

Implementation and Elimination of Actions Criminal Illegal Fishing Towards the Development of Sustainable Fisheries

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Abstract

Objective. To analyze legal political reforms in the Fisheries Law to enforce the law and eradicate the criminal act of IUU Fishing in the development of sustainable fisheries in Indonesia. *Design/Methodology/Approach.* Using empirical (non-doctrinal) research methods with statutory, conceptual, and comparative approaches. *Results/Discussion.* Factors that cause ineffective law enforcement against illegal fishing include weaknesses in legal substance, institutional structure, and legal culture, especially related to the formulation of criminal sanctions. The concept of political reform of fisheries law must include revision of laws, adoption of international law, as well as changes in the law enforcement model through an integrated criminal justice system approach, with the top coordinator of the Ministry of Maritime Affairs and Fisheries. *Conclusions.* Legislative reform, adoption of a multi-legal regime approach, extraterritorial jurisdictional authority, and active community participation are needed to increase the effectiveness of law enforcement and support sustainable development in the fisheries sector. *Originality/Value.* Highlights aspects of implementing and eradicating illegal fishing, with an emphasis on increasing law enforcement for sustainable fisheries development.

Keywords: Legal Political Reform, Fisheries Law, Sustainable Enforcement/Eradication, Illegal Fishing

INTRODUCTION

Indonesia is a country that has two geographical forms, namely sea and land. Indonesia is one of the world's largest oceanic countries, consisting of 17,508 islands with a coastline of 81,000 km² and a territorial waters area of around 3.1 million km². The Unitary State of the Republic of Indonesia (NKRI), commonly known as Indonesia, occupies a geographical position between two continents, namely Asia and Australia. This geographical position situates Indonesia between two distinct civilizations, namely western civilization (Australia) and eastern civilization (Asia). (Kusuma et al. 2021) This location situates Indonesia in a highly active international shipping lane. Indonesia, with the second-longest coastline in the world, has a huge advantage in the form of natural resource potential (SDA) in its territorial seas. Indonesia's marine resources are very diverse and have high economic value, including oil, gas, and various types of fish. However, this potential has both positive and negative impacts on Indonesia's international relations. The use of the Indonesian Archipelagic Sea Lane (ALKI) for international trade has a positive impact. However, this strategic position can also pose threats, such as the entry of transnational crime and the exploitation of marine resources due to low detection and law enforcement capabilities at sea. (Garcia Garcia, Barclay, and Nicholls 2021) Indonesian seas play a strategic role in national development, uniting the country, facilitating the distribution of goods and services, and supporting international trade. In addition, the sea functions as a medium of defense and security, preventing threats and disturbances that could affect national stability. To manage fisheries resources, the government, through the Ministry of Maritime Affairs and Fisheries (KKP), divides Indonesian waters into 11 Fishery Management Areas (WPP) in accordance with Minister of Maritime Affairs and Fisheries Regulation Number 18/PERMEN-KP/2014. This division makes it easier to manage and monitor fish resources to prevent overfishing and illegal fishing. Illegal fishing, especially by foreign vessels, is very detrimental to Indonesia. The Minister of Maritime Affairs and Fisheries stated that the losses amounted to IDR 240 trillion per year. Apart from economic losses, illegal fishing damages marine ecosystems, including coral reefs, which are fish habitats. LIPI classifies only 5.3% of Indonesia's coral reefs as very good, with the use of toxic materials and prohibited fishing gear causing the most damage. The 2001 International Plan of Action to Prevent, Deter,

