) Fishing in the Indonesian Exclusive Economic Zone (IEEZ)," *Student Journal of International Law* 2, no. 1 (2022): 28–45.

⁵ Suhaidi et al., "Implementation of Illegal, Unreported, and Unregulated Fishing Policies in North Sumatera Province," *Cogent Social Sciences* 8, no. 1 (2022): 1–8.

⁶ Raul Pedrozo, "China's IUU Fishing Fleet: Pariah of the World's Oceans China's IUU Fishing Fleet: Pariah of the World's Oceans," *Stockton Center for International Law* 99, no. 1 (2022): 319–53.

⁷ Cornelia E. Nauen and Simona T. Boschetti, "Fisheries Crimes, Poverty and Food Insecurity," in *Routledge Handbook of Maritime Security* (Routledge, 2022), 239–49.

⁸ Agus Raharjo et al., "The Sinking Ship Policy to the Perpetrator of Illegal, Unregulated and Unreported Fishing in Criminal Law Perspective," *E3S Web of Conferences* 47 (2018): 1–10.

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

employing explosives, staff not being distributed and breaches of special immigration facilities, and foreign employees without a work authorization are some examples of cases that frequently happened. Furthermore, some underlying issues with illicit fishing include ambiguity and legal opacity, as well as arbitrary licensing bureaucracy were also happened.⁹

Illegal fishing is immensely detrimental to the state as well as to fishermen who follow traditional methods. These fishing practices are harmful not just to the coastal residents of Indonesia but also to traditional fishermen in the country. In addition, some consumers are at a disadvantage since they are unable to enjoy marine products in their own country. Overall, stolen fish from Indonesia are processed using specialist technology, which drives up the price at which they are sold in other countries. Because of the negative effects that IUU fishing has on Indonesia, the Indonesian government has an immediate obligation to take measures to combat the problem of illegal fishing in Indonesia.

One of the most catastrophic cases in Indonesian seas in 2019 is the unlawful fishing operations carried out by Vietnamese fishing boats in Indonesian sea waters. This case is related to the most well-known instance of IUU fishing in Indonesia. Former Minister of Maritime Affairs and Fisheries Susi Pudjiastuti was responsible for the sinking of foreign boats that were illegally fishing. The Indonesian government's strategy of destroying foreign fishing vessels that were found to be illegally fishing in Indonesian territorial waters yielded both benefits and drawbacks. There were many people in favour of the strategy, but there were also a few people who were opposed to it. Additionally, the flag state raised objections to the strategy. Despite this, many people are of the opinion that Susi Pudjiastuti's approach is the best way to protect marine resources in Indonesian seas and discourage those who violate the law.

Accordingly, the authors of the paper define the problem by basing it on the discussion that was just provided, which is whether or not illegal fishing by foreign fishing vessels in Indonesian territorial seas constitutes an act of law violation, and if the answer to the former question is "yes," then whether or not the response of law enforcement to this issue could be to sink the illegal fishing vessels. The objectives of this paper are to get a deeper understanding of, and provide an assessment on, the effectiveness of law

⁹ Su Jin Yoo and Min Gyo Koo, "Is China Responsible for Its Maritime Militia's Internationally Wrongful Acts? The Attribution of the Conduct of a Parastatal Entity to the State," *Business and Politics* 24, no. 3 (2022): 277–91.

enforcement efforts to sink boats engaged in illicit fishing in Indonesian territorial seas.

The authors employed normative research in this paper. This signifies that the research is focused on literature studies and emphasizes reading and analyzing resources. The research approach employed in this paper is qualitative research.

Illegal Fishing Regulations

International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA IUU) provides a definition on illegal, unreported, and unregulated fishing activities which are:¹⁰

- a. Illegal Fishing is defined as:
 - 1) Illegal fishing conducted by national or foreign vessels in seas under the control of a government without authorization or in violation of the country's laws and regulations.
 - 2) Illegal fishing operations carried out by vessels flying the flags of nations that are members of a regional fisheries management organization but acting in violation of the regional organization's security and management provisions and binding the country or international legal provisions that are related.
 - 3) Illegal fishing activities, including those carried out by countries collaborating with a multinational fisheries management body, that violate national law or other contractual agreements.
- b. Unreported Fishing defined as:
 - 1) Unreported or deliberate fishing practices identified by providing inaccurate details to the appropriate national authorities, which are in violation of the applicable laws and regulations of that jurisdiction.
 - 2) Fishing operations carried out in regions where the competency of a federal fisheries management agency is combined, and those activities are not registered or are reported wrongly, in breach of the monitoring protocols of the organization.
- c. Unregulated Fishing defined as:

¹⁰ Y D Putra, "Tinjauan Tentang Penegakan Hukum Tindak Pidana Penangkapan Ikan Secara Illegal (Illegal Fishing) Di Wilayah Zona Ekonomi Eksklusif Indonesia," ... *Jurnal Mahasiswa Fakultas Hukum* (Brawijaya University, 2015).

