INDONESIA POLICY IN RESOLVING THE NORTH NATUNA SEA CONFLICT WITH TIONGKOK: A CASE STUDY OF ILLEGAL FISHING IN 2019 – 2020

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Abstrak

Kata Kunci: kejahatan transnational crime; illegal fishing; unclos 1982; nelayan china; laut china selatan.

Abstract
This article describes how the Government’s strategy in resolving disputes over illegal fishing activities by Chinese fishermen in The North Natuna Sea, which is part of Indonesia's Exclusive Economic Zone or EEZ based on UNCLOS 1982. The implementation of countermeasures effort to protect Indonesia's marine area from illegal fishing activities, this issue is a part of transnational organized crime which of course can harm Indonesia economic. The data collection methods through the literature study where the data is taken through the official website, books, journals, and relevant to this research. The research method used is qualitative approach with descriptive type. The researcher also uses the concept of national interest in realizing Indonesia's foreign policy towards an Indonesia's Global Maritime Axis, where the government can emphasize all its efforts to enforce the law in the Indonesia’s sea and combat illegal fishing activities in The North Natuna Sea. The results of this research prove that from 2019 until 2020 there are many Chinese fishermen who deliberately enter to The North Natuna sea area to conduct illegal fishing activities which are directly escorted by the China Coast Guard (CCG). The name change was also executed by the Indonesian side and was legally recognized by the United Nations in 2017. In order to overcome unilateral claims made by Tiongkok.

Keywords: transnational crime; illegal fishing; unclos 1982; chinese fishermen; north natuna sea.

INTRODUCTION
Indonesia is an archipelagic state with thousands of islands separated by the sea that extend from Sabang to Marauke, with both deep and shallow waters. Indonesian territorial waters have a very large area and also include various types of marine resources which have very important meaning for Indonesia. With the abundance of resources owned by Indonesia in its sea area, economic growth has accelerated and become one of the bridges in developing national development. As the largest
archipelagic country in the world, Indonesia's sea area is around 5.8 million km² or around 75 percent of the total area of Indonesia. Which consists of 0.3 million km² of territorial sea waters, 2.8 million km² of archipelago sea waters and 2.6 million km² of sea in the Exclusive Economic Zone. With a total sea area that is very large and contains abundant natural resources in it, many foreign parties pay attention to be able to enjoy and take advantage of it through illegal fishing activities.

Illegal fishing is an activity of catching or fishing fish carried out by foreign national ships within the territory of the country and contrary to the laws and regulations in that country. Many of these activities occurred in Indonesian waters in groups and then sell the catch outside Indonesia to get multiple profits. Illegal fishing can certainly harm the state both financially and materially, where this is very threatening to fishery resources of Indonesia.

Indonesia has the potential of marine wealth that is so abundant. At present, the ocean is a very important area, especially for Indonesia, which is an archipelagic state which is mostly dominated by the sea areas. It is important for Indonesia to have access as well as protect and security of its marine areas for the territorial areas and ZZE (Exclusive Economic Zones). The sea area itself cannot be separated from various issue, there are many issues that occur in various states due to historical differences and the lack of clarity of boundaries between the states which makes it difficult to determine boundaries in the high seas. Indonesia, which has a vast sea area of about 6.32 km², with 17,504 islands spread across several parts of Indonesia, the Indonesian sea itself covers about 2/3 (two per thirds) of the entire area, with the second longest coastline in the world after Canada (Ministry Of Marine Affairs And Fisheries Republic Of Indonesia. 2018).

Makes the Indonesian sea is a major potential that can become the future for the nation. The North Natuna Sea is a marine area belonging to Indonesia which is in the EEZ (Exclusive Economic Zone Sea). According to the Identification Study, conducted in 2011, the North Natuna Sea has a potential wealth of marine and fishery resources of around 504,212.85 tons per year (DPMPTSP (Dinas Penamanan Modal Dan Pelayanan Terpadu Satu Pintu). 2020). Natuna is regency with a land area of 2,001.30 km² and a sea area of 262,197.07 km². Makes Natuna dominated by 99 percent of the territorial of waters, not only wide, but the North Natuna Sea also holds a wealth of biodiversity that can be utilized.

