

## The Law Enforcement Towards Foreign Vessels which did Illegal, Unreported and Unregulated Fishing (IUU-Fishing) in Indonesia Fisheries Management Areas

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### Abstract

Indonesia gets loss on some fields like economy, ecology, and social because of so many IUU-Fishing practices in Indonesia Fisheries Management Areas (FMA). Law enforcement is needed in handling the problem. Therefore, the aims of the research are : (1) to analyze how the law enforcement of foreign vessels which did IUU-Fishing in Indonesia Fisheries Management Areas (FMA) is inappropriate with the international law and the national law; (2) to explain how the procedure of law enforcement. This research used normative legal research. The result shows that Indonesia will act decisively every foreign vessels which did IUU-Fishing in Indonesia Fisheries Management Areas. Indonesia has enforced the law by burning and/or sinking every foreign vessel which did IUU-Fishing in Indonesian waters. Whereas in Indonesian Exclusive Economic Zone (IEEZ) would be punished by administrative sanctions and should pay a reasonable bond afterward the vessel and its crew would be deported to their country.

**Keywords:** *law enforcement; IUU-Fishing; Indonesia Fisheries Management Areas; Indonesian waters; Indonesia Exclusive Economic Zone.*

### Abstrak

Banyaknya Praktik IUU-Fishing yang terjadi Wilayah Pengelolaan Perikanan Republik Indonesia (WPP-RI) membuat Indonesia mengalami kerugian, baik di bidang ekonomi, ekologi, dan sosial. Dibutuhkan tindakan penegakan hukum dalam menangani masalah tersebut. Oleh karena itu penelitian ini bertujuan: (1) Untuk menganalisis bagaimana tindakan penegakan hukum terhadap kapal asing yang melakukan IUU-Fishing di WPP-RI berdasarkan hukum internasional dan hukum nasional; (2) Untuk Menjelaskan bagaimana prosedur penegakan hukumnya. Penelitian ini adalah penelitian hukum normatif. Hasil penelitian menunjukkan bahwa Indonesia akan menindak tegas setiap kapal asing yang melakukan IUU-Fishing di WPP-RI. Indonesia menegakkan hukumnya dengan membakar dan/atau menenggelamkan setiap kapal asing yang melakukan IUU-Fishing di wilayah perairan Indonesia. sedangkan di Zona Ekonomi Eksklusif Indonesia (ZEEI), penegakan hukumnya adalah dengan memberikan sanksi administrasi dan harus membayar uang jaminan yang layak untuk kemudian awak kapal beserta kapalnya akan dideportasi ke negara asalnya.

**Kata kunci:** *penegakan hukum, IUU-Fishing, Wilayah Pengelolaan Perikanan Indonesia, Perairan Indonesia, ZEE Indonesia.*

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## Introduction

The Republic of Indonesia is one of the largest countries with state boundaries as 5.193.250 km<sup>2</sup>, including sea and land territories (Supriadi & Alimudin, 2011). It makes Indonesia being the seventh largest country after Russia, Canada, United States, China,

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Brazil, and Australia. Indonesia is also the second largest country in Asia and the first rank in Southeast Asia. The sea territory of Indonesia is wider than the land territory. It is two third of the total territory (Siombo, 2008). With the ratification of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the territory of Indonesia has become wider, namely 8,193,250 km<sup>2</sup> consisting of 2,027,087 km<sup>2</sup> of land and 6,166,165 km<sup>2</sup> of Indonesian waters. Indonesian waters and Indonesian Exclusive Economic Zone (IEEZ) length are 95.181 km<sup>2</sup>, its width is 5.8 million km<sup>2</sup>. It is divided into territorial sea 0.3 million km<sup>2</sup>, archipelago waters, 2.8 million km<sup>2</sup>, and Exclusive Economic Zone (EEZ) 2.7 million km<sup>2</sup> (Jumena and Mega Jaya, 2019).