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and Eliminate IUU Fishing (IPOA-IUU Fishing) categorizes illegal fishing, unreported fishing, and unregulated fishing as serious threats. The estimated annual losses from illegal fishing amount to IDR 54 trillion. To fight illegal fishing, it is necessary to develop a monitoring system, an integrated fishing industry, regionalize resource management, improve the licensing system, and develop a fisheries justice system. The Indonesian government has implemented various policies to prevent and eradicate IUU fishing, which has a broad impact on the country's economy, environment, social, political, and security. (Kusumaningtyas and Elfaki 2024) These policy steps include implementing Minister of Maritime Affairs and Fisheries Regulation Number 57 of 2015 concerning the prohibition of transshipment, as well as Presidential Regulation Number 115 of 2015, which established a Task Force for the Prevention and Eradication of Illegal Fishing (Task Force 115). In addition, Fisheries Law Number 45 of 2009, which amended Law Number 31 of 2004 concerning Fisheries, served as the basis for the firm action of sinking the ship. Law Number 11 of 2020 concerning job creation supports this policy, and Law Number 6 of 2023 refines it by stipulating government regulations instead of Law Number 2 of 2022 concerning job creation. (A. K. Jaelani, Luthviati, and Octavia 2023) Data on the handling of maritime and fisheries crimes by fisheries inspectors from 2014 to 2017 demonstrates the impact of this policy, with an increase from 58 cases in 2014 to 237 cases in 2016, and a subsequent decrease to 149 cases in 2017. From October 2014 to July 2017, the Ministry of Maritime Affairs and Fisheries (KKP) sank 317 fishing vessels originating from Vietnam (142 vessels), the Philippines (70 vessels), and Malaysia (58 vessels). These steps reflect the government's serious efforts to protect national fisheries resources and enforce the law against IUU fishing practices. The legal process for cases of violations in the maritime and fisheries sectors handled by PPNS Fisheries in 2018–2024 is as follows:

Table 1. Data on the legal process for cases of maritime and fisheries violations handled by PPNS Fisheries in 2018 – 2024

Tahun	Kasus	Penyidikan	SP3	P-21	Tahap II	Proses Sidang	Bandung	Kasasi	Peninjauan Kembali	Inkrab
2024	8	8	-	-	-	-	-	-	-	-
2023	56	1	-	1	-	-	2	-	-	52
2022	59	1	2	1	-	-	-	1	-	54
2021	167	-	1	3	-	-	-	-	-	163
2020	106	-	-	-	-	-	-	-	-	106
2019	114	1	4	1	-	-	-	-	-	108
2018	161	1	1	1	-	-	4	-	-	154
Total	671	12	8	7	0	0	6	1	0	637

The impacts of IUU fishing include economic, social, environmental, political, and security losses. Indonesia's IUU fishing has a significant negative impact in various fields. (Zhu and Tang 2023) From an economic perspective, illegal fishing results in huge losses for the country, with total losses estimated at IDR 240 trillion per year, according to the World Bank and FAO. (Kuemlangan et al. 2023) The comparison of Indonesia's fisheries sub-sector exports, which only reached \$3.34 billion in 2011, is far below Vietnam's, which reached \$25 billion, even though Indonesia has a larger sea area. In addition, the fact that Indonesia consumes less fish per capita than Malaysia demonstrates the underutilization of its fisheries potential. In the environmental sector, IUU fishing practices have harmed Indonesia's coral reefs, with only 5.3% in very good condition and the remainder in poor condition, primarily due to the use of toxic materials and prohibited fishing gear. The social impact of IUU fishing is also very pronounced, with the number of traditional fishermen decreasing from 1.6 million to 864 thousand households between 2003 and 2013, as well as losses for seafood exporters reaching USD 4-5 billion. Politically and security-wise, violations of sovereignty by foreign vessels from countries such as Vietnam, the Philippines, Malaysia, and Thailand, as well as traditional fishing rights conflicts on the Indonesia-Malaysia and Indonesia-Australia borders, create diplomatic tensions and a negative image that

Indonesia is not able to manage its marine resources.(Phayal et al. 2024) Non-state actors also violate sovereignty through illegal fishing, contributing to Indonesia's multi-dimensional maritime security challenges.