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

- 1) Fishing operations carried out in places under the arrangement of international fisheries management bodies, by vessels flying flags of countries that are not members of the organization or by vessels with no nationality, or by a fishery body, in an improper or contrary manner to the terms of the convention and the organization's management measures.
- 2) Fishing operations conducted in or against fish reserves that do not yet have management and protection arrangements in place, and these practices are conducted in a way that is contrary to the state's obligations based on international legal requirements governing the protection of aquatic biological resources.

Aside from IPOA IUU, the apparatus of international laws that are relevant to fisheries regulations and also contain prevention of illegal fishing are Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on The High Seas (FAO Compliance Agreement of 1993), Agreement on the Application of the UNCLOS Provisions of 1982 (United Nations Convention on the Law of the Sea) concerning the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks 1995 (UNIA 1995), also Code of Conduct for Responsible Fisheries (CCRF).¹¹

On December 11, 1982, UNCLOS 1982 which was ratified into Law Number 17 of 1985, specifically stipulates the rights and obligations, sovereignty, territorial rights, and jurisdiction of countries in the use and management of the sea. One portion of this convention deals with the EEZ, which is governed by Articles 55 to 75 of the Convention on the Law of the Sea, and one of the rights of the coastal state in the EEZ is the sovereign right to conduct discovery and extraction, protection, and control of biological and non-natural resources from the sea's bottom and the land under it.

Referring to UNCLOS 1982, the entry of foreign fishing vessels illegally in the Indonesian territorial sea can be categorized as endangering peace, order, or national security. Additionally, since it is a violation of universal jurisdiction, illegally crossing state boundaries and engaging in unlawful activities inside a state pose a threat to the state's and the area's overall sovereignty. Given that Indonesia intends to follow the law in this particular instance, it is acceptable for Indonesia to sink foreign fishing boats in order to do so. Acts of illegal fishing that take place inside Indonesia's

¹¹ Mutiara Hikmah, "Illegal Fishing in Indonesia From the National and the International Law Perspective," *Indonesian Journal of International Law* 11, no. 1 (2013).

territorial seas are referred to as a violation of laws, whether those laws are national or international in nature. This is because of the laws that deal to fisheries, specifically those that apply to unlawful fishing.

There are seven variables that contribute to illicit fishing in Indonesia, which are as follows:¹²

- a. There is an increase in global demand for fish at the same time as there is a decrease in the global supply of fish. This has led to an overstock, particularly for certain marine species such as tuna, which is encouraging fishing activities all over the globe, whether they are legal or illegal.
- b. The price of fresh fish that is still whole and unprocessed in Indonesia is much lower than the price in other nations.
- c. The fishing fields in other nations have already been exhausted, but the fishing field in Indonesia remains promising, even though they must maintain the fish supplies for both their own consumption and the manufacturing output of the country.
- d. Although the waters around Indonesia are vast and easily navigable, the country's capability for maritime surveillance is still inadequate.
- e. Given that the fish processing system, in the context of a licensing system, is open and that the restriction is only restricted to fishing gear, it is less appropriate when confronted with the factual situation of the geography of Indonesia, particularly ZEE Indonesia, which borders the sea of another country.
- f. There is a lack of availability for monitoring services, equipment, and supervision of human resources.
- g. The knowledge and participation of the law enforcement apparatus in the processing of fisheries criminal cases is still a work in progress. This is notably true in terms of recognizing legal action and contributing to ship monitoring in ZEE.

Indonesia's strategy of sinking boats to stop illegal fishing shows the country's dedication to conserving its marine resources and asserting its sovereignty. Article 73 of the UNCLOS gives coastal states the power to pursue enforcement actions in their EEZs, which is the legal basis for this strategy. However, its broader fit with international fisheries law and structures for regional cooperation needs to be looked at more closely.

¹² Agus Raharjo et al., *Op.Cit.*

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

Indonesia is also a part of many international accords that aim to stop IUU fishing, in addition to UNCLOS. One of these is the FAO Agreement on Port State Measures (PSMA), which Indonesia became a party in 2016.¹³ This agreement intends to stop IUU fishing by giving countries more power over foreign-flagged ships that want to enter their ports. The PSMA says that countries must not let ships that are fishing illegally into their ports or give them services. They must also share information about these ships through international cooperation.¹⁴

At the regional level, Indonesia cooperates with Regional Fisheries Management Organizations (RFMOs) such as the Western and Central Pacific Fisheries Commission (WCPFC) and the Indian Ocean Tuna Commission (IOTC). Indonesia may not be a full member of all RFMOs¹⁵, but it is a collaborating non-member in some of them.¹⁶ This means that it can share data, assess stocks, and take conservation measures. These organizations are important for managing fish species that cross borders and for encouraging collaborative action against IUU fishing through tools including vessel monitoring systems (VMS), observer programs, and listings of ships that have broken the law.

