

Reconstructing Law Enforcement Against Illegal Fishing in Indonesia's Exclusive Economic Zone Under the 1982 United Nations Convention on the Law of the Sea

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ABSTRACT

This study examined the reconstruction of law enforcement against illegal fishing in Indonesia's Exclusive Economic Zone based on the 1982 United Nations Convention on the Law of the Sea. The research addressed the persistent challenges of ineffective law enforcement caused by regulatory disharmony, overlapping institutional authority, and increasingly sophisticated transnational fishing crimes. A normative legal research method was employed using statutory, conceptual, and comparative approaches. Primary, secondary, and tertiary legal materials were analyzed through grammatical, systematic, and teleological interpretation. The findings showed that the existing legal framework had not fully aligned with international maritime law and had limited the effectiveness of protecting Indonesia's fisheries resources. The study proposed an Integrated Maritime Law Enforcement System based on Lawrence M. Friedman's legal system theory by strengthening institutional coordination, harmonizing national legislation with international law, enhancing maritime surveillance through modern technology, promoting community participation, and expanding international cooperation. The proposed reconstruction was expected to improve legal certainty, increase the effectiveness of law enforcement, and support the sustainable management of fisheries resources in Indonesia's Exclusive Economic Zone.



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INTRODUCTION

Indonesia, as the largest archipelagic country in the world, has a sea area that reaches more than 70% of the country's total area, making marine and fishery resources one of the national strategic assets that are very important for the welfare of the people (Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia, 2023). Indonesia's strategic geographical position, flanked by two oceans and two continents, makes Indonesian waters, especially the Exclusive Economic Zone (EEZ), an area rich in fish resources and a target for various parties, both domestic fishermen and foreign vessels that often carry out illegal fishing practices.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the basis of international law for coastal states to establish an EEZ 200 nautical miles wide from the baseline (United Nations, 1982). Where coastal states have sovereign rights to explore, exploit, conserve, and manage natural resources, both biological and non-biological (Ambarsari et al., 2023). This arrangement gives Indonesia the authority as a coastal country to enforce the law against all forms of violations that occur in its EEZ, including illegal fishing practices carried out by foreign vessels.

However, in practice, law enforcement against illegal fishing in Indonesia's EEZ still faces various complex challenges and obstacles (Republic of Indonesia, 2014). These problems include limited capacity for supervision and law enforcement at sea, overlapping authority between law enforcement agencies such as the Ministry of Maritime Affairs and Fisheries, Bakamla, the Indonesian Navy, and the Air Force, and the lack of optimal harmonization between national laws and regulations and the provisions of UNCLOS 1982 (President of the Republic of Indonesia, 2014). On the other hand, illegal fishing practices carried out by foreign vessels often involve elements of transnational organized crime, so its handling requires effective cross-border and cross-sector cooperation (Environmental Justice Foundation, 2022).

Cases of illegal fishing that have occurred in Indonesia's EEZ waters in recent years show that the economic losses caused are enormous, both in terms of the loss of potential fish resources and the sustainable destruction of marine ecosystems. Strict law enforcement policies, such as the policy of sinking ships of illegal fishing perpetrators that have been implemented by the Indonesian government, do show a strong commitment to eradicating the practice (Djalal, 2021). However, the effectiveness of the policy needs to be reviewed, both in terms of its conformity with the principles of international law as stipulated in UNCLOS 1982, and in terms of its implementation in the Indonesian national legal system.

Based on this description, it is necessary to reconstruct the illegal fishing law enforcement system in Indonesia's EEZ that is more comprehensive, synergistic, and in accordance with the provisions of international maritime law (Friedman, 1975). This reconstruction is important to ensure that law enforcement carried out by Indonesia is not only effective in providing a deterrent effect for illegal fishing perpetrators, but also upholds the principles of international law and state sovereignty, and does not cause legal implications that harm Indonesia's position in the eyes of the international community.

