

**THE INDONESIAN GOVERNMENT’S POLICY OF “SINKING FOREIGN
FISHING BOATS” (2014-2019)**

THESIS



**UNIVERSITAS
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FACULTY OF SOCIAL AND CULTURAL

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UNDERGRADUATE THESIS

Proposed to the Department of International Relations

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ABSTRACT

This research discusses how the implementation of the foreign ship sinking policy in Indonesia in 2014-2019. This research aims to be able to describe the implementation of the foreign ship sinking policy by using various efforts made by the Indonesian Government through the Ministry of Maritime Affairs and Fisheries, and the research method used is descriptive qualitative research. This research uses the realist paradigm, policy implementation theory and the concept of Illegal fishing which are used as the basis for analyzing this research. The period of this research is within the scope of Minister Susi Pudjiastuti's period, which is from 2014 to 2019. The results of this study are that the government's "authority" used to issue this policy is based on three main pillars, namely the sovereignty pillar, the welfare pillar, and the sustainability pillar with research that the implementation of the policy of sinking foreign fishing boats carried out during the tenure of Minister Susi Pudjiastuti is considered very effective to reduce and eradicate the amount of illegal fishing in Indonesia's marine territory, it is because it is proven by the increasing amount of fish consumption and fisheries production in Indonesia.

Keywords: government policy, Indonesia, marine resources.

CHAPTER 1

INTRODUCTION

1.1 Background

Along with being a country that has very rich marine potential and wealth, Indonesia is also one of the countries with the greatest maritime resources in the world. Unfortunately, this means that Indonesian seas are automatically inseparable from illegal threats, namely the activity of stealing fish or other marine resources by foreign fishing vessels. Illegal fishing in Indonesia foreign fishing vessels without permits that have entered Indonesian waters without an official permit authorized by the Indonesian government is an exploitation of marine resources which is a violation of state sovereignty and is of course related to state policy, both national and international, therefore the government took on firm policies regarding this matter, one of which was "sinking foreign fishing vessels" namely blowing up the ship or causing leaks the sides of the ship. The aim of this particular policy is to provide a deterrent and also show the Indonesian government's firmness in realizing sustainable fisheries (Simela Victor Muhamad, 2015).

Illegal fishing undoubtedly has an impact on the local economy and local fishermen. During illegal fishing activities, many legal (local) fishermen experience a decrease in income due to illegal fishers selling their catches at lower prices. This reduces people's purchasing power and causes economic difficulties. Price reduction at the fish market. When the supply of fish from these illegal activities increases, the price of fish sold by local fishermen becomes unstable, making economic planning difficult. Legitimate fishermen have to compete with vessels that operate illegally and do not comply with fishing regulations in Indonesia. As a result, many

fishermen lose the opportunity to get a decent catch and Indonesia's marine resources experience a decline (Kompas, 2014)

The decline in fish populations is one of the most concerning problems regarding to the depletion of Indonesia's marine resources because illegal fishing practices are often carried out without paying attention to sustainable catch limits. Illegal fishing has led to drastic declines in fish populations, especially species that are already threatened as the type of fishing often targets certain vulnerable species. As a result the extinction process is sped up and disrupts the balance of marine ecosystems recovery after fish population decline is a lengthy process. Recovery from habitat destruction is also a lengthy process. According to FAO data Indonesia annually loses 30 trillion IDR from illegal fishing activities. Minister Susi said this figure was smaller than reality and Indonesia's losses due to illegal fishing could actually be up to 240 trillion rupiah a year (Aryo & Wiswayana, 2021).

Therefore, with the many cases of illegal fishing occurring in Indonesia, a decision was taken to establish maritime boundaries as stipulated in UNCLOS in 1982, including the territorial sea boundary, the Exclusive Economic Zone/EEZ boundary, and the continental shelf boundary. Maritime boundary establishment is done to determine the clarity of a country's territorial waters to provide benefits for the country itself, namely helping to clarify state secrecy and maintaining the security of the country from possible attacks or intrusions from outside a country's territory (Pennsylvania, 2014).

When implementing the UNCLOS decision, things that violate existing regulations can automatically be implemented. enforced by established laws. as in Article 93, Article 94 and Article 94A of Law Number 45 of 2009 and Law Number 31 of 2004. These laws state that every person who catches or catches fish without being equipped with a Fishing Business

License (SIUP), Fishing Permit (SIPI), and Fishing Permit. business permit (SIUP), fishing vessel permit (SIKPI), will face the threat of five to seven years in prison and a fine of IDR 1.5 billion to IDR 20 billion. Article 69 of Law Number 45 of 2009 also states that fisheries monitoring vessels can stop, inspect, take and detain vessels suspected or reasonably suspected of committing violations in the Indonesian fisheries management area and transport them to the nearest port for further processing (PARPRES, 2015).

Policies and regulations on the sinking of foreign vessels in Indonesia in 2014-2019, especially those related to the handling of Illegal, Unreported, and Unregulated Fishing have a legal basis in Article 69 paragraph (4) of Law No. 45 of 2009: which states that fisheries investigators or supervisors can take special actions in the form of burning or sinking foreign-flagged fishing vessels, based on sufficient preliminary evidence. Law No. 45 of 2009: Generally regulates fisheries and provides the legal basis for law enforcement actions at sea, including the sinking of IUU vessels. KUHAP (book of criminal procedure law) Vessels as evidence of criminal acts can be confiscated and destroyed if decided by the court. minister of marine and fisheries regulation No. 37/2017 on SOP for sinking vessels of IUU perpetrators. 37/2017 on SOP for the sinking of illegal foreign fisheries vessels by regulating technicalities in coordination with related agencies (Indonesian Navy, Bakamla, Polair), legal process before execution, method of sinking (blown up, leaked, or sunk), Policy of Sinking provides a deterrent effect, The policy of sinking foreign vessels aims to provide a deterrent effect for IUU perpetrators and prevent similar violations from occurring in the future, namely the protection of Marine Resources, Ship sinking is also a form of protection of Indonesia's marine and fisheries resources from illegal exploitation (Kompas 2014).

The impact of this policy is claimed to have reduced IUUF activities in several areas of Indonesian waters, especially in the North Natuna Sea, and had a positive impact on the marine ecosystem and the income of local fishermen. In addition to sinking, other actions such as burning and bombing were also carried out against offending vessels. More than 500 illegal foreign vessels were sunk from various countries China, Vietnam, Philippines, Malaysia, Thailand and there was a sharp decline in IUU Fishing cases, National fish stocks increased significantly (according to KKP and FAO). And also Indonesia received international recognition as a country that is firm in protecting marine resources (KKP 2019).

The policy objectives of this enhanced policy are to eradicate IUUF, uphold the sovereignty of Indonesia's sea territory and protect its natural resources from fish theft. Law enforcement provides strict sanctions for IUU perpetrators, both administrative and criminal sanctions. Marine Conservation protects marine ecosystems and increases the potential of fisheries resources. The implementation period of the ship sinking policy was intensively carried out during the leadership of Susi Pudjiastuti as Minister of Maritime Affairs and Fisheries in the 2014-2019 period. Several foreign vessels, including Vietnamese and Malaysian flagged vessels, were sunk in various locations such as Natuna, Belawan, and Pontianak. Even though the ship sinking policy raises pros and cons, it shows the government's firmness. (Detikfinance, 2014).

Law enforcement regarding illegal fishing can affect international relations in the maritime sector. However, the main challenge is the differences in law, law recognition and law enforcement capacities that exist between countries as the result of the establishment of multilateral fisheries agreements, the exchange of intelligence information, and increased law enforcement capacity at the global level. Increasing transparency and coordination between countries can also help overcome the obstacles in tackling illegal fishing. Yet a challenge is the

difficulty of fulfilling marine activities, especially in large and difficult to reach areas. In addition, conflicts of economic and political interests between countries often require the implementation of law enforcement measures. With strong policies, there is an opportunity to create more effective regulations, improve supervision and monitoring, and address the root causes of illegal fishing collectively in international relations (Nainggolan, 2015).

Comparison of foreign fishing vessel sinking policies Period 2009-2013 Ship sinking is still a discourse and has not been widely implemented The main priority in this period is law enforcement through judicial process and fines and there are also some cases of ship sinking, but it has not become a structured and massive policy. 2009-2013 Limited and reactive approach Relatively lower number of vessels sunk, with a focus on vessels caught committing IUU Fishing was more reactive and sporadic, with limited law enforcement and impact on foreign vessel activity and lack of specific data, however foreign vessel activity in Indonesian waters remained high (Supramono 2013).