The extent of Indonesian waters actually brings the advantages and very good benefits for the entire nation, because one of the functions of the sea is as natural resources. The natural resources that contained in the sea are very plentiful, so they can be used or utilized for the welfare of the Indonesian. Those resources consist of the water surface, deep sea and its beneath. The natural resources from deep sea and its beneath are classified into non-biological resources, those are minerals or mining resources such as: coals, oil, gas, copper, stan nary, and other polymetallic materials. While, natural resources in the water surface belongs to biological resources, such as: various kinds of fish from tiny size to giant one. Fish is a kind of food commodity that is demanded by people in the world.

These potential natural resources become the opportunity to increase Indonesian economic growth. Unfortunately, that condition opens up the chance for IUU-Fishing (Tempo.Co, 2020). Besides that, The strategic place of Indonesia which is between two continents (Asia and Australia) and two oceans (Pacific and Hindia) makes this country in trouble for IUU-Fishing. These troubled places are located in Arafuru sea, Natuna sea, the northern part of North Sulawesi (Pacific Ocean), Makasar strait, and Western Sumatra (Hindia Ocean) (Detik Finance, 2014).

The frequent IUU-Fishing within the Indonesia waters and IEEZ brings loss on some fields like economy, ecology, and social. FAO (Food Agriculture Organization) has recorded that Indonesia loss 30 trillion rupiah per year (Detik.com, 2014). President of Indonesia, Joko Widodo stated that IUU-Fishing had caused Indonesia's economic loss of 20 billion US dollars per year and threatened 65 percent of coral reefs. Besides, the practice of IUU-Fishing has decreased the fish stocks and not to mention it harms the legal fishermen socially and economically. IUU-Fishing has also decreased food security. As a result, the percentage of fish consumption has dropped to 54% (Kompas.com, 2014). These are a big problem and very detrimental to Indonesia, therefore appropriate action is needed in handling the problem.

## Research Problems

Based on the exposure, so the aims of this research are: *first*, to examine and to analyze how is the law enforcement of foreign vessels which did IUU-Fishing in Indonesia Fisheries Management Areas is in appropriate with the international law and the national

law; and *second*, to explain how is the procedure of law enforcement against foreign vessels which did IUU-Fishing in Indonesia Fishery Management Areas.

## Research Methods

This research used normative legal research. Data collecting techniques were done through literature and documents from primary legal materials and secondary legal materials that related with the issues of this thesis. After that, the researcher selected, classified, and analyzed the data.

## Discussion

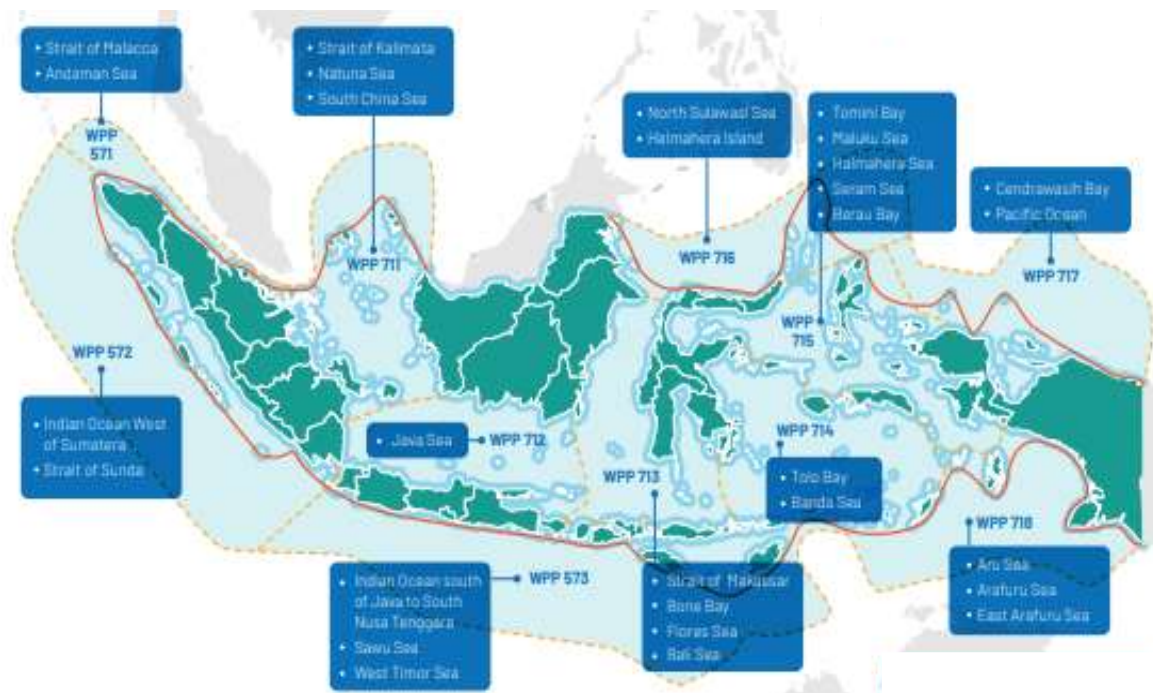
### **Law Enforcement of Foreign Vessels which did IUU-Fishing in Indonesia Fisheries Management Areas (FMA) According to International and National Law**

