



The role of supervision on illegal fishing to protect fisheries resources in Aceh marine waters

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Abstract

Supervision is an important action on the utilization of fishery resources in the sea in the context of realizing the preservation of fishery resources. Supervision actions must be carried out effectively by the Regional Government through officers who have been given obligations, such as the Indonesian National Armed Forces, the Navy, the Water Police and the Marine and Fisheries Service. Basically the supervision has been carried out by the officer, but the supervision has not been effective. This research was conducted by reviewing the supervision of illegal fishing for the preservation of fisheries in marine waters, and cooperation in supervision carried out according to the rule of law in order to realize the protection of marine fishery resources. The results of the study indicate that the supervisory action on the use of fisheries in the sea has not been running as it should, as well as the cooperation or coordination between the parties assigned the task of supervision has not been effective and the lack of coordination among these officers.

Keywords: pengawasan, penangkapan ikan ilegal, perlindungan sumber perikanan

Introduction

Fishing started as a method of survival by the community from prehistoric times to today. With a wide range of internal water, Indonesia has become the home of abundant and diverse marine resources, including the fisheries sector, which must be utilized based on Law No. 45/2009 concerning Fishery. Therefore, the capture or utilization of marine fish must be supervised under applicable regulations. The supervisory function is a process to ensure the planning runs appropriately, following the laws governing it (Safitri Handayani, Nomor 2, Agustus 2018, 186) ^[25]. State or local governments enact laws to facilitate the sustainable utilization of fishery resources that require supervisory efforts.

As the Fisheries Law outlines, fishing regulation is the basis for utilizing, managing, and supervising fisheries resources in Indonesia's vast marine territory. This law recognized the paradigm shift from managing fisheries issues to an ecosystem approach as a legal provision. It is a general rule that regulates various problems related to fisheries (Umi Muawana, Gellwynn Yusuf, Luky Adrianto, at all, Marine Policy Journal, 2018, 154) ^[28]. Supervision is crucial so that fisheries resources are utilized under the laws regulated. It protects fisheries resources to remain sustainable and beneficial for future generations.

The richness of Indonesia's marine fisheries resources is widely benefited by national and foreign fishing vessels, which are sometimes exploited illegally using prohibited fishing gear, such as trawling, poison, and bombs. Such methods are very detrimental and destructive, so supervision and sanctions are needed for those who violate protecting and conserving fishery resources.

Illegal fishing issues in Indonesian waters are often revealed after supervising activities. It indicates that the role of fishery supervision in Indonesian water is still not efficient and effective (Ervinda Rima Harliza and Tomy Michael, 2020; 121) ^[17]. Supervision and law enforcement related to illegal fishing fisheries are conducted by competent institutions such as the Department of Marine Affairs and

Fisheries, the Indonesian National Navy, and the Indonesian National Police. Implementing this supervision task is crucial to prevent violations and preserve marine fisheries resources.

Based on the provisions of maritime law, it is understood that each state is authorized and obliged to be responsible for monitoring any events in its territorial waters. Therefore, the state is responsible for managing and utilizing the wealth of the sea with various valuable resources, such as marine fish farming, which is profitable for business and environmental beauty (Ervinda Rima Harliza and Tomy Michael, 2020; 126) ^[17].

The role of the local government in protecting fisheries resources by carrying out supervision and strict law enforcement against violators is very decisive. Therefore, through its apparatus, the provincial government is obliged to realize a sustainable marine environment based on the principle of protecting human life on land and sea in an orderly and regular manner.

Illegal fishing is a sea crime, and legal sanctions are imposed on people who violate the applicable laws. At this level, the function of law is needed as a medium of supervision and deterrence for actions that cause environmental damage and instability in the preservation or management of fish resources (Asiyah Jamilah, Hari Sutra Disemadi, 2020; 31) ^[14].

