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# ILLEGAL, UNREPORTED AND UNREGULATED FISHING: THE IMPACTS AND POLICY FOR ITS COMPLETION IN COASTAL WEST OF SUMATERA

#### Sri Asih Roza Nova\*

#### Abstract

For coastal States, IUU fishing is a classic problem. This issue has become a thorn in the flesh, despite being attempted various ways to overcome them, but until now it still has been resolved yet. IUU fishing action can cause many problems, such as increasing poverty of coastal communities, making bankruptcy of fisheries industry, damaging ecosystems and fish habitat in the ocean, disrupting stability of security coastal countries, damaging of diplomatic relations between the coastal States and so on. To that end, this article tries to analyze more deeply about IUU fishing and it' problems in Indonesia

Keyword: IUU Fishing, Impact, Policy, Coastal West of Sumatera

#### I. INTRODUCTION

As the largest archipelagic country in the world, Indonesia has coastal length of 81,000 km and has about 17,508 islands. 2/3 (two thirds) of this area is in the form of the sea, but its maritime sector is still under apparent shadow. The Minister of Maritime Affairs called this potential as the sleeping giant and it is not significantly yet to improve the lives of fishermen.<sup>1</sup>

Potential fisheries reached 6.4 million tons / year, consisting of 4.07 million tons are in the island waters and 2.1 million tons are in the Exclusive Economic Zone area, It only 20 percent is utilized. This is indicated by the fact, it explain to us that the people who live at coastal region are marginalized and impoverished.<sup>2</sup> The issue of poverty of coastal communities is compounded by an illegal actions in fishing

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<sup>&</sup>lt;sup>1</sup> Yonfitner, "Produktifitas Nelayan, Kapal dan Alat Tangkap di Wilayah Pengelolaan Perikanan Indonesia, " Jurnal Perikanan, Journal of Fisheries Science, Vol IX (2), ISSN: 0853-6354, 2007, p. 1.

<sup>&</sup>lt;sup>2</sup> *Ibid*.

(Illegal, Unreported and Unregulated Fishing/IUU Fishing).<sup>3</sup> By foreign fishermen, and also by local/traditional fishermen. The operators of IUU fishing by foreign vessels usually hire workers from traditional fishermen who come from developing countries.<sup>4</sup> This is because of the low taxes and cheap wages and poor safety standards of workers in that countries, and they live on IUU Fishing vessel by badly conditions, and dismal salary. In general, The hired fishermen are uneducated so that they do not realize have been working on the operators of IUU fishing vessels.<sup>5</sup>

The operators of IUU fishing from the local/traditional fishermen use small nets so that the small fish are caught, and they also use cyanide poison and bombs to catch fish.<sup>6</sup>

IUU fishing is equated with deeds "stealing food from some of the poorest people in the world," and it is caused of change in the way fishing coastal communities from the legal becomes illegal, <sup>7</sup> even IUU fishing can cause fishermen lost their jobs because of the capital cost to go fishing greater than they earn.<sup>8</sup>

8 OECD, "Why Fish Piracy Persists; The Economics of Illegal, Unreported, and Un-

<sup>&</sup>lt;sup>3</sup> Annex 1 IPOA-IUU (International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing) stated the action Illegal Fishing is a series of two other measures, namely, Unreported and Unregulated Fishing. Thus, violations in fishing which are Illegal, Unreported and Unregulated Fishing (IUU Fishing). Illegal fishing is the action of fishing without a permit and violating the terms of national, regional and international. Unreported fishing is the action of fishing vessels who do not make a report about the amount of fish caught or give an erroneous report to RFMO / As ((Regional Fisheries Management Organizations and Arrangement) or to the authorities of the coastal State. Unregulated fishing is the action of fishing by fishing vessels that they are not members of RFMO / As or fishing by vessels that are not clear their nasionality and fishing action is not in accordance with international regulations.

<sup>&</sup>lt;sup>4</sup> UU No. 31 Tahun 2004 state that Small fishermen are fishermen who use fishing vessels up to five gross tons (GT) and their life depend on fish.

<sup>&</sup>lt;sup>5</sup> Carl-Christian Schmidt, "Economic Drivers of Illegal, Unreported, and Regulated (IUU) Fishing ", The international Journal of Marine And Coastal Law, Vol 20, No 3-4, Koninklijke Brill NV, 2005, p. 481.

