



The Impact of Maritime Policy on Fishermen's Livelihoods: A Case Study of Illegal Fishing in Indonesia

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Abstract: Indonesia, as the world's largest archipelagic nation with significant marine territory, faces major challenges related to Illegal, Unreported, and Unregulated (IUU) fishing. This issue negatively impacts local fishers and the national economy. This study examines Indonesia's maritime policies, including measures to combat IUU fishing through decisive actions such as sinking foreign vessels caught fishing illegally and introducing new policies like quota-based fishing. While these policies aim to reduce marine resource exploitation and promote sustainability, challenges persist, especially regarding the welfare of small-scale fishers who remain trapped in poverty. The research employs library research methods to explore the impact of policies on Indonesian fishers and the fisheries sector while highlighting the importance of more effective policies to balance stakeholders' interests and achieve sustainable fisheries management. Combating IUU fishing requires more comprehensive measures, including stricter monitoring and enhanced awareness among stakeholders in the fisheries sector.

Keywords: Indonesia, Policy, Maritime, Fishers, IUU

Abstrak: Indonesia, sebagai negara kepulauan terbesar dengan luas wilayah laut yang signifikan, menghadapi Tantangan besar terkait penangkapan ikan ilegal (IUU fishing), yang memiliki dampak negatif terhadap nelayan lokal dan ekonomi negara. Penelitian ini mengkaji kebijakan maritim Indonesia, termasuk upaya penanggulangan IUU fishing melalui tindakan tegas seperti penenggelaman kapal orang asing yang tertangkap melakukan penangkapan ikan ilegal, serta kebijakan baru seperti penangkapan ikan berbasis kuota. Meskipun kebijakan ini bertujuan untuk mengurangi dieksploitasi sumber daya laut dan mendukung keberlanjutan, tantangan tetap ada, terutama terkait ketidaksejahteraan nelayan kecil yang masih terjebak dalam kemiskinan. Penelitian ini menggunakan metode belajar perpustakaan untuk menjelajahi dampak kebijakan terhadap nelayan dan sektor perikanan Indonesia, serta menyoroti Pentingnya kebijakan yang lebih efektif untuk menyeimbangkan kepentingan berbagai pemangku kepentingan dan mencapai manajemen perikanan yang berkelanjutan. Penanggulangan masalah IUU fishing memerlukan langkah-langkah yang lebih komprehensif, termasuk pemantauan yang lebih ketat dan peningkatan kesadaran pemangku kepentingan minat di sektor perikanan.

Kata Kunci: Indonesia, Kebijakan, Maritim, Nelayan, IUU

1. INTRODUCTION

With a marine area spanning 3.25 million square kilometres and an Exclusive Economic Zone (EEZ) covering 2.55 million square kilometres, Indonesia is the largest archipelagic state in the world (Nugroho & Pawestri, 2020, p. 1). Due to its vast maritime territory, Indonesia is internationally recognized as an archipelagic state, granting protection and focus to its waters for all participating countries, as stipulated by the 1982 United Nations Convention on the Law of the Sea (UNCLOS). According to UNCLOS 1982, a state's maritime zones are categorized into two types: areas where the state exercises full sovereignty and areas where it holds

recognized and limited sovereignty. Based on Indonesia's Maritime Law No. 32 of 2014, the marine territory is divided into two main zones: sovereign waters and jurisdictional zones. The sovereign waters include internal waters, archipelagic waters, and territorial seas. Conversely, the jurisdictional zones comprise the continental shelf, contiguous zone, and the EEZ.

As an archipelagic state, Indonesia has a larger marine area than landmass, resulting in diverse and abundant marine biodiversity. Indonesia's aquatic flora and fauna serve as critical sources of livelihood and sustenance for its people, particularly those in coastal areas. However, a significant portion of the population residing along the coast relies solely on fishing for their livelihood (Efridadewi & Efrizal, 2017, p. 2). Consequently, the protection and management of marine resources are crucial for ensuring the welfare of communities and the sustainability of marine ecosystems.