Indonesia has also signed a number of agreements with other countries to improve maritime cooperation, especially when it comes to joint patrols and coordinated enforcement in shared waterways. Cross-border fishing breaches need agreements like these, especially with neighbouring countries like Vietnam, Malaysia, and the Philippines, which have had overlapping claims or operational confrontations in maritime zones in the past.¹⁷

The sinking of illegal fishing vessels—though rooted in domestic policy—occurs within this broader legal and cooperative framework. While the act itself is regulated under Indonesian national law, including Law No. 45 of 2009 on Fisheries and Presidential Regulation No. 115 of 2015, its

¹³ Akhmad Solihin, Mohammad Fedi Alfiadi Sondita, and Ari Purbayanto, “Peran Negara Pelabuhan Berdasarkan Hukum Internasional Dan Implementasinya Di Indonesia,” *Jurnal Kebijakan Sosial Ekonomi Kelautan Dan Perikanan* 12, no. 2 (2022): 89–100.

¹⁴ Gilles Hosch et al., “IUU Safe Havens or PSMA Ports: A Global Assessment of Port State Performance and Risk,” *Marine Policy* 155 (2023): 105751.

¹⁵ Usmawadi Usmawadi, “Implementation of the UNCLOS 1982 in Utilization of Highly Migratory Species by Indonesia,” *Sriwijaya Law Review* 4, no. 1 (2020): 124–35.

¹⁶ Aryuni Yuliantiningsih, “The Participation of Indonesia in Regional Fisheries Management Organizations (RFMOs): The Legal and Globalization Perspectives,” *UNIFIKASI: Jurnal Ilmu Hukum* 6, no. 2 (2019): 137–45.

¹⁷ Arnold Enriquez, “The Philippines-Indonesia Maritime Border Agreement: Strengthening Relations towards Regional Stability in Southeast Asia,” *Sea Power Soundings Papers* 43 (2021): 1–20.

implementation is also influenced by Indonesia's international commitments, which emphasize transparency, proportionality, and cooperation in combating IUU fishing. Thus, Indonesia's enforcement efforts reflect not only national sovereignty but also its evolving role in the global legal order on sustainable fisheries governance.

Illegal Fishing Cases in Indonesia

Unreported and unregulated fishing is becoming more prevalent, particularly in coastal nations like Indonesia. Despite the actions taken by the government against them, the matter has evolved into a timeless topic that has not been addressed.¹⁸ IUU fishing causes enormous damage and has a negative impact. It is a financial risk for Indonesia and has a substantial effect on the ecology of the aquatic environment, which in turn influences fisheries and the habitat of fish in the seas.¹⁹ In addition, illegal, unreported, and unregulated fishing would have a socioeconomic effect, particularly on coastal populations.²⁰

A significant contributor to IUU fishing is the expansion of worldwide demand for seafood and other goods derived from fish.²¹ Fish is a significant source of protein in many countries, and fish commerce may contribute to a nation's overall revenue as well as the country's stock of foreign currency.²² In point of fact, the effects of IUU fishing are felt not only by coastal communities but also by Indonesian maritime security entities such as the Indonesian Ministry of Marine Affairs and Fisheries (KKP), the Maritime Security Agency (BAKAMLA), the Indonesian National Police, and the

¹⁸ Sri Asih Roza Nova, "Illegal, Unreported and Unregulated Fishing: The Impacts and Policy for Its Completion in Coastal West of Sumatera," *Indonesian Journal of International Law* 14, no. 2 (2017): 237.

¹⁹ Ioannis Chapsos, Juliette Koning, and Math Noortmann, "Involving Local Fishing Communities in Policy Making: Addressing Illegal Fishing in Indonesia," *Marine Policy* 109 (2019): 103708.

²⁰ Joseph Christensen, "Illegal, Unreported and Unregulated Fishing in Historical Perspective," *Perspectives on Oceans Past*, 2016, 133–53.

²¹ Christophe Bellmann, Alice Tipping, and U. Rashid Sumaila, "Global Trade in Fish and Fishery Products: An Overview," *Marine Policy* 69 (2016): 181–88.

²² Lydia C.L. Teh and U. R. Sumaila, "Contribution of Marine Fisheries to Worldwide Employment," *Fish and Fisheries* 14, no. 1 (2013): 77–88.

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

Navy (TNI AL), all of which play critical roles in the defense, safety, and defense of Indonesian territorial waters.²³

Illegal fishing carried out in Indonesian seas by fishermen from other countries is regarded to be a component of a larger cross-border activity. This unlawful action is carried out for the purpose of making monetary gain, and the chance to profit is easily gained in the seas of Indonesia due to the abundance of fishing facilities available there. This leads one to believe that illegal fishing operations carried out by foreign fishermen in Indonesian waters can be classified as a form of transnational crime because the networks and practices involved are international in nature; the suspects involved as well as their activities extend beyond the borders of the state.²⁴ Illegal activities that span Indonesia's borders are a significant source of concern there.