<sup>&</sup>lt;sup>6</sup> Didin S. Damanhuri, "Highlight Foreign Fishing Vessels, "Republican Newspaper (16 October 2001), Jakarta, Indonesia, p. 4.

<sup>&</sup>lt;sup>7</sup> Martin Tsamenyi and friends, "The European Council Regulation on Illegal, Unreported and Unregulated Fishing: An International Fisheries Law Perspective, "The International Journal of marine and Coastal Law 25, Martinus Nijhoff Publishers, Leiden, 2010, p. 8.

IUU fishing is also bad for the business groups that have relevance to the profession of fishing, such as industrial equipment fishing. Because of many fishermen quit from their profession, so the demand for the products were produced by the industrial equipment fishing to be reduced even, these conditions could make that industry go out of business.<sup>9</sup>

Globally, IUU fishing is not only haunting Indonesia but also has penetrated the entire region of the world's oceans, from marine areas under the jurisdiction of the coastal State to the fishing grounds open sea,<sup>10</sup> an estimated 78 per cent of the world's oceans have been polluted by the activities of IUU Fishing.<sup>11</sup>

Nationally, IUU fishing could be triggered by the presence of "black holes" in national regulation of fisheries, namely the Law No.31 of 2004 on Fisheries which allow a person or a foreign legal entity for fishing in the EEZ of Indonesia based on international law.<sup>12</sup> In addition, international regulations also provide opportunities as mentioned above, the 1982 Convention on Law of the Sea Convention requires coastal States to give access to other States to exploit the wealth of biodiversity in the EEZ of the coastal State if there is a surplus<sup>13</sup> utilization of biological resources by the coastal State.<sup>14</sup> In this case, the other State shall abide by the regulations of the coastal State, be it regarding licensing, financial rewards, quotas, conservation measures, information, research, spotter, landing catches, cooperation agreements, and so forth.<sup>15</sup>

Regionally, IUU Fishing was also experienced by neighboring countries of Indonesia, such as the ASEAN countries. IUU fishing is very high intensity at the countries, this is due to several factors, namely,

regulated fishing, "2005, p.23, see to : Paragraf 3.1 - 3.3 of the IPOA-IUU,

<sup>&</sup>lt;sup>9</sup> MRAG, "Review of IUU fishing on Developing Countries: Synthesis Report", July 2005, p. 5.

<sup>&</sup>lt;sup>10</sup> FAO, 2009, "The State of World Fisheries and Aquaculture( 2008)", Rome. P. 176.

<sup>&</sup>lt;sup>11</sup> OECD, "Why Fish Piracy Persists; The Economics of Illegal, Unreported, and Unregulated fishing, "2005, p. 23, see to : Paragraf 3.1 - 3.3 of the IPOA-IUU.

<sup>&</sup>lt;sup>12</sup> Article 29 ayat (2) UU No 31 Tahun 2004 on Fisheries.

<sup>&</sup>lt;sup>13</sup> Surplus means excess or residual.

<sup>&</sup>lt;sup>14</sup> Article 62 ayat (3) dan (4) UNCLOS 1982.

<sup>&</sup>lt;sup>15</sup> Albert W. Koers, 1994, Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut, Gadjah Mada University Press, Yogyakarta, p. 36.

*first*, The border region is directly with EEZ the other States so that easy for fisherme to enter territory of EEZ neighbors state, *secondly*, it is lack control of registration and license fishing vessel, and the third is the lack of effective implementation of sanctions and penalties. It is still lightly for operators of IUU fishing because they are largely supported by actors of their government and large employers too.<sup>16</sup>

According to the FAO, the number of fishing in the world is done by IUU fishing has increased from 18 million tonnes in 1950 increased to 92 tonnes in 2001,<sup>17</sup> be estimated that Indonesia will lose revenue to the state's economy as a result of illegal fishing is more than US \$ 2-4 million per year,<sup>18</sup> even it is estimated more than 16.6 trillion per year. These losses arise due to of lost labor skills fees and lost as a result of the fuel subsidy indirectly.<sup>19</sup>