Fishermen are categorized into two groups: marine fishermen and inland fishermen. Marine fishermen are further classified into small-scale fishermen, traditional fishermen, labor fishermen, and owner fishermen. In 2017, Indonesia had a national fisherman population of 2.7 million, most of whom lived at or below the poverty line, accounting for 25% of the national poverty rate. Many fishermen, especially small-scale, traditional, and labor fishermen, remain impoverished. This situation parallels the national poverty data from March 2018 provided by Statistics Indonesia (BPS), which recorded 25.95 million impoverished individuals (approximately 9.82% of the population). Among these, 48% were marine fishermen, and 30% were inland fishermen. Addressing the poverty faced by Indonesian fishermen, particularly those in coastal areas, requires serious intervention. According to Mubyarto, Indonesia's fishing communities represent the poorest of the poor (Nugroho & Pawestri, 2020, p. 1). Therefore, efforts to improve fishermen's welfare through training programs, market access, and policy support are essential for addressing economic disparities.

The issue of poverty among fishermen remains a significant national challenge. Based on recent data, nearly 45% of the 25.95 million impoverished Indonesians work as fishermen. This underscores the need for state intervention to improve their welfare, as mandated by Articles 28H (1)–(3) of the 1945 Constitution of the Republic of Indonesia. In response, the government has implemented various policies, including laws to support fishermen's welfare. Maritime governance in Indonesia is regulated by four primary laws: (1) Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers, (2) Law No. 31/2004 on Fisheries and its amendments, (3) Law No. 32/2014 on Maritime Affairs, and (4) Law No. 27/2007 on the Management of Coastal Areas and Small Islands and its amendments.

Specific measures under these laws include government programs like coastal economic empowerment programs (PEMP), first-year premium subsidies for fishermen's insurance, and assistance with fishing gear or boats for small-scale and traditional fishermen (Nugroho & Pawestri, 2020, p. 1). These policies and programs aim to enhance fishermen's welfare, enabling them to escape the cycle of poverty and contribute more significantly to the national economy.

The regulation of maritime laws, fisheries laws, and coastal area management laws encompasses marine governance for effective and efficient use. Political policies for empowering fishermen are outlined in the Law on the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers, focusing on economic sector development. Meanwhile, other maritime development policies address ecological and social aspects. Ecological aspects are regulated through laws on the management of coastal areas and small islands, ensuring sustainable utilization. Social aspects, such as resolving conflicts arising from territorial disputes and economic disparities among fishermen, are addressed by maritime and fisheries laws, which include provisions on combating Illegal, Unreported, and Unregulated (IUU) fishing and its enforcement (Nugroho & Pawestri, 2020, p. 1). This comprehensive approach aims to ensure sustainable resource management, improve fishermen's welfare, and protect the marine environment.

This study examines the relationship between maritime policies and illegal fishing practices in Indonesia, focusing on their impact on small-scale local fishermen. The research is significant as it provides insights into the phenomenon of illegal fishing in Indonesia and the maritime policies influencing it. The novelty of this study lies in the limited data analyzing the occurrence of illegal fishing and its impact on local small-scale fishermen in Indonesia.

2. THEORETICAL STUDY

Indonesia's Maritime Policy

As an archipelagic country, Indonesia requires a maritime policy that regulates all aspects of life related to its waters. Given Indonesia's geographical position as the world's largest archipelagic and maritime nation, the government has proclaimed the vision of Indonesia as the World Maritime Axis, supported by five pillars (Isak, Z., Setyo, & Tjahjanulin, 2020, p. 73). Indonesia is a country located between two continents and two oceans, and the World Maritime Axis policy emerges as Indonesia's maritime strategy (Kusumawardhani & Afriansyah, 2019, p. 252). Rochwulaningsih et al. explain that a maritime nation must be able

to optimally utilize its resource potential, including natural, human, political, and cultural resources, as well as its strategically advantageous geopolitical environment (Nömmela & Kaare, 2022, p. 2). Therefore, as a maritime nation, Indonesia must strive to optimize the use of its resources, particularly marine resources.