Nowadays, the utilization of marine fish resources has used sophisticated fishing gear and various fishing vessels. Therefore, the process of supervision and law enforcement carried out by related apparatus must also be equipped with sophisticated tools. In addition, cooperation between supervisors and law enforcers at sea needs to be strengthened to ensure the sustainability of fisheries resources in regional marine waters. Specific to the discussion in this article is the marine waters of Aceh. The problem of illegal fishing is carried out continuously by foreign fishermen or fishing vessels and has caused damage to the marine environment and a reduction in fish resources. Overfishing significantly depletes ocean wildlife

populations. Certain fish species are drastically reduced and endangered. It has resulted in a decrease in economic income for traditional fishermen. Increased supervision and law enforcement against marine crimes are determining factors for the sustainability of the marine and fisheries environment. The success of this activity is supported by sufficient personnel and adequate and sophisticated equipment.

The relevant institutions have not effectively implemented supervising actions in Aceh's waters, so the marine fisheries resources have not been maximally protected. Whether due to a lack of personnel, facilities, infrastructure, or the budget required for the task. On the other hand, the cooperation between supervisors and law enforcement has not been well established. Therefore, this article will discuss why the supervision of illegal fishing to preserve fisheries in Aceh marine waters has not been well realized and whether cooperation in supervision has been carried out following the applicable laws.

Preservation of Marine Resources through the Element of Supervision

The supervision factor is vital in maintaining marine resources, including fisheries. The sea contains sources of natural wealth, biological and non-biological, such as various types of seaweed, marine animals, oil, and gas. This wealth benefits the community, nation, and state, so its utilization must follow the applicable regulations. Therefore, the government must function to conduct supervision and law enforcement. Adequate and complete national and international laws are needed to facilitate these activities.

In this regard, some countries design regional or local laws that support the capacity building of the apparatus, such as the provision of adequate training tools, budgets, facilities, and infrastructure to increase the success of law enforcement (Jade Lindley, Erika J. Techera, 2017, 76) ^[20].

The sea, as the common property of humankind, is used for various purposes, both for transportation, shipping, health, and the use of various biological and non-biological resources. Thus, regulation and supervision are needed to create public order (Adwani *et al.*, 2018: 13) ^[2, 11]. Regulations must reflect the interests of sustainable maintenance or preservation to provide maximum benefits to society, including the establishment of supervisory and law enforcement bodies and the provision of tools and budgets as supporting facilities. The utilization of fish resources must be balanced with supporting facilities, including supervision efforts so that it needs to be highlighted to provide sustainable benefits (Muhammad Ansari Tarigan, Volume 9 No. 4 Oktober-Desember 2015, 544).

Supervision is related to the basic function of the Government or local government to create peace and order in realizing the welfare of society, which is reflected as the state's mission. It is the government's main task in all activities, including protecting the sources of income of coastal communities (Husni Jalil, 2008: 149) ^[4].

Violations of the law continue to occur at sea, for example, fishing without a license and the use of prohibited tools in fishing which has an impact on the destruction of fisheries and the environment. Based on this, law enforcement agencies must be empowered and pay more attention to the stages of law enforcement to minimize law violations at sea

(Adwani dan Sulaiman, Vol. 22, No. 3 Desember, 2020, 537). The goal of law enforcement is preceded by supervisory actions carried out consistently and thoughtfully by those responsible for supervising. It must be focused on illegal fishing vessels. In addition, it needs to be supported by accurate data for success in law enforcement.

Fishing vessels that frequently conduct illegal fishing and are carried out in a prohibited manner or *modus operandi* are declared sea or economic crimes. It is elaborated in the general explanation of Law No. 31 of 2004, amended by Law No. 45 of 2009 concerning Fisheries (Yanti Amelia Lewirissa, 2010: 31). Therefore, the political policy of the local government in preventing violations at sea will create guidelines that must be followed by those who utilize marine resources. In addition, it will build a harmonious and effective way of managing marine resources.