# II. THEIMPACTOFILLEGAL, UNREPORTED, AND UNREGU-LATED FISHING AT COASTAL WEST SUMATERA

Looking from the impact is caused by IUU fishing, then in criminology term, IUU Fishing is categorized as an act of criminal, the criminal of fisheries,<sup>20</sup> but besides that IUU fishing can also be categorized as economic crimes,<sup>21</sup> f it is seen from the level of state losses in terms of economic annually.<sup>22</sup> Other than the act of IUU Fishing has met the elements as economic crimes, namely *first*, these activities use modus

<sup>&</sup>lt;sup>16</sup> Rachel Baird, "Transnational Security Issues in The Asean Maritime Environment: Fisheries and Piracy", paper delivered to Sino-Australian Joint research Program, Collaboration and Governance in The Asia Pacific, Brisbane 22-23 July 2010.
<sup>17</sup> FAO, "The State of the World Fisheries and Aquaculture (2000)", updated from:

<sup>&</sup>lt;a>http://www.fao.org/DOCREP/003/X8002E/x8002e04.htm#P0\_0> , tanggal 8 September 2014</a>

<sup>&</sup>lt;sup>18</sup> "Illegal Fishing Still Rampant in RI Waters", Jakarta Post, 22 August 2002.

<sup>&</sup>lt;sup>19</sup> Akhmad Fauzi, "Kebijakan Perikanan dan Kelautan, Isu, Sintesis, dan gagasan, "Gramedia Pustaka Utama, Jakarta, 2005, 132-133.

<sup>&</sup>lt;sup>20</sup> Pasal 84-85, 92-94 Undang Undang Tentang Perikanan No 31 Tahun 2004.

<sup>&</sup>lt;sup>21</sup> Crime and Justice Journal, Vol 2 tahun1983, hlm 671, state that Economic Crime is a criminal activity with significant similarity to the economic activity of normal, non criminal business."

<sup>&</sup>lt;sup>22</sup> Romli Atmasasmita, "Kapita Selekta Hukum Pidana dan Kriminologi," mandar Maju, Bandung, 1995, p. 56

operandi which is normal and legitimate of economic activity, *the second*, a credible form violates the public interest and the State, and thirdly, it is include the actions on the adverse business environment entrepreneurs and other business.<sup>23</sup>

The impact of IUU fishing does not only have effect to economic sector, but it also have affect to sustainability of marine and coastal environment, including availability of vegetable protein source of fish due to IUU fishing resulted in the destruction of fish ecosystems fish and the number of their fishing exceeds the capacity was allowed (overfishing), the amount of fish was caught becomes depleted. The depletion of fish stocks at the sea of one country will affect to the stock of fish at the sea the other countries, because the marine areas have related to each other.<sup>24</sup>

Using of trawl<sup>25</sup> also has damage to marine ecosystem.<sup>26</sup> In 1998, RFMO / As stated that habitat of sea birds, turtles and marine mammals have been damaged by the actors of IUU fishing who use the trawl, about 50,000 to 89,000 of their habitat has been netted and rounded up by the actors of IUU fishing.<sup>27</sup>

In addition of trawl, use of bombs and cyanide also destroy the reef, breeding grounds of fish.<sup>28</sup> It have consequently affects to depletion of fish stocks and marine biodiversity.<sup>29</sup> Using poison by the actors of IUU Fishing to enable them to catch ornamental fish live. Another impact

<sup>&</sup>lt;sup>23</sup> Muladi dan Barda Nawawi Arief, "Bunga Rampai Hukum PIdana", penerbit Alumni, Bandung, 1992, p. 20

<sup>&</sup>lt;sup>24</sup> The Preamble of UNCLOS.

<sup>&</sup>lt;sup>25</sup> JALA – the Advocacy Network for North Sumatra Fisherfolk and Environmental Justice Foundation (EJF) "When Fishing Turn Deadly", updated : <u>http://www.ejfoun-dation.org/pdf/JALAstoptrawlenglish.pdf</u>. Menurut JALA, Trawling is a method of fishing by actors of IUU Fishing wich dragging nets across the seabed by one or two boats.

<sup>&</sup>lt;sup>26</sup> Rachel J. Baird, "Aspects of Illegal, Unreported and Unregulated Fishing in the Southern Ocean", 2006, Published by Springer, p. 20.