Illegal fishing is described as running a vessel in violation of a country's rules, such as fishing in violation of the license's terms, fishing without a license, fishing with illegal gear, fishing during closed seasons, or fishing in protected or restricted areas. Unregulated fishing is described as fishing in international waters without a nationality (i.e., without a flag) or fishing while flying the flag of a country that is not a member of the regional fisheries management agency that oversees the relevant fishing area or species.²⁵

Based on the Decree of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number KEP.50 / MEN / 2012, concerning the National Action Plan for the Prevention and Control of Illegal, Unreported, and Unregulated Fishing in 2012-2016 (Kepmen KP RI No. KEP.50 / MEN / 2012), it is known that the Republic of Indonesia has eleven WPP.²⁶ WPP itself stands for Fisheries Management Areas (*Wilayah Pengelolaan Perikanan*). Since the size of Indonesia's WPP raises the risk of illicit fishing

²³ Leonita Ersanti Putri, Reni Windiani, and Marten Hanura, "Upaya Kerjasama Indonesia – Filipina Dalam Mengatasi Praktek Illegal Fishing Di Perairan Indonesia Periode 2007-2011," *Journal of International Relations* 2, no. 1 (2016): 180–88.

²⁴ Ismail Bello and Rabi Bello Mohammed, "Strategies, Challenges and Options for Effective Responses to Cross Border Crimes: An Analysis of Nigerian-Cameroun Borders," *Interdisciplinary Journal of Humanities and Social Sciences* 3, no. 2 (2022): 171–91.

²⁵ Gohar A. Petrossian and Frank S. Pezzella, "IUU Fishing and Seafood Fraud: Using Crime Script Analysis to Inform Intervention," *Annals of the American Academy of Political and Social Science* 679, no. 1 (2018): 121–39.

²⁶ Hertria Maharani Putri, Radityo Pramoda, and Maulana Firdaus, "Kebijakan Penenggelaman Kapal Pencuri Ikan Di Wilayah Perairan Indonesia Dalam Perspektif Hukum," *Jurnal Kebijakan Sosial Ekonomi Kelautan Dan Perikanan* 7, no. 2 (2018): 91–102.

carried out by foreign boats, the government must exercise tight oversight to deter illegal fishing.

The Malacca Sea, the Java Sea, the Arafuru Sea, the Timor Sea, the Banda Sea, and the Waters surrounding Maluku and Papua are the most probable zones for IUU fishing in Indonesia.²⁷ This kind of fishing occurs rather often in these areas. If illicit fishing is not put to a halt, it has the potential to destroy aquatic environments, result in the loss of state residents, and even threaten the state's sovereignty.²⁸ Illegal fishing operations would undoubtedly lead to financial losses for the state. Illegal fishing costs the state of Indonesia 300 trillion rupiahs annually, which is equal to 25 percent of the country's total catch capacity, according to data that was published by the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia.²⁹ This loss represents 25 percent of the country's overall capacity for fisheries.

The growing instances of IUU fishing in Indonesian territorial seas also raised issues. Former Indonesian Minister of Maritime Affairs and Fisheries Susi Pudjiastuti is fearless to act against foreign fishing boats that enter Indonesian territorial seas and engage in illegal fishing. Susi has stated the willingness to do so on several occasions. Nearly the course of four years, beginning in 2014, the government has submerged over five hundred vessels.³⁰ Most vessels hailing from Vietnam are now sunk.³¹

The first breakthrough made by Minister Susi occurred when she traveled to the island of Maratua in the Berau District. There, she invited the Regent to catch many pirates who were robbing foreign fishing vessels. This

²⁷ Muhammad Insan Tarigan, "Implementation of Countermeasures Effort of Illegal Fishing in Indonesia (Case Study on Sinking the FV Viking Vessel)," *Journal of Indonesian Legal Studies* 3, no. 1 (2018): 131–46.

²⁸ Madison Landry, "Fish Better Have My Money: Efforts to Combat Illegal, Unregulated, and Unreported Fishing in the Gulf and Beyond," *LSU Journal of Energy Law and Resources* 11, no. 1 (2023): 14.

²⁹ Nurdin, Ikaningtyas, and Rika Kurniaty, "The Implementation of Vessel-Sinking Policy as an Effort to Protect Indonesian Fishery Resources and Territorial Waters," in *IOP Conference Series: Earth and Environmental Science*, vol. 137 (IOP Publishing, 2018), 12038.

³⁰ Callistasia Wijaya and Dwiki Marta, "Menteri Susi Kembali Tenggelamkan Kapal: 'Ini Way Out Yang Sangat Cantik Untuk Bangsa Kita, Menakutkan Untuk Bangsa Lainnya,'" *BBC News Indonesia*, May 4, 2019, <https://www.bbc.com/indonesia/indonesia-48131222>.