However, in the 2014-2019 period, ship sinking became a policy that was implemented firmly and massively by the government. increase in national fish stocks: National fish stocks increased from around 6.3 million tons in 2016 to 7.3 million tons in 2017, registering an increase of almost 1.4 million tons in one year. And also an increase in capture fisheries production: Capture fisheries production increased from 6.68 million tons in 2015 to 7.53 million tons in 2019. Non-tax state revenue (PNBP): PNBP from the fisheries sector increased significantly from IDR 137.1 billion in 2015 to IDR 756.5 billion in 2019 (Nurhadi 2015)

This sinking action aims to provide a deterrent effect for illegal fishing and show the seriousness of the government in protecting marine resources and territorial sovereignty. Some of the factors driving this policy are increasing cases of illegal fishing, environmental damage

caused by illegal fishing, as well as encouragement from the community and parliament. In this case, of course, there are driving factors for policy changes and improvements, namely changes in leadership and priorities, changes in leadership in the Ministry of Maritime Affairs and Fisheries in the 2014-2019 period brought changes in priorities in handling illegal fishing, with the affirmation of the ship sinking policy. The high number of illegal fishing cases and the environmental damage caused by illegal fishing led to public and media pressure on the government to take stronger action. Although the focus is on ship sinking, the government also conducts maritime diplomacy and international cooperation in an effort to eradicate illegal fishing.

The ship sinking policy is generally considered successful in reducing the level of illegal fishing in Indonesian waters. The action of ship sinking is expected to provide a deterrent effect for illegal fishing perpetrators. This policy contributes to the protection of marine resources and marine ecosystems from damage due to illegal fishing practices. The sinking of this ship is a form of enforcement of state sovereignty in Indonesia's sea territory more firmly although of course this policy reaps the pros and cons, especially related to legal aspects and diplomacy, the policy of sinking foreign fishing boats in the period 2014-2019 shows a significant change in handling illegal fishing in Indonesia, from previously focusing more on conventional law enforcement to and increasing more assertive and repressive actions (CTF 2019).

When President Joko Widodo took office in 2014, he had a vision to make Indonesia a World Maritime Axis. To realize this vision, strong law enforcement was needed to protect maritime sovereignty. Therefore, Susi Pudjiastuti was appointed as Minister of Maritime Affairs and Fisheries who then implemented the ship sinking policy as a firm step to eradicate illegal fishing (Detikfinance, 2014).

1.2 Research Questions

How the Indonesian government makes decisions to sink foreign fishing boats 2014-2019 ?

1.3 Research Objectives

Based on the problem formulation that has been understood and put forward, the objectives of this research are:

1. Explain why Indonesia has adopted a policy of sinking foreign fishing vessels.
2. Analysis of the impacts and losses of illegal fishing.
3. Analysis of the Indonesian government's policy in sinking foreign fishing vessels 2014-2019.

1.4 Scope of Research

The scope of this research covers the era of President Joko Widodo's administration in which Susi Pudjiastuti was appointed the Minister of Maritime Affairs and Fisheries. Susi Pudjiastuti who served as Minister of Marine Affairs and Fisheries in Indonesia from 2014-2019. President Joko Widodo, through Susi Pudjiastuti, then implemented a policy of sinking foreign fishing boats and also focused on sustainable management of marine and fisheries resources. From the start of her tenure, Susi was known for her firm policy on illegal fishing (IUU Fishing). She often led operations to sink foreign ships that stole fish in Indonesian waters. Throughout her term of office, she enacted several other policies, namely, increasing fishery exports. Susi tried to increase exports of fishery products through implementing quality standards and product certification (Kompas, 2014)

Her policies received full support from President Joko Widodo. Jokowi said, as a sovereign country, Indonesia does not need to be afraid because there are laws that regulate it and other countries would definitely do the same thing implement policies not just based on their own wishes or decisions but with coordination carried out according to procedures and with provision of explanations to the countries concerned (Kompas, 2014)

Susi's policy of sinking foreign fishing vessels did not only focus on fishermen empowerment programs, but also emphasized the importance of empowering small fishermen and coastal communities through various mentoring and training programs. Susi was also active in campaigning for the preservation of the marine environment and the importance of maintaining healthy ecosystems. Her term of office ended in 2019 when there was a change in cabinet, which was a policy of President Joko Widodo who was elected for the second term.

Based on the themes above, this research will focus more on discussing the conditions and policies of the Indonesian government before the 2014 "sinking of foreign fishing vessels" policy.

1.5 Literature Review

Based on previous data analysis and several studies conducted by various several authors regarding foreign fishing boats carrying out illegal fishing activities in Indonesian waters, it is evident that these foreign vessels have sophisticated fishing equipment technology ensuring their quality is maintained in the international economic market. These fishing vessels tend to enter areas that have abundant marine fishing potential that should be well protected. Illegal fishing activities mostly originate from countries close to Indonesia, in this case these illegal activities are included in international crimes which are of international concern, were especially so in 2014.

When analyzing illegal fishing activities that occur in Indonesian waters as a transnational crime, it is important to consider that Indonesia's geographic location is directly adjacent to several countries such as Thailand, Vietnam, the Philippines and Malaysia. These countries often carry out illegal fishing practices in Indonesian waters. The impact of this policy on global fisheries is that several countries are starting to experience a shortage of fish, such as the Philippines and Thailand. Until now, the world seafood market has influenced fisheries production in Indonesia and many foreign investors are interested in investing in Indonesia. This is the reason why Minister Susi Pudjiastuti is aggressively campaigning to ban illegal fishing (Advani, 2016).

The seas of Indonesia are important to the development and progress of the country. They have many strategic values from various aspects such as environmental aspects, economic aspects and so on. However, due to the large number of illegal fishing crimes previously taking place in Indonesia and occurring continuously, this potential has not been optimized fully in regards to economic revenues from the fisheries sector, which is a big loss for Indonesia. Illegal fishing is a transnational crime, and a major one because it harms the country in various aspects and can disrupt the integrity of the country. This is in accordance with the concept of illegal fishing chosen by the author in this research. The implementation of this policy must have a legal umbrella for the smooth running of securitization efforts, which in Indonesia is the three superior pillars, namely, the Pillar of Sovereignty, the Pillar of Sustainability, and the Pillar of Prosperity (Eka Wahjoe Rijadi Bagoes Rahmad, 2019)

In making the decision to enact the policy of sinking foreign ships previously, Minister Susi carried out various campaigns through various methods, one of which was meeting with diplomats from countries that often commit illegal fishing crimes in Indonesian seas it was also

hoped, that this policy would change the habits of local fishermen who often use equipment that is prohibited from being used. It has been proven that this policy has had positive impacts such as increasing fisheries production rates, increasing fish consumption rates, and so on (Iustitia, 2017)

Given that the formulation of the policy to sink foreign ships in 2014 was by KKP publication, the theory chosen by the author to analyze this paper was public policy theory. The Indonesian government dared to take a strong policy decision to sink foreign ships to protect Indonesian waters from illegal fishing. An addition impact of the sinking policy is the increase in public awareness of the dangers\ of illegal fishing for Indonesia fisheries. This increase in public awareness was seen at the beginning of the implementation of the policy which often made media headlines both nationally and internationally (Berkowitz 2020).

1.6 Research Framework

To explain and analyze Indonesian government policy the author uses public policy theory which is described in a book entitled "Understanding public policy" 1987 written by Thomas R. Dye. Dye defines public policy as the actions a government chooses to take or not to take in the face of a particular problem. Dye emphasized that public policy is the result of government decisions that influence the wider community (Thomas R Dye, 1987)

There are several models contained in public policy theory, but in this case the Rational Model will be a discussion of public policy which is the goal in deciding on a policy to find out what the government does in implementing the policy. In the Rational Model The government chooses policies that provide benefits and advantages for society (Thomas R Dye, 1987)

Thomas R. Dye uses a multidisciplinary approach in analyzing public policy which explains that policy is the result of the interaction of various calculations, including economic,

political and social, especially economic, the impact of policy on economic growth and distribution of resources and also relevance. Dye's theory helps provide understanding of how governments design and implement public policy in economic, political and social contexts. This theory is relevant in analyzing public policies in various countries, including Indonesia, especially in strategic issues such as fisheries, the environment and the economy (Thomas R Dye, 1987)

According to Thomas R. Dye in economic calculations, following the rational model, economic decisions must be made by considering the most efficient use of resources. Every economic policy must be evaluated based on a comparison between the costs incurred and the benefits obtained. The main objective of economic policy in the rational model is to improve the welfare of society as a whole, produce economic policies that are based on logic and analysis, avoid the influence of subjectivity in decision making and increase transparency in the preparation of public policies. Overall, Thomas R. Dye's rational analysis model is the economic pressure calculation in objective and efficient economic-based decision making to improve community welfare (Thomas R Dye, 1987)

In the Rational Model, political calculations according to Thomas R. Dye are made based on logic, not political interests. Political calculation policies are made for the general interest, not just for the interests of certain political groups. This means that even though the impact of politics on state relations creates communication tensions with neighboring countries, the decisions taken are not only in the interests of the state but also the interests and welfare of the people. Thomas R. Dye in "Understanding Public Policy" emphasizes that the rational model in political calculation is an ideal approach that prioritizes logic, analysis and the interests of

society, but in practice it often clashes with political realities which are full of interests (Thomas R Dye, 1987)

For Social calculations, according to Thomas R. Dye, decision making based on social data and facts must be done based on empirical research that targets maximum social benefits with existing resources. This model emphasizes the efficient use of resources to provide the greatest benefits for society. According to Thomas R. Dye, the rational model in social calculation emphasizes that social policies must be made based on scientific analysis, valid data, and efficient use of resources, not just public demands (Thomas R. Dye, 1987)

1.7 Provisional Arguments

The hypothesis in this study is based on the research question of how the Indonesian government made the decision to sink foreign fishing boats 2014-2019, the Indonesian government's policy of sinking foreign fishing boats that commit illegal fishing is a form of coercive and symbolic policy implementation, which aims to strengthen maritime sovereignty and protect national marine resources (Thomas R Dye)..