<sup>&</sup>lt;sup>27</sup> Mary Ann Palma, Martin Tsamenyi, Wiliam Edeson, "Promoting Sustainable Fisheries ", 2010, Martinus Nijhoff Publishers, Leiden, Boston, p. 9.

<sup>&</sup>lt;sup>28</sup> Ibid, p. 10.

<sup>&</sup>lt;sup>29</sup> Dikdik Mohamad Sodik, "Combating Illegal, unreported and unregulated fishing in Indonesian waters ; the need for fisheries legislative reform "Phd Thesis, Centre for Maritime Policy, University of Wollongong, 2007, p. 172.

of the use of bombs and the cyanide poisoning can also cause paralysis endanger to them.

Besides that, degradation of marine environment, damage and destroy of coral reefs reduce the opportunities of ecotourism.<sup>30</sup> More than 75% of total area of coral reefs in Indonesia or about 60,000 sq has been damaged<sup>31</sup> by actors of IUU fishing who use of dynamite / bombs, cyanide and other illegal fishing methods.<sup>32</sup>

IUU fishing also affects the social life of coastal communities. The operator of IUU Fishing use workers from small fishermen who come from a variety of developing and poor countries. They are not educated and don't have knowledge so they are not aware of the illegal operation of the ship where they work. They was paid by low wages, live in substandard walfare ship and security are not guaranteed, as a result their household income to be lower and exacerbating their poverty.<sup>33</sup> On the other hand, local fishermen support the actors of IUU Fishing by selling their catch to them, this is due to the unavailability of nearest market to sell their catch and then coastal communities do barter with actors of IUU Fishing, namely exchange of food and clothing from the actors of IUU Fishing which is very hard to get in their village with food stuffs and fruits of their fields.<sup>34</sup>

Another result of IUU fishing are the security of coastal communities is not guaranteed because of the actors of IUU fishing whose landed on the beach stolen the community plantations so that there was a conflict between the community and the actors of IUU fishing,<sup>35</sup> in addition, they

<sup>&</sup>lt;sup>30</sup> Frank Meere and Mary Lack , "Assessment of Impact of IUU fishing in the Asia-Pacific", November 2008, Asia Pacific Economic Cooperation (APEC) Fisheries Working Group, p. 32.

<sup>&</sup>lt;sup>31</sup> Husni Mangga Barani, "Policy and Investment Problems on Capture Fisheries Sector", Paper Presented at Planning Consolidation and Implementation of Regional Investment in Indonesian Eastern Part Area, Organized by Coordinating Agency for Investment, Papua, 22 Sept 2003, p. 19.

<sup>&</sup>lt;sup>32</sup> Rokhmin Dahuri, "Policies and Strategic for Coastal and Marine Resources Development as A New Source of Indonesia Sustainable Economic Development", Science and Technology Policy, ISTECS Journal Vol. 1/2000, p. 2.

<sup>&</sup>lt;sup>33</sup> Mary Ann Palma, Op.cit, hlm 11.

<sup>&</sup>lt;sup>34</sup> Budy P. Resosudarmo, Lydia Napitupulu and David Campbell, "Illegal Fishing In the Arafura sea", updated : (<u>http://gdnet09.pbworks.com</u>).

<sup>&</sup>lt;sup>35</sup> Arief Hidayatullah, The Head of Public Relation of Ministry of Maritime Affairs

also do a biological relationship with a female beach while they carry the virus infectious as HIV. From 1992 to March 2006 has recorded 827 HIV infected persons in the area of Timika, Sorong, Jayapura and Nabire, and 197 of them died as a result of this IUU fishing.<sup>36</sup>

IUU fishing also exacerbate the diplomatic relations. The coastal State must hold, burn the ship even have to kill the actors of IUU fishing to address IUU fishing in his territory which is not be accepted by the country of origin of the ship.<sup>37</sup>