To overcome this challenge, Indonesia needs to increase cooperation between agencies, invest in technology, and have strong law enforcement in accordance with existing regulations.(Dirhamsyah, Umam, and Arifin 2022) Law No. 11 of 2020 concerning Job Creation, further refined by Law No. 6 of 2023, is among the various policies the Indonesian government has implemented to prevent and eradicate IUU fishing. The Job Creation Law aims to simplify licensing and make business easier in the maritime and fisheries sectors, but it has received criticism because it is considered to benefit investors more than local communities, especially small fishermen.(Fatimah et al. 2020) The fundamental changes that have been regulated include eliminating vessel size limits for small fishermen, simplifying business permits, transferring authority from regional governments to the central government, and reducing the obligation to use Indonesian crew members on foreign fishing vessels.(Fajardo 2022) Despite the hope for increased investment, this provision raises concerns about large and foreign corporations exploiting fisheries resources, while neglecting aspects of ecosystem protection and social justice. The urgency of handling IUU fishing with a strong and participatory legal framework is very important. To ensure sustainable and fair fisheries management, the Job Creation Law and its revisions must pay close attention to international requirements as regulated in Article 62 of UNCLOS. We need to increase strict supervision and the participation of fishing communities in policy formulation to prevent ecological crises and social injustice. Therefore, this research will examine and analyze legal and political reforms in the Fisheries Law in order to enforce the law and eradicate the criminal act of IUU fishing in sustainable fisheries development.

METHOD

This research uses empirical (non-doctrinal) research methods with statutory, conceptual and comparative approaches. This approach views law as a manifestation of symbolic meaning in social interactions and daily behavior. In the context of socio-legal research, law is understood not only as formal rules, but also as a social order that lives in people's experiences. To understand law comprehensively, this research also involves other social sciences to find the best solutions to various legal problems faced by society. This research is based on the concept of interdisciplinary law according to Soetandyo Wignyoseobroto, which combines the perspectives of social science and law. This research process, starting from defining the problem, collecting data, to analysis and drawing conclusions, was carried out collaboratively between legal sciences and social sciences. This method not only examines relevant legal norms and principles, but also assesses their application in a broader social context. This research is descriptive, evaluative and prescriptive, combining normative analysis and other social sciences to provide clear solutions to the legal issues raised. The deductive thinking pattern is used in this research, starting from general policies in Law no. 45/2009 concerning Fisheries to specific issues such as the authority to investigate criminal acts of illegal fishing. This research seeks to diagnose and provide suggestions regarding effective investigation models in the future.

RESULTS AND DISCUSSION

Factors Causing Ineffective Enforcement and Eradication of Illegal Fishing in the Legal Politics of Fisheries Law

Legal politics refers to government policy in legal arrangements to eradicate IUU fishing, which is implemented through various laws and regulations.(Auld et al. 2023) This legal politics is reflected in Law Number 31 of 2004 concerning Fisheries which has been amended by Law Number 45 of 2009, and also in other laws related to the eradication of IUU Fishing. This policy is focused on improving marine resource governance, conservation, rehabilitation, as well as control and supervision of marine resource utilization. Even though the Fisheries Law is the main umbrella for this regulation, in reality this law is still unable to anticipate current technological developments and legal needs, so changes and improvements are needed. These changes include aspects of supervision, law enforcement, fisheries management, as well as expanding the jurisdiction of fisheries courts. This policy analysis and evaluation aims to ensure that other relevant laws support efforts to eradicate IUU Fishing with criteria taken from the considerations and general explanation of the Fisheries Law. This

research uses assessments based on statutory principles, potential disharmony, and implementation effectiveness to identify factors causing ineffective enforcement and eradication of IUU fishing.

Analysis and evaluation of legal politics in various laws and regulations related to the fisheries sector shows strong support for law enforcement efforts and the eradication of Illegal, Unreported, and Unregulated (IUU) Fishing. Some of the laws analyzed include Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, Law Number 17 of 1985 concerning Ratification of the United Nations Convention on the Law of the Sea (UNCLOS), (Strating, Rao, and Yea 2024) Law Number 6 of 1996 concerning Indonesian waters, and Law Number 31 of 2004 concerning Fisheries (as amended by Law Number 45 of 2009). Law Number 27 of 2007 (along with its amendments to Law Number 1 of 2014) concerning Management of Coastal Areas and Small Islands, Law Number 17 of 2008 concerning Shipping, and Law Number 32 of 2014 concerning Maritime Affairs, all of them demonstrate a commitment to managing marine resources sustainably, improving governance and supervision, and enforcing laws against IUU fishing practices.

