

The Legal Framework and Government Institutional Landscape of the Fisheries Sector in Indonesia

EXECUTIVE SUMMARY VERSION

February 2019



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We would like to thank the David and Lucile Packard Foundation for funding the development of this report. We would also like to thank the individuals who participated in Focus Group Discussions or otherwise contributed to this report. We take full responsibility for any errors or omissions that may occur in the report.

Cover Photo : Farizun Amrod Saad/Shutterstock.com

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1

Introduction

1.1 Context

Indonesia is an important archipelagic nation that possesses globally significant marine biodiversity and a high reliance on seafood for human sustenance and economic development. However, its fisheries are impacted by overfishing, management problems, and other institutional, governance, and economic challenges.

1.2 Report Rationale

Significant opportunities exist to advance the goal of sustainable fisheries reform in Indonesia. Senior policy leadership by the current administration has created the political conditions to advance reforms. There is also a robust cadre of civil society organizations (CSOs) who are working to influence policy in an increasingly coordinated manner.

Nevertheless, the legal framework and government institutional landscape related to fisheries is fractured yet interconnected and generally challenging to navigate. While several reports and academic journal articles provide pieces of the landscape, there is not yet an overall resource that maps the current state of all the relevant laws, regulations, and institutions along with their historical context.

This report attempts to fill this gap by providing a comprehensive overview of the current state of the legal framework and government institutional landscape. In doing so, the report hopes to enhance the knowledge, understanding, and ultimately the ability of those interested in sustainable fisheries reform in Indonesia.

1.3 Scope and Methods

For the purposes of this report, fisheries include both wild capture and aquaculture, but the bulk of the analysis is focused on the former due to the fact that there are currently more laws and regulations that address wild capture fisheries. In terms of the scope, the report presents the current state of the legal and institutional landscape as defined by existing laws, regulations, and institutional mandates.

In order to structure the information and analysis, the report focuses on six somewhat overlapping themes:

- 1. Jurisdictional Authority and Rights.** This looks at the authority for fisheries management, enforcement, licensing, etc., as defined by distance, vessel size, etc. It also covers rights (e.g., use rights, customary rights).
- 2. Management and Planning.** This discusses how fisheries management and planning efforts are regulated in Indonesia (e.g., gear and catch zone restrictions, fisheries management planning, management planning of coastal areas and small islands).

- 3. Enforcement.** This describes enforcement responsibilities across relevant institutions as well as the process for enforcing laws against fisheries crimes from apprehension through to prosecution.
- 4. Registration and Licensing.** This describes the various categories of fisheries actors, business sectors, and vessels, as well as their associated registration and licensing requirements and processes.
- 5. Revenues.** This discusses the various tax and non-tax state revenue sources that the government collects from the fisheries sector.
- 6. International Agreements.** This looks at key fisheries-related international agreements that have been ratified by Indonesia, and how these have been integrated into or have impacted Indonesian fisheries laws and regulations.

Given the inherent overlap across these themes, some material is repeated in multiple places. This is also by design: the report is structured such that individual sections can be utilized as stand-alone references.

In each of the sections the report highlights issues such as policy inconsistencies or jurisdictional overlaps but does not make judgments on “gaps” or recommendations for future work. In other words, the focus is on summarizing the facts in a purely objective manner. The report also provides backward-looking information to illustrate historical contexts.

Completion of this report involved a combination of desk review, interviews, and Focus Group Discussions (FGDs) from April through October 2018.



2

Components of the Indonesian Legal System and Processes

Before turning to the fisheries sector, it is important to understand the broader policymaking and legal system in Indonesia. This section provides a basic overview of the following components of the Indonesian legal system:

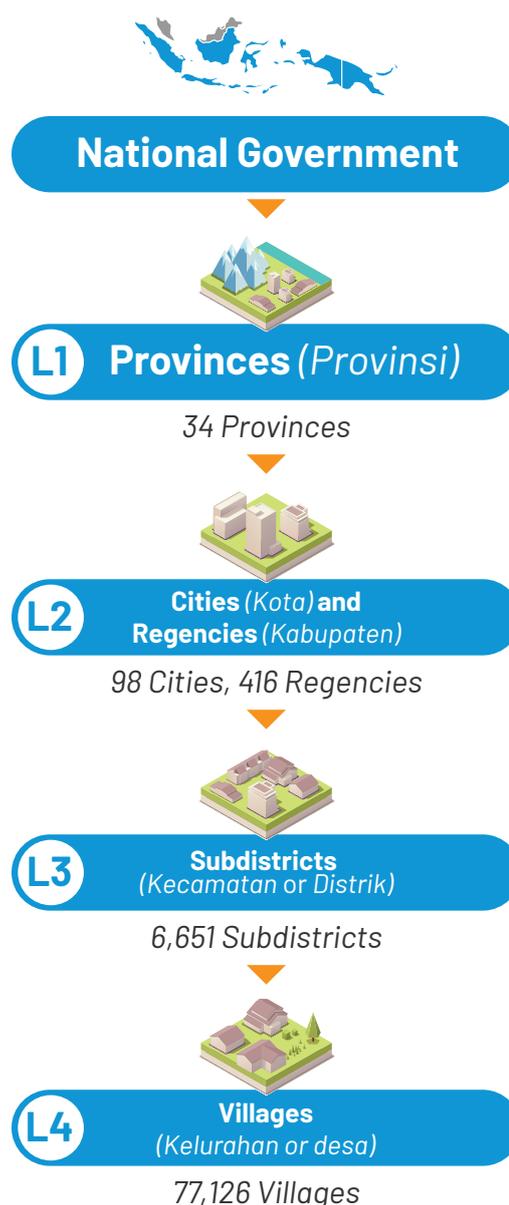
- The structure of the national and subnational government;
- The policymaking process; and
- The hierarchy of various types of laws and regulations.

There are three branches of government, as defined in the 1945 Constitution: the executive, legislature, and judiciary. The subnational government includes four levels: Provinces (level 1), Cities and Regencies (level 2), Subdistricts (level 3)¹, and Villages (level 4).

The President and the House of Representatives (DPR) are able to initiate the process to draft a bill, which then takes place over five steps: planning, drafting, discussion, endorsement, and promulgation. **(See Figure 1 for an overview of the policymaking process.)**

The “hierarchy of laws” (Law (UU) No. 12/2011 on Lawmaking) sets out state institutions and individuals that can make laws, the types of laws they can make, and the relative authority of those laws. Lower level laws and regulations must comply with higher level laws. Some laws and regulations are not explicitly mentioned within this hierarchy of laws, including Ministerial Regulations (Permen). Ministerial Regulations are still legally binding. **(See Figure 2 for the hierarchy and types of laws and regulations.)**

Ministerial Decrees (Kepmen) and Ministerial Regulations (Permen) can be found to contradict regional/local regulations (Perda), resulting in confusion when it comes to implementation on the ground. Similarly, conflicts can and do arise between regulations issued under different laws. As a result, the Ministry of Law and Human Rights issued Ministerial Regulation No. 32/2017 on the Procedures for the Settlement of Disputes Involving Laws and Regulations through Non-Litigation Channels.



The Constitutional Court can assess whether laws are consistent with the Constitution. It cannot, however, review the constitutionality of other types of laws or actions of government. The Supreme Court has the authority to review lower level regulations to ensure their compliance with national statutes, but cannot do so in relation to their constitutionality.

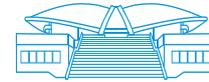
Development policy across all sectors, including marine affairs and fisheries, is framed by 20-year National Long-Term Development Plans (RPJPN) and 5-year National Medium-Term Development Plans (RPJMN). These mandate strategic policy direction, development targets, and, where needed, enabling law and regulation in order to achieve these targets.

Figure 1



THE POLICYMAKING PROCESS IN INDONESIA

The legislative process is carried out through 5 gradual steps:



1 Planning

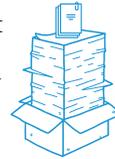
• President



The president asks ministers or heads of non-ministerial government institutions to prepare the bill in accordance with their scope of duties and responsibilities.

or

• House Of Representatives (DPR)



The bill is proposed by members of DPR, commissions, coalitions of commissions, or, in cases of regional issues, parliamentary fittings that specifically deal with legislation of the DPD.