The facts show that IUU Fishing has always been a classic problem each coastal State, this is due to several factors, the first factor is the concept of law / legal factor. There are several concepts of international law to trigger the occurrence of IUU Fishing, namely a) The concept of freedom on the high seas. This concept name Mare Liberum state that the sea is open and can be used by anyone.<sup>38</sup> This concept is directly related to the true nature of the sea. Grotius state there is differently between fish on the sea with the fish on the river. The fish on the river can be limited area of ownership because river area has limit while there is no limit on the sea so, the ownership of fish on the sea be determined by who catch them.<sup>39</sup> In addition to the concept of Mare Liberum, Article 2 of the Geneva Convention 1958 and Article 94 of the Convention ocean Law 1982 also supports the concept of freedom of the high seas.<sup>40</sup> Although the Convention has given responsibility to the State flag to control the ship on the high seas, but there are still lax control method, so it is free from the oversight and the actors of IUU Fishing could easily to catch the fisherie including the highly migratory fisheries,<sup>41</sup>

and Fisheries of Indonesia, Personal Communication, 30 November 2011.

<sup>&</sup>lt;sup>36</sup> Budy P. Resosudarmo, Lydia Napitupulu and David Campbell, Op. Cit.

<sup>&</sup>lt;sup>37</sup>. Mary An Palma and Martin Tsamenyi, "Case Study on the Impact of IUU fishing in The Sulawesi Utara", APEC fisheries Working Group, April 2008.

<sup>&</sup>lt;sup>38</sup> Rachel J. Baird, Op. Cit, p. 37.

<sup>&</sup>lt;sup>39</sup> Ibid.

<sup>&</sup>lt;sup>40</sup> Article 2 Jeneva Convention, 1958 stated that the high sea is open to all countries, there is no one country has sovereignty over it and the freedom of the sea off is free for navigation, free fishing, free to fly above it and be free to lay submarine cables and pipelines. Whereas Article 94 Unclos 1982 states that each country only has responsibility and sovereignty on ships flying its flag even though the ship sailing on the high sea.

<sup>&</sup>lt;sup>41</sup> Ibid.

b) Article 62 (2) Convention on the Law of the Sea 1982 states that the coastal State shall give permission to other countries to take advantage of the surplus in the EEZ of a coastal state such, c) the principle of Pacta Tertii: Pacta tertiis nec nocent nec prosunt, the agreement doesn't give right and duty to the third countries without approval, so they can choose do not accept the treaty obligations which is undertaken by the majority of countries.<sup>42</sup>

Secondly, the economic and political factors, which consist are: a) the growth of the world community is increasing, so it is need for a source of protein from fish and need for other resources from the sea to meet the needs them the actors of IUU Fishing do the IUU Fishing, they get fisheries in large quantities and they also avoid taxes;<sup>43</sup> b) the increased of investment and technology in the field of fisheries that have also increased the size of the fleet and shipping technology capabilities, and increased investment as well as technology is widely used by the actors of IUU fishing;<sup>44</sup> c) Provision of subsidies from the government will increase capital to fishermen and ship owners, but subsidies can also increase the occurrence of IUU fishing, IUU Fishing navigator uses these subsidies to increase the capacity and technology of his ship.<sup>45</sup> Subsidies also reduce costs and increase revenue production and marketing of fish and their products in the short term and long term. Government intervention in providing subsidies can provide goods and services below the market price.<sup>46</sup>

Indonesia is believed to be as a rich country in diversity of biological resources because of the vast sea and contain biological richness,<sup>47</sup> but the marine potential is highly accessible and be exploited by foreign vessels which become actors of IUU fishing.<sup>48</sup> Foreign ships generally have great weight and high technology, but unfortunately the legally

<sup>&</sup>lt;sup>42</sup> Rachel J. Baird, Op. Cit, p. 63.

<sup>&</sup>lt;sup>43</sup> United Nation Environment Program (UNEP), "The Role of Supply Chains in Addressing the Global Seafood Crisis", 2009.

<sup>&</sup>lt;sup>44</sup> Rachel J. Baird, Op. Cit,

<sup>&</sup>lt;sup>45</sup> Ibid.