In particular, several laws such as Law Number 17 of 2007 concerning the National Long Term Development Plan 2005-2025, and Law Number 17 of 1985 concerning Ratification of UNCLOS, provide a framework that supports the management of marine resources and law enforcement against IUU Fishing. Law Number 27 of 2007 and amendments which were later confirmed in Law Number 1 of 2014, as well as Law Number 32 of 2014 concerning Maritime Affairs, strengthen the protection and management of coastal and marine areas in a sustainable manner. All of these laws support the legal politics of eradicating IUU fishing with various criteria such as equitable use, improving fishermen's living standards, strengthening law enforcement at sea, and preserving fish resources and the environment. This evaluation shows the harmony between various existing laws with the main aim of eradicating IUU fishing in Indonesia.

A number of laws and regulations related to the fisheries sector in Indonesia face challenges in fulfilling critical aspects of the law, such as clarity of formulation, order and legal certainty, nationality, archipelago, justice, and equality of position in law and government. (Ratnawati et al. 2023) For example, Law Number 31 of 2004 concerning Fisheries has 21 articles which do not fully fulfill several principles, while Law Number 17 of 2008 concerning Shipping has 7 articles which also do not fully fulfill these crucial principles. Although some regulations such as Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone already meet the desired standards, the importance of revising and updating other laws has become clear to ensure the success of law enforcement and the eradication of Illegal, Unreported, and Unregulated (IUU) Fishing. in Indonesia.

Analysis was carried out on a number of laws, such as Law Number 31 of 2004 concerning Fisheries which was amended by Law Number 45 of 2009, Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands which was revised by Law Law Number 1 of 2014, Law Number 6 of 1996 concerning Indonesian Waters, Law Number 32 of 2004 concerning Maritime Affairs, and Law Number 17 of 2008 concerning Shipping, reveal a number of provisions that are problematic from the perspective of legislative principles. . From this analysis, it can be seen that there are articles that are considered not in accordance with legal principles, such as a lack of mention of relevant principles, inappropriate placement of articles, and potential conflicts between articles. The resulting recommendations include the revision and repeal of certain articles, as well as expanding the aspects that must be considered in drafting laws to ensure conformity with basic statutory principles. All of this is important to maintain legal sustainability and regulatory effectiveness in carrying out regulatory functions in various related sectors.

A legal regulation must fulfill three main principles: clarity of purpose, efficiency, and efficacy. (A. Q. Jaelani 2014) This emphasizes that these regulations must be useful and can be implemented effectively in the life of society, nation and state. In accordance with Article 5 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, evaluation of these regulations is necessary to ensure their implementation is in accordance with the desired legal political direction. The evaluation covers various aspects, such as:

Legal Substance Issues

Evaluation of legal substance includes an assessment of the clarity and relevance of existing provisions. For example, assessing the provisions regarding the bail system and imposing penalties on perpetrators of illegal fishing.

The lack of clarity regarding the bail system occurs because there is a legal vacuum in Article 27 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Therefore, it is necessary to improve the rules that explain the amount of bail money handed over to the court to ensure legal clarity and certainty.

The relevance of criminal sanctions related to IUU Fishing, in Article 93 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. There is a need to reconsider very serious criminal sanctions and place greater emphasis on fines and administrative sanctions for the sake of efficient law enforcement.

There is a legal vacuum in law enforcement against corporations in the formulation of Article 101 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, so it is necessary to include accountability for corporations that commit criminal acts and provide significant additional fines.

The lack of synchronization between Article 102 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries and SEMA Number 1 of 2015, is caused by deviation from the provisions of Article 102 by SEMA Number 1 of 2015 so that harmonization between statutory regulations is required. and SEMA to ensure legal compliance and clarity.

Legal Structure Issues

Evaluation of the legal structure includes an assessment of the adequacy of facilities and infrastructure that support law enforcement, such as port facilities and the number of available personnel. Weaknesses in the port control function occur due to problems with infrastructure and an insufficient number of human resources for fisheries supervisors. It is necessary to increase infrastructure and the number of fisheries supervisory personnel to increase the effectiveness of supervision at ports. Apart from that, there is institutional overlap between Rudenim and the regular detention center for crew members suspected of IUU fishing. It is necessary to review the detention of crew members handed over to Rudenim to minimize costs and ensure effective law enforcement.