1. On the communication side, the government explicitly conveys political and policy messages to the public and implementing apparatus through media, regulations, and symbolic actions (such as the slogan “Sink it!” by Minister Susi Pudjiastuti), giving political legitimacy to the policy.
2. In terms of resources, the implementation of this policy is supported by facilities such as patrol vessels, personnel of joint apparatus (KKP, TNI AL, Bakamla), as well as budget and regulatory support. However, the vastness of Indonesia's sea area and the limitations of monitoring tools such as radar and satellites are still obstacles that must be overcome.

3. Connected to the disposition or attitude of implementers, the implementation of this policy is driven by the strong commitment of policy makers and implementing officials. The Minister of Maritime Affairs and Fisheries at that time showed courage and consistency in enforcing the law of the sea, which was also supported by law enforcement officers in the field.
4. In terms of bureaucratic structure, the implementation of this policy still faces challenges of coordination between agencies that have the authority, therefore the formation of Task Force 115 as a cross-sectoral structure helps accelerate coordination, but has not completely removed bureaucratic obstacles between agencies.

These hypotheses are then further developed through research and data analysis to gain more insight into the factors affecting the level of illegal fishing in the context of international relations.

1.8 Research Methods

1.8.1 Types of Research Methodology

The research method used was a normative legislative approach and policy analysis. Data was obtained through books, journals, interviews, and analysis of related policy documents

1.8.2. Subjects and Objects of the Research

In this research, the subject is the Indonesian Government. Meanwhile, the object is the protection of Indonesian marine resources and government policy.

1.8.3 Methods of the Data Collection

This research is based on a literature study consisting of secondary methods. In the secondary method, the author collected and selected articles, journals or books that are in line with Indonesia's actions to overcome the impact of illegal fishing on Indonesia's marine

resources as a research topic to help and complement the research. The author also selected information published in the mass media, news, internet, if the source could be accounted for.

1.8.4. Research process

The research process was carried out by selecting data from sources such as journals, books, articles and reports. During the data collection carried out in the research process, the main source was reports from communities around areas affected by illegal fishing, and government information taken from news, reports and other research. The author will also select sources for the research process and follow the topics that are key to the formulated problem of this research.

1.9 Thesis Outline

In Chapter 1 the author will explain the background, objectives, significance, scope of research, literature references, theoretical basis, temporary arguments and methods used by the author that supported this research. This chapter also provides the opening information in this thesis.

Chapter 2 discusses the condition of marine resources before and after the 2014-2019 policy for handling illegal fishing.

Chapter 3 analyzes the goals, actions and interests of the Indonesian Government in overcoming illegal fishing in Indonesia's maritime areas.

Chapter 4, concludes and recommendations the research.

CHAPTER II

OVERVIEW, DESCRIPTION AND IMPACT OF THE INDONESIA GOVERNMENT'S POLICY OF SINKING FOREIGN FISHING BOATS 2014-2019.

2.1 The problem behind the policy on the enforcement of foreign fishing boats.

The policy of sinking foreign fishing boats was taken as a response to the increase in fish theft in Indonesian waters, especially in the Exclusive Economic Zone (EEZ). Prior to 2014, in 2009-2013, Indonesia suffered considerable economic losses each year due to the activities of illegal foreign vessels from neighboring countries such as Vietnam, China, Malaysia, Thailand, and the Philippines. According to data from the Ministry of Maritime Affairs and Fisheries, Indonesia's losses due to illegal fishing reached Rp 300 trillion per year. In addition to harming the country, this also has a negative impact on the sustainability of Indonesia's marine ecosystem, especially the income and welfare of local fishermen as well as state sovereignty over Indonesian waters (Advani 2016).

Illegal fishing causes significant economic losses for Indonesia, namely the loss of potential state revenue from the fisheries sector, as well as damage to marine ecosystems that have an impact on the livelihoods of local fishermen. Illegal fishing is often a threat to maritime sovereignty that is carried out in an organized manner and involves criminal networks, of course, this can threaten maritime security and the stability of Indonesia's border areas. Illegal fishing can also cause damage to marine ecosystems, especially by using destructive fishing gear, which can cause serious damage to marine ecosystems, including coral reefs and other fish habitats (Advani 2016).

Illegal fishing is a form of violation of the sovereignty of a country's territory, one of which is the Indonesian sea. Foreign vessels that enter Indonesian waters illegally without an

official permit to steal fish and show non-compliance with the laws and regulations that apply in the country. The Indonesian government targets ship sinking as a firm action to provide a deterrent effect for illegal fishing perpetrators. Against the backdrop of a complex and urgent problem, the policy of ship sinking has become one of the government's most strategic measures to ensure the protection of national marine resources and assert the maritime sovereignty of the Indonesian State in the region (BPSI 2014).

2.2 The legal basis for the Indonesian government's policy of sinking foreign fishing boats .

The Indonesian government through the Ministry of Maritime Affairs and Fisheries, with the support of President Joko Widodo, has implemented a policy of sinking foreign fishing vessels as a form of law enforcement and deterrent effect. Of course, the objectives of this policy include eradicating fish theft by foreign vessels, namely reducing and preventing the practice of fish theft by foreign vessels in Indonesia's maritime territory, maintaining the sustainability of marine resources by maintaining the sustainability of national fisheries resources so as not to experience excessive exploitation by other countries. and increasing the income of local fishermen this also has the effect of providing wider fishing space for Indonesian fishermen by reducing competition from foreign vessels. It also primarily protects Indonesia's marine sovereignty by showing assertiveness that Indonesia is sovereign and has full rights over its territorial waters and is also ready to take action against violations by foreign vessels. Upholding the Rule of Law ensures that Indonesian fisheries regulations are carried out strictly and without regard to any country.

In this case, of course, the Indonesian government has a strong and clear legal basis written in the article of Law No. 45 of 2009 concerning Fisheries Article 69 paragraph (4):

“Foreign-flagged fishing vessels that commit fisheries crimes may be destroyed or sunk after obtaining a court decision.” And also Presidential Regulation No. 115 of 2015: Establishment of Task Force 115 to crack down on illegal fishing (Hutajulu, M., Syahrin, A., Mulyadi, M., & Marlina. (2014).

2.3 Positive and negative impacts of the foreign fishing boat sinking policy

Every action has a certain impact, including the Indonesian government's policy of sinking foreign fishing boats, although this is taken by considering various aspects, it cannot be separated from the positive and negative impacts caused. The positive impacts are increased marine security, protection of marine resources and improvement of the welfare of local fishermen. However, this policy also has negative impacts such as the potential for environmental pollution due to ship explosions, and the high costs incurred for sinkings.

The explanation of the positive impact is not much different from the initial purpose of the government's policy in sinking ships from this policy to increase Marine Security, this policy shows the assertiveness of the government in maintaining territorial sovereignty in the Indonesian sea and of course provides a deterrent effect for illegal fishing. In the Protection of Marine Resources Ship sinking helps protect marine ecosystems from the impact of damage due to destructive fishing practices, such as the use of explosives that affect marine biota ecosystems and of course this has an impact and benefits for local communities because with reduced illegal fishing activities, local fishermen get more and fair catches with this policy even Indonesia provides warnings and deterrent effects on foreign fishing boats so that fewer foreign fishermen enter the Indonesian sea area (Alya,2017).

The negative impact of sinking foreign fishing boats either by sinking or burning parts of the ship causes potential environmental pollution which is quite dangerous for marine biota not

only the sea but burning and explosion of ships can also cause air pollution around this is also inseparable from the high costs in the process of sinking the ship of course requires a lot of money, including escorting operational costs, and the sinking itself (Alaya 2017).