<sup>&</sup>lt;sup>46</sup> Dikdik Mohammad Sodik, Op. Cit, p. 30

<sup>&</sup>lt;sup>47</sup> Ibid

<sup>&</sup>lt;sup>48</sup> Institute for Defense, Security and Peace Studies (IDSPS), "Management of State Border and Regional Security", Policy Paper, Jakarta, April 2009

ship of Indonesia unable to compete with that foreign vessel<sup>49</sup> and data on IUU Fishing is unrecorded and unreported correctly, therefore the arrangements issued as an act of anticipation may not be effectively running.<sup>50</sup>

For Indonesia, IUU fishing is also a classic problem, there are several factors to be cause, namely: a) The existence of obscurity Indonesian border regions with neighboring countries, such as in the South China Sea. Indonesia still has yet to set the agreement with Malaysia about territorial and the EEZ border. Indonesia only has an agreement on the continental shelf boundary with Malaysia;<sup>51</sup> b) Indonesia has a vast maritime territory which is making difficult to carry out supervision. The extent of Indonesian sea area around 5.8 million square kilometers. Comprising approximately 300,000 square kilometers of territorial sea and EEZ area is 2,707,092 sq;<sup>52</sup> c) Indonesia is still lack of infrastructure and human resources to conduct surveillance. After in 2010, Indonesia only has 25 pieces and 54 pieces speed boat patrol for supervision by personnel as much as 825 people, but the number is still far from enough having to monitor and maintain the water area of 5.8 million sq;<sup>53</sup> d) The existence of some "ambiguous" in the regulation of Indonesian marine surveillance, *first* the ambiguous on surveillance of authority institution in Indonesia between the three institutions, namely the Ministry of Fisheries and Marine, Navy and Police. The three agencies should be coordinate with each other but it is not clear division of authority and there is no system integration, giving rise to overlapping of authority and responsibility. Secondly, ambiguous between the Fisheries Act to the Criminal Procedure Code. Criminal Procedure Code stipulates

<sup>&</sup>lt;sup>49</sup> Dikdik Mohammad Sodik, Op. Cit, p. 155

<sup>&</sup>lt;sup>50</sup> Daniel R. Monintja, "Utilization of the Indonesian Exclusive Economic Zone and Its Problems", Paper presented at Short Course on Advance International Law of the Sea, faculty of Law Padjajaran University, Bandung, Indonesia, 1996, p. 7

<sup>&</sup>lt;sup>51</sup> Badan Koordinasi Survei dan Pemetaan Nasional (Coordinating Survey and National Mapping of Indonesian Institution), 2003

<sup>&</sup>lt;sup>52</sup> Mochtar Kusumaatmadja, "Rights Over Natural Resources in Southeast Asia : The Indonesian Case, "Proceeding in ICLOS-NILOS Seminar on The Law of the Sea in The 1990's Offshore Resources Development, Bandung, Indonesia, 1991, Law Consortium Department of Education and Culture of The Republic of Indonesia and Nederlandse Raad Voor Jurisdische Samenwerking met Indonesia, 1993

<sup>&</sup>lt;sup>53</sup> Arief Hidayatullah, Op.Cit

that the Department of Fisheries provide an accountability report to police supervision, but on the other hand Fisheries Act provides that the Department of Marine and Fisheries provide accountability report to the Public Prosecutor. *Third*, the opposition between MPR. IV. 2000 with Act 45 of 2009, MPR stated that the Navy is not a component of the criminal justice system, but the Fisheries Act states that the Navy is authorized to conduct criminal investigations of fisheries.<sup>54</sup>

# III. THEPOLICYOFWESTSUMATERATORESOLVEOFIUU FISHING IMPACT

This research chose three sample regions in West Coast of Sumatera, namely: **Aceh, North Sumatera, and West Sumatera**. Basically they have implemented of Law No.32/2004 and other fisheries regulations. Specially regulations to manage IUU Fishing impact, Aceh and West Sumatera had prepared it, but North Sumatera did not have yet.

# A. ACEH

The regions of West Coast Aceh are West Aceh, Southwest Aceh, Southern Aceh, Aceh Singkil and P. Simeulue.

Aceh have customary institution to manage their sea, namely is Panglima Laot. Since on 2007, Panglima Laot and local communities with Department of Marine and Fisheries Aceh both of them did together In order to combat of IUU Fishing and its impact, regional government Aceh issued policy regioned, named Qanun Aceh No. 7 of 2010 on Fisheries. It is consistent with Article 18 of Law No. 32 of 2004 on Regional Government that gives authority to local governments to manage marine territory and this was reaffirmed by Article 7 of Law No. 11 of 2006 on Aceh Government which grants the Government of Aceh to organize and administer governmental affairs in all public sectors.