Legal Culture Issue

Evaluation of legal culture involves assessing the understanding and application of law by the community and law enforcement officials. This includes the aspect of choosing legal action that is more repressive than preventive or rehabilitative. Illegal practices of crew members on fishing vessels and ineffective law enforcement are caused by law enforcement officials not complying with the prohibition on the use of foreign crew members on fishing vessels. The analysis shows the need to increase law enforcement officers' understanding of applicable regulations as well as an emphasis on preventive and rehabilitative actions.

Service and Law Enforcement Issues

Evaluation of law services and enforcement involves assessing the effectiveness of the justice system in handling cases related to illegal fishing, including jurisdictional issues, implementing operational standards, and the availability of resources to support the legal process. (Imrona and Kusuma 2023) The inability of fisheries courts to deal with the development of current fisheries crime modes is due to the limited jurisdiction of fisheries courts. Further analysis is required to determine the necessary corrective steps.

Based on the findings of Task Force 115 (Illegal Fishing Task Force) regarding IUU Fishing enforcement issues, there are several issues that need to be reviewed in depth. The main weakness lies in the institution of the fisheries court and its authority, as well as the role of Task Force 115. Jurisdiction which is only limited to fisheries cases is not in line with the complexity of crimes that occur in the field, which include non-fisheries

crimes such as slavery, money laundering, and rights violations. human rights. Likewise, the authority of Task Force 115 is limited to eradicating IUU fishing and unreported fishing, while the crimes that occur exceed these limits, including illegal drug trafficking, immigration violations and tax crimes. There is a need for in-depth evaluation of the institutional structure and related authorities in order to be more effective in dealing with a wider spectrum of crimes related to the fisheries sector. By carrying out a comprehensive evaluation of these aspects, it is hoped that legislation that is more effective and in line with the needs and conditions of society can be achieved.

Renewal of Legal Politics in the Fisheries Law for Law Enforcement and Eradication of Illegal Fishing in Sustainable Fisheries Development

The Indonesian government has set policy directions in regulating fisheries with the main aim of achieving national sovereignty, sustainability and prosperity, in line with Indonesia's vision as a maritime country. This vision, which is realized in various laws and international agreements such as UNCLOS 1982, has become the basis for state legal politics in managing marine and fisheries resources.(Zou and Telesetsky 2023) However, even though there have been efforts to eradicate IUU fishing, existing policies have not been fully effective in resolving this problem. Several weaknesses, such as the lack of strictness of punishment and the lack of coverage of related crimes in the fisheries law, indicate the need for more comprehensive and coordinated legal political reform. This is necessary to achieve the state's goals as stated in the 1945 Constitution, as well as to maintain the sovereignty, sustainability and welfare of the Indonesian nation in the maritime and fisheries sector.

Efforts to reform legal politics in the fisheries sector must embrace political, economic, social, cultural and legal dimensions in an integrated manner. Policy changes must integrate these aspects in an effort to achieve national goals.(Pusriansyah 2021) Apart from that, the need for effective and firm law enforcement against perpetrators of IUU fishing is key in maintaining state sovereignty at sea. Concrete steps are needed, such as increasing supervision and law enforcement in the field, as well as international cooperation in dealing with transnational threats involving IUU fishing. Through this approach, it is hoped that Indonesia can strengthen its position as a sovereign, sustainable and prosperous maritime country through managing marine and fisheries resources based on the principles of law and justice. Based on the various weaknesses in the legal politics of eradicating the crime of illegal fishing, the strategic steps that can be taken in reforming legal politics in the fisheries sector are as follows:

Ratify and implement international legal regulations regarding Illegal Fishing/TOC.