Impact on Diplomatic Relations Although it is claimed that it will not affect bilateral relations, the impact on diplomatic relations of this policy still has the potential to cause tensions with the country where the sunken ship originated such as Several countries such as Vietnam, China, and Malaysia strongly criticized this policy not to mention the Issue of Human Rights Violations and International Law of the Sea where international institutions and NGOs consider that sinking ships without a complete legal process can violate international legal principles This raises debates related to property rights, international law of the sea (UNCLOS), and human rights for ship crews (Flowers 2015).

So the government concludes that although Susi Pudjiastuti as Minister of Maritime Affairs and Fisheries has taken firm action and has a positive impact, criticism from within the country has also come. Some parties stated that the sunken ships should be auctioned or utilized, not destroyed. This policy also needs to consider the negative impacts that may arise and find a more sustainable solution in the long run. Despite the pros and cons from various parties, this policy has significantly reduced the number of illegal fishing cases and strengthened Indonesia's position as a strong and firm country in maintaining its maritime sovereignty, Nevertheless, the strengthening of Indonesia's sovereignty and image in this policy emphasizes that Indonesia does not compromise on violations of the law at sea, and further strengthens the country's position in protecting its territorial boundaries. Indonesia's image as an assertive maritime nation is improving globally (Flowers 2015).

CHAPTER III

IMPLEMENTATION OF THE INDONESIA GOVERNMENT'S POLICY IN SINKING FOREIGN FISHING BOATS

3.1 Implementation of policies based on regulations that have been set.

The policy of sinking foreign fishing vessels by the government is a fairly firm step that has been carried out since 2014, when this policy was strengthened and implemented under the leadership of President Joko Widodo and Minister of Maritime Affairs and Fisheries Susi Pudjiastuti. The implementation of this policy certainly has a clear legal basis as explained in Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries, Article 69 paragraph (4) which authorizes law enforcement officials to sink foreign vessels that commit illegal fishing in Indonesian waters and Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone as well as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which gives coastal states the right to regulate and utilize marine resources in the EEZ (Prabawati, 2015).

From this policy, there are steps to implement the policy, namely patrols and marine surveillance carried out by the Indonesian Navy, Marine Police, Bakamla, and the Ministry of Maritime Affairs and Fisheries (KKP) using patrol boats, surveillance satellites, and maritime aircraft. Foreign vessels caught stealing fish are detained and examined for documents and evidence of violations. Violating vessels are examined and then legally processed in the Indonesian fisheries court after there is a permanent legal decision, the ship can be destroyed through sinking. The sinking of the ship is then carried out as a form of execution of the applicable law. This sinking is carried out in the middle of the sea with procedures that have been

supervised by the authorities. But Cross-Agency Coordination certainly needs to be done involving coordination between institutions: the Ministry of Maritime Affairs and Fisheries, the Navy, the Police, Bakamla, the Prosecutor's Office, and the Court (Novita Tiara, 2017).

The purpose of this implementation is certainly to provide a deterrent effect to foreign fishermen, uphold state sovereignty in Indonesian waters, protect Indonesian marine resources, and improve the welfare of local fishermen by maintaining national fish stocks. And then resulted in more than 500 foreign ships sunk during the first 5 years of policy implementation under the leadership of Susi Pudjiastu, the majority of these ships came from Vietnam, the Philippines, and Malaysia. The Ministry of Marine Affairs and Fisheries stated that this policy contributed to the increase of national fish stocks to reach 12.5 million tons in 2017 (Wijaya, C, 2019).

3.2 Increased marine resources after the implementation of the foreign fishing boat sinking policy.

After the policy of sinking illegal foreign fishing boats was confirmed in 2014-2019, Indonesia experienced significant progress in the marine and fisheries sector, namely the increase in national fish stocks, although not the only cause of the decline in fish populations, but the majority of what happened was the theft of marine resources, therefore of course this was a factor in the decline in fish populations around Indonesia's marine areas. Data from the Ministry of Marine Affairs and Fisheries shows that fish stocks increased from 7.3 million tons in 2013 to around 12.5 million tons in 2017. This increase occurred because the practice of unreported, and unregulated fishing (IUUF) decreased dramatically, so that the fish population could slowly recover and reproduce well (KKP, 2017)

The implementation results in an increase in national capture fisheries production, especially strategic fishing zones such as Fisheries Management Area 711 in the North Natuna Sea. This also affects local fishermen who can catch more fish for the livelihood and consumption of the surrounding community and the price of fish and other marine products is also stable because the supply in the local market is also stable because of the redistribution of marine resources to small and traditional fishermen who were previously excluded by foreign ships and foreign ships that previously dominated stealing fish have been slowly eradicated by the government (Intan Manku, 2019)

The reduction in the number of illegal vessels that mask in Indonesian territory more than 500 illegal foreign ships have been eradicated by sinking between 2014 and 2019, including ships from Vietnam, Thailand, Malaysia, and the Philippines, causing illegal fishing activities in Indonesian seas to drop very drastically by 90% in several Indonesian waters. This has gained international recognition and appreciation by receiving praise from the FAO and other international organizations as one of the countries that is seriously committed to eradicating illegal fishing because Indonesia is a global leader in the issue of sustainable fisheries management and maritime law enforcement (Pramono, G. 2012)

With the decline in the intensity of destructive illegal fishing, it automatically gives extension to the marine ecosystem because not a few foreign ships use bombs and trawlers that cause very serious damage, but slowly marine habitats such as coral reefs begin to recover and are destroyed for foreign ships in several locations because they are no longer brutally exploited. The stability of marine resource management makes the fisheries sector more attractive to local and foreign investors. The emergence of new investments in the field of seafood processing, fish exports and aquaculture is certainly beneficial for Indonesia. An example of the

significant impact of the ship sinking policy is that the volume of capture fisheries production increased drastically from 6 million tons per 2013 to around 8 million tons per 2018. The export value of fishery products also increased from USD 4.2 billion per 2014 to USD 5 billion per 2019 (CTF, 2014).

3.3 Theoretical Foundation of Policy public policy.

3.1.1 Economics calculation

Economics is a calculation in public policy theory put forward by Thomas R. Dye. Sinking a fishing boat became Indonesian policy in an effort to save Indonesia's marine resources. According to Thomas R. Dye in economic calculations, economic decisions must be made by considering the most efficient use of resources. Every economic policy must be evaluated based on a comparison between the costs incurred and the benefits obtained (Thomas R Dye, 1987)

The policy of sinking illegal foreign fishing boats during the 2014-2019 period in Indonesia, led by the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, can be analyzed using Thomas R. Dye's perspective of public policy, especially in terms of economic calculations. According to Thomas R. Dye, in an economic context, policies must provide economic benefits in both the short and long term for the country and society (Prabawati, 2015).

In the Rational Model, according to Thomas R. Dye in economic calculation, economic decisions must be made by considering the most efficient use of resources. Every economic policy must be evaluated based on a comparison between the costs incurred and the benefits obtained. The main objective of economic policy in the rational model is to improve the welfare of society as a whole, produce economic policies that are based on logic and analysis, avoid the influence of subjectivity in decision making and increase transparency in the preparation of

public policies. Overall, Thomas R. Dye's analytical model is the economic pressure factor on objective and efficient economic-based decision making to improve community welfare (Thomas R Dye, 1987).

Indonesia has 80% of its territory covering coastlines and has a very productive ecosystem. More than 60 million people live on the coast with the main economic sector being fisheries. The economic condition of coastal communities and fishermen in Indonesia faced various serious problems during 2009-2013 such as the income of local fishermen being very low because they were forced to compete with foreign vessels that used more sophisticated technology and caught large amounts of fish illegally. The traditional fishermen who use simple equipment found it difficult to compete, so their daily income was often below welfare standards (Novita Tiara, 2017).