Of course, this also makes the majority of the population in Natuna Regency work as fishermen. Fishing areas in the North Natuna are used by traditional fishermen as well as large fishermen in the sea. Fishing locations include around Bunguran Island, Natuna Besar, and the Coastal Islands of Natuna Island, Midai, Serasan Island, Tambelan, as well as on the direct border with the South China Sea. The fishing grounds for large vessels are usually located outside the 4 nautical mile location in the Natuna Sea area. At present the problem that is being faced by many states that have marine areas is the case of illegal fishing. Where this crime is included in transnational organized crime or transnational crimes, the issues is a very important for every state; the article is that the issue of fishing theft is rampant in world waters and also in Indonesia which can have an impact on the loss of the large fishing industry and the small fishing industry.

Recently, a very prominent problem in the North Natuna Sea is a case of fishing theft carried out by foreign vessels entering Indonesian sea, for example in 2016 it was prominent that fishermen from Tiongkok using the KM Kway Fey 10078 vessel entered the territory of the Republic of Indonesia, that is The North Natuna Sea at that time, and considered that the area was still in the territory of Tiongkok territorial sea, due to differences of opinion regarding the sea border that occurred in the two states. Therefore, the Indonesian government always strives to fight for the North Natuna sea area and maintain border and fight for their rights in cases of illegal fishing in the North Natuna Sea.

In accordance with the formulation of the problem to knows how the Indonesian Government strategies and their efforts to resolve conflicts involving Indonesia and Tiongkok in North Natuna Sea, and understanding a contribution that has been made by the government for the North Natuna Sea, also supports in improving government programs towards Indonesia as a Global Maritime Axis.

This research used the theory of national interest. According to Joseph Frankel objectively the national interest of a state and a nation is always related to its foreign policy goals, this can be seen through policy makers who plan it systematically, policy making can look at several factors such as geographic, historical, potential natural resources, population and ethnicity of a state. Subjectively,
national interests always depend on references held by the government or other political elites who have certain powers, in addition to ideology, religion, and also the identification of a state's class (Scott Burchill. 2005). Where this theory can explain and analyze a state's foreign policy, and can justify all the behavior of a state actor to always interact with each other in the international sphere. The national interest of the state always refers to the goals and ideals in achieving prosperity in terms of economy and security of the state (Baldwin, 1997).

Illegal fishing in conceptual is a form of crime committed across countries and is categorized as transnational organized crime or transnational crimes. Where these crimes can be categorized as follows, there is:

a. The perpetrator crosses a predetermined state border;

b. More than one actor, usually a non-state actor or a state actor;

c. Have an effect on states or international actors (e.g. individuals in a cosmopolitan view) in other state;

d. Breaking the law in more than one state (Pranyoto. 2012).

From this explanation, it can be stated that illegal fishing activities accomplished by foreign vessels entering the sea area of the state and illegal fishing activities intentionally violated the jurisdiction of the state and violated national and international legal regulations.

METHODS

The research uses a qualitative method with a descriptive approach. According to Mantra in his book entitled Moleong (2004) he says that: “Qualitative methodology is a research procedure that can produce descriptive data in the form of a set of words or verbal from individuals and observable behavior. This method always tries to reveal various kinds of uniqueness that exist in individuals and community groups or organizational institutions that exist in everyday life and of course can be scientifically justified (Sukidin. 2002)” (Sandu Siyoto and Ali Sodik. 2015). In this study the researchers focused on solving issues and strategies owned by the government in its efforts to solve the issues of illegal fishing in the North Natuna Sea accomplish by fishermen and Chinese vessels entering Indonesian territorial area, the researcher also tries to explain how the issues situation. Objects and subjects studied by describing the facts that already exist clearly.

Data collection used the library research techniques by collecting data through credible and relevant, the materials such as scientific journal, articles, books, news sources, Official website and map information. According to Nazir, library research which means a technique in data collection by conducting a review of the literature, various notes and books related to the research topic to be researched (Budi Purwoko and Abdi. 2017).