Combating Illegal, Unreported, and Unregulated (IUU) Fishing requires a comprehensive and effective international legal framework.(Stølsvik 2019) Various agreements and legal instruments have been created to overcome this problem, starting from UNCLOS 1982 to more recent agreements such as the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing in 2009.(Mendenhall 2023) UNCLOS 1982, as the constitution world ocean, provides a legal basis for countries to collaborate in the conservation and management of fisheries resources in the high seas. Articles 116, 118, and 119 of UNCLOS emphasize the importance of international cooperation in this matter. In addition, agreements such as the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) 1993, IPOA-IUU Fishing in 2001, and the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing 2009, provides a more specific legal framework to address IUU Fishing. Indonesia, it is important to note that the country has demonstrated a strong commitment to sustainable development, including through the integration of Sustainable Development Goals (SDGs) into national development plans. Presidential Regulation Number 59 of 2017 concerning Implementation of the Achievement of Sustainable Development Goals is the legal basis for implementing the SDGs agenda in Indonesia. Thus, to tackle IUU fishing effectively, a comprehensive international legal framework is needed, including through binding agreements and strong implementation mechanisms. Apart from that, the integration of SDGs into national development plans is also an important part of efforts to maintain the sustainability of fisheries resources and the environment as a whole.

Renewal of the Concept of Enforcement and Eradication of Illegal Fishing in the Fisheries Law.

Legal substance issues in Indonesian fisheries cases cover several things. First, revisions need to be made to Article 27 of Law Number 31 of 2004 concerning Fisheries, especially regarding the amount of bail money submitted to the court. Second, the importance of adapting criminal sanctions in the fisheries law to deregulative principles, emphasizing administrative sanctions and fines as a priority, taking into account the state's burden in financing prisoners. Third, there is a need to reconsider corporate responsibility in fisheries crimes, by including provisions for criminal prosecution of corporations as well as additional fines. (Garcia 2024) Fourth, adjustments need to be made in determining bail money, especially regarding perpetrators involved in other criminal acts such as drug smuggling. Fifth, there are internal policies that conflict with the law, such as SEMA Number 1 of 2015, which requires revision to clarify the authority of courts and investigators. The legal structure problems faced include several important aspects. First, fishing port infrastructure is inadequate to support optimal fisheries management. Second, there is a lack of detailed regulations regarding supervision of Tangkahan ports, which causes difficulties in accommodating all fishing activities. Third, there needs to be a review regarding the detention of crew members who were handed over to the Immigration Detention Center. Fourth, there is the problem of storage facilities and maintenance of evidence which requires high costs. Fifth, there is a need for regulations that take into account the environmental impact of exploding fishing vessels. Legal culture problems are reflected in the lack of compliance with the ban on the use of foreign crew members by fishing companies. In addition, there is more emphasis on criminal punishment rather than rehabilitation and restoration of conditions that have been disturbed, such as the destruction of illegal fishing vessels that can actually be utilized by fishermen who need modern fishing facilities. Finally, the influence of SEMA often takes precedence over legislation, indicating the need for improvements in legal decision-making. Service and law enforcement issues include several problems. First, the division of court authority regarding fisheries crimes is ineffective, because it often overlaps with district courts. Second, the time limit for detention is considered to be burdensome for investigators and public prosecutors in IUU fishing cases which have a wide regional reach. Third, the detention period is deemed inadequate for the interests of the public prosecutor, considering the difficulties in the IUU Fishing investigation process. Fourth, differences in handling of evidence between Article 69 and Article 76A-C which require revision to maintain the security of evidence. Fifth, the mechanism for repatriating foreigners caught in fish theft cases has not yet been regulated. Making international cooperation agreements effective is important in dealing with the problem of illegal fishing. Indonesia needs to increase international cooperation, both in bilateral and multilateral forms, to tackle IUU fishing and crime in the fisheries sector. This is in line with the principles of sustainable development and the need for effective law enforcement globally. International agreements are also needed that regulate cooperation in criminal law enforcement, such as extradition, mutual assistance in criminal matters, transfer of convicts, transfer of criminal investigation processes, and transfer of crime proceeds.

Reforms in the Law Enforcement Process Through Integrated Criminal Justice System Mechanisms.