From an economic perspective, illegal fishing carried out in Indonesia in 2009-2014 caused quite significant losses, one of which was the loss of income from the fishing industry. Before the policy of sinking foreign fishing vessels was implemented, Indonesia experienced not only loss of income, but loss of marine resources and enormous economic potential due to the fishing theft by foreign vessels. According to data from the Ministry of Maritime Affairs and Fisheries (KKP) in 2009-2014 before strict policies were implemented, Indonesia lost an esteemed IDR 30 trillion per year due to illegal fishing (Wijaya,C, 2019))

Local fishermen faced unhealthy competition because their catches were drastically reduced due to excessive exploitation by foreign vessels using modern and illegal fishing gear. This had a direct impact on the income and economic welfare of coastal communities. Foreign ships also often used destructive fishing equipment, such as trawls which destroy fish habitats

and disrupt marine ecosystems. This not only reduced fish stocks, but also had a long-term impact on the destruction of Indonesia's fisheries economy (Kadir, N. A., & Nufus, C. (2012)

Due to the large number of marine products being stolen and exported illegally, Indonesia lost potential state revenue from taxes and levies in the fisheries sector. Furthermore the rise of illegal fishing caused the Indonesian fishing industry to be less competitive in the international market, because the quality of the fish supply decreases and prices become unstable. This hampered investment in the fisheries sector. The lack of legal certainty in the management of marine resources made investors reluctant to invest capital in the Indonesian fisheries sector, thereby hampering the development of the industry. Given this information, Susi said that the practice of illegal fishing in Indonesia is the largest in the world because 500-600 vessels, 90% were foreign fishing vessels (Kadir, N.A., & Nufus, C. 2014)

The decrease in catch results of overfishing due to illegal fishing by foreign ships caused fish stocks in Indonesian waters to decrease drastically and then causing local fishermen to have to go out to sea further and longer to get fish. Thus at the same time, operational costs increase while the catch is not comparable. This caused unstable fish prices. Dependence on collectors causes fishermen to have no control over the selling price of fish. Prices were often unstable and are detrimental to fishermen, therefore they sold at low prices (Novita Tiara, 2017)

The national economic losses caused by the illegal fishing were estimated to be in the amount to cause economic losses for Indonesia amounting to USD 20 billion per year. This impact was not only felt by local fishermen but also by related sectors such as fish processing and distribution of marine products which also affected the social life of coastal communities. The economic condition of Indonesian coastal communities and fishermen in the 2009-2013 period was dire due to illegal fishing, excessive fishing, and low support for fisheries

infrastructure and technology. The policy of sinking foreign fishing boats was then implemented in 2014 in an attempt to overcome this problem and protect Indonesian copyright and marine resources (Hertira, 2017)

The above were the reasons for the policy of sinking foreign fishing vessels. After the policy of sinking foreign vessels was implemented at the end of 2014, Indonesia experienced significant economic recovery in the fisheries sector, including an increase in fish stocks, an increase in the income of local fishermen, and an increase in the contribution of the fisheries sector to Gross Domestic Product (GDP). Fish stocks in Indonesian waters have increased significantly, reaching 12.5 million tons, and led to a drastic decrease in The contribution of the fisheries sector to Gross Domestic Product (GDP) increased to 2.56% from the previous 2.14% in 2012. The value of fish commodities increased by an average of 8.71% per year, while competing countries such as Thailand experienced an average decline of 5.67% per year. Improvement was also seen in the trade balance. For the first time since 2009, Indonesia's trade in the fisheries sector was higher than Thailand's, increasing international competitiveness. These data then show that the policy of sinking foreign vessels implemented in 2014 has had a significant positive impact on the economic recovery and growth of the Indonesian fisheries sector (Ari Atu Dewi, A. A. I. 2018)

Realizing development through a long and gradual process that is planned, integrated and sustainable is outlined in "Law Number 17 of 2007 concerning the National Long Term Development Plan 2005-2025 which has mission related to the KKP, namely Making Indonesia an Archipelago Country that is Advanced, Strong and based on National Interests". thi can be alone by exploring maritime insight for the community and government (KKP, 2019).

Also of concern increasing the capacity of human resources with a marine perspective, in managing national marine areas to improve welfare, and building an integrated marine economy by optimizing the sustainable use of marine resources ministry of marine affairs in fishers has implemented various development policies with the result as namely, Fisheries GDP in 2014 grew by 6.97%. Which is a figure higher than the national GDP growth of 5.1% and agricultural GDP growth of 3.3%. Judging from the magnitude of the economic value, Fisheries GDP in 2014 reached Rp. 340.3 trillion” (Huffard, 2016).

This figure does not include the GDP obtained from the processing industry and other fisheries activities in the downstream sector. Seeing the continued positive growth and high value of the Fisheries GDP as well as the large economic potential in the marine sector, the marine and fisheries sector is a very prospective sector in terms contribution to the Indonesian national economy Fisheries production in 2014 reached 20.72 million tonnes, consisting of captured fisheries production of 6.72 million tonnes and marine resource cultivation fisheries production of 14.52 million tonnes including seaweed". The increase in fisheries production every year has supported national food security, especially in providing animal protein to improve nutrition in the community (KKP, 2019)

Indonesia has also become the number one tuna producer in the world. In achieving *positive claims* from the formulated policy objectives made, Indonesia has several advantages within this policy, one of which is that Indonesia's export production of tuna has become number two in entering the European market. If valued in money, it reaches billions of US dollars. In addition, losses have also increased by more than 10 percent in the last four years. This confirms that the war against IUU has produced positive results too, calculated in terms of economics and business. The war against fish thieves has been a very profitable business for the State

(Indonesia) due to the policy actions and firm warnings of the Indonesian Government against criminals with foreign nationalities who commit criminal acts in the territory of Indonesia (David, 2016).

Exports of fishery products in 2014 reached USD 4.64 billion. The export value was dominated by shrimp as an export commodity which reached USD 2.09 billion, and followed by skipjack and tuna commodity which amounted to USD 0.69 billion in 2014. 6. Fish consumption in 2014 reached 37.89 kg/capita. This achievement was supported by the national campaign Gemarikan, also known as the Movement to Promote Fish Eating, which was implemented throughout provinces. The number of small islands managed in 2014 reached 33 islands. The activities carried out are efforts to develop and manage small islands" (David, 2016)

In an effort to support the acceleration of the implementation of marine and fisheries development, policies were formulated outlining involving the role of the community in fulfilling community aspirations. An example is "Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 regarding the Management of Coastal Areas and Surrounding Small Islands, which agrees on 4 important legal norms, namely, community empowerment, investment structuring, licensing systems, and management of national marine conservation areas" (Mahmudah. N.2015).

Law Number 32 of 2014 concerning Marine development plans has been stipulated, which contains several materials regarding the implementation of future marine development, including, marine areas, marine development, marine management, marine development, management of marine space and protection of the marine environment, protection, security, law enforcement and safety at sea. Another example is law number 32 of 2014 concerning Marine development plans which contains stipulations regarding the implementation of future marine

development including, marine areas, marine development marine management, management of marine space and protection, security, law enforcement and safety at sea (Muhmudan.N.2015)

This community empowerment was strengthened with the initiation preparation of zoning plans for coastal areas and surrounding small islands as well as with. With this legal norm, the community can take the initiative to propose a zoning plan. This amendment law also provides recognition of the people's original rights to regulate water areas that have been managed for generations. The use of coastal waters and surrounding small islands in the area of customary law communities is the authority of the local community. For traditional fishermen who have traditional fishing areas, this is by including the area as a subzone in the zoning plan so that it has legal protection in order to provide a strong foundation for the implementation of marine development (Isnurhadi, M.R., 2017).

In order to provide protection and empowerment for fishermen to support fish farmers and salt farmers in supporting the management of sustainable fisheries efforts, Law Number 7 of 2016 concerning Protection and Empowerment of Fishers, Fish Farmers and Salt Farmers was put into effect. There are several important points in this law. The protection strategy is carried out by providing fisheries and salt business infrastructure, obtaining fisheries and salt business facilities (Isnurhadi, M. R., 2017).

Guarantees of business certainty, guarantees of risks from fishing, fish cultivation and salting, elimination of high cost practices, control of imports of fisheries commodities and salt commodities, guarantees of security and safety, and legal facilitation and assistance. Empowerment strategies are carried out through education and training, counseling and mentoring, facilitated business partnerships, access to science, technology and information, and institutional strengthening (Lubis, 2015)

Furthermore, in order to realize national marine area management to maintain conservation and improve welfare as well as develop the marine economy need to be done by optimizing the sustainable use of marine and fisheries resources. During the period October-December 2014, the Ministry of Maritime Affairs and Fisheries issued various policies, especially related to "efforts to eradicate IUU fishing. One policy is outlined in the Minister of Maritime Affairs and Fisheries Regulation Number 56/PERMEN-KP/2014 concerning Temporary Suspension (Moratorium) of Fisheries Business Licensing" (White, A. & Tiene Gunawan (ed. 2018).

From Thomas R. Dye's point of view, "the policy of sinking boats for illegal foreign fishermen is a government choice that economically aims to preserve marine resources, strengthen the local fishing economy, and reduce state losses due to illegal fishing. However, this policy also needs to be balanced with good economic diplomacy so as not to harm Indonesia's international relations" (Anggara, 2014).