³¹ On the morning of May 4, 2019, thirteen Vietnamese boats were sunk in the seas off Datuk Island in West Kalimantan. See more in Bloomberg, "Indonesia Sinks 13 Vietnamese Fishing Boats," *The Malaysian Reserve*, May 6, 2019, <https://themalaysianreserve.com/2019/05/06/indonesia-sinks-13-vietnamese-fishing-boats/>.

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

caused the vessel to capsize and sink. Susi made a plea to the president for his help to secure the success of her initiatives. As a direct consequence of this, the president gave orders for the fishing vessel thief to be scuttled, but only after the crew had been rescued first. As a result of the signing of a Memorandum of Understanding (MoU) for the sinking of the vessel by the Navy Chief of Staff and Minister Susi, issues of coordination have also arisen between the foreign ministry and the navy. These issues have arisen between the two ministries because of the sinking of the vessel. As a direct consequence of this, on Thursday, December 4, 2014, authorities began sinking captured battleships one by one.

The sinking of the ship is one kind of punishment levied by the Indonesian government on foreign parties who have broken the law. Illegal fishing by foreign fishing boats is a criminal offense for breaking the law, both because it lacks official documentation and because it violates Indonesian legal requirements. This is based on the provisions of Article 69 paragraph (1) and paragraph (4) of Law No. 45 of 2009 concerning Amendment to Law No. 31 of 2004 concerning Fisheries (Fisheries Law).

Because to illegal fishing in Indonesian seas, the state loses hundreds of billions of rupiah every year. These losses are a direct outcome of the activity. As a consequence of this, eradication activities have included the destruction of foreign vessels that steal fish from waterways belonging to Indonesia. This action is meant to demonstrate the steadfastness and sincerity with which the Indonesian government is preserving Indonesia's sovereignty over its territory and natural resources, as well as to serve as a deterrence to anyone who would violate that sovereignty. This intervention is also a concrete symbol of the government's efforts to translate the maritime axis vision, which have been increased over the course of the previous year, particularly in respect to complete sovereignty in the sea.³² Those efforts have been the focus of this intervention.

The Indonesian government uses two methods to sink foreign fishing vessels through the authority, namely:³³

- a. Sinking the vessel through a court decision:

³² Yuliannova Lestari et al., "Security Cooperation between China and Indonesia to Address Maritime Security Threats," *Open Journal of Political Science* 12, no. 4 (2022): 534–55.

³³ Ayu Efritadewi and Wan Jefrizal, "Penanggulangan Kapal Illegal Fishing Di Wilayah Indonesia Dalam Perspektif Hukum Internasional," *Jurnal Selat* 4, no. 2 (2017): 260–72.

- 1) Authorities who apprehend foreign fishing vessels transport the vessels and crew to shore.
 - 2) A civil proceeding will be carried out on property where there is a fishery judge.
 - 3) The boats will be confiscated after they have been charged and sentenced, and the decision has legal validity.
 - 4) Once the vessel is seized, it will be up to the executive prosecutor to decide what to do about it.
 - 5) Will the vessel be auctioned off or sold privately?
 - 6) If the option is destroyed, one alternative is to be detonated and drowned.
- b. The second method is based on Article 69 of the Fisheries Act No. 45 of 2009, caught by the authorities:
- 1) The role of the fishery surveillance vessel is to conduct fisheries oversight and law enforcement on the Republic of Indonesia's fisheries management territories.
 - 2) Fisheries surveillance vessels, as described in paragraph (1), can carry firearms.
 - 3) Fisheries surveillance vessels can stop, search, transport, and detain vessels accused or fairly suspected to have committed violations in the Republic of Indonesia's fisheries management territory to the nearest port for further processing.
 - 4) If sufficient preliminary evidence exists, inspectors and/or fisheries supervisors may take special measures, such as burning and/or sinking foreign-flagged fishing vessels, in carrying out the duties specified in paragraph (1).

To this day, all the battleships that have been sunk in international waters have their own individual justifications in the form of presidential orders or final court judgements. There have been instances of sinking boats being grabbed and promptly drowned without going through the legal procedure. These instances may be found in incidents of sinking vessels being caught and quickly drowned under presidential orders. The President of Indonesia has the authority to act against illegal poachers and other individuals suspected of committing crimes of a similar kind inside

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

Indonesian territorial seas.³⁴ In the meanwhile, sinking boats because of court judgements may be observed in the instance of forty vessels exploding on May 20, 2015.³⁵ This event was a follow-up to court decisions about the permanent legal force.

