

## CHAPTER V

### CONCLUSION, LIMITATION, AND RECOMMENDATION

#### A. Conclusions

To conclude this research entitled “INTERNATIONAL LAW APPROACHES TO THE CASE OF ILLEGAL FISHING BY FOREIGN SHIPS IN NATUNA SEA” after a long discussions from chapters before, writer conclude:

##### 1. Illegal Fisherman Classification Based According to Indonesia Law

Based from the discussion before this, definitions for illegal fishing that simplified as the fishing activities by foreign vessels in water under jurisdiction of a state without legal permission. Generally, there are some categories for illegal fishing such as fishing without license, fishing with false license, fishing of prohibited fishing gear, and fishing of prohibited species. In Natuna sea, most of the illegal fishermen come from the neighborhood countries that catching fish in Indonesia Exclusive economic Zone without license and using a prohibited fishing gear. These fishermen who categorized as an IUU fishing subject in Indonesia if they disobey the rule of :

1. Article 19 point 2 UNCLOS 1982, has explained that a foreign ship should consider the prejudicial to the peace, good order or security of

the coastal state. In this regulation, ship of the foreign fishermen has a responsibility to obey the coastal state law.

2. Part V of UNCLOS 1982 about exclusive economic zone, coastal state has rights and jurisdiction to exploring, exploiting, conserving, and managing the natural resources.

3. Law act No. 5 year 1983 concerning Exclusive Economic Zone emphasize this part in article 27 point 2 as well that mentioned foreign fishermen need SIPI to catch the fish Indonesia EEZ. Fake the SIUP, SIPI and SIKPI has prohibited in Indonesia. Without these documents, foreign fishermen activities in Indonesia EEZ will classified as illegal unregulated and unreported fishing(IUU Fishing).

## **2. Indonesian Government Act Regulation and Firm action of taking down illegal fishing vessel**

Indonesia law through illegal fishing is regulated in Law act no. 45 year 2009 amended the Law act. No 31 year 2004 concerning Fishery. To implement the Law Act of fishery, Minister Pudjiastuti with the President Decree Number 115 Year 2015 about Units of Illegal Fishing Eradication Task Force, create the SATGAS-115.

SATGAS 115 as stated in the article 2 of the Decree, has a duty to develop and execute the operation of law enforcement efforts in the eradication of illegal fishing in the territorial sea of Indonesia's jurisdiction effectively and efficiently by optimizing the utilization of personnel and

equipment operations. Including ships, aircraft, and other technologies that are owned by the Ministry of marine and fisheries, Indonesia National Army Navy, State police of the Republic of Indonesia, the Attorney General's Office of the Republic of Indonesia, Sea Security Agency, a unit of the Special Work Managing business activities Upstream Oil and Gas, PT Pertamina, and other related institutions.

The establishment of SATGAS-115 furthermore has its standard operational procedure regulated in MMAF decree No.37/Men.KP/2015. The SATGAS 115 has a duty to According to the theory of state sovereignty, this has confirmed as the ultimate power that lied with the leader of Republic Indonesia. It is a duty of government of Indonesia to protect its natural resources including fisheries. SATGAS-115 is in charge of carrying out the investigation, investigation, handling evidence, prosecution, remedy and the execution of the exhibits of the ship.

Along with the jurisdiction theory, with criminal principle in territorial principle, it is Indonesia government rights to applied its own law and regulation to protect and prevent the criminal action in its territory. To support this view, researcher and reader should not only see it from the regulation that has applied, to protect our territory, government need to upgrade its security and action just like this policy.

This “Taking Down” policy could be a good example to other archipelagic states around the world, especially in developing countries.

### **3. UNCLOS 1982 regulation due to the taking down illegal fishing vessel act done by the government of Indonesia**

UNCLOS 1982 admit the sovereignty of every coastal state and its jurisdiction principle. As UNCLOS 1982 has also given the right to coastal state to implement their own law in Article 73, Indonesia could enforce its law as long as the government do as said as in article 73 point 2,3 and 4.

The international law of the sea that regulated in UNCLOS 1982 generally not prohibited this action. As seen, international law completely surrenders to each country to enforce laws that can protect its country. International law highly respects legal theories regarding the sovereignty and principles of the coastal state in protecting its territory. According to this reaction from international law, It shown that International law un- directly support, warrant and justify this “Taking Down” the IUU fishing vessels act and what other community should do, is support this policy of Indonesia Government.

#### **B. Limitations**

This research was far from being perfectly fine, due to:

1. This research was not supported by a primary data due to the distance between location of the writer in Batam Island and location of the research object in Natuna District Court. This situation make researcher was only able to get the data from books, article, and internet based of data.

2. The limitation of time for researcher to prepare and finishing the research.
3. The limitation of researcher to using a proper grammar in english writings.

### **C. Recommendations**

#### **1. For Indonesia Government**

Indonesia government has done the right thing since their broadcast and applied their firm action in 2014 due to against the IUU fishing in Indonesia. However, some negative feedback has come either from the international parties or from the national parties.

Firstly, Indonesia need to put more effort to publish and demonstrate their territorial maps including the border due to endure the protection of EEZ Territorial. By the bilateral or Trilateral agreement, the coordinate of sea borders in jurisdiction has been pointed. Not only to the diplomatic agency, also to the international society by the easiest way to reach. Which is Internet and social media

Secondly, Indonesia government also need to simplified the making of fishing permit of the fishermen, locally or the foreigners. Along with the degradation of IUU fishing number in Indonesia, that would be better if Indonesia government could upgrade their action. The taking down IUU vessels were done by exploding the vessels on the middle of the sea. It could damage the sea ecosystem. It would be better if the exploding action could be done at the coastal area in an enclosed space that specially

designed to withstand the explosion. Soon after it, the remaining debris from the explosion could be recycled or re-use as compost.

## **2. For Foreign Fishermen**

For the foreign fishermen that interested to harvesting the fish and seafood in Indonesia, to be more care about the implemented law in Indonesia. Minding and legalize the business license and permit should be done before doing the seafood harvesting activities.

Moreover, foreign fishermen could join the Indonesian local businessman in fishery sector, so despite of working on the permit by themselves, the foreign fishermen could get help from the Indonesian and fix the economy of both countries together.