3.2.2 Political calculation.

Politics is a calculation in the public policy theory formulated by Thomas R. Dye. Sinking foreign fishing boats is an Indonesian policy that was taken on as an effort to save Indonesia's marine resources. According to Thomas R. Dye, decision making is based on logic, not political interests: should be made for the general interest, not just for the interests of certain political groups (Thomas R Day, 1987)

Public policy is often influenced by political interests, including political support, government legitimacy, and pressure from other political actors. President Joko Widodo gave full support to the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti to implement this policy. This policy was in line with Jokowi's political vision of the "World Maritime Axis",

which emphasizes Indonesia's maritime sovereignty. And increasing the legitimacy of this government policy certainly showed the government's firm stance on protecting natural resources, thereby increasing public trust in the government. (KKP, 2017)

Before the policy of sinking foreign fishing boats was implemented, Indonesia faced several political impacts related to violations of maritime territory by foreign ships, such as diplomatic tensions with neighboring countries. Indonesia was often involved in communication tensions with neighboring countries, such as China, Vietnam and Malaysia, whose fishermen often entered Indonesian waters illegally. Peaceful protests often occurred, but they weren't very effective because there was no firm action (Intan Manku, 2019)

A loss of credibility in maritime law enforcement, weak law enforcement was experienced because at sea means that Indonesia was seen as less firm in maintaining maritime sustainability. This affected confidence in Indonesia's in the eyes of ASEAN countries in regards to protecting its maritime borders and also influenced bilateral relations. The problem of fishing theft affected bilateral relations, especially in economic cooperation and maritime security. The lack of clarity in Indonesia's attitude before the ship sinking policy resulted in a lack of effective cooperation in eradicating illegal fishing (Pramono, G. 2012)

The large number of foreign ships entering without permission gave rise to the perception that Indonesia was unable to maintain its sovereignty in maritime areas. This has an impact on Indonesia's bargaining position within the maritime border in the North Natuna Sea. The government was under pressure from local fishermen and the public who felt disturbed by illegal fishing activities. This sparked calls for the government to take firm action in protecting Indonesia's marine resources. The policy of sinking foreign fishing boats, which has been implemented since the era of the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti,

succeeded in changing these political dynamics, increasing Indonesia's credibility in maintaining maritime sovereignty and strengthening its bargaining position in Efendi's maritime diplomacy. (CTF, 2014).

In the 2009-2013 period, the political conditions of society regarding maritime affairs and fisheries in Indonesia were influenced by political factors. A lack of political awareness in general regarding maritime sovereignty, political awareness and maritime nationalism were still low, so that the problem of illegal fishing by foreign vessels was not considered a serious threat to state supervision. Maritime issues were not yet a top priority on the national and regional political agenda (Novita Tiara, 2017).

A strong legal basis through support by various regulations is what makes government policy, for example Law no. 45 of 2009 concerning Fisheries, which allows firm action against illegal foreign vessels. The ministry of Maritime Affairs and Fisheries Regulation No. 37/PERMEN-KP/2017 regulates ship sinking procedures and the existence of this regulation made this policy legally valid and not arbitrary (KKP, 2017).

For the above reasons, the policy of "sinking foreign fishing boats" was implemented. The next effort or goal of the government to deal with illegal fishing was to strengthen security in waters bordering other countries. Strengthening this security was carried out by increasing and strengthening patrol boats. Guarding is carried out by "the Maritime Security Agency (Bakamla), the Indonesian Navy, and the Ministry of Maritime Affairs and Fisheries Through the Illegal Fishing Eradication Task Force". Patrol boats have one task, namely to protect Indonesian fishing boats operating in the border areas. The policy of sinking foreign fishing vessels led by the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, in 2014 had certain objectives, including eradicating illegal fishing. Foreign vessels fishing illegally in Indonesian waters were

costing the country up to trillions of rupiah every year. This policy aimed to stop this practice and protect Indonesia's marine wealth, upholding Maritime Sovereignty. The sinking of the ship is a symbol and firm warning that Indonesia does not tolerate violations of the law in its territorial waters. This also aims to strengthen Indonesia's position (Sosiawan,2015)

Switch the goal of stricter Law Enforcement, that's why the government is working with the Indonesian Navy, Polair, and Bakamla to increase maritime patrols and law enforcement against illegal foreign vessels. Fisheries courts become more active in handling cases of illegal fishing, thereby speeding up the legal process for preparation which has an impact on increasing public legal awareness, Indonesian fishermen have become more aware of the importance of fishing permits and legal regulations at sea and the government has also carried out outreach activities with local fishermen to increase compliance with fisheries laws (Selasar, 2016)

The Indonesian government's firm policy of burning and sinking foreign ships is aimed at protecting the sovereignty of the Republic of Indonesia's maritime territory and preserving the diversity that exists in Indonesia's maritime territory, but this cannot be separated from the impact of the act of sinking illegal ships. In fact, this is not a new policy for Indonesia, because this policy was implemented during the reign of Megawati Soekarnoputri. One of the functions of implementing legal sanctions is to provide a deterrent and warning effect for perpetrators. At that time, Indonesian law enforcement was weak and there was no firm action against perpetrators of illegal violations or crimes that occurred because they were not effect-oriented. the state's indirect contribution to the development of criminal acts that occur. It can even be called a form of state signature in providing and improving legal protection to the community, both the community as a whole and fishermen in particular as owners of Indonesia's marine resources (Sears, 2016)

Ship sinking is believed to be the most appropriate policy and is one way out for Indonesia to resolve the problem of illegal, unreported and unregulated fishing and protect Indonesia's maritime areas without having to be fenced off by other international activities. Without this ship sinking policy, it is believed that IUUF activities would have continued to grow and become increasingly rampant in various areas of the archipelago's marine waters, for example in the waters of the North Natuna Sea, which is a most favorite location for foreign fishing vessels to steal fish. The benefits of the policies made are in marine conservation and business transactions. By improving this ecosystem, marine resources will also continue to improve and this will provide profits to fishermen through abundant fish catches. This is evident in where four years where the exchange rate for fishermen has increased rapidly (KKP, 2019)

"As a sovereign maritime country, we protect the marine ecosystem because illegal fishing practices often use tools that damage the marine ecosystem, such as trawls or explosives. This harsh action aims to maintain the sustainability of marine resources and increase the income of local fishermen by reducing illegal foreign vessels, increasing opportunities for local fishermen to catch fish. "This contributes to increasing their economic welfare, and also conveys a strong international message. This government policy is an effort to show the international community that Indonesia is serious about protecting its marine resources and is committed to enforcing international law related to fisheries and maritime affairs (Kompas,2015)

This policy has become controversial but has also received praise because of its significant positive impact in reducing cases of illegal fishing in Indonesian waters". This policy has influenced international politics and global pressure. It has influenced relations with international organizations, such as ASEAN and the WTO, which encourage a more diplomatic

approach to illegal fishing. This means that Indonesia faced pressure from countries that have trade relations with Indonesia (Kompas, 2015).

There are also negative impacts from the legal standpoint as it "potential violations of international law. Several countries consider this policy to be contrary to the principles of international law, especially regarding the treatment of foreign workers. There is a risk that Indonesia will have to face international conventions, such as UNCLOS (United Nations Convention on the Law of the Sea)" which regulates the diplomatic handling of illegal vessels. There has also been a lack of consistency in law enforcement of the sinking policy because not all foreign ships are sunk, some are confiscated or auctioned off, which raises questions about consistency. Some cases of illegal fishing are still difficult to handle, especially if foreign vessels receive support from their country of origin (Kompas, 2015).

The negative impact of this political factor was quite large and there was resistance from foreign countries and diplomats. Several countries such as Vietnam, China and the Philippines protested this policy because ships were sunk. Diplomatic relations with these countries experienced tension, especially in maritime border negotiations. Pressure from certain fisheries entrepreneurs and fishermen also had quite a significant impact, several groups of fishermen and fisheries entrepreneurs felt that this policy was too harsh because they lose their jobs on foreign vessels and there are political interests between those who supported this and those who wanted a more flexible policy (Kompas, 2015)

In criminal law, violations that are usually committed by society are referred to as violations, even crimes. Therefore, it is necessary to take a stand against illegal foreign fishing vessels that commit fishing theft by taking firm action against the perpetrators in accordance with the laws and regulations in force in Indonesia. It was believed that the policy of sinking

foreign ships would not affect Indonesia's bilateral, multilateral and regional relations with other countries. Policies actually deserve to be supported and relations between countries need to be respect because there is no country in the world that defends the actions of its citizens who commit crimes in neighboring countries (Kompas, 2015)

The foreign ships that were affected by the sinking of the sunken ships were vessels that were not licensed to fish in Indonesian maritime territory: thus they were committing a criminal act or violation of the law. Sinkings were the sinking action that was also carried out in the territory of Indonesia's sovereign rights (exclusive economic zone) based on valid legal provisions, namely Article 69 paragraph (4) of the Fisheries Law. Other countries must understand that Indonesia is disadvantaged by their criminal acts committed by its citizens (Paul, Morgan, & Wirtz, 2019)

"Instructions from President Jokowi that sinking foreign vessels that steal in Indonesian waters must be met with an increase in the professionalism of law enforcement officers at sea and this firm action must not conflict with international conventions, including the universal rights of perpetrators of fishing theft crimes. This authority is stated in Article 69 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. This article states that fisheries monitoring vessels can stop, take vessels, inspect and detain suspected or reasonably suspected perpetrators of illegal violations in the Indonesian fisheries management area to nearby ports for further documentation." (Kompas, 2017)

Fisheries supervisors or investigators can also take action in the form of burning and sinking foreign-flagged fishing vessels if they are proven to have committed a violation, namely fishing without a permit based on the evidence that has been collected. The implementation of sanctions are the form of imprisonment and fines, and the government's efforts to overcome

illegal fishing are also included in punishment through criminal sanctions in the form of fines and imprisonment for perpetrators. In Article 93, Article 94 and Article 94A of Law Number 45 of 2009 and Law Number 31 of 2004 state that anyone who carries out fishing activities or takes catches without holding a fishing permit (SIPI), will be threatened with five to seven years in prison and a fine of Rp. 1.5 billion to Rp. 20 billion. (Mustari, Supartono, & Barnas, 2018).