At present, the practice of IUU-Fishing is increasing. It can be shown from several IUU-Fishing done in several regions in Indonesia which have a good potential of fish stocks. In order to support policies on management of fish resources and the environment in accordance with Article 7 paragraph (1) Law Number 31-year 2004 concerning Fisheries, it is necessary to establish the Indonesia Fisheries Management Areas (FMA).

In 2009, according to Article 1 paragraph (2) Minister of Maritime Affairs and Fisheries Regulation No. Per.01/Men/2009 concerning the Fisheries Management Areas of the Republic of Indonesia, the number of FMA was expanded to eleven, such as:

1. FMA 571 Area: Strait of Malacca and Andaman Sea;
2. FMA 572 Area: Western Indian Ocean of Sumatera (Samudera Hindia sebelah Barat Sumatera) and Sunda Strait;
3. FMA 573 Area: Southern Indian Ocean of Java (Samudera Hindia sebelah Selatan Jawa) to the southern Nusa Tenggara, Sawu Sea, and western Timor Sea;
4. FMA 711 Area: Karimata Strait, Natuna Sea, and South China Sea;
5. FMA 712 Area: Java Sea;
6. FMA 713 Area: Makassar Strait, Gulf of Bone, Flores Sea, and Bali Sea;
7. FMA 714 Area: Gulf of Tolo and Banda Sea;
8. FMA 715 Area: Gulf of Tomini, Maluku Sea, Halmahera Sea, Seram Sea, and Gulf of Berau;
9. FMA 716 Area: Sulawesi Sea and northern area of Halmahera Island;
10. FMA 717 Area: Gulf of Cendrawasih and Pacific Ocean;
11. FMA 718 Area: Aru Sea, Arafuru Sea, and eastern area of Timor Sea.

the eleven FMA can be seen and illustrated in the following figure:



According to Article 1 Number (1) Minister of Maritime Affairs and Fisheries Regulation No. Per.01/Men/2009 concerning the Fisheries Management Areas of the Republic of Indonesia, Indonesia Fisheries Management Area is a fisheries management area for fishing, fish cultivation, conservation, research, and fisheries development. Indonesia Fisheries Management Area for fishing and/or fish cultivation, are include:

- a) Indonesian Waters;
- b) Indonesian Exclusive Economic Zone; and
- c) Rivers, lakes, reservoirs, swamps, and other waterlogs that can be cultivated and potential fish cultivation areas in the territory of the Republic of Indonesia.

According to Article 3 The law Number 6 Year 1996 concerning Indonesian waters, Indonesian waters contains from territorial sea, archipelagic waters, and internal waters. Indonesian territorial sea is under the sovereignty of Republic of Indonesia as mentioned in article 4 the law number 6-year 1996 concerning Indonesian territorial sea, and on article 7 the law number 32-year 2014 concerning maritime. Those laws are in the same line with United Nations Convention on The Law of The Sea 1982 (UNCLOS 1982). According to article 2 UNCLOS 1982, the territory of a country consists of territorial sea, internal waters, and archipelagic waters. The sovereignty is the highest power within a governmental country, that is the highest power to decide the constitutional law/national law when there is a violation within its territory (Zulkifli, & Jimmy, 2012). Therefore, Indonesia has set and implemented its constitutional law if there is a violated in Indonesian territory.