All vessel seizing activities are carried out by referring to Article 69 of Law No. 45 of 2009 when carrying out the duties "fisheries inspectors and/or superiors can take special steps in the form of burning and/or sinking foreign-flagged fishing vessels based on ample initial evidence," as mentioned in paragraph (1). As a direct consequence of this, the sinking of fishing boats flying a flag of another country is an exceptional operation that is carried out by fisheries supervision vessels as part of their normal duty. They did not carry out their responsibilities in a manner that was either unilateral or based on preliminary facts (sufficient evidence to suspect criminal acts in fisheries by foreign-flag fishing vessels). For example, if a foreign fishing vessel does not have a Fishing License letter (SIPI) and/or a permit Fishing Boat (SIKPI) and obviously captures and/or transports fish in Indonesia's WPP.³⁶

The illegal fishing case that Dang Ngoc Quy was involved in as the captain of the Vietnamese KM BV 75169 Vessel on Batam was one of the cases that led to the vessel's sinking because of judicial judgments.³⁷ On August 1, 2015, at 15:54 West Indonesia Time, illegal fishing offences were perpetrated. The perpetrators had been captured fishing with a rawai fishing line and had been fishing without a valid permission in Indonesian seas located in the South China Sea ZEEI (WPP-711). After the arrest, the investigation into the discovery process, the evidence confiscation process, and the evidence destruction procedure were carried out. The evidence was obliterated after obtaining authorization to do so from the Chair of the District Court, and this was accomplished by submerging the submarine.

³⁴ Kinanti Kusumawardani Taufik, "IUU Fishing as Transnational Organized Crime'Discourse: A Policy Argumentation Analysis," in *International Symposium on Fish CRIME in Cape Town*, vol. 12, 2015, 1–23.

³⁵ Chairun Nasirin and Dedy Hermawan, "Kontroversi Implementasi Kebijakan Peneggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing Di Indonesia," *Spirit Publik* 12, no. 1 (2017): 9–24.

³⁶ Maciej Serda et al., "Tinjauan Yuridis Pembakaran Dan/Atau Peneggelaman Kapal Perikanan Berbendera Asing Pelaku Tindak Pidana Pencurian Ikan (Berdasarkan Undang-Undang No. 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang No. 31 Tahun 2004 Tentang Perikanan)," *Diponegoro Law Journal* 5, no. 3 (2016): 1–19.

³⁷ Y D Putra, *Op.Cit.*

Controversy about the Sinking of Illegal Fishing Vessels in Indonesia

The nation views the ocean as a crucial component that will play a role in the nation's future; as a result, the ocean must be protected and developed in the most effective manner possible. In order to accomplish this objective, the nation has made a clear commitment to focusing on the three pillars. To begin, the word "*sovereignty*" refers to the maritime environment off the coast of Indonesia as a resource that is only accessible to those who are citizens of Indonesia. Obviously, this pertains to the fishers and merchants of the area, in addition to the overall populace of Indonesia. Second, in the context of sustainability, the sea around Indonesia is seen as a resource that has the potential to make Indonesia economically viable for a very long time; as a result, sustainability must be preserved. This includes taking precautions against all forms of maritime pollution, fishing that violates international law, and any other activities that might threaten the long-term viability of Indonesia's marine life.

The term "prosperity" refers to the ocean off the coast of Indonesia as a potential source of riches and prosperity for the people of Indonesia. Because of this, it should come as no surprise that the marine environment off the coast of Indonesia must be protected and preserved in terms of its biodiversity to offer stability to the people of Indonesia. To combat the problem of IUU fishing, Indonesia has enacted and is in the process of implementing several laws, rules, and policies.

One of the efforts that Indonesia is putting into effect to deal with those who engage in IUU fishing is the sinking policy that was developed by Former Minister Susi Pudjiastuti. In addition, the sinking vessel policy is included in the Law No. 45 of 2009. According to the law, fisheries inspectors or supervisors have the authority to take additional measures, such as destroying or sinking foreign vessels that have been shown to engage in IUU fishing operations backed by solid evidence in Indonesia's Exclusive Economic Zone.³⁸ This authority is granted to them so that they can carry out their responsibilities as fisheries inspectors or supervisors.

The strategy of sinking foreign boats engaging in illegal fishing off the coast of Indonesia, notably vessels from Vietnam, has both positive and

³⁸ Article 69 of Law No 45 of 2009 concerning Amendment to Law No. 31 of 2004 concerning Fisheries of the Republic of Indonesia.

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

negative aspects. This vessel's sinking strategy has drawn a lot of backlashes from a variety of sources. A great number of detractors have voiced their worry that the shipwreck would result in substantial disturbance and reaction from neighboring nations, which may possibly disrupt and undermine good ties between countries. Complaints from illicit fishing players over the sinking practices of multinational boats are often addressed by ASEAN nations, such as Vietnam and Thailand.³⁹ Given that the Indonesian Government is responsible for the loss of many Vietnamese fishing boats, Vietnam often lodges grievances against Indonesian legal acts that have resulted in the loss of vessels belonging to Vietnamese fishermen via its embassy in Jakarta.