Implementing of central provisions regarding the authority of religion, Department of Marine and Fisheries Aceh issued three kinds of

<sup>&</sup>lt;sup>54</sup> Pasal 73 UU No 45 Tahun 2009 tentang Perikanan dan Tap MPR No.IV tahun 2000

policies, namely:55

- a. Local Resources Based Development
- b. Community Based Development
- c. Market Based Development

Concreting three policies above, the Department of Marine and Fisheries Aceh setting policy directions issued five strategic directions affect equalization due to increased prosperity through the management, control and monitoring of marine and fishery resources are integrated, which as follows:56

- a. Creating employment opportunities for people in coastal region through diversification of business;
- b. Exercising of supervision and control coastal resources, marine and fisheries through increased coordination with the relevant sectors;
- c. Accelerating the revitalization through the construction / development of facilities and infrastructure of the principal fisheries and aquaculture;
- d. Development and management of marine resources;
- e. Development and management of fisheries resources.
- B. COASTAL NORTH WEST (CENTRAL TAPANULI, SIBOLGA, TAPANULI SOUTH, MANDAILING NATAL DISTRICT NIAS, SOUTH NIAS REGENCY)

Most of coastal communities on the west coast of northern Sumatera directly dependent on coastal areas. People in these areas have the living standards of underprivileged especially the status of fishermen. The poverty exacerbate damage to natural resources, especially coral reefs in Nias and South of Nias and Central Tapanuli because they exploit coral reefs by illegal way such as using of explosives and toxic materials

Ironically, the regional government of North Sumatra have not made strict rules about spatial planning of coastal areas, both the guidelines

<sup>&</sup>lt;sup>55</sup> M. Adli Abdullah and Teuku Muttaqin Mansur, "Pembagian Kewenangan Kelola Laut Aceh, Belajar dari Program Pengelolaan Bersama Perikanan di aceh", Pusat Studi Hukom Adat Laot dan kebijakan Perikanan Unsyiah bekerjasama dengan Dinas Kelautan dan Perikanan Prop. Aceh, 2012, p. 138.

<sup>56</sup> Ibid

and regulations supporting the law, so that violations by users of the resource is very common and widespread in nature. Another result is the overlap / turf capture sharper even utilization of coastal areas no longer relevant to the function and designation.

## C. WEST COASTAL OF WEST SUMATERA (WEST PASAMAN, PARIAMAN CITY, PARIAMAN DISTRICT, PADANG, MENTA-WAI AND SOUTH PESISIR )

Facilities and infrastructure of fisheries in West Pasaman until now has not been able to support activities carried out by the fishermen. One reason for the lack of facilities and infrastructure are due to the lack of attention the parties concerned to establish coastal areas in addition, the lack of ability of coastal communities itself to build the necessary infrastructure. Most local fishermen have the means and the road infrastructure is not adequate, so the fishing area seldom visited by a related party as a result this area unnoticed and development programs for the development of coastal areas. Facilities and infrastructure there are currently only two units in the form of fishing ports located on Sasak and Air Bangis. Sasak fisheries port can not function due to problems of land, silting in the port basin and the influence of soil erosion. Both the port and even then not include other supporting infrastructure such as ice plants, Cold Storage and etc.

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- Annex 1 IPOA-IUU (*International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing*) stated the action Illegal Fishing is a series of two other measures, namely, Unreported and Unregulated Fishing. Thus, violations in fishing which are Illegal, Unreported and Unregulated Fishing (IUU Fishing). Illegal fishing is the action of fishing without a permit and violating the terms of national, regional and international. Unreported fishing is the action of fishing vessels who do not make a report about the amount of fish caught or give an erroneous report to RFMO / As ((Regional Fisheries Management Organizations and Arrangement) or to the authorities of the coastal State. Unregulated fishing is the action of fishing by fishing vessels that they are not members of RFMO / As or fishing by vessels that are not clear their nasionality and fishing action is not in accordance with

international regulations.

- Atmasasmita, Romli. "Kapita Selekta Hukum Pidana dan Kriminologi" Mandar Maju. Bandung. 1995.
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