Indonesia determines the law number 31-year 2004 concerning fishery which has been altered into law number 45 year 2009 concerning fishery. According to article 69

paragraph (4) law number 45-year 2009 concerning fishery, mentioned that Indonesia is allowed to take some actions like burning and sinking vessels from IUU-Fishing. According to article 29 paragraph (4) law number 45-year 2009 concerning fishery, only Indonesian citizen are allowed to do fisheries activities. Thus, foreign vessels doing IUU-Fishing violate the sovereignty of a country and therefore must be punished according to constitutional law.

A country should uphold its country's sovereignty from any violations and crimes that occur in its territory. Therefore, the firm action taken by Indonesia by burning and/or sinking any foreign vessels which did IUU-Fishing in Indonesian waters is the right action to realize effective law enforcement, so that the sovereignty of Indonesia is well preserved. Because sovereignty is important to realize the welfare of the nation and state of Indonesia. Within the EEZ, Indonesia has given opportunity to foreign vessels to explore and doing fisheries activities as long as to keep the accountability of the country based on international laws.

It has been in line with article 62 UNCLOS 1982, stated that a coastal country must give access to other countries for exploring the biological resources within the territory of EEZ. However, any foreign vessels doing this exploration must follow the guidelines on conservation, and other terms and conditions which were issued by the constitution. According to article 26, 27, and 28 on fishery law, they stated that if anyone does fisheries activities like catching, cultivating, carrying, and marketing within EEZ territory must have several licensed documents, like Fishing Business Permit/SIUP, Fishing Permit/ SIPI, and Fish Freighter Permit/SIKPI.

If the foreign vessels cannot show those documents, Indonesia may seize, arrest, and proceed the captain and his crew members to the court. Besides, the authority can give administrative sanction and pay for reasonable bond if they want to be deported and released. This regulation is in line with article 73 UNCLOS 1982, it is mentioned that if the illegal vessels are not able to show the licensed documents, then the coastal states may on board, arrest, and do the law process on board. However, the punishment must not in physical way (prison) (Amir, 2013). The captain and his crew members must be released as soon as they pay the reasonable bond. With this reasonable bond, the coastal states will get their rights for the loss of its fishing resources which have been stolen.

It is clear that the punishment differs from IEEZ for vessel and his crew members if it happens on the territorial sovereignty. If IUU-Fishing occurs within the territorial sea, then the authority has a right to burn and sink the illegal vessels, and the vessel's leader with his crew members must be arrested for a crime case. While if IUU-Fishing occurs within EEZ territory, the authority cannot do such punishments but the authority can only ask for reasonable bond to deport them back. This regulation happens because within the EEZ territory, the coastal states only have sovereign rights as a coastal state/country, not a full sovereignty. If during the investigation, those illegal vessels reject to be investigated and even try to get rid, then the investigators may chase them (right of hot pursuit). It is regulated in article 111 UNCLOS 1982 and article 63 paragraph (1) law number 32-year 2014

concerning the fishery. This right of pursuit must be done only if the investigator police have a strong fact that the vessels doing IUU-Fishing or violating the national regulation.

During the immediate chase, the marine police should warn the illegal vessels to stop for investigation. If the vessels ignore them, the marine police may shoot the vessels in order to stop and arrest the illegal fishers. The next, the vessels will be evacuated and handed to related institution for further process. The immediate chase should end when the vessels enter EEZ or enter their countries territorial sea, or when they enter the EEZ of the third country. The example is like the case mentioned in the background: the Vietnamese vessels were chased within Indonesian EEZ, around Natuna sea.

The law enforcement applied by the government is to establish a firm and effective law. It is already in line with Code of Conduct Responsible Fisheries (CCRF). According to article 7 CCRF, all countries and groups which take part in fishery industry through legal institution, they have to adopt the long-term conservation steps and the sustainability used of marine resources. In CCRF, all countries should guarantee the forming of legal work list and effective administrative from regional scale to national scale for the fishery conservation. Besides, those countries must guarantee to apply the law enforcement with its sanction equivalent with the violation.