RESULT AND DISCUSSION

As a maritime country, Indonesia has a wealth of potential resources marine resources that have not been optimally explored and exploited, in fact some of them are not known for their true potential and for that data is needed complete, accurate so that the sea as an alternative resource can expected to grow in the future. Forecast the value of Indonesia's marine potential that has been calculated by experts and institutions in a year reached 149.94 billion US dollars or around Rp. 14,994 trillion. Indonesia's marine potential includes fisheries worth 31.94 billion US dollars, sustainable coastal areas 56 billion US dollars, marine biotechnology 40 billion US dollars, marine tourism 2 billion US dollars, oil 6.64 billion US dollars and sea transportation of 20 billion US dollars.

Indonesia has an area that is mostly a wide separated of the sea, with the form of a maritime state and has thousands of islands separated by the sea; Indonesia itself is a state has wealth in natural resources. In one area of Indonesia, namely the North Natuna Sea, The following is the table of potential fish yields in The North Natuna considered by Ministry of Marine Affairs and Fisheries No. 45/MEN/2011 and Kepmen KP No. 47/KEPMEN-KP/2016:
Table 1: The Potential of Fish in North Natuna Sea

<table>
<thead>
<tr>
<th>The Group of Fish Types</th>
<th>Fish Potential (ton)</th>
<th>Fish potential Growth Rate per Year (r%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pelagic Fish (Small)</td>
<td>621.500</td>
<td>395.451</td>
</tr>
<tr>
<td>Pelagic Fish (Big)</td>
<td>66.100</td>
<td>198.994</td>
</tr>
<tr>
<td>Demersal</td>
<td>334.800</td>
<td>400.517</td>
</tr>
<tr>
<td>Reef</td>
<td>21.600</td>
<td>24.300</td>
</tr>
<tr>
<td>Panaeid Shrimps</td>
<td>11.900</td>
<td>78.005</td>
</tr>
<tr>
<td>Lobster</td>
<td>400</td>
<td>979</td>
</tr>
<tr>
<td>Crab</td>
<td>-</td>
<td>502</td>
</tr>
<tr>
<td>Portunidae</td>
<td>-</td>
<td>9,437</td>
</tr>
<tr>
<td>Squid</td>
<td>2.700</td>
<td>35.155</td>
</tr>
<tr>
<td>Total Potential</td>
<td>1,059,000</td>
<td>1,143,340</td>
</tr>
</tbody>
</table>

As shown in Table 1 since 211 until 2016 the potential of fish increases from 1,059 thousand tons to 1.14,3 thousand tons, this figure shows the potential growth rate increases 1.5% per year in the North Natuna Sea. The potential for marine resources that are so wealth, it attracts foreign vessels to enter Indonesia territorial sea. Where the world's fish has high demand that cases of Illegal Fishing often occurs to this day. This is the issue with Tiongkok and Indonesia where fishing vessels belonging to Tiongkok enter Indonesian territorial sea in the North Natuna, which is still Indonesia's Exclusive Economic Zone. In 2017, Indonesia has officially registered the name of the North Natuna at the United Nations.