The 1945 Constitution grants legislative power to 3 constitutional bodies:



PRESIDEN REPUBLIK INDONESIA

The President (Executive Branch) in the Central Government



House Of Representatives (Dewan Perwakilan Rakyat, DPR)



The Regional Representative Council (Dewan Perwakilan Daerah, DPD)

References:

1. The 1945 Constitution of the Republic of Indonesia.
2. Law No. 12/2011 concerning Laws and Regulations Making Process.

An academic paper (*Naskah Akademik*) should be provided by the initiator of the bill (President or DPR) since the planning process takes place in the National Legislation Program (*Program Legislasi Nasional*, Prolegnas).

2 Drafting



During the preparation and discussion of the bill, the public is entitled to provide input orally and/or in writing to the DPR.



The bill is then drafted by the DPR in the yearly National Legislation Program (Prolegnas).

3 Discussion



Level I:

Introductory deliberations, including discussions of the list of identified problems (*daftar inventaris masalah*) and brief opinion of the faction (*pandangan mini fraksi*)

Level II:

- Submission of reports containing processes, brief opinion of the faction, DPD brief opinion of the faction, and the results of the Level I discussion;
- A statement of consent or rejection of each faction and member; and
- The President's final opinion submitted by the minister representing him.

- If agreement is not reached through consensus, the decision is based on majority.
- DPD is only involved if the bill is related to central and regional relations; formation, division, and merger; management of natural resources or other resources; and the balance of central and regional finances.
- DPD can take part in discussion and can give opinions at the DPR plenary meeting discussing the bill at Levels I and II, but does not have the right to approve the relevant bill (based on Constitutional Court Decision No. 92/2012). Every bill is discussed jointly by the DPR and the President to get joint approval.

4 Endorsement

The bill is then approved by the DPR and the President, and is submitted to the President to be signed.



