

CHAPTER II

OVERVIEW

2.1 General Overview of Natuna Waters

The General Overview section provides information related to the research titled *The Implementation Analysis of Indonesian Policies to Protect Natuna Waters From Vietnamese Fishing Vessels*. This section covers various aspects relevant to the study, including details on the size and territorial scope of Natuna waters, its maritime potential, the relationship between Natuna waters and Vietnam, the main duties and functions of relevant institutions such as the Ministry of Marine Affairs and Fisheries and the Indonesian Maritime Security Agency (Bakamla), the organizational structure involved in policy implementation, and the activities carried out to address the presence of Vietnamese fishing vessels.

2.1.1 Area and Territory of Natuna Waters

The North Natuna Sea is a maritime area with exceptional potential, located in the Southeast Asian region. Natuna waters are rich in natural and mineral resources, which are highly beneficial for the surrounding countries (Novianto 2020). The Natuna Archipelago is positioned at coordinates 01°18' 00" - 06° 50' 15" North Latitude and 104° 48' 30" - 110° 02' 00" East Longitude. Natuna Island is Indonesia's northernmost territory, with a sea area of approximately 262,197.07 km². To the north, the North Natuna Sea directly borders Vietnam and Cambodia, while to the west, it borders Singapore and Malaysia. To the east, it is bordered by Malaysia and the South China Sea (Nasional et al. 2021)

reserves of up to 26 million barrels. Meanwhile, natural gas production reaches 489.21 MMSCFD, making Natuna a key center for the national energy industry (Toruan and Sunaryo 2020).

2.1.3 Causes of Illegal Fishing in Natuna

The fishery resources in the Natuna waters are abundant, especially as Natuna's waters border other foreign countries. Moreover, illegal fishing can be triggered by the demand for fish with high economic value. The quality of fisheries in the northern Natuna waters is of very high quality, making it highly sought after in international markets (Beno, Silen, and Yanti 2022) Additionally, despite the vast area of Indonesia's Exclusive Economic Zone (EEZ), there are still limitations in the infrastructure and resources available to the Indonesian Navy (TNI AL) and other law enforcement agencies. The implementation of law enforcement at sea has not been maximized in providing comprehensive protection of the EEZ. This results in an imbalance between the vast waters that should be protected and the weakness in legal and operational capabilities. As a result, violations such as illegal fishing by foreign vessels are easily carried out (Sosial 2023) Another factor contributing to illegal fishing is the lack of awareness among offenders that their actions violate the law. This is often due to low education levels and limited access to education among illegal fishing perpetrators, which may encourage such criminal activities. In some cases, the perpetrators are unaware that there are regulations prohibiting such acts and the associated legal consequences (Naila et al. 2022). Due to the vastness of Indonesia's waters, many islands in the country's border areas are at risk of disappearing due to erosion, potentially leading to a reduction in national

territory. Many of these outermost islands are not officially documented because most of them are uninhabited, making them vulnerable to being claimed by other countries (Karen, Pricilla, and Fernando 2023).

2.1.4 Indonesia-Vietnam ZEE Diplomacy

Indonesia has several collaborations to resolve the issues regarding the Indonesia-Vietnam EEZ dispute, such as the Memorandum of Understanding (MoU) on maritime and fisheries cooperation signed on October 27, 2010. However, it is unfortunate that illegal fishing activities continue to be carried out by Vietnamese fishermen in Indonesian waters (Mariane 2020). Moreover, on November 26, 2021, Indonesia and Vietnam held a Roundtable Discussion titled *Building Indonesia-Vietnam Maritime Partnership*. This discussion was held in accordance with the 1982 UNCLOS provisions, which stipulate that adjacent or opposite coastal states can negotiate to establish the boundaries of the Exclusive Economic Zone (EEZ). In case of a dispute regarding the interpretation or application of the convention, the settlement should refer to Article 2 (3) in conjunction with Article 33 (1) of the UN Charter) (Modeong, Kalalo, and Karisoh 2020) Moreover, on November 26, 2021, Indonesia and Vietnam held a Roundtable Discussion titled *Building Indonesia-Vietnam Maritime Partnership*. This discussion was held in accordance with the 1982 UNCLOS provisions, which stipulate that adjacent or opposite coastal states can negotiate to establish the boundaries of the Exclusive Economic Zone (EEZ). In case of a dispute regarding the interpretation or application of the convention, the settlement should refer to

Article 2 (3) in conjunction with Article 33 (1) of the UN Charter (Waleleng, Karisoh, and Sualang 2024)

2.2 Implementation of Patrols in Handling Illegal Fishing

This section covers an explanation of the legal basis used in the patrol policy to safeguard Indonesia's maritime territory, particularly the Natuna Sea.