One of the policies to strengthen security measures was by adding and strengthening patrols around maritime areas. This security is carried out by the Indonesian Navy, the Ministry of Maritime Affairs and Fisheries (KKP) and the Maritime Security Agency (Bakamla) through the Illegal Fishing Eradication Task Force. duties , apart from arresting foreign fishermen who commit theft in Indonesian territory, include protecting Indonesian fishing boats operating in border areas. (Muhammad, 2015)

"From the results of the policy made, the Government has sunk 13 foreign fishing vessels carrying out illegal, unreported and unregulated fishing (IUUF) with Vietnamese and Malaysian flags, in three locations, namely Natuna (Riau Islands), Belawan (North Sumatra), and Pontianak (West Kalimantan). Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, led the sinking of the ship in Natuna, in the Riau Islands. For her, what the government did by sinking the ship was a sign of the Indonesian State's firmness in resolving the IUU problem involving foreign ships" (Muhammad, 2015)

There are several places that are considered very vulnerable and are favorite points for foreign fishermen to steal fish and other marine products. In one of the waters of the North Natuna Sea in the Riau Islands Province, as many as 13 KIA were destroyed in three different locations, namely 3 units with a Vietnamese flag and destroyed in Pontianak_November, 2019. In Pontianak (West Kalimantan) and Natuna, Belawan (North Sumatra) which were destroyed by

ships, 7 units with a Vietnamese flag which were destroyed in Natuna, 3 units with a Vietnamese flag and destroyed in Pontianak, and 3 units with a Malaysian flags were destroyed in Pontianak. (Mustari, Supartono, & Barnas, 2018).

"Director General of Marine Resources and Fisheries Supervision (PSDKP) Agus Suherman explained that the Acting Officer (Plt) of this sinking activity was an implementation of law enforcement against IUU perpetrators, as mandated by the Fisheries Law of the Republic of Indonesia. The ships that were destroyed were ships that had gone through the process and received an institutional decision with permanent legal force. "Therefore, the sinking was an implementation of a court execution carried out by the Prosecutor supported by Task Force 115" (era.id, 2018).

Of the many areas that are targets for fish theft, the Natuna Sea has always been hunted by IUU perpetrators, because its geographical location is quite strategic and important: its position is in the middle of neighboring countries. So that the area can remain safe from KIA perpetrators of IUUF, "Indonesia needs to better strengthen its legal regulations. With the sinking of the 13 ships, in November 2019 the total number destroyed from October 2014 to 2019, reached 516 ships. These 516 ships consisted of 294 Vietnamese-flagged ships, 1 Chinese-flagged ship, 76 Malaysian-flagged ships, 92 Philippine-flagged ships, 23 Thai-flagged ships, 1 Belize-flagged ship, 2 Papua New Guinea-flagged ships, 1 Nigerian-flagged ship, and 26 Indonesian-flagged ships" (KKP, 2019)

The method of sinking T is by making a hole in the ship's hull not by blowing it up. To make it easier for the ship to sink to the bottom of the sea sand and stone will be put into the hull and ballast is added to strengthen the position of the sinking ship on the seabed. This method

ensures that the ship does not move from the initial sinking point that has been determined by the government (KKP, 2019)

Before being sunk, it is confirmed that the foreign fishing vessel contains no fuel or other dangerous chemicals on board which could pollute the surrounding waters and cause pollution in the waters around the sea. Sinking is a method of destroying ships that is considered environmentally friendly as sinking ships can also function as artificial coral reefs, creating new habitats for fish and other marine animals (Salsar 2016) .

The sinking process also considers the safety of the ship's crew, however, the government does needs to better socialize this policy to other countries. The government needs to inform ambassadors serving in Indonesia of the policy and have them forward it to the governments of each country, especially for countries whose ships frequently enter Indonesian territory illegally, such as Thailand, Malaysia, the Philippines, China and Taiwan. The government also needs to coordinate with representatives of the countries whose ships have been sunk. Thought this, it is hoped that good relations between countries will be maintained (KKP, 2019)

It is hoped that this law enforcement effort in the waters and seas will be a continuous and sustainable activity so that it truly is a serious deterrent for foreign fishermen who want to steal marine resources, whether that be fish or other Indonesian marine biota. In terms of the governmental bodies that oversee this, they must remain aware that policy must always be strengthened in order to protect natural resources, including the sea, (Sosiawan, 2015)

In Thomas R. Dye's perspective, public policy is not only influenced by economic factors, but also by politics and law. Political factors helped this particular policy be implemented as it had government and community support, increasing nationalism, and strengthening Indonesia's position in the maritime sector. However, political factors also created

challenges such as pressure from foreign countries, conflicts of interest, and diplomatic tensions (Thomas R Dye, 1987).

3.3.3 Social calculation.

Social is a calculation in public policy theory formulated by Thomas R. Dye. Sinking foreign fishing boats is an Indonesian policy that was made in an effort to save Indonesia's marine resources. According to Thomas R Dye. Decision making based on social data and facts social policies must be done based on empirical research and with maximum social benefits from resources in mind (Dye, 1987).

In the context of the policy of sinking foreign fishing boats, this decision was taken by the Indonesian government to protect marine resources from illegal exploitation. Social factors played an important role in how these policies were formulated, implemented and accepted by society. "According to Thomas R. Dye's theory, public policy is not made in a vacuum, but is influenced by various factors, including social calculation, one of which is the protection and welfare of local fishermen." (Nugroho, 2014).

According to the rational model of social calculation social policies must be made based on empirical research that targets maximum social benefits with existing resources. This model emphasizes the efficient use of resources to provide the greatest benefits to society. Creating more effective and evidence-based social policies increases the efficiency of social resource allocation. According to Thomas R. Dye, the rational model in social factors emphasizes that social policies must be made based on scientific analysis, valid data, and efficient use of resources, not just public demands (Thomas R. Dye, 1987)

The social conditions of Indonesian society, especially in coastal areas and fishing communities, influenced the emergence of dissatisfaction and protests from fishing communities

because their income has decreased dramatically during this time period. Fishermen's welfare was low, causing poverty as a result because quite a few depended on their livelihood as fishermen. Many fishermen live in poverty as a result of reduced catches and unstable fish prices (Victor Muhamad Simelia, 2012)

Maritime and maritime security conflicts often occurred between local and foreign fishermen, especially in border waters such as the Natuna Sea and the Sulawesi Sea. This was exacerbated by weak law enforcement and inadequate maritime monitoring. Dependence on traditional fishing gear is a barrier, most fishermen still use traditional fishing gear so their productivity is low compared to foreign vessels which use more modern technology and can produce fish in large quantities (Victor Muhamad Simelia, 2012).

Before 2014, Indonesia's fisheries policy was less firm in dealing with illegal fishing. Law enforcement against foreign vessels crossing Indonesian maritime territory wasn't effective, thus providing opportunities for fish. Due to a decline in the quality of life and social welfare in fishing communities, population migration from coast areas to urban areas occurred as people searched for alternative jobs. These conditions prompted the Indonesian government in 2014 to take firm steps through a policy of sinking foreign vessels caught carrying out illegal fishing. This was an effort to protect marine resources and improve the welfare of local fishermen (Victor Muhamad Simelia, 2012).

Local fishermen often feel that they were not protected by the government because of weak policies regarding competition from foreign vessels. This triggered social dissatisfaction and had the potential to create horizontal conflict between local and foreign fishermen (Victor Muhamad Simelia, 2012).