It is necessary to increase the role of fisheries supervisors and community participants to build an efficient and effective fisheries sector to ensure the optimal implementation and sustainable management of fish resources. (M. Adli Abdullah and Teuku Muttaqin, 2012: 17) ^[11].

Recently, illegal fishing or fish crimes into the public spotlight due to the high number of illegal fishing businesses and fish theft using prohibited fishing gear, bombs, and other problems that are detrimental to fish resources management (Afrianto Sagita, Yosua Hamonangan Sihombing, 2017; 215) ^[12].

Realizing the goal of marine conservation and keeping the fish resources sustainable can be achieved if the use of harmful fishing gear can be prevented. It can happen if the function of local government through its apparatus in conducting supervision runs effectively under the authority of regional autonomy. To preserve the marine environment and prevent management deviation of marine resources, the government stipulated the guidelines for supervising the implementation of oil and gas exploration and exploitation at sea as well as for utilizing biological resources (P. Joko Subagyo, 2009: 13) ^[5].

Local governments based on the authority of regional autonomy have the power to supervise, and there is no autonomy without supervision. Thus, the independence of autonomy and supervision is a unity that cannot be separated (Bagir Manan, 2001: 196). The discretion of local governments to regulate and manage existing resources in the regions is based on the authority given but is not absolute. It is still under the control of the superior government (Husni Jalil, 2008: 34) ^[4].

The implementation of government is carried out routinely. Implementing duties and obligations must be based on policies or regulations relating to the field in the autonomous region. It shows how important it is for state officials or bodies to carry out various specific policy steps, including realizing a rule or policy decision (Philipus M. Hadjon, R. Sri Soemantri Martosoewignjo, Dkk, 1999: 152) ^[6].

In implementing regional autonomy, the local government is given the authority to manage fisheries and marine resources by referring to the community's prosperity as the goal and direction to be realized. However, fisheries resources management must provide equity, including improving the welfare of small or traditional fishermen (M. Adli Abdullah and Teuku Muttaqin, 2012: 41) ^[11]. Coordination between related agencies in the region is

carried out in the implementation of supervision and law enforcement, such as between Civil Servant Investigators (PPNS) of the Aceh Provincial Maritime and Fisheries Agency, Water Police, and Navy, and also Panglima Laot as a local wisdom institution that more understands marine and environment issues. Panglima Laot and traditional fishermen are more likely to witness violations in Aceh's territorial sea waters, both by national fishing boats and foreign fishing vessels. Thus, Panglima Laot should report information on such violations to the investigators.

The voyage of foreign vessels in a coastal state's territorial sea must be subject to limitations and obligations in the form of prohibitions that interfere with the coastal state's security, peace, and order. Foreign fishing vessels are not allowed to capture fish while sailing in specific territorial seas (I Wayan Parthiana, 2014: 43) ^[8].

Foreign fishing vessels have rights and obligations while sailing in the territorial area and Exclusive Economic Zone (EEZs). However, they are not allowed to catch fish but are given the right of peaceful passage. While in EEZs, fishing is allowed with a permit and not using prohibited fishing gear, such as trawlers, explosives, and poisons.

The Function of Local Governments in Supervising the Fishery Resources Protection

Supervision is an essential factor in protecting many types of natural resources. Speaking of sea wealth resources, including various marine life, many parties have conducted fisheries activities to benefit human life. Thus, the practice must be regulated appropriately by act no. 45 2009 and *Aceh Qanun* No. 10 2007 about fisheries activities.

Article 13, verse (1) of *Qanun* No. 7/2007 determines that the management of fish resources, including the preservation, control, supervision, fishing, and cultivation, is performed to achieve optimal and sustainable benefits and ensure its sustainability.

Based on these provisions, it is clear that fishermen or fishing vessels, both national and foreign, must abide by the requirements of the Law created by local authorities to conserve marine fish resources. Therefore, the provincial Government, through relevant agencies, should activate the system of management, supervision, and law enforcement against acts of law lessness at sea.