Based on the facts described above, in order to operationalize the criminal justice system in the process of investigating illegal fishing crimes in realizing an integrated criminal justice system, it is necessary to immediately make improvements both in terms of legal substance and legal structure as follows, Legal substance, legal structure and legal culture are three important aspects that must be considered in order to realize an integrated criminal justice system in Indonesia. In terms of legal substance, it is necessary to reform the laws and regulations governing investigative institutions so that they are in line with the concept of an integrated criminal justice system. (de Miguel Perales and Wilkinson 2024) This includes the creation of special laws that provide clarity regarding the organizational structure and working mechanisms of independent and integrated investigative bodies. Apart from that, efforts are needed to improve the investigation process mechanism which is not yet integrated, such as changing the investigation system to a one-stop system, to avoid inconsistencies and overlapping authority between different investigators. In terms of legal structure, changes in the 1945 Constitution of the Republic of Indonesia have brought about the birth of new institutions for law enforcement, but this has also given rise to disharmony in coordination between institutions. This problem is especially visible in law enforcement against the crime of illegal fishing, where there are three institutions that have overlapping authority. (Febriyanto and Setiaji 2022) This condition shows the need for restructuring and better coordination between law enforcement agencies to create an effective and efficient law enforcement system. Meanwhile, in

terms of legal culture, there are problems in the behavior of law enforcement officers which do not support an integrated criminal justice system. Attitudes of passing responsibility and lack of coordination between investigators can hamper the law enforcement process. Therefore, awareness is needed of the importance of coordination and communication between law enforcement officials, as well as the establishment of a coordination forum to ensure the realization of an integrated criminal justice system. Overall, to achieve an effective integrated criminal justice system, improvements are needed in legal substance, legal structure and legal culture. This includes establishing clear laws, restructuring law enforcement agencies, and raising awareness of the importance of cooperation and coordination among law enforcement officials.

Changes in Legislation Related to IUU Fishing

From the results of the assessment based on the suitability of principles, the potential for disharmony/overlap and the effectiveness of the implementation of statutory regulations, recommendations for changes to each statutory regulation related to IUU Fishing are as follows. (Khan et al. 2024) Based on the assessment of the suitability of principles, potential for disharmony/overlap, and the effectiveness of implementing laws and regulations related to Illegal, Unreported, and Unregulated (IUU) Fishing, there are several recommended changes. First, Law Number 31 of 2004 concerning Fisheries needs to be revised to conform to the provisions in UNCLOS 1982, especially regarding Article 73 and Article 62 of UNCLOS. Meanwhile, it is recommended that Law Number 32 of 2014 concerning Maritime Affairs be maintained without change. However, the Law on Management of Coastal Areas and Small Islands needs to be revised in accordance with the provisions contained in Law Number 1 of 2014. On the other hand, regarding government regulations and presidential regulations, Government Regulation Number 37 of 2002 and Presidential Regulation Number 178 of 2014 is recommended to undergo changes, while Presidential Regulation Number 115 of 2015 also requires revision. Other regulations remain unchanged.

Policy Analysis and Evaluation of Law no. 11 of 2020 concerning Job Creation in the Maritime and Fisheries Sector

The Job Creation Law, which simplifies licensing and makes doing business easier in Indonesia, also affects the maritime and fisheries sectors. Several articles of the five laws that apply to this sector have undergone revision. First, the definition of small fishermen no longer contains limits on vessel size, as contained in Law Number 45 of 2009 concerning Fisheries and Law Number 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers. Second, management of the marine and fisheries sector is now the authority of the Central Government, which was previously handled by the Minister, as regulated in Law Number 32 of 2014 concerning Maritime Affairs. Third, business licensing for this sector is simplified to one permit from the Central or Regional Government, changing the procedures previously regulated by Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries. Fourth, the obligation to use Indonesian crew members on foreign fishing vessels is eliminated, violating previous provisions in Law Number 45 of 2009 concerning Fisheries. Fifth, planning and licensing the use of WP3K is the authority of the Central Government, which was previously regulated by Law Number 27 of 2007 in conjunction with Law Number 1 of 2014 concerning Management of Coastal Areas and Small Islands. However, this change has drawn criticism due to the potential for exploitation of fisheries resources by foreign vessels and loss of benefits for Indonesian fishermen. Several articles were also questioned, including the elimination of the National Commission for the Study of Fish Resources, contained in Law Number 45 of 2009 concerning Fisheries, and the weakening of community involvement in spatial planning and environmental permits. The change in authority from ministers to the Central Government also creates uncertainty, while the sanctions provisions are considered inappropriate and incomplete.