Before the policy of sinking foreign fishing vessels was implemented, Indonesia experienced several social impacts due to the rise of illegal fishing by foreign vessels, such as the decline in the welfare of local fishermen. Local fishermen had difficulty competing with foreign vessels which used more modern and often illegal fishing equipment. Their catch has decreased drastically, causing a decline in the income and economic welfare of fishing families. Interference between local fishermen becoming more heated is getting tighter due to decreasing fish stocks. This give rise to social conflict, especially related to fighting over fishing areas and the use of fishing tools that are not environmentally friendly, such as poisons and so on. Exploitative foreign vessel activities threaten traditional fishing practices and sustainable local wisdom. This resulted in the loss of local culture in managing marine resources. Distrust in the government also grew as the rise of illegal fishing that occurred due to a lack of strict law enforcement has led to dissatisfaction and distrust of coastal communities towards the government. They feel that their welfare was less protected or cared about (Hutajulu, M., Syahrin, A., Mulyadi, M., & Marlina. (2014)

The number of foreign ships entering illegally increased the potential for conflict and insecurity at sea. Local fishermen felt threatened and were afraid of going to sea in the same area as foreign ships. There was also exploitation of illegal workers, operating in Indonesian waters. This included modern practices that resulted in human rights violations. Therefore, after the policy of sinking foreign vessels was implemented, many of these negative social impacts began to decrease, and the welfare of local fishermen increased. There was a return of security in Indonesian maritime areas, local fishermen were free to fish safely because the policy automatically reduced the number of foreign fishing vessels entering Indonesia (Ari Atu Dewi, A. A. I. 2018).

The policy of "sinking foreign fishing boats" was implemented by the Indonesian government and resulted in a reduction in the extent of illegal fishing in Indonesian waters, although it was unable to completely eradicate the issue with a complete deterrent effect. With reduced illegal fishing, local fishermen no longer need to compete with illegal foreign fishermen. The fish catches of Indonesian fishermen have increased, and the income of local fishermen is more stable. This was then an indirect form of the government showing support for coastal communities, thereby increasing their trust in the government. Basically, the aim of the policy of sinking foreign fishing boats was one of the social factors in public policy theory which is to protect the marine ecosystem from the biggest threat it experienced (decreasing fishing results from local fishermen). This policy strengthens national identity, because people feel protected because the government is firmly determined to protect marine resources. With this policy, the government received support from local fishermen and the wider community who felt that their rights were being better protected (Giana, 2016).

Responding to the many incidents related to illegal fishing in Indonesian maritime areas wasn't without negative impact on Indonesian fishermen, especially on the demand for Indonesia's marine resources. In the era of leadership of President Jokowi and the Ministry of Maritime Affairs and Fisheries (KKP) led by Susi Pudjiastuti, which began in 2014, firm action was written into law: Law no. 45 of 2009 concerning Fisheries and Maritime Affairs. This policy of the government was a sinking policy. Article 69 paragraph 4 it states that "In carrying out the functions as intended in paragraph (1) investigators and/or fisheries supervisors can carry out special actions in the form of burning and/or sinking foreign-flagged fishing vessels based on sufficient preliminary evidence. There is no definite mention regarding the sinking mechanism

for foreign vessels that commit violations, such as not having an operating permit for fishing (Arif Satria, 2015).

Referring to “Law no. 45 of 2009 Article 69, Susi Pudjiastuti implemented these ship regulations in a policy of sinking which is often done by sinking or causing parts of the ship to leak. It can take the form of burning and bombing. It is hoped that the creation of this policy will be a form of Indonesian assertiveness and is a deterrent for the entry of foreign vessels, especially for perpetrators of illegal fishing. The pros and cons stem from environmental reactions to this policy, from society, other countries that carry out illegal fishing. (Idris, 2020).

The policies implemented by the government weren't without negative impacts. Countries such as Vietnam, China and the Philippines protested this policy, and this affected diplomatic and economic relations. The potential for conflict at maritime borders increased but this did not make the Indonesian government back down from this policy even though social relations with other countries could be disrupted (Giunea, 2016)

There is no doubt that this policy also has quite a positive impact. With the reduction of illegal foreign ships, security at sea is more guaranteed, and local fishermen no longer feel threatened. Conflict between fishermen has decreased because access to marine resources is fairer. In Thomas R. Dye's perspective, public policy is influenced by social factors and has broad social impacts. The social benefits of the policy of sinking foreign fishing boats included protection of local fishermen, increased legal awareness, and stability of maritime security. (Giunea, 2016).

The aim was to avoid greater losses to society and the country. The acts of illegal fishing that often occurred in Indonesian waters caused huge losses for Indonesia. The government addressed illegal fishing by "sinking ships" and efforts made by the government to overcome

theft of fish and other marine products. Ship sinking is a form of special action that can be carried out by supervisory vessels in Indonesian fisheries areas (Idris, 2020)

Sinking a ship may seem frightening in various circles, even evil, but it is the best goal for solving the IUU fishing problem in this archipelago. Susi showed that Indonesia state is serious about protecting its maritime territory from IUU activities. If this policy continues to be done consistently, it is believed that other countries and also IUU actors from these countries will be afraid of Indonesia's policies. The policy of sinking ships was the correct decision for Indonesia.

In attempting to achieve goals that are good for the ecosystem because of the vast sea area, it is impossible for the State or government to carry out continuous monitoring in every corner by patrol ships or aircraft. Therefore, for maritime areas to be safer, the only way that Indonesia can be respected by other countries is by showing that its government must show that we are firm and consistent when it comes to enforcing the law. That is Indonesia's best marine protection (Isnurhadi, 2017).

Indonesia can also enforce policies with specific objectives. The Ministry of Maritime Affairs and Fisheries asked all parties to better understand the “ship sinking” policy. This policy has also been implemented by other countries, for example Australia, to perpetrators of illegal fishing, including to fishing vessels from Indonesia that carry out prohibited activities in the sea waters of other countries. Australia also has a policy of burning Indonesian ships if they are caught entering maritime areas and fishing illegally in Australian sea waters. (Nunung, 2015).

CHAPTER 4

CONCLUSION

4.1. Conclusion

In conclusion, the implementation of the policy of sinking foreign fishing boats is a real step by the Indonesian government to maintain maritime sovereignty and marine resources. Although in this case it certainly invites pros and cons, this policy has proven to be able to reduce the practice of illegal fishing and increase the protection of marine resources and local fishermen around this policy also received full support from President Jokowi Dodo who served as President 2014-2019, from this policy this policy makes the sinking of foreign fishing boats not only a symbolic act, but also has a major impact on the sustainability of Indonesia's marine resources, maritime sovereignty, and also strengthening the national fisheries economy in Indonesia.

The conditions experienced by Indonesia in the 2009-2014 period regarding illegal fishing were very complex, covering economic and social problems, maritime sovereignty and weak law enforcement. All of these factors were behind why Indonesia then took firm steps by implementing a policy to sink foreign vessels in 2014. The policy of sinking foreign fishing vessels in 2014 was motivated by the increasing number of cases of illegal fishing in Indonesian waters which was detrimental to the national economy and threatened maritime protection. The government saw the need for firm action during the era of President Joko Widodo and was later acid upon by Minister Susi Pudjiastuti. Before this policy was taken, the government referred to

Fisheries Law no. 45 of 2009 which allowed sinking ships as a sanction. This policy conception aimed to strengthen law enforcement at sea and protect Indonesia's fisheries resources.

The main consideration to take on the policy was the economic losses due to illegal fishing which reaches trillions of rupiah per year. In addition, the increased activity of illegal foreign fishermen was also considered a threat to Indonesia's maritime security. On the one hand, this policy was supported because it is considered effective in providing a deterrent: however on the other hand, there is criticism regarding the potential for conflict in relations with the countries of origin of the foreign vessels and the environmental impacts caused by ship sinking. The policy of sinking foreign fishing vessels in 2014 was taken with careful consideration and preparation with the best possible efforts regarding economic, political and social aspects. Even though it has generated controversy, this policy has been seen as effective in preserving Indonesia's maritime conditions and protecting national fisheries resources.

4.2. Recommendation

The results of research analysis detail the government policy of "sinking foreign fishing boats" (2014). The policy was implemented based on previously existing problems, namely problems involving policies and conditions in Indonesia. During previously in 2009-2013, there were economic, political and social issues which of course were the driving factors for this policy, it must be noted that this policy hasn't been able to provide a complete difference for the countries concerned. The research carried out here is certainly still less than perfect as the focus of discussion is limited to the Indonesian government's policy from the Ministry of Maritime Affairs and Fisheries and the timeframe is also limited. It is hoped that in future research, can discuss the implementation of the "sinking of foreign fishing boats" policy in subsequent years and future research on the specific implementation of Indonesian government policy.

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