The Chronology of Illegal Fishing Cases in North Natuna Sea

- In 2016, precisely on March 19, the Ministry of Maritime Affairs patrol boat, KP HIU 11, was patrolling at the North Natuna Sea area, where radar detected that a foreign fishing vessel had entered the sea area. KM Kway Fey 10078 is a fishing vessel with a Tiongkok flag that was detected entering the Indonesia Exclusive Economic Zone (EEZ). Arrests were immediately carried out. There was a chase between KP HIU 11 and KM Kway Fey 10078. There was also a shooting in the air as a form of stern warning to the ship, but unfortunately, the Chinese fishing vessel kept trying to escape. It was reported that three personnel of the monitoring vessel belonging to the Ministry of Maritime Affairs had jumped onto this Chinese-owned fishing vessel to escort the vessel, but when the supervisory vessel was escorting the fishing vessel there was an incident of a collision with a Chinese Coast Guard vessel which accidentally hit KM Kway. Fey 10078 which intends to make it difficult for KP HIU 11 to capture KM Kway Fey 10078. In the same year, on 27 May, when Gui Bei Yu 27088 was captured by an Indonesian patrol vessel. Where the captain of the crew has repeatedly entered the North Natuna area, Ziang Tuang Chean, admits that he is aware that he has operated his vessel in the Indonesia Exclusive Economic Zone (EEZ) area in the South China Sea or North Natuna Sea, because this area is a potential of the fish. On June 17, 2016, the Yueyandong Yu 19038 vessel carrying the Tiongkok flag entered the Indonesia Exclusive Economic Zone (EEZ) area and was captured by an Indonesian Navy ship. This marks the third time in 2016 that Chinese fishing vessels have entered the North Natuna Sea area.
- 2017, Tiongkok criticized the Indonesia Map changes, namely the North Natuna Sea, in which Tiongkok says or claims unilaterally that most of the South China Sea is part of its territory. This claim is commonly called the "Nine Dashed Line" and the Chinese side considers the
name change made by Indonesia not in accordance with international standards on behalf of a region.

Figure 1. The Map of Tiongkok’s Nine Dash Line

As shown in the Figure 1 is referred to as the nine dash line map was first published by the Republic of China government on one December 1947.

- In 2019, there was a new case regarding the issue of illegal fishing in the North Natuna sea area accomplished by Chinese fishing vessels where these vessels had violated the area of carrying out Illegal, Unreported, and Unregulated Fishing (IUUF) activities were escorted by Coast Guard vessels in accomplished their activities. In 2019 the Ministry of Maritime Affairs and Fisheries (KKP) arrested three Foreign Fishing Boats (KIA) and 12 crew members from the Philippines who were carrying out illegal fishing in the Republic of Indonesia's fisheries management area (WPP-NRI) in the Sulawesi Sea. The ship is not equipped with a permit document from the Indonesian government. The vessel is suspected of violating Law Number 31 of 2004 concerning fisheries as amended by Law Number 45 of 2009 with a maximum imprisonment of 6 (six) years and a maximum fine of IDR 20 billion.

- In 2020, July 22, the ship Lu Rong Yuan Yu 701 through the Malacca Strait entered the North Natuna Sea area where it was suspected of accomplished fishing activities in the area. Lu Rong Yuan Yu 701 is owned by a company engaged in the fisheries sector based in Shandong City, China. The ESA Sentinel-2 satellite noted that there were 54 fishing boats suspected of illegal fishing in the North Natuna Sea area. Dozens of these ships operate in pairs. In the same year China's China Coast Guard (CCG) carried out patrol activities in the 200-mile Exclusive Economic Zone (EEZ) belonging to Indonesia in the North Natuna Sea area and had an argument with BAKAMLA (Indonesian Maritime Security Agency) via radio channel, that the Tiongkok side had "right to patrol" or has the right to patrol the area because it considers that the area is part of the South China Sea which is included in Nine Dashed Lines.

According to UNCLOS 1982, the archipelago zone is divided into two parts, which are the under zone, and the outside national jurisdiction zone (Maher Gamil Aboukhewat. 2019). Indonesian Jurisdiction Territory is an area outside the territory of the state which consists of the exclusive economic zone of Indonesia, the continental shelf, and an additional zone where the state has sovereign rights and certain other authorities as regulated in laws and regulations and international law (JDIH Kemaritiman & Investasi. 2022). For this matter, the assembly believes that Tiongkok cannot make this claim because it does not comply with the Exclusive Economic Zone (EEZ) arrangement under the United Nations Convention on the Law of the Sea (UNCLOS). Because UNCLOS has set up methods for determining zoning or territorial waters. The maritime boundary (delimitation) of a coastal states, be it the Territorial Sea or the Exclusive Economic Zone (EEZ), is determined by drawing the Baseline. UNCLOS 1982 only regulates three ways of drawing baselines to measure the territorial waters of a state, namely normal baseline, straight baseline, and archipelagic baseline. While the Nine Dash Line is not in UNCLOS 1982. In sum, the nine dash line is Tiongkok's unilateral claim
to the sovereignty and control of a territory in terms of land, water and seabed. Not only Indonesia, many state in Europe also support the rejection of this unilateral claim by Tiongkok. There is Britain, France and Germany agreed to condemn the Nine Dash Line claim. The three countries jointly sent notes to the United Nations to support reports from Indonesia, Malaysia, Vietnam, Philippines, Australia and America.