The law enforcement of Indonesian Marine should also be based on the international plan formula against IUU Fishing which is written in International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU Fishing). According to IPOA-IUU Fishing, the countries should concern on their own national legislation. It contains effective regulations for all aspects. The countries should ensure that they apply the law firmly towards IUU Fishing in their juridical territory, so it can prevent, eradicate the IUU Fishing, and also prevent the illegal fishers from gaining profits. The Follow up of IPOA-IUU Fishing has been done in some countries, including Indonesia through the regulation from Maritime Affairs and Fishery No. KEP/50/MEN/2012 on National Plan of Action to Prevent and Eliminate IUU Fishing year 2012-2016. Therefore, the authority put a hard punishment for this IUU-Fishing.

Therefore, the law enforcement is the most correct way to protect the country's sovereignty. Further, the action of sinking vessels done by Indonesian authority will not affect bilateral, regional, or multilateral between Indonesia and other countries. According to Hikmahanto Juwana, there are five reasons behind why the policy should be supported. First, there is no country in this world will permit their citizen to do violation in other country's regions. Thus, the foreign vessels which are sunk do not have license, thus it belongs to a crime case. Second, the sinking was done within the territorial sea and within the EEZ territorial of Indonesia. Third, The sinking was based on legal constitution that is article 69 paragraph (4) fishery law. Fourth, Other countries should consider that Indonesia loss much of its marine resources. Fifth, the sinking process has concerned the safety of the illegal fishers. The law enforcement in this IUU-Fishing applied by the government is appropriate way to do since it was carried out within the Indonesian territorial sea and it was under the legal constitution nationally and internationally.

## **The Procedure of Law Enforcement Towards Foreign Vessels which did IUU-Fishing in Indonesia Fisheries Management Areas**

As explained before, Indonesia Fisheries Management Areas are consisting of Indonesian Waters and IEEZ. Law enforcement procedures in those two regions have differences.

### **1. The Procedure of Law Enforcement in Indonesian Waters**

In establishing the sovereignty, Indonesia has a right to decide its national constitution to tackle down any violation occurs within its territorial sea (Supriadi & Alimudin, 2011). According to article 71 paragraph (1) law number 31-year 2004 which has been altered as law number 45 year 2009 concerning fishery. It was a special court within general courts and placed in District Court. For the first time, the fishery court was established in: (1) North Jakarta District Court (2) Medan District Court, (3) Pontianak District Court, (4) Bitung (North Sulawesi) District Court, and (5) Tual (Maluku) District Court.

The fishery court investigates, judges, and sentences the case of fishery done by foreign fishers. However, according to Article 74, The law number 31 Year 2004 as amended into The law Number 45 Year 2009 concerning Fishery, the procedural law is based on law number 8 year 1981 on KUHAP, except it is regulated by special laws of fishery. Therefore, the court process in fishery court follows the general court like: (a) preliminary investigation, (b) full investigation, (c) searching, (d) arresting, (e) detention, (f) foreclosure, (g) prosecution, (h) trial and verdict, (i) execution of verdict. After the verdict, the public prosecutor will apply the execution which is *inkracht* (verdict that has legally binding). In the case of IUU-Fishing within the territorial sea of Indonesia, either the captain or the crew members of the vessels will be jailed or bailed, while the vessels will be burned or sunk. While in the case of IUU-Fishing within the EEZ territory, according to Article 73 UNCLOS 1982, the court could not sentence the illegal fishers physically, they just have to pay the reasonable bond and will be released right after.