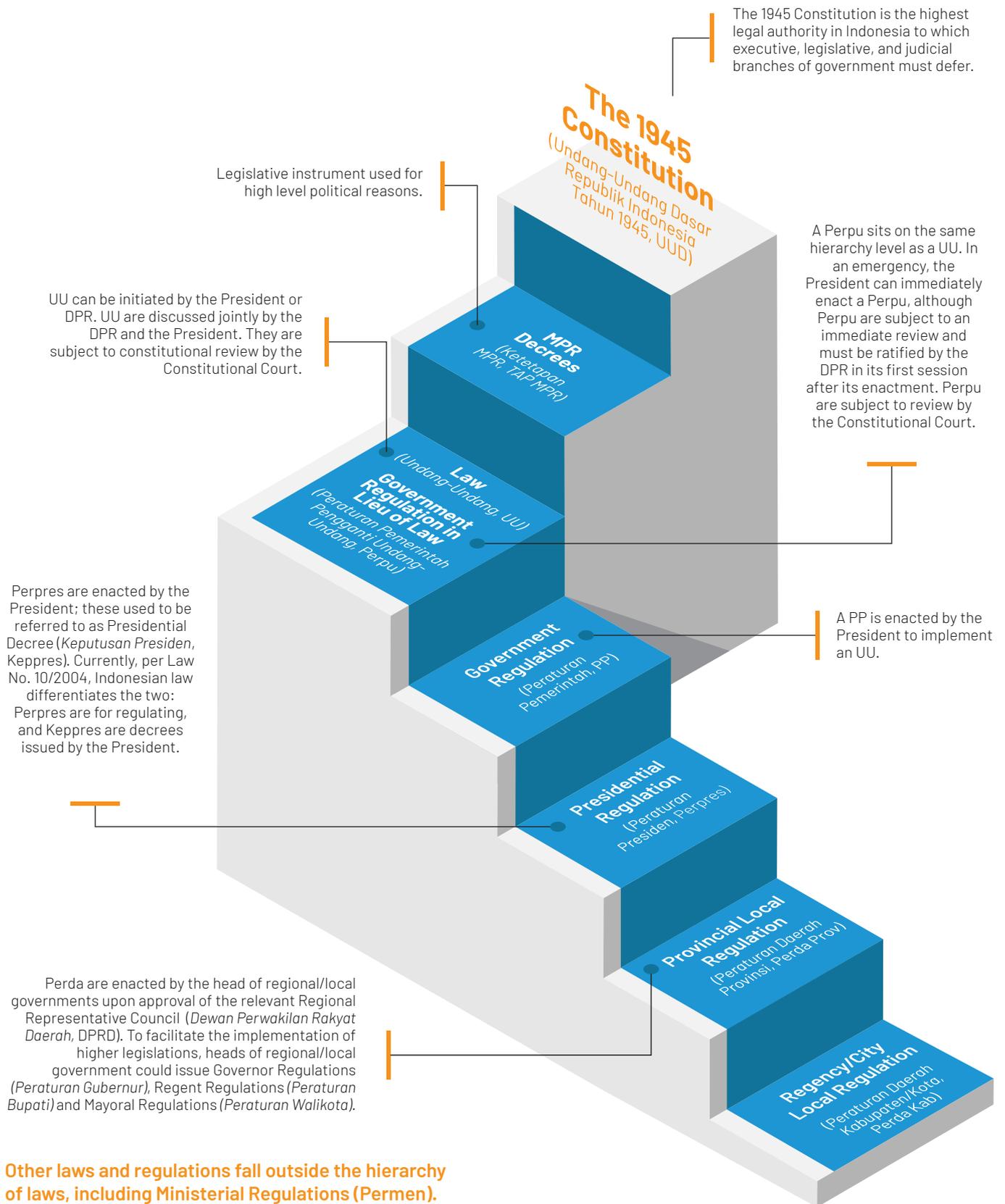
5 Promulgation

The president endorses the bill by signing it. The bill is declared publicly by putting it in the State Gazette (*Lembaran Negara Republik Indonesia*).

30 days after the date of the joint approval, even if the bill has not been signed by the President, it becomes a law and must be promulgated.

Figure 2

HIERARCHY AND TYPES OF LAWS AND REGULATIONS



Other laws and regulations fall outside the hierarchy of laws, including Ministerial Regulations (Permen). Ministerial Regulations are still considered part of the law and are legally binding according to Article 8 of Law (UU) No. 12/2011.

The Legal Framework and Government Institutional Landscape of the Fisheries Sector in Indonesia (February 2019)

3

Key Aspects of the Legal Framework and Government Institutional Landscape of the Fisheries Sector in Indonesia



This section first explains the scope of this review, containing a summary of the types and numbers of laws and regulations included, and then provides an overview of the key laws underpinning the fisheries sector, starting with the 1945 Constitution. Finally, it maps out the government institutions and entities involved in the fisheries sector.

Indonesia currently has more than 50,000 laws and regulations. This report reviewed 182 national-level laws and regulations relevant to wild capture and aquaculture fisheries.

Table 1. Scope of the Review

Types	Quantity	Period
Indonesian Constitution	1	1945
Laws (UU)	33	1960–2016
Government Regulations (PP)	20	1962–2017
Presidential Regulations (Perpres)	14	1959–2017
Presidential Decrees (Keppres)	6	1975–2000
Presidential Instructions (Inpres)	1	2016
Ministerial Regulations (Permen)	77	1973–2017
Ministerial Decrees (Kepmen)	25	1973–2016
Joint Decrees	2	1972 & 2012
Other	3	2015–2018
Total	182	

The 1945 Constitution is the highest legal authority in Indonesia to which executive, legislative, and judicial branches of government must defer. Article 33 is the main reference for laws related to the national economy and social welfare, including the management and utilization of natural resources (e.g., fisheries).