The Government Strategy in Handling Illegal Fishing Cases in the North Natuna

The relations between Tiongkok and Indonesia are increasingly heating up due to cases of illegal fishing in the North Natuna Sea. In the period 2016 - 2020 by fishing vessels that are directly escorted by the China Coast Guard (CCG), coupled with unilateral claims made by the China Coast Guard (CCG). China continues to accomplish the "Nine Dashed Line" claim. Tiongkok considers most of the South China Sea to be part of their territorial area. Of course, this unilateral claim is an unjustified statement. Based on UNCLOS (United Nations Convention for the Law of the Sea) of 1982 or the International Convention on the Law of the Sea, where Tiongkok itself should respect the decision where UNCLOS itself regulates the state’s maritime sovereignty, jurisdiction, legitimate interests over the state's maritime zone or Exclusive Economic Zone (EEZ), and also the maritime rights of the states that has a maritime boundary. (Nikkei, 2020) In addition, the following is the Indonesian Government's efforts in handling the case of fishing illegally in the North Natuna Sea, which is:

a. Indonesia Undertakes Maritime Diplomacy Efforts with China

Diplomacy is a negotiation activity carried out by state actors and non-state actors to achieve a certain goal. (Dugis, 2006) As Indonesia did in 2019 in the form of Tiongkok's refusal of the Nine Dashed Line which considered the North Natuna sea to be part of Tiongkok's traditional fishing ground, by sending the protest note to the Chinese government, this was done as a bilateral diplomatic effort by the Indonesian government. The diplomacy has a goal in an effort to protect Indonesia's maritime territory and also to protect the potential of marine resources in the North Natuna Sea, which is estimated to have marine resource potential of around 504,212.85 tons per year.(The Diplomat, 2020).

b. Increasing the Activities of Indonesian Fishermen in the North Natuna Sea

On January 6, 2020, the government encourages fishermen from Java's north coast to catch fish and assert their presence in the North Natuna Sea, in order to maximize the activities of Indonesian fishermen in the Exclusive Economic Zone (EEZ) area, assisted by tight guarding of coast guard vessels and warships belonging to the in Indonesia, the government also coordinates with the Ministry of State Secretariat, Ministry of Marine Affairs and Fisheries, Ministry of Home Affairs and the Regional Government, in developing the management of the marine resources sector in the North Natuna.

c. The Government Made Policy on Illegal Unreported, and Unregulated (IUU) Fishing

IUU Fishing (Illegal, Unreported, and Unregulated Fishing) is an issue, transnational crimes that can harm every state in the world, especially in the economic sector of the state, and can even violate the sovereignty and territorial boundaries of the state. The Indonesian Government made the Decree of the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia Number Kep.50/Men/2012 where the decision discussed a national action plan in preventing and overcoming IUU Fishing (Illegal, Unreported, and Unregulated Fishing) that occurred in Indonesian areas. As well as the existence of Law No. 45 of 2009 concerning Fisheries which includes: “(1) Everyone is prohibited from owning, controlling, carrying, and/or using fishing gear and/or fishing aids that interfere with and damage the sustainability of fish resources on fishing vessels. The fishery management area of the Republic of Indonesia” (Law of the Republic of Indonesia Number 45 of 2009 about Fisheries. 2020).The Policy can follow up on the perpetrators of illegal fishing in Indonesia area.
d. Implementation of Vessel Monitoring System in Illegal Fishing Supervision

The Ministry of Marine Affairs and Fisheries of the Republic of Indonesia and the Government are currently dealing with illegal fishing problems that occur in Indonesian marine areas with advanced technological devices known as the Vessel Monitoring System or the Fishing Vessel Monitoring System (SPKP), in which the use of satellites is involved in monitoring the activities of ships. Fisheries operate in the Indonesian Sea.