According to the cases above, local governments must seriously consider conserving fish resources and marine ecosystems, followed by surveillance measures. Implementing policies or decisions regulating fisheries and prohibiting fishing methods that could damage the environment and fishery sources are essential. This damage the condition of fish sources and harm the community if unsustainable fisheries practice continue (M. Adli Abdullah and T. Muttaqin, 2012: 3) ^[1].

Marine waters are rich with resources, including various types of fisheries. According to Law Number 45 of 2009 about fisheries, the Government protects fisheries sources from different ways of their use to create a sustainable living. In fact, the use of fishery resources is performed in multiple ways, including illegal activities, such as using tiger trawls, poison or illegal fishing, and other prohibited tools. Therefore, protecting fishery sources is very important.

Concerning erratic fishing acts, fish theft, or other fishing violations that can cause losses to the State and can damage the interests of fishermen, as well as fisheries cultivator, and

damage the sustainability of fishery resources (Maria Maya Lestari, Vol. 3 No. 2, 2014: 273). In this case, supervision needs to be increased to prevent and sanction perpetrators of lawlessness at sea.

Technological advances created various fishing tools that facilitate fishing to obtain as many catches as possible. Suppose these actions ignore the surrounding environment or ecology conditions, resulting in the extinction of certain fish and financial losses for community members who rely on fishery sources, especially local fishermen (P. Joko Subagyo, 2009: 31) ^[5]. Despite the extensive technological advances, traditional fishing activities should be legally recognized. It is the basis for obtaining the legal protection rights of fishermen, which is undoubtedly followed by other protections given to local fishermen (Mohammad, Yordan Gunawan, and Rizaldy Anggriawan, 2021: 214) ^[22].

Unlawful acts in fishing highly affect fishermen. Unauthorized fishing has commonly caused many problems for fishermen and the destruction of the ecosystem. Being part of marginalized communities, fishermen will experience the exclusion of government policies that face several issues, including financial matters (Agus Abdurrahman, *et al*, Vol. 6 No. 1, March, 2008, 2) ^[13].

Admittedly, illegal fishing is a severe problem that has significant repercussions for ecosystems and the marine environment, which affects people whose lives depend on marine or fisheries sources. The direct and indirect consequences are increasing due to illegal fishing (Gohar A. Petrossian, 189, 2015, 40) ^[18]. Therefore, surveillance measures are enhanced by strictly enforcing the Law on fishing actors with tiger trawls during high fishing season (Dong-Oh Cho; 2012, 323) ^[16].

The fact that many illegal fishing cases exist causes environmental damage and reduces fish resources; the local Government's seriousness in protecting and striving for preservation is required. It demands the effectiveness of local governments or law enforcement in performing their duties to conserve fish resources.

The issue of law enforcement is a theoretical basis for punishing people or legal entities that violate and are inseparable from the foundation of preventive action (Supriadi and Alimudin, 2011: 429) ^[7]. The Water Police, the Marine and Fisheries Service (DKP), and the Navy generally conduct supervision in several areas as collaborators. Navy and Water Police worked in a team patrolled based on the specified schedule. The DKP also supervises its integrated program with the Water Pol, for example, once a month according to a mutually agreed plan (Adwani; 2018, 144) ^[2, 11].

Cooperation or coordination between law enforcement agencies is essential to increase sea surveillance. Concerning the importance of coordination, it is necessary to promote coordination between the relevant parties, including the Aceh Customary Assembly (Adwani, Muazzin, Enzus Tinianus; 2020, 35) ^[9]. Supervision will increase coordination for implementing fishing following applicable fisheries regulations.

Many recent violations of the Law exist at seas, such as violations of fishing, business licenses, and general crimes. Therefore, supervision is necessary for law enforcement to prevent damage or the realization of the sustainability of marine fisheries sources. The evidence shows the importance of increased surveillance in law enforcement based on their respective duties. Involving the leader of the

local community, such as *Panglima Laot*, as part of the team can make a good impact which helps to provide preliminary information about the occurrence of lawlessness at sea.