In violation of the Minister of Marine Affairs and Fisheries Regulation No. 16 of 2006, which mandates that fish caught be landed and handled on shore,⁴⁰ fish caught by foreign vessels or Indonesian fishing boats are frequently transshipped out of Indonesia. This occurs even though the fish must be landed and handled on shore. In addition to this, there is the possibility that it may harm the ecology. The use of large-scale fishing gear (trawl) that does not conform with maritime rules and requirements will result in irreparable damage to the marine environment and biota. As a result, it would be beneficial to many different parties as well as the ecosystem to have a shipwreck operation that was rigorous against all the vessels involved in IUU fishing.

Although legally justified, the sinking vessel policy has not been without diplomatic consequences. There have been tensions with neighboring countries, especially Vietnam and Malaysia, which see the destruction of their citizens' ships as too harsh and politically motivated. These conflicts could hurt the trust in the region that is needed for good maritime cooperation. Indonesia should keep a strong deterrent posture while also fostering regional cooperation and stability by making its position in ASEAN maritime security talks stronger, making bilateral fisheries enforcement rules official, and starting joint patrol operations.

Indonesia has taken steps to minimize harm in the implementation of this policy. Vessels are typically evacuated before sinking, and coordination with foreign embassies is often conducted for repatriation of crew members. However, the lack of publicly accessible data, consistent standard operating

³⁹ Muhammad Tri Andika, "An Analysis of Indonesia Foreign Policy Under Jokowi's Pro-People Diplomacy," *Indonesian Perspective* 1, no. 2 (2016): 93–105.

⁴⁰ Nurdin, Ikaningtyas, and Rika Kurniaty, *Op.Cit.*

procedures, and independent oversight has led to criticisms regarding transparency and accountability. To improve public trust, the government should institutionalize the publication of enforcement outcomes, standardize operational protocols across agencies, and invite independent monitoring of enforcement actions. Greater transparency would not only support the rule of law but also reinforce Indonesia's credibility in international forums.

The environmental effects of shipwrecks are still not fully understood when it comes to their effects on the environment. Many of the ships that were destroyed still have fuel, synthetic materials, and other pollutants on board that could harm marine ecosystems. Some people think that sunken ships could work as artificial reefs, however these benefits are only guesses until the area is cleaned up, monitored after the sinking, and cleared for environmental use. So far, these steps have not been officially made public or put into practice. Adding environmental impact evaluations and enforcing decontamination measures before sinking would assist lessen harm and make sure the policy is in line with Indonesia's larger commitments to protecting marine life.

There are also big societal effects of the policy to sink ships. A lot of the people who are caught on foreign ships are not the ones who pay for illegal fishing; they are low-wage workers who may have been forced or tricked into it. Without legal help or social concerns, punishing people like this could make things worse for those who are already vulnerable. Additionally, tighter enforcement efforts could unintentionally hurt traditional fishing communities in Indonesia, especially in border areas where fishing zones aren't clearly marked. Indonesia needs to find a balance between enforcing the law and protecting people's rights. This can be done by increasing legal literacy programs, encouraging fishing livelihoods that are good for the environment, and making sure that enforcement doesn't put too much of a burden on already marginalized populations.

From a human rights perspective, concerns persist about the ethical treatment of detained foreign crew members. Although evacuation before vessel destruction is the norm, there is limited information about detention conditions, access to legal counsel, and the process of repatriation. This is particularly troubling given that some crew members may be victims of human trafficking or bonded labour. Indonesia, as a party to the International Covenant on Civil and Political Rights (ICCPR), must ensure due process, humane treatment, and safeguards against arbitrary detention. Enhanced coordination with organizations such as the International Organization for

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC) could help in identifying trafficking victims and ensuring compliance with international human rights obligations.

Even while there are already protections in place, they are not always used correctly and are not well documented. To fix this, Indonesia has to set up a single reporting and monitoring system that would make sure that all regions and agencies follow the same rules. Indonesia may make its maritime enforcement policy more consistent and legally sound by setting up a consolidated enforcement database and allowing for independent assessments. Being open about things not only stops accusations of unfairness or abuse, but it also helps people understand and support the government.

Indonesia also needs to fix weaknesses in institutional and operational enforcement. Inconsistent enforcement results are due to differences in capability between regions, overlapping jurisdictions between the Navy, the Ministry of Maritime Affairs and Fisheries, and municipal authorities, and a lack of specialized training. Standardizing legal processes, making institutional duties clearer, and putting money into collaboration across agencies are all important moves forward. Also, police officers who work on the water need to know more than just how to do their jobs. They also need to know about legal due process, human rights safeguards, and environmental rules.