e. Improving Maritime Defence in the North Natuna Sea

In 2017 KEMENHAM (Ministry of Defence of the Republic of Indonesia) issued a policy to support the planning, as well as supervision of the defence system in Indonesia, the following are the six main policies, which is:

1) National Defence Development Policy. This policy focuses on the development of a strong defence in a sustainable manner in border areas, mitigation areas, islands, and also aerospace areas, in order to be able to maintain the sovereignty, integrity, and safety of the nation;

2) National Defence Empowerment Policy. A policy that directs the state to be able to maintain and develop all the main elements of national defence, such as the Military, Non-military, Defence Industry, International Cooperation, Ministries and Government Agencies in Indonesia;

3) Policy on the deployment of National Defence Forces. A policy that is implemented systematically in times of peace, civil emergency, martial law, and also war, where the deployment is organized to deal with all threats in the form of military and non-military aggression, Hybrid War, and maintain missions in maintaining world peace;

4) Defence Sector Regulatory Policy. This policy is in the form of the formation of regulations in the form of the Constitution, which are reviewed and also evaluated thoroughly in order to maintain the world's Defence;

5) Defence Budget Policy. In carrying out Defence, this policy is more regulated to the budget in maintaining the welfare of the TNI, institutions and all elements that do have the authority to maintain national Defence;

6) Supervision Policy. A policy that strictly maintains that there is no misappropriation of budget funds and guarantees responsibility for budget management for maintaining national defence. (Kementerian Pertahanan Republik Indonesia. 2017).

This policy is a support in dealing with international dynamics, such as the conflict between Indonesia and Tiongkok regarding the North Natuna Sea, which is considered part of the "Nine Dashed Line" area belonging to Tiongkok, which is unilaterally claimed to be a serious threat to Indonesia. This policy is to support the development of facilities and infrastructure to maintain the State Sovereignty of the Republic of Indonesia. This policy collaborates with the TNI (Indonesian National Army) and various government institutions as an indispensable instrument to protect border areas and overcome various maritime violations in jurisdictional waters which are also in the national interest of Indonesia, including the case of illegal fishing. It is undeniable that the North Natuna Sea area is a strategic area that is equipped with such a large potential of marine resources, therefore maritime Defence is very much needed by Indonesia. Without this, Indonesia cannot face all the potential threats that may arise from the conflict between Indonesia and Tiongkok in this illegal fishing case. This action is an anticipatory step in dealing with unwanted attacks on the border of the North Natuna Sea, which is an area of the Indonesian Exclusive Economic Zone.

CONCLUSION

The conflict that occurred between Indonesia and Tiongkok on this illegal fishing issue was caused by a unilateral claim from Tiongkok which considered that most of the South China Sea was its territorial sea, and the occurrence of turbulence between the two where fishing vessels from China were deliberately escorted by the China Coast Guard (CCG), entering the North Natuna Sea area. Which is Indonesia's maritime area and an internationally recognized area belong to Indonesia, of course this is just a unilateral claim made by Tiongkok, three major European countries help send notes to the United Nations to condemn the Nine Dash Line claim.
In order to resolve the conflict, all means are carried out by carrying out maritime diplomacy efforts, increasing fishing activities Indonesia in the North Natuna Sea and follow up on the perpetrators of illegal fishing in the area. This effort is also complemented by building a sustainable maritime Defence carried out by KEMENHAM (Ministry of Defence of the Republic of Indonesia) in collaboration with the TNI (Indonesian National Army) and also other government institutions, in order to support the Indonesian government's strategy, which is immediately in the context of meeting national interests. Such as optimizing the existing marine resources in the North Natuna Sea area that has been carried out, the policy is expected to help resolve the conflict between Indonesia and Tiongkok in the case of illegal fishing carried out by fishermen and Chinese vessels entering Indonesian territorial sea, and also supports improving government programs towards Indonesia as a Global Maritime Axis, where the ocean is the future of the nation. Through the marine and fisheries sectors, in order to improve the Indonesian economy, it is more independent, especially in managing its marine resources, as well as helping coastal residents who mostly work as fishermen, to be more prosperous.

REFERENCES