The exception in that regulation is that if there is another law in specific regulation, in this case like fishery laws. Thus, it will apply *lex specialis derogat legi generalis* principle, meaning that the special laws will come first than the public laws (Sasongko, 2011). According to article 69 paragraph (4) law number 45-year 2009 on fishery, the full investigator and/or monitoring official can do special action like burning and/or sinking the vessels with foreign flag according to the strong base evidence. Therefore, the burning/sinking action does not need to wait the verdict. Susi Pujiastuti stated that, "Indonesia can burn and/or sink the foreign vessels without waiting for court" (Detik.Com, 2015) The same message was mentioned by Abdul Rouf Sam, general secretary of maritime and marine resource monitoring (PSDKP) KKP, that, "The explosion of foreign velleys is legal. The base is the article 69 paragraph (4) law number 45-year 2009 concerning

fishery". Next, Sahono Budianto human resource of PSDKP, stated that this regulation allow KKP to directly burn/sink the alleged illegal velleys. If it has entered the court, than the concent should come from the judges (Detik.Com, 2015).

It was regulated in Article 76A Law Number 45-year 2009 concerning Fisheries which states that objects and/or equipment used and/or resulting from fisheries criminal acts can be seized for the state or destroyed after obtaining the approval of the head of the district court. The process was then opposed by neighboring countries, because they were considered that it was wrong and unkind actions. In addition, the execution without the judicial process is contrary to the Criminal Justice System. The criminal justice process is a system with the police, prosecutors, courts, and correctional institutions as subsystems. The four-sub system in criminal court is inseparable, that was called as integrated criminal justice system (Arief, 2006).

Therefore, Indonesia should apply the judicial process of IUU-Fishing cases which did foreign vessels so that the burning and/or sinking of foreign vessels is based on the judicial process and based on the judge decision who has legal force permanent (*inkracht*) stating that the foreign vessels is guilty or has committed a criminal offense and the goods/property is entitled to be seized by the state to be destroyed or owned by the state. Based on some example cases of IUU-Fishing that happened in Indonesian waters, there are four vessels with Vietnamese flag sunk in Kalimantan, two Vietnamese vessels sunk in Batam water, Riau archipelago, and one Thai vessel in Lang Sai water, Aceh. All of the sinking and/or burning execution was based on the verdict and it was legal/*inkracht* (mongabay.co.id, 2015).

## **2. Procedure of Law Enforcement in Indonesian Exclusive Economic Zone (IEEZ)**

The law enforcement within IEEZ is different from the Indonesian waters. In Indonesian waters, Indonesia has sovereignty, while in EEZ, Indonesia just has a sovereign rights. Coastal state jurisdiction within the EEZ is not unlimited and does not equate to full sovereignty (Baird, 2007). Therefore when the IUU-Fishing occurs in EEZ area, Indonesia can not punish them but they would be punished by administrative sanctions and should pay a reasonable bond afterward the vessel and its crew would be deported to their country, it is line with article 73 UNCLOS. The prison sentence is not obtained for those IUU-Fishing within the IEEZ as regulated in article 102 on fishery laws as stated that the prison sentence is not valid for those who do IUU-Fishing within the EEZ area, except there is an agreement between the countries. When arrested in case place (TKP), then the accused is processed with its Investigation Procedural Laws (BAP). Right after the investigation and the reasonable bond is paid, the illegal fishers must be deported to their country (Hutajulu et.al., 2014).

The release was regulated in UNCLOS article 292, that the coastal states must release the illegal vessels as soon as the bail is handed over. However, UNCLOS does not specify



the amount of bail to be handed over. It then leads to a controversy, since the coastal states often put a higher standard and not appropriate, while the other countries disagree to give the bail. Article 292 UNCLOS is designed to free the foreign vessels and its crew from prolonged detention due to imposition of an unreasonable bond from a national court (jurisdiction), or failure of national law in determining the reasonable bond for release, so as to avoid losses that may arise for the vessel's owner and the people person who are connected with the detention (Amir, 2013).

Next, article 292 mentioned that if there is no agreement in both sides, then the case is handed over to The International Tribunal for the Law of the Sea who will determine the amount of reasonable bond they need to give, based on Article 292 paragraph (4) UNCLOS 1982. For example, when the Volga ship of Russia was arrested by Australia since it has done IUU-Fishing within Australia EEZ. Australia then charged the ship for certain amount of reasonable bond. Unfortunately, the charge was very high that Russia could not accept the sanction. Then Russia reported the case to The International Tribunal for the Law of the Sea to determine the amount of reasonable bond. In that case, The International Tribunal for the Law of the Sea set the reasonable bond based on the value of the ship, caught fish, oil, and fish set of tools (Amir, 2013).