2.2.1 Introduction to Law No. 32 of 2014

As an archipelagic country Indonesia has a vast maritime territory rich in natural resources. The sea surrounding Indonesia holds strategic value in various aspects of life, such as politics, economy, society, defense, and security. The management of marine resources must be carried out sustainably to achieve the well-being of the Indonesian nation. Law No. 32 of 2014 serves as the legal framework to regulate the management of the sea, including planning, utilization, monitoring, and control of maritime space. This law also emphasizes the importance of marine environmental protection, defense, security, as well as law enforcement and safety at sea. By involving public participation, this law aims to create responsible and sustainable marine management, safeguard sovereignty, and utilize the sea for national development.

2.2.2 Implementation of Government Regulation No. 13 of 2022

In implementing Government Regulation No. 13 of 2022, which emphasizes joint patrols with other agencies such as the PSDKP, KPLP, Customs, and the Indonesian Navy (TNI AL), the main focus is on conducting patrols in the Northern Natuna Sea, the Malacca Strait, and the Sulawesi Sea. In these patrols, Bakamla deploys 7 state vessels (KN) equipped with 30 mm cannon weapons, 12.7

mm heavy machine guns, and DSAR-15 light weapons with 5.56 caliber. Other agencies also deploy their own weaponry assets (Patrio, 2022). Bakamla requires assistance from other agencies to mobilize armed assets (RI 2022)

Bakamla engages in international cooperation through joint training with the military or coast guard of other countries, as per Government Regulation No. 13 of 2022. Such cooperation includes exercises with the U.S. Coast Guard in 2021 in the Singapore Strait, focusing on communication between ships, maneuvers, and maritime awareness. Despite challenges such as international security dilemmas often hindering inter-country cooperation, the benefits of collaboration in critical situations are prioritized. Joint exercises also help strengthen Indonesia's maritime security, particularly in the Northern Natuna Sea, where Bakamla collaborates with the Indonesian Navy and other agencies to address shortcomings in military equipment and improve operational capabilities. Inter-agency synergy is necessary to strengthen Indonesia's maritime security (Rohana 2022)

Additionally, there is a need to improve human resource capacity in utilizing monitoring facilities at sea:

- Technology-based training: Surveillance is conducted through various approaches, including technology-based training such as the use of radar and satellites.
- Collaborative training: Strengthening interoperability and capacity of patrol teams, which helps communication between agencies and allows for more effective coordination.

- Joint monitoring tools: The use of radar systems owned by various agencies such as Customs, the Indonesian Navy, and Bakamla, referred to as the Coastal Surveillance System (CSS) radar (Misbach, Suwarno, and Asih Yulianto 2022).

Moreover, Article 9 also discusses independent patrols, where Bakamla, along with related agencies, operates independently without involving technical agencies. In Article 17, regarding patrol and inspection objects, Bakamla is authorized to inspect ships, installations, structures, and artificial islands within Indonesia's maritime jurisdiction, conducting selective inspections based on suspected violations, sailing smoothness, and data from information systems. In Article 22, data is collected on activities of vessels suspected of violating laws, with immediate action taken if sufficient initial evidence exists, and the results are submitted to investigative agencies with authority to continue the legal process. The submission of enforcement results by Bakamla to the authorized agencies must be accompanied by complete documentation, such as an incident report, situational images of the chase, ship position statements, orders, and investigation records (Raya, Bahagia, and Selatan 2023)

However, it is unfortunate that despite Government Regulation No. 13 of 2022 designating Bakamla as the coordinator of law enforcement at sea, there are still challenges or issues in executing this coordination function. This occurs because there is no implementation regulation for Bakamla's role as coordinator. Such regulations are needed to clarify the mandate and provide guidance on the

authority of Bakamla, especially in strengthening coordination with other related agencies (Yusuf, Sumardi, and Latif 2023).