Indonesia's maritime policy is developed in reference to the country's long-term development vision as outlined in the 2014 Indonesian Ocean Law (Law No. 32/2014) and the National Long-Term Development Plan (Rencana Pembangunan Jangka Panjang Nasional or RPJPN) 2005-2025 (Law No. 17/2007). Indonesia aspires to become the World Maritime Axis, meaning it must become a progressive, sovereign, independent, and strong maritime nation capable of actively contributing to regional and global security and peace (Isak, Z., Setyo, & Tjahjanulin, 2020, p. 76). Achieving this vision and mission for Indonesia's maritime sector requires policies that can address the challenges that arise in achieving these objectives.

To realize Indonesia's vision as the global maritime center, the government must prepare and engage actively in the process of achieving these goals. Both provincial and local governments must collaborate with the central government in developing the maritime sector. The government must be able to identify, discover, recognize, and manage existing marine and fisheries resources to contribute to society and align with the maritime development vision set by the central government (Labandi & Haris, 2023, p. 35). Effective policy development in the maritime sector requires strong collaboration and coordination between the central, provincial, and local governments.

There are four factors influencing the success or failure of maritime governance policy implementation by provincial governments: coordination, apparatus, delegation of authority, and bureaucratic structure. If policies are created that contradict the current situation, policy problems will emerge. It is highly possible for policymakers to ignore or reverse policies that should be applied. A failure to coordinate policies is a failure to issue commands to implement policies (Negoro, Muhlisin, Masyithoh, Kusumah, & Trihartono, 2020, p. 5). This condition illustrates how the success or failure of a maritime policy heavily depends on the policymakers themselves.

The phenomenon of maritime life is very complex, as evidenced by the various maritime activities in society, the interrelationship between sectors and subsectors of the marine economy, the hierarchy and involvement in maritime activities, the integration of maritime cultural elements with society's way of life, and the diversity and commonality of maritime cultural elements (Labandi & Haris, 2023, p. 35). Therefore, maritime policy must

be able to provide solutions for the sustainable management of marine resources and environments, so as to create welfare for maritime communities, particularly fishermen.

One of Indonesia's challenges in maximizing the use of marine resources is illegal fishing. Indonesia's efforts to ensure the management of natural resources, particularly in maritime areas, must ensure that all revenues generated from these areas benefit Indonesia. Therefore, by securing its waters and combating Illegal, Unreported, and Unregulated (IUU) fishing, as well as promoting IUU fishing as a form of transnational organized crime (TOC), Indonesia aims to protect its maritime resources (Ningrum, Elyta, & Nuzulian, 2024, p. 206). The inclusion of IUU fishing in the agenda highlights how Indonesia views IUU fishing as a serious threat to the management of natural resources, particularly its maritime regions.

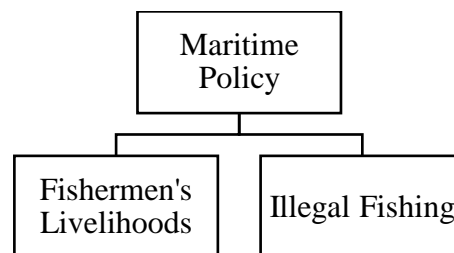


Figure 1 Indicators of Maritime Policy

Illegal Fishing

Jennings and Kaiser explain that illegal fishing refers to fishing operations and all related activities conducted by vessels without permits, licenses, or equivalent documents, fishing activities that do not comply with the legal provisions and regulations of the flag state or recognized fishery management organizations, or fishing activities conducted outside the bounds of applicable laws and regulations in maritime waters. These activities violate legal frameworks and are therefore categorized as illegal fishing (Almubarak, 2020, p. 8). Consequently, any fisherman who engages in fishing without permission and in violation of established regulations in Indonesia is classified as an illegal fishing perpetrator.