Based on this background, this article aims to examine and analyze how the reconstruction of law enforcement against illegal fishing in Indonesia's EEZ can be carried out based on the provisions of the 1982 UNCLOS, both in terms of legal substance, institutional structure, and legal culture that supports the effectiveness of law enforcement in Indonesia's maritime areas.

RESEARCH METHODS

This research is a normative legal research that focuses on the study of legal norms, principles, and doctrines that govern law enforcement against illegal fishing in the Exclusive Economic Zone (EEZ). This research aims to reconstruct the concept of law enforcement against illegal fishing based on the provisions of the United Nations Convention on the Law of the Sea 1982 as well as national laws and regulations related to the management of fishery resources and Indonesian maritime jurisdiction.

The approaches used in this study include the statute approach, the conceptual approach, and the comparative approach. This approach is used to examine the provisions of international law and national law, examine various concepts regarding coastal state jurisdiction and maritime law enforcement, and compare law enforcement arrangements and practices in several countries in order to obtain a more effective law enforcement model in dealing with illegal fishing in the EEZ.

The legal materials used consist of primary legal materials, secondary legal materials, and tertiary legal materials obtained through literature studies. Furthermore, the legal material is analyzed prescriptively using grammatical, systematic, and teleological interpretation methods to assess the relationship between international legal norms and national law, identify weaknesses in applicable regulations, and formulate a reconstruction of law enforcement against illegal fishing in the Exclusive Economic Zone that is oriented towards legal certainty, law enforcement effectiveness, and sustainability of marine resources.

RESULTS AND DISCUSSION

A. Problems of Law Enforcement of Illegal Fishing in Indonesia's Exclusive Economic Zone Based on UNCLOS 1982

Indonesia as a coastal country has sovereign rights to explore, exploit, conserve, and manage biological resources in the Exclusive Economic Zone (EEZ) as stipulated in Article 56 of the 1982 UNCLOS. The sovereign right gives Indonesia the authority to take law enforcement action against vessels that carry out illegal fishing activities in Indonesia's EEZ area. However, in practice, law

enforcement against illegal fishing still faces various obstacles that cause the protection of national fishery resources to be not optimal (Gunawan et al., 2022).

The first problem is related to the disharmonization of regulations and the insynchronization between the provisions of national law and the international law of the sea regime. Regulations regarding fisheries law enforcement are currently spread across various laws and regulations, such as Law Number 5 of 1983 concerning Indonesia's Exclusive Economic Zone, Law Number 45 of 2009 concerning Fisheries, and Law Number 32 of 2014 concerning Marine Affairs. The existence of these various regulations often causes differences in interpretations regarding law enforcement authority, enforcement procedures, and the types of sanctions that can be imposed on illegal fishing perpetrators (Ambarsari et al., 2023).

In addition, there are problems regarding the application of criminal sanctions against foreign vessels that commit fisheries violations in Indonesia's EEZ area. Article 73 paragraph (3) of the 1982 UNCLOS confirms that imprisonment cannot be imposed for violations of fisheries regulations in the EEZ unless there is an agreement to the contrary. In practice, the application of criminal penalties in lieu of fines in the form of imprisonment for foreign perpetrators still raises debate because it has the potential to contradict the provisions of the 1982 UNCLOS (Merdekawati et al., 2021). This condition shows that the harmonization of national law with international maritime law is still an important challenge in the enforcement of Indonesian fisheries law.

The second problem is the overlapping authority between law enforcement agencies at sea. Currently, the law enforcement authority against illegal fishing involves various institutions, including the Ministry of Maritime Affairs and Fisheries (KKP), the Maritime Security Agency (Bakamla), the Indonesian National Army Navy (TNI AL), and the Maritime and Air Police (Polairud). Each institution has a different legal basis and operational authority, so it is not uncommon for duplication of patrols, differences in enforcement procedures, and coordination obstacles in the investigation and prosecution process (Effendi, 2023).