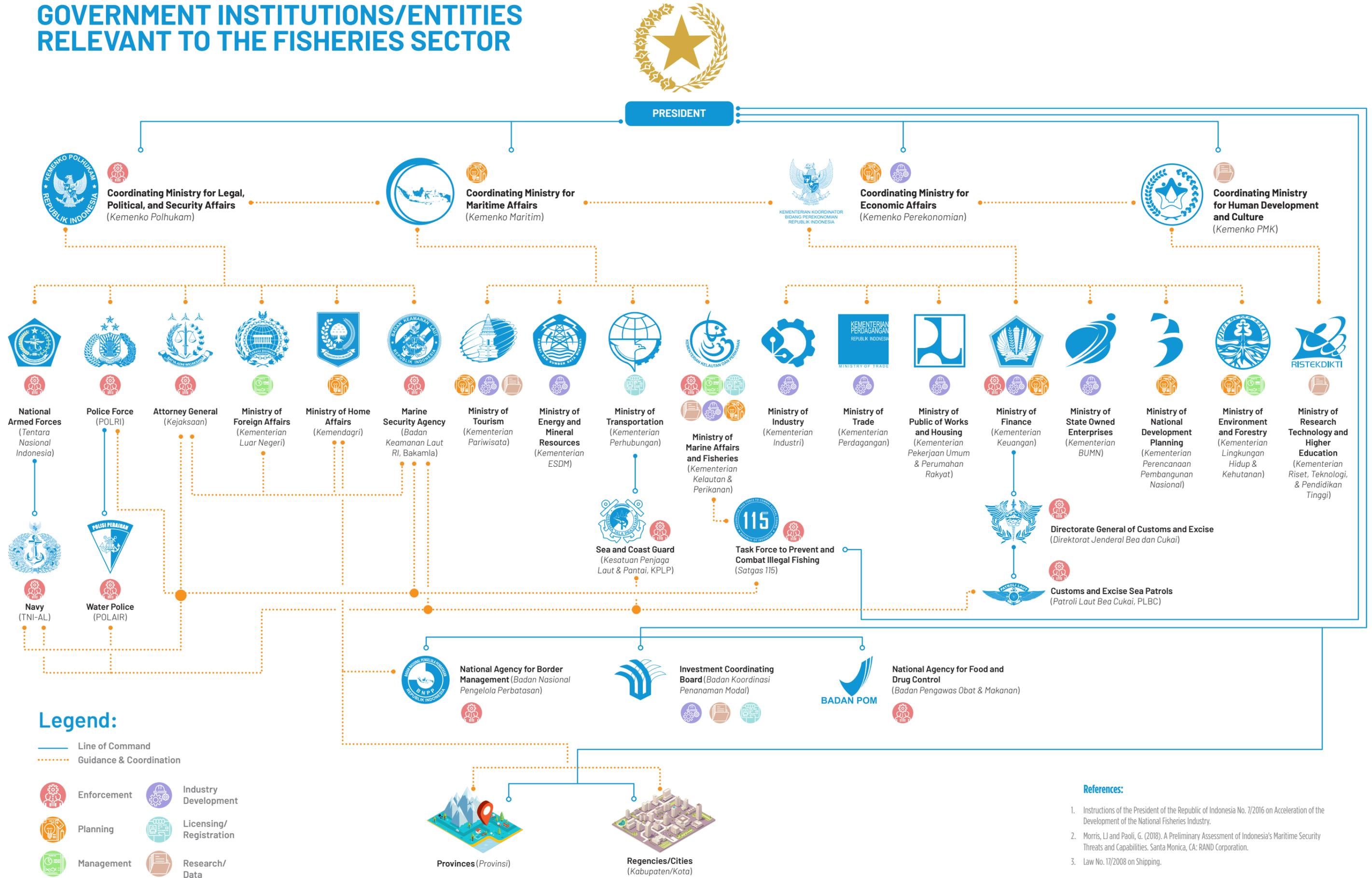
In addition to the Constitution, there are five other laws that hold particular significance with regard to the fisheries sector:

- Law (UU) No. 31/2004 on Fisheries, amended by Law (UU) No. 45/2009;
- Law (UU) No. 27/2007 on Coastal Areas and Small, amended by Law (UU) No. 1/2014;
- Law (UU) No. 23/2014 on Local Government, amended by Law (UU) No. 2/2015;
- Law (UU) No. 32/2014 on Marine Affairs; and
- Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers.

This review also analyzed 26 government institutions/entities, including ministries, state agencies, task forces, and institutional agencies that have at least a partial mandate related to the fisheries sector. **(See Figure 3 for the government institutions/entities relevant to the fisheries sector).** The main government institution that is currently responsible for overseeing the fisheries sector is the Ministry of Marine Affairs and Fisheries. In 2015, the MMAF was placed under the coordination of a new coordinating ministry, the Coordinating Ministry for Maritime Affairs. **(See Figure 4 for the evolution of the main institution responsible for fisheries).**

Figure 3

GOVERNMENT INSTITUTIONS/ENTITIES RELEVANT TO THE FISHERIES SECTOR