Lewerissa mentions that the **International Plan of Action (IPOA)** 2001, developed by the Food and Agriculture Organization (FAO) as part of the implementation of the **Code of Conduct for Responsible Fisheries (CCRF)**, provides a definition of illegal fishing. The concept of **illegal fishing** is described as follows:

1. Actions carried out by domestic or foreign vessels in a country's waters without obtaining permission from that country or violating its national laws.
2. Vessels flying the flag of a state that is a member of a Regional Fisheries Management Organization (RFMO) violating conservation and management regulations adopted

under the International Plan of Action for Preventing, Deterring, and Eliminating Illegal, Unreported, and Unregulated Fishing (IUUF) by the United Nations Organization (Rome, 2001). Member states of RFMO are expected to adhere to established regulations or other rules related to international law. However, operations that contradict the conservation and fisheries management plans adopted by RFMO are classified as illegal fishing.

3. Actions that violate national laws or international obligations, including those by states cooperating with the relevant RFMO. This involves fishing activities contrary to the laws of a country or international provisions established by RFMO member states (Gumilar, 2022, pp. 37-38).

The Indonesian government has made efforts to curb illegal fishing by sinking foreign vessels proven to engage in such activities. For instance, on October 22, 2015, Indonesia sank two Vietnam-flagged vessels in Batam waters, Riau Islands, and one Thailand-flagged vessel in Langsa waters, Aceh. The third vessel was captured on March 7, 2015, and March 22, 2015, by the Tiger Shark 005 Patrol Ship. Foreign vessels conducting illegal fishing in the Exclusive Economic Zone (EEZ) are subject to administrative sanctions and required to pay reasonable fines (Gumilar, 2022, p. 38). These actions demonstrate Indonesia's commitment to addressing illegal fishing, evidenced by the sinking of multiple foreign vessels within its maritime territory. Additionally, Indonesia has imposed various sanctions on illegal fishing actors in its EEZ.

One of the Indonesian government's policies to prevent **Illegal, Unreported, and Unregulated (IUU)** fishing is the prohibition of **transshipment**. This ban significantly impacts local fishermen. Indonesia issued the prohibition on transshipment or selling fish at sea under **Ministerial Regulation of Maritime Affairs and Fisheries Number 57 of 2014**. Transshipment involves transferring fish catches from fishing vessels to collector vessels or other fishing vessels at sea. These collector vessels subsequently transport the catches to shore for further processing.

From an economic perspective, transshipment benefits fishermen or fishery entrepreneurs, as fishing vessels can operate more efficiently without needing to return to base when their holds are full (Djunarsjah, Kusumadewi, & Chairuniza, 2021, p. 6). However, transshipment disadvantages the state and small, traditional, and independent fishermen. This is due to the instability (and often decrease) in fish prices caused by transshipment activities. Besides price instability, transshipment also creates unbalanced competition.

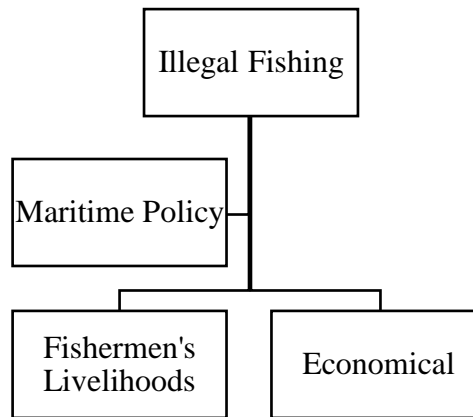


Figure 2. Indicators of Illegal Fishing

3. RESEARCH METHOD

This study uses a library research method to examine a number of previous studies that discuss or are related to the impact of maritime policies on the livelihoods of fishermen and the issue of illegal fishing in Indonesia. The main focus of this research is on the losses suffered by the state and local fishermen, as well as the actions taken against foreign vessels proven to engage in illegal fishing in Indonesian waters (Yulia A Hasan, 2021, p. 2). The sources used in this research were gathered through web searches. The collected articles were then analyzed and synthesized to uncover the living conditions of fishermen, who are generally still in poverty, and to evaluate the Indonesian government's policies in addressing the increasing problem of illegal fishing.