This condition causes Indonesia's maritime law enforcement system to tend to be sectoral and not yet integrated. In fact, the effectiveness of marine area supervision is highly dependent on inter-agency coordination, especially considering the extent of Indonesia's EEZ which reaches more than 3 million square kilometers. These institutional inefficiencies ultimately have an impact on the weak ability of the state to detect and take action against vessels that commit illegal fishing quickly and effectively (Gunawan et al., 2022).

The third problem is related to the development of the increasingly complex *modus operandi* of illegal fishing. Illegal fishing activities are no longer limited to fishing without a license, but also include forgery of ship documents, the use of double flags (flag hopping), illegal transshipment, and the outage of the ship identification system (AIS). This mode shows that illegal fishing has developed into a part of transnational organized crime that often involves human trafficking, forced labor, and money laundering (Environmental Justice Foundation, 2022).

In addition, the policy of sinking foreign ships that has been implemented by the Indonesian government has also given rise to international legal discourse. Although the policy obtains a legal basis through Article 69 paragraph (4) of the Fisheries Law, its implementation must still take into account the principles of due process of law, proportionality, and the provisions of UNCLOS 1982 so as not to cause disputes with the flag country of the ship concerned (Fauziyah, 2024). Therefore, a law enforcement model is needed that is not only oriented towards repressive actions, but also able to integrate institutional, regulatory, and international cooperation aspects comprehensively.

B. Reconstruction of Illegal Fishing Law Enforcement in Indonesia's EEZ Based on UNCLOS 1982

The reconstruction of illegal fishing law enforcement in this article uses the legal system theory framework of Lawrence M. Friedman which consists of three main elements, namely legal structure, legal substance, and legal culture. Based on these three elements, the reconstruction offered is directed at the establishment of the Integrated Maritime Law Enforcement System as a model of maritime law enforcement that is in line with the provisions of UNCLOS 1982.

In terms of legal structure, reconstruction is carried out through strengthening institutional coordination and establishing an integrated maritime law enforcement system. In this model, Bakamla needs to be strengthened as the Indonesian Coast Guard which functions as a coordination center for security and law enforcement operations at sea. The strengthening does not remove the authority of

other institutions, but puts all maritime patrol and surveillance activities in one integrated command and data exchange system (Ambarsari et al., 2023). Thus, the overlap of authority can be minimized and the effectiveness of enforcement against illegal fishing perpetrators can be increased.

In terms of legal substance, it is necessary to harmonize national regulations with the provisions of UNCLOS 1982. The harmonization includes adjusting the provisions for sanctions against foreign vessels that engage in illegal fishing in the EEZ, clearer regulations regarding the confiscation and destruction of ships, and the establishment of special regulations on Illegal, Unreported, and Unregulated Fishing (IUU Fishing) as a form of transnational crime. In addition, it is necessary to update the Fisheries Law to accommodate the development of surveillance technology and modern law enforcement mechanisms based on electronic evidence (Scoornova et al., 2024).

Furthermore, in the aspect of legal culture, reconstruction is directed at increasing the participation of coastal communities in the supervision of marine resources. The fishing community is the party closest to the location of the fisheries violation so that it can play a role as part of the early detection system for illegal fishing activities. Strengthening supervisory community groups (Pokmaswas), marine law education, and increasing awareness of the importance of sustainability of fishery resources are important steps in building a legal culture that supports the effectiveness of law enforcement (Effendi, 2023).

Reconstruction must also be supported by the transformation of maritime surveillance technology. The use of the Vessel Monitoring System (VMS), Automatic Identification System (AIS), satellite imagery, big data analytics, and artificial intelligence can improve the country's ability to detect violations in real time. The use of this technology allows the surveillance of EEZ areas to be carried out more efficiently and accurately than conventional patrol methods that require large operational costs (Bernabé et al., 2023).

In addition, given the transnational nature of illegal fishing, the reconstruction of law enforcement must strengthen international cooperation through the exchange of maritime intelligence information, joint patrols, mutual legal assistance, and the implementation of international instruments related to the eradication of IUU Fishing. Such cooperation is important to overcome actors operating across jurisdictions and take advantage of weaknesses in coordination between countries (Scoornova et al., 2024).