Analysis of the marine and fisheries sector in Law Number 11 of 2020 concerning Job Creation highlights several changes that could hamper sustainable development in this sector. First, the change from environmental permits to environmental approvals, as regulated in Article 22 point 1 of the Job Creation Law, can reduce the role of prevention in environmental protection. Second, the Job Creation Law does not regulate a strong coordination mechanism between permit authority holders and management authority, which could result in business expansion without considering sustainability. Third, by ignoring the essence of the Spatial Planning

and Zoning Plan, as regulated in Article 18 point 14 of the Job Creation Law, ecosystem sustainability can be neglected. Fourth, the abolition of the National Fish Resources Assessment Commission reduces the role of science in fisheries resource management. Lastly, the regulations regarding supervision and sanctions in the Job Creation Law are inadequate, with the elimination of the concept of supervision in the PPLH Law and changes from criminal sanctions to administrative sanctions which are not always appropriate. These changes could hamper sustainable development in Indonesia's marine and fisheries sector. Evaluation of Law Number 11 of 2020 concerning Job Creation in the maritime and fisheries sector has experienced significant changes, especially in the imposition of sanctions. The main change is the shift from criminal sanctions to administrative sanctions in several provisions. However, criminal sanctions are still applied for actions that are considered serious or have a major impact, such as actions that violate norms of decency and decency or threaten the interests of the wider community.

Analysis of these changes shows that administrative sanctions tend to be more optimal when the harm caused is small, while criminal sanctions are still needed for actions that have serious impacts. (Talib et al. 2022) There are four guiding principles used to determine the imposition of criminal sanctions, including the impact of irreparable harm or actions that are inherently evil. In addition, there are additional provisions for criminal sanctions for certain actions, such as the use of fake documents related to business permits. Another change is the increase in the threat of criminal sanctions in several provisions, indicating a policy to increase the effectiveness of law enforcement in the maritime and fisheries sector. Changes in the Job Creation Law in the maritime and fisheries sector indicate efforts to increase the efficiency and effectiveness of regulation and law enforcement in this sector, taking into account the principles of justice and environmental sustainability.

CONCLUSIONS

Enforcement and eradication of illegal fishing in the fisheries sector is still ineffective due to several main factors, including lack of clarity in legal substance, legal institutional structure, and legal culture in legislation and its implementation. This effectiveness problem mainly occurs due to a lack of firmness in the formulation of criminal sanctions, especially in relation to corporations and acts of omission. In addition, the existence of a scattered set of regulations causes law enforcement against illegal fishing to be poorly coordinated. The impact is felt both theoretically and practically. Theoretically, the practice of illegal fishing has been classified as a transnational and organized crime, which if not handled seriously will create various problems. In practical terms, legal political reform in fisheries legislation will provide justice and legal certainty for the state, law enforcement officials and society in developing sustainable maritime affairs.

In order to increase the effectiveness of enforcement and eradication of illegal fishing in the fisheries sector, a number of recommendations need to be considered. First, it is necessary to update the Fisheries Law by adjusting the provisions regarding the categories of fisheries crimes, the formulation of sanctions, the authority of fisheries courts, and corporate responsibilities. In addition, a multi-legal regime approach needs to be adopted to handle illegal fishing cases which are often related to other criminal acts. Furthermore, the adoption of the provisions of the Lacey Act from the United States can provide extraterritorial jurisdictional authority in enforcing transnational crime laws in the fisheries sector. It is also necessary to expand the authority of fisheries courts to examine other criminal acts related to illegal fishing. Finally, the active participation of the community and community institutions in monitoring and reporting illegal fishing is very important to support law enforcement officials in eradicating this crime. By implementing these recommendations, it is hoped that more effective and sustainable law enforcement can be created in overcoming the problem of illegal fishing in the fisheries sector.

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Conflict of Interest

The author declares that there is no conflict of interest.

Statement of data consent

The data generated during the development of this study has been included in the manuscript

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