The research process using the library research method resulted in two main themes that are most dominantly discussed in this study: the livelihoods of local fishermen and the issue of illegal fishing. Three journals were reviewed that discuss the lives of local fishermen, with each reference addressing the realities of their lives, policies and programs aimed at improving their welfare, and the laws that support the implementation of these policies. Similarly, for the theme of illegal fishing, three previous studies were selected that focus on policies related to illegal fishing, the legal regulations governing it, and the sanctions imposed on illegal fishing perpetrators. In this way, these two themes complement each other to provide an overall picture of the challenges faced by local fishermen and the government's efforts in tackling illegal fishing in Indonesia.

4. DISCUSSION AND ANALYSIS

A strategically located archipelagic nation with abundant fisheries resources attracts foreign fishing vessels to engage in illegal fishing. Additionally, efforts by a country to address losses related to illegal fishing must also be considered. One factor contributing to illegal fishing is the growing global demand for fish, while global fish supplies are declining, creating an excess demand, particularly for marine species like tuna (Gumilar, 2022, p. 33). Globally, illegal fishing has caused significant losses. According to data from the Food and Agriculture Organization (FAO), illegal fishing results in an annual loss of 26 million tons of fish, valued at approximately USD 23 billion (Sari & Sukmana, 2023). These figures demonstrate the severe economic impact of illegal fishing.

In Indonesia, several foreign fishing vessels have been apprehended for illegal fishing, with some being sunk as a deterrent and to showcase the government's commitment to sustainable and responsible fisheries. However, it should be noted that sinking vessels belonging to other nations might violate the United Nations Charter, which binds Indonesia as a member (Gumilar, 2022, pp. 33-34). Indonesia's decisive actions reflect its determination to prevent illegal fishing within its waters.

In March 2021, Indonesia sank vessels that had been legally determined by a final court decision (*inkracht*) to have engaged in illegal fishing. The Ministry of Marine Affairs and Fisheries (KKP) conducted an operation to sink 10 vessels in the waters of Air Raja, Galang Batam. This operation, carried out by the KKP and the Attorney General's Office through the Batam District Prosecutor's Office, was part of efforts to eradicate illegal fishing in Indonesian waters (Suwarsono, 2021). Sinking illegal fishing vessels underscores Indonesia's strong focus on addressing the issue of illegal fishing.

In Indonesia, conservative estimates in 2014 indicated around six million fishermen and fish farmers. Furthermore, 2016 estimates revealed 960,000 households were involved in fishing, and over 1.5 million households participated in aquaculture. These households significantly contribute to Indonesia's economy, as the country ranks as the world's second-largest producer of marine fish and seaweed aquaculture. However, one-fifth of Indonesia's poor population belongs to fishing households (Stacey et al., 2021, pp. 1-2). These figures highlight the dependence of many Indonesians on fishing-related livelihoods, despite the prevalence of poverty among them.

The sustainability of small-scale fisheries faces various challenges, including overfishing and destructive fishing practices. Moreover, highly productive small-scale fisheries

often overlap with globally significant ecosystems across tropical equatorial regions, increasing tensions between domestic fisheries policies focused on growth and international conservation movements (Stacey et al., 2021, p. 2). This situation reflects the interplay between fisheries policies and the livelihoods of small-scale fishers.

Indonesia has implemented several maritime policies to protect the livelihoods of small-scale fishers. One of these is the quota-based fishing policy under Government Regulation (PP) No. 11/2023 (Mora, 2023). Introduced by Indonesia's Ministry of Marine Affairs and Fisheries in March 2023, the policy aims to maximize state revenues from the fisheries sector and will take effect in early 2024. A key change from previous policies is the introduction of quota-based fishing for industrial, local, and non-commercial fishers in six fishing zones covering 11 fisheries management areas (WPP) across the archipelago (Gokkon, 2023). This policy excludes small-scale fishers, offering them greater benefits and reducing pressures on fish stocks to ensure sustainability.