Fisheries management and supervision are considered challenging tasks. It will be helpful if the monitoring team possesses technical expertise and human resources skills to understand the extent of fisheries potential in each fishing location (Hayyu Sasvia, 2019; 230). In performing supervision and law enforcement, a collaboration should exist between PPNS and the Water Police in cases of unlicensed fishing or violations by national and foreign fishing vessels. When a breach in the act of fishing occurs during a patrol operation, the ship can be legally caught. Legal sanctions, such as a prison sentence for the skipper, equipment confiscation, or deciding to sink the vessels, have been given. There have been prisoners sentenced to punishment for violations in fishing. Yet, law enforcement is still inadequate and ineffectively functioning.

On the other hand, Cooperation in supervision to improve proper law enforcement is crucial for realizing State or regional administrative order. It is something that supports each other to support from law enforcement. Considering illegal fishing tools (e.g., poisons and fish bombs), Government officials and authorities must collaborate and invite local leaders in the community, such as *Panglima laot* (traditional marine leader), who can be an informant partner, helping to monitor the occurrence of violations and controlling conservation activity.

Several factors cause illegal fishing by foreign fishing vessels involving vast supervision areas and a lack of supporting facilities, making the process more challenging. Also, the shortage of workforce combined with limited facilities and infrastructure, as well as several issues in law enforcement over coming unauthorized fishing in Aceh (Sulasnawan, Dahlan, Adwani, 2020, 27) ^[27].

Whenever the problem of preventing illegal fishing is observed, law enforcement often experiences obstacles in coordination, inadequate personnel, and equipment. Thus, efforts are needed to overcome those challenges, and the Government can overcome barriers in law enforcement (Adwani, Muazzin, Enzus Tinianus, 2017; 190).

In general, law enforcement has several obstacles to unlawful fishing crimes. Barriers commonly found in the substance of the Law are inadequate legal facilities, insufficient infrastructure, the minimum number of law enforcement officials, low public awareness, and limited legal proceedings, including investigations, prosecutions, evidence, and other general obstacles (Sulasnawan, Dahlan, Adwani; 2020, 27) ^[27].

Establishing appropriate procedures is recommended to prevent various fishing issues. Exploring the issues-based behavior of parties working in marine and fisheries is one option. Thus, prevention and law enforcement can be started with an initial investigation. It continues by providing sufficient personnel, allocating adequate budgets, and creating decisive and targeted actions based on severe supervisory activities and serious law enforcement to make a significant impact (Adwani, Muazzin, Enzus Tinianus, 2020, 35) ^[9].

Supervision reveals many law violation cases at sea, including illegal sailing without a fishing permit but catching fish illegally using tiger trawls. It also found a case of the use of explosives and toxic materials, which is done by ships, both national fishing vessels, some by small

fishermen, and foreign vessels with no regard for the preservation of fishery sources. In this connection, it shows that the enforcement of the Law has been carried out but not conducted optimally. This may result in the disruption of fish resources and the low income of traditional fishermen.

Referring to Law Number 45 of 2009 about Fisheries, the investigators are given the authority to conduct law enforcement, including forced efforts in arrest, detention, seizure, and search and evidence takeover. They also have been given to authorized, if found guilty of violations, to sink the ship (authorities took down two vessels found guilty in Aceh) in many parts of Indonesia. The action is conducted due to law enforcement to preserve fisheries sources, hoping to reduce violations of the Law at sea. Despite law enforcement, breaches at sea have not been successfully prevented.

Aceh has a significant potential fishery area, supported by its region, which consists of approximately 70 percent of sea water. If the supervision and rules can be effectively enforced, the availability of fishery sources can be greater than before. Referring to the length of Aceh's coastline along 2,666 km, the area of Aceh's sea waters is divided into three sections, which are:

1. core territorial waters covering an area of 12 nautical miles from the coast of about 320,071 km²,
2. continental exposure that the sea area reaches 200 meters in total 56,563 km², and
3. the exclusive Economic Zone area up to the limit of 200 nautical miles from the coast, covering an area of 238,807 km² (M. Adli Abdullah and T. Muttaqin, 2012: 17) ^[1].