Based on this description, the reconstruction model offered in this article is the Integrated Maritime Law Enforcement System based on UNCLOS 1982 which was built through the integration of legal structures, harmonization of legal substances, and strengthening of legal culture. The model is expected to be able to create a more effective law enforcement system, provide legal certainty, and remain in line with the principles of international maritime law in the management of fishery resources in Indonesia's Exclusive Economic Zone.

CONCLUSION

As a conclusion of this discussion, it is emphasized that law enforcement against illegal fishing crimes in Indonesia's Exclusive Economic Zone (EEZ) based on UNCLOS 1982 still faces many problems that can hinder the effectiveness of protection in the national fisheries resource sector. These problems include the disharmony between national law and international maritime law, especially related to the regulation of sanctions against foreign ships; overlapping authority between law enforcement agencies which leads to weak coordination and supervision efficiency; As well as the increasingly complex modus operandi of illegal fishing which has developed into a transnational crime by taking advantage of technological advances and existing legal loopholes. This condition shows that the current law enforcement system is not fully able to answer the challenges of managing and protecting fishery resources in Indonesia's EEZ region.

In overcoming these problems, it is very necessary to reconstruct law enforcement based on the provisions of UNCLOS 1982 using the Lawrence M. Friedman legal system approach which includes aspects of legal structure, legal substance, and legal culture. The reconstruction is realized through the establishment of the Integrated Maritime Law Enforcement System which focuses on strengthening institutional coordination with Bakamla as the coordination center for maritime law enforcement, harmonizing national regulations with UNCLOS 1982, utilizing modern surveillance technology, increasing the participation of coastal communities, and strengthening international cooperation in the

eradication of Illegal, Unreported, and Unregulated Fishing (IUU Fishing). Through this model, it is hoped that a law enforcement system will be created that is more effective, integrated, provides legal certainty, and is able to ensure the sustainable management of fishery resources in accordance with the principles of international maritime law.

REFERENCES

- Ambarsari, K. T., et al. (2023). Concept of illegal fishing for Indonesian regulations and UNCLOS. *Yuridika*, 38(1)
- Bernabé, P., et al. (2023). Detecting intentional AIS shutdown in open sea maritime surveillance using self-supervised deep learning
- Djalal, H. (2021). Law enforcement in Indonesian seas. *Journal of Maritime Law*, 12(1).
- Effendi, Z. (2023). Law enforcement against the crime of illegal fishing in Indonesian seas. *Journal of Legal Studies*
- Environmental Justice Foundation. (2022). *Illegal fishing and transnational crime*.
- Fauziyah, S. N. (2024). *Enforcement of the law on the sinking of foreign ships related to illegal, unreported and unregulated fishing in the EEZ in UNCLOS 1982*
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Gunawan, Y., et al. (2022). The law enforcement of illegal fishing in the perspective of UNCLOS 1982: The case of illegal fishing in the North Natuna Sea. *Jurnal Cita Hukum*, 10(3)
- Merdekawati, A., et al. (2021). UNCLOS 1982 and the law enforcement against illegal fishing in Indonesia: Judges' diverging perspectives. *Mimbar Hukum*, 33(1)
- Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia. (2023). *Annual performance report 2023*.
- President of the Republic of Indonesia. (2014). *Presidential Regulation Number 178 of 2014 concerning the Maritime Security Agency*.
- Republic of Indonesia. (1983). *Law Number 5 of 1983 concerning Indonesia's Exclusive Economic Zone*
- Republic of Indonesia. (2009). *Law Number 45 of 2009 concerning amendments to Law Number 31 of 2004 concerning Fisheries*.
- Republic of Indonesia. (2014). *Law Number 32 of 2014 concerning Marine Affairs*.
- Scoornova, et al. (2024). Illegal fishing in the Natuna Sea: How UNCLOS 1982 shapes law enforcement between Vietnam and Indonesia
- United Nations. (1982). *United Nations Convention on the Law of the Sea (UNCLOS)*.