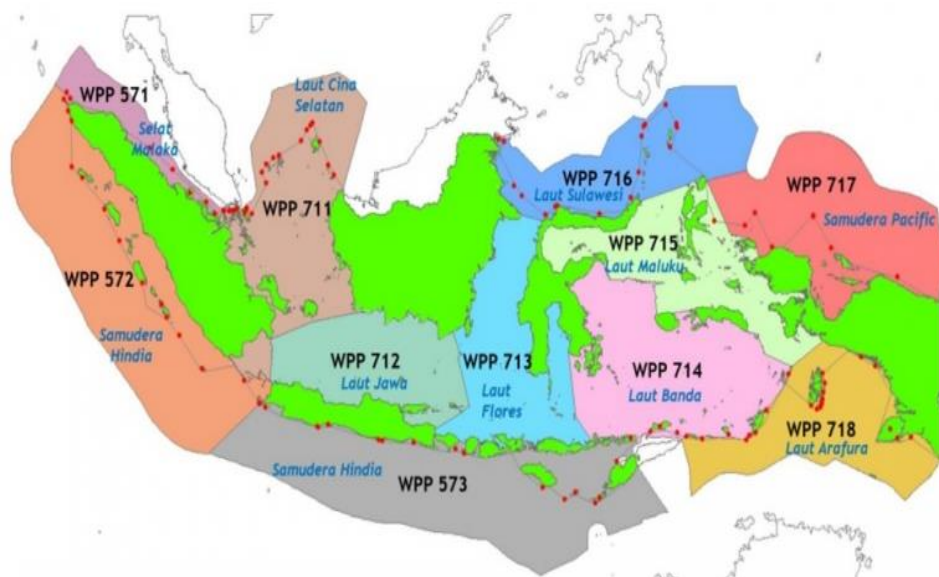


Figure 3. Fisheries Management Area (WPP) Map

Source: <https://www.handalselaras.com/wilayah-pengelolaan-perikanan-negara/>

The quota-based fishing policy for industrial, local, and non-commercial fishermen does provide benefits for small fishermen. However, this policy has drawbacks for industrial, local, and non-commercial fishermen, who were previously allowed to catch fish as desired as long as it did not exceed the total allowable catch (TAC), which was about 80% of the total estimated fish stock. The Indonesian Ombudsman Office and the Destructive Fishing Watch (DFW) Indonesia NGO have highlighted several shortcomings and potential losses of this new strategy. They state that the policy is not fully understood by all fishermen, shipowners, and

fishing companies. According to the Indonesian Ombudsman, the new management policy generally lacks accountability and transparency. Similar complaints were also expressed in the DFW-Indonesia report, which found that many fishermen had limited awareness of the regulatory changes and also pointed out that the fishing infrastructure could not support the new strategy. Both organizations also raised concerns about the voluntary scheme for reporting catch data to authorities. Without strict monitoring and evaluation, they warned that it could backfire, leading to inaccurate and misleading estimates, which could threaten the fish stock in the country (Gokkon, 2023). This policy has created inequities for industrial, local, and non-commercial fishermen, as it automatically reduces their income due to changes in the regulation of catch amounts. This situation has drawn attention from several parties, including non-governmental organizations.

As a source of nutrition, employment, and income, the fishing sector is crucial for Indonesia's ability to achieve sustainable development (Suharsono, Mustofa, Nuraini, & Lalu Hizbulloh, 2021, p. 1). Indonesia was the second-largest fish producer in 2018 (after China) (Food and Agriculture Organization of the United Nations (FAO), 2020). This growing sector provides livelihoods for around two million people, is an important source of animal protein, and generates significant export income. Although Indonesia has not yet fully utilized its vast marine resources, some fish stocks, including some of high economic value, are already experiencing overfishing, and many others are considered fully exploited (Suharsono, Mustofa, Nuraini, & Lalu Hizbulloh, 2021, p. 1). The statement that Indonesia's marine resources are not fully utilized due to overfishing indicates that the government needs to create policies that can address this issue.

5. CONCLUSION

Overall, this paper highlights the significant challenges faced by Indonesia in addressing illegal, unreported, and unregulated (IUU) fishing, focusing on its definition, impact on local fishermen, and government responses. Despite significant measures taken, such as sinking foreign vessels and banning transshipment at sea, the issue of IUU fishing persists. This is influenced by high global demand and declining fish supplies, which ultimately affect the livelihoods of millions of poor fishermen. Therefore, there is a need for more effective policies to balance the interests of various stakeholders while ensuring the sustainable management of fishery resources.

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