2.2.3 Authority of Each Institution in Preventing IUU Fishing

2.2.3.1 PSDKP KKP (Marine and Fisheries Resources Surveillance)

1. Fisheries Law Supervision and Enforcement

(Referring to Law no. 45 of 2009 and Government Regulation no. 13 of 2022)

- Supervision of the rules of implementation of laws and regulations in the field of fisheries.
- Implementation of patrols in the supervision and monitoring of the movement of fishing vessels
- Stopping, inspecting, carrying, detaining, and arresting vessels and organizations suspected of violating fisheries laws.
- However, in sea patrols, they must still coordinate with the Indonesian Navy, Polair, and Bakakmla

2. Ship Inspection and Licensing

- Inspecting fishing vessels, fishing gear, and fishing aids
- Verify SIPI (Fishing Permit) and SIKPI (Fish Transport Vessel Permit).
- Examination in completeness and validity in fisheries business documents and fisheries research and development permits

3. Supervision in Attribution and Fisheries Quality

- Supervise the entry and exit of fish, in catches and cultivated products.

- Inspection in the quality of fishery products and distribution of fish drugs.
- Conducting laboratory tests in taking fish samples or requiring the necessary materials.

4. Conservation and Environment

- Supervision in pollution resulting from human actions on the fishery environment
- Surveillance in germplasm and genetically engineered fish
- Supervision of fish resource conservation in the prevention of fishery activities that can damage the environment

5. Administrative Enforcement

- It can delay the operation of fishing vessels if they do not meet the requirements of licensing administration
- Can issue a Letter of Feasibility of Operation for fishing vessels < 30 GT
- Can recommend administrative sanctions for Indonesian ships that violate the rules

6. Facilities and Equipment in Supervision

- PSDKP is equipped with fisheries surveillance vessels, firearms, and personal security equipment
- Fisheries surveillance vessels are used in patrols, surveillance, and law enforcement

2.2.3.2 Bakamla (Badan Keamanan Laut)

1. Coordination in Maritime Security

Bakamla is a Single Agency Multi Tasks system, where Bakamla has command and control over 12 stakeholder agencies at sea (Nazili Abdul Azis*, L. Tri Setyawanto R., n.d., 2017). The 12 agencies are;

- Ministry of Foreign Affairs (Kemenlu)
 - Ministry of Defense (Kemenhan)
 - Ministry of Law and Human Rights (Kemenkuham)
 - Ministry of Home Affairs (Kemendagri)
 - Ministry of Transportation (Kemenhub)
 - Ministry of Defense (Kemenhan)
 - Ministry of Marine Affairs and Fisheries (KKP)
 - Ministry of Finance (Kemenkeu)
 - The Indonesian National Army (TNI) is especially in the Indonesian Navy (TNI AL)
 - State Intelligence Agency (BIN)
 - Chief of Naval Staff (KASAL)
 - The National Police of the Republic of Indonesia (Polri) and the Water and Air Police (Polairud)
 - Attorney General of the Republic of Indonesia
- Integrating security and safety information systems in Indonesian waters

2. Maritime Security and Safety Patrols

- Carrying out security and safety patrols in Indonesian waters and jurisdictional areas.
- Preventing and addressing legal violations at sea, particularly in maritime security.

3. Law Enforcement and Action

- Conducting "hot pursuit" or immediate pursuit of vessels suspected of violations.
- Stopping, inspecting, arresting, detaining, and handing over vessels to the appropriate legal authorities.
- Managing and integrating early warning systems to detect maritime threats.

2.2.3.3 Polair (Water Police)

1. Maintaining Security and Order in Water Areas

2. Main Authorities of Polair

- Conducting water patrols, including initial responses to criminal activities.
- Performing search and rescue (SAR) operations in case of maritime accidents.
- Educating coastal and maritime communities on crime prevention and security maintenance.

3. Preliminary Investigations

- Receiving reports or apprehending perpetrators of maritime crimes.

- Conducting pursuits, halting, and inspecting vessels in accordance with Article 7, Paragraph (1) a, b, c, and j of Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), which grants Polair authority to stop and inspect vessels suspected of criminal activities.