According to the data, Aceh possesses a strategic location surrounded by the Strait of Malacca, the Bay of Bengal, and the Indian Ocean. Therefore, taking serious action against destroying the marine environment is imperative, especially fishery sources that must be preserved. Still, these efforts have not been managed optimally even though the supervision has successfully arrested several ships that violated the Law and were subject to legal sanctions.

In addition, local governments urgently need practical action to preserve fisheries sources, primarily supported by local law enforcement. The problem is intensifying coordination between the investigating team enforcing the Law at sea. This action is essential to conduct as violations will continue to occur by fishing vessels. In the monitoring process, for instance. When Acehnese fishermen detect the violation, the fisherman, through the *Panglima Laot*, must report it to the Government or relevant investigators. Suppose it occurs in the territorial waters of the State or territorial sea; they should report to the Water Pol or the Marine and Fisheries Service (DKP), both Regencies/Cities and Provinces. Still, if there is unauthorized fishing in the Exclusive Economic Zone, they should report to the Navy (*TNI Angkatan Laut*).

Based on this, *Panglima Laot* plays a significant role in preserving or maintaining the source of wealth in the sea. Concerning the position of the *Panglima Laot* that their existence lies under the Marine and Fisheries Service. Its mission is to protect the marine environment, especially fish resources, by prohibiting fishermen from catching fish unlawfully or using explosives and poisons in fishing and conducting supervision. The rules also implied conserving fish resources for sustainability for the benefit of Indonesia's next generation. Even the customary law prohibits all kinds

of tools that can damage the marine environment, such as poisoning, bombing, electrocution and anesthesia, electrocution, and so on (Sulaiman, Vol. 11 No. 2 May 2011; 299) ^[26].

Also, *Panglima Laot* committed to solving a dispute between the fishermen, which was mainly resolved through the provisions of the Customary Law at sea. Generally, after the deliberations between the *Panglima Laot*, the fishermen, and the fishermen who committed the violation, an agreement is commonly reached that must be followed by the found guilty. Therefore, *Panglima Laot* is also part of the supervisory body to maintain social harmony.

Due to the unclear water boundaries between Indonesia and neighboring countries, unauthorized fishing occurs. These parties each claim these existing boundaries belong to them (Damai Magdalena, Fransisca Adelina Sinaga, 2019; 258) ^[15].

Considering facts of fisheries activities, which aim to support various community interests employing different ways of fishing, including advanced technology, leads to many benefits. Besides its proper use, its unlawful practice also causes the marine environment and fishery resources. In response, law enforcement and supervision have been carried out by mobilizing law enforcement officials. Still, supervision and law enforcement have not been running correctly. It can be seen from the continued destruction of the marine environment, such as the destruction of coral reefs. The evidence shows the ineffectiveness of supervision and law enforcement leads to an unfavorable effect on the preservation of fishery resources in Aceh Province. It is due to a lack of facilities and infrastructure, a shortage of personnel, and coordination issues among law enforcement or investigators against violations of the Law that have not been maximized.

Conclusion and Recommendation

In general, the fisheries resources in the Aceh region's sea waters are plentiful. The community can manage various types of fish for survival, especially for fishermen to increase their income. Due to the inadequate level of supervision and law enforcement conducted by PPNS, Water Pol, and Navy investigators, and coordination between them, the process has not been running optimally. Thus, violations in fishing still occur, causing fishery resources to be unstable. For this reason, The local Government, especially investigators, must improve supervision and law enforcement effectively and harmoniously. Involving *Panglima Laot* as a partner to provide information about violations at sea can be a good strategy as they are part of the local community that always wants to protect their sea waters.

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