Basically, the reasonable bond is to be set based on the regulation by UNCLOS, that the reasonable bond should be reasonable. However, there are still a lot of coastal states that charge the illegal fishers with high bail, even if they claim it was appropriate. Because the "reasonable" is still abstract and relative. The coastal state think that the reasonable bond is reasonable but it may be for other countries is unreasonable, so in determine the reasonable bond, Indonesia should not ask the reasonable bond too high, because it must comply with the UNCLOS provisions, where the reasonable bond must "reasonable".

Besides, the reasonable bond should measure several points, like the price/value of the boat/vessels, fuel, oil, fish and the fish set tools as has been mentioned by The International Tribunal for the Law of the Sea (Amir, 2013). In practice, coastal countries, especially Indonesia, often face a problem when implementing or requesting the reasonable bond from foreign vessels which did IUU-Fishing at IEEZ. These foreign vessels are often unable to pay the reasonable bond. So, if it is happening Indonesia cannot deport the perpetrators to their home countries, but instead retain and provide criminal sanctions to them.

## **Conclusion**

From the explanations above, it can be concluded that: *firstly*, Indonesia takes a firm sanction in law enforcement in their Fisheries Management Areas. According to article 69 paragraph (4) The law number 45-year 2009 concerning fishery, that Indonesia may burn and/or sink the illegal vessels for IUU-Fishing and its fishers may be put into crime sentence. That case has been in accordance with international law that is article 2 UNCLOS 1982 which stated that territorial sea, internal waters, and archipelagic waters belong to Indonesian territorial sea and it belongs to sovereign area of Indonesia, therefore

Indonesia has a right to set its own constitution to protect its unity. While for IUU-Fishing within EEZ area, Indonesia merely gives administrative sanction and reasonable bond to the illegal fishers if they want to be released to their country as mentioned in article 73 UNCLOS 1982. Secondly, the law number 45-year 2009 concerning fishery, allows the marine authorities to burn and/or sink the vessels without waiting for the verdict. However the boats can only be burned and/or sunk only if there is a strong evidence of violation done by foreign vessels, and there must be informed consent from the head of District Court. However, the neighboring countries seem to against the laws by claiming that the action of burning and sinking violates the Criminal Justice System, there-fore the government has to start to implement the fishery court for IUU-Fishing done by foreign vessels, so the execution of burning and/or sinking the illegal vessels were done legally (*inkracht*), and that they are proven violate the constitution. While for IUU-Fishing within the EEZ area will be released as soon as they pay the reasonable bond. If they can not pay a reasonable bond, Indonesia can not deport them to their home country. Indonesia will detain and provide criminal sanctions to them. The law enforcement of fisheries is done by the ministry of maritime affairs and fisheries with the help of related institutions which is bond in coordinating forum of criminal in fisheries.

## Suggestion

From the conclusion above it can be suggested that: firstly, the firm action by burning and/or sinking the vessels or give the reasonable bond was not enough because it was a repressive action. Indonesia should also do the preventive way by doing thigh monitoring. Besides, it takes infrastructures to do the supervising, like more patrol boats, sophisticated communication tools, Vessel Monitoring System (VMS), patrol plane, shore radar, society supervising system (SISWASMAS), institutions, fire gun as self-protection and the more fisheries supervisors. Secondly, Indonesia should consider the regulation by UNCLOS 1982 in determining the amount of reasonable bond, the coastal states should not set a high charge. Besides that, the reasonable bond should measure several points, like the price/value of the boat/vessels, fuel, oil, fish and the fish set tools as have been mentioned by The International Tribunal for the Law of the Sea. Indonesia should make a national regulation in relation to the amount of the reasonable bond and what kind of sanctions will be imposed by the perpetrators of IUU-Fishing if they are unable to pay the reasonable bond, so there is a legal certainty.

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