The vessel-sinking policy, while dramatic and symbolically potent, cannot stand alone as a long-term strategy. Complementary and alternative measures should be expanded. Technological tools such as satellite-based VMS, automatic identification systems (AIS), and drone surveillance offer real-time tracking and early detection capabilities that can improve efficiency and reduce the need for destructive deterrents. Legal reform efforts to streamline prosecution, enhance judicial capacity, and ensure timely processing of IUU cases would further bolster enforcement credibility. Regional cooperation should also be deepened through joint patrols, intelligence sharing, and capacity building, aligning national enforcement with broader regional goals. At the domestic level, economic incentives, such as licensing support and subsidies for sustainable fishing practices, as well as community-based monitoring through local watchdog groups, can encourage voluntary compliance and empower communities as custodians of their own marine resources.

Finally, effective public communication is vital to the policy's sustainability and legitimacy. The media pays a lot of attention to high-profile shipwrecks, but most people don't know why the policy is in place, what legal protections it offers, or what its broader governance goals are. Indonesia should start focused public education efforts in coastal areas, add marine legal awareness to school curricula, and make policy information available in easy-to-understand formats and languages at the national level. Coordinated messaging through diplomatic briefings, bilingual publications, and press releases will help fight misconceptions and strengthen Indonesia's reputation as a responsible maritime nation on the world stage. Academic institutions, civil society groups, and independent media can all work together to help people have educated conversations and hold people accountable.

These factors show that Indonesia's policy of sinking boats has worked to protect its maritime sovereignty and stop illegal fishing. However, for the policy to be successful in the long term, it needs to strengthen legal alignment, protect human rights, make sure the environment is sustainable, and increase institutional capacity and public involvement. Indonesia can not only lead at home, but also establish a regional standard in the worldwide battle against IUU fishing by taking a more open, coordinated, and rights-based approach.

On the other hand, it is difficult to eliminate IUU fishing. The Indonesian government's ability to cease fishing activities and preserve undersea habitats from the dangers presented by instruments used by foreign fisherman is one of the benefits that can be derived from this situation, in addition to the favorable impact that may be achieved as a result. Additionally, this method may have a deterrent effect on thievery in the Indonesian sea, which may cause people to reevaluate their decision to engage in illicit fishing. Because of this, there could be fewer instances of illegal fishing carried out by boats from other countries. Nevertheless, to avoid misunderstandings and tensions with other countries, particularly Vietnam, Indonesia should provide socialization and agreements with neighboring countries through its Embassy. This is so that the country is aware of the implications of the vessel sinking as a means of legally enforcing illegal fishing, and so that Indonesia can avoid any potential tensions that may arise as a result.

In response to criticism about the negative impact on the climate, the author believes that the sinking of the vessel is an example of Indonesian law

INTERNATIONAL TENSIONS AND LEGAL DISPUTES

enforcement against foreign fishermen who break the law. Rather than vessel bombing, the writer accepts that sinking the vessel is a more appropriate activity if done in compliance with the legal proceedings and carried out in accordance with the real protocol. Furthermore, the process of sinking boats should be submerged rather than exploded or burnt, as this will pollute the atmosphere and sea life.

It is essential to have effective law enforcement against illegal activity to protect the sovereignty of a state (on land, ocean, and air) as well as all of its constituent parts. The Indonesian government's regulations of sinking foreign fishing vessels that have been proven illegal in Indonesian waters are intended to protect marine resources in Indonesian waters and serve as a deterrent to those who violate the regulations by fishing illegally in Indonesian waters. However, these regulations have been met with widespread opposition. Because foreign vessels had broken both national law and international law, a type of punishment consisting of the sinking of the vessel was carried out because of this violation.

Conclusion

According to the findings of the paper that was provided earlier, the implication of law enforcement toward illegal fishing by foreign fishing vessels in Indonesian maritime boundary has been carried out based on Article 73 paragraph 3 of the United Nations Law of the Sea, which is related to the regulations that govern Exclusive Economic Zones. It is possible to draw the conclusion that governments have the ability to take any actions, including boarding, arrest, inspection, as well as legal processes, but they do not have the authority to inflict criminal penalties or physical punishment on those who violate the law. Therefore, the authors are able to declare that the operations of sinking the illegal fishing boats are in conformity with the legal requirements that do not contradict with UNCLOS.

In addition to this, it assisted with the execution of Indonesian legislation for illicit fishing, which is governed by Law No. 45 of 2009 in combination with Law No. 31 of 2004 regarding fisheries. Further, in line with Article 69 Paragraph 1 and 4 of the Fisheries Law, the penalty of sinking a vessel for unlawful fishing in Indonesia must be substantiated by appropriate proof. Therefore, the authors suggest that the government has to take more decisive action in destroying illicit fishing boats and also needs to give education and training for law enforcement personnel in the fight against

illegal, unreported, and unregulated fishing practices to the community at large. Henceforth, public education should be provided about the legal basis for the sinking of the boats in a clear and concise manner, with the goal of ensuring that no vessels in the future violate regional borders and rules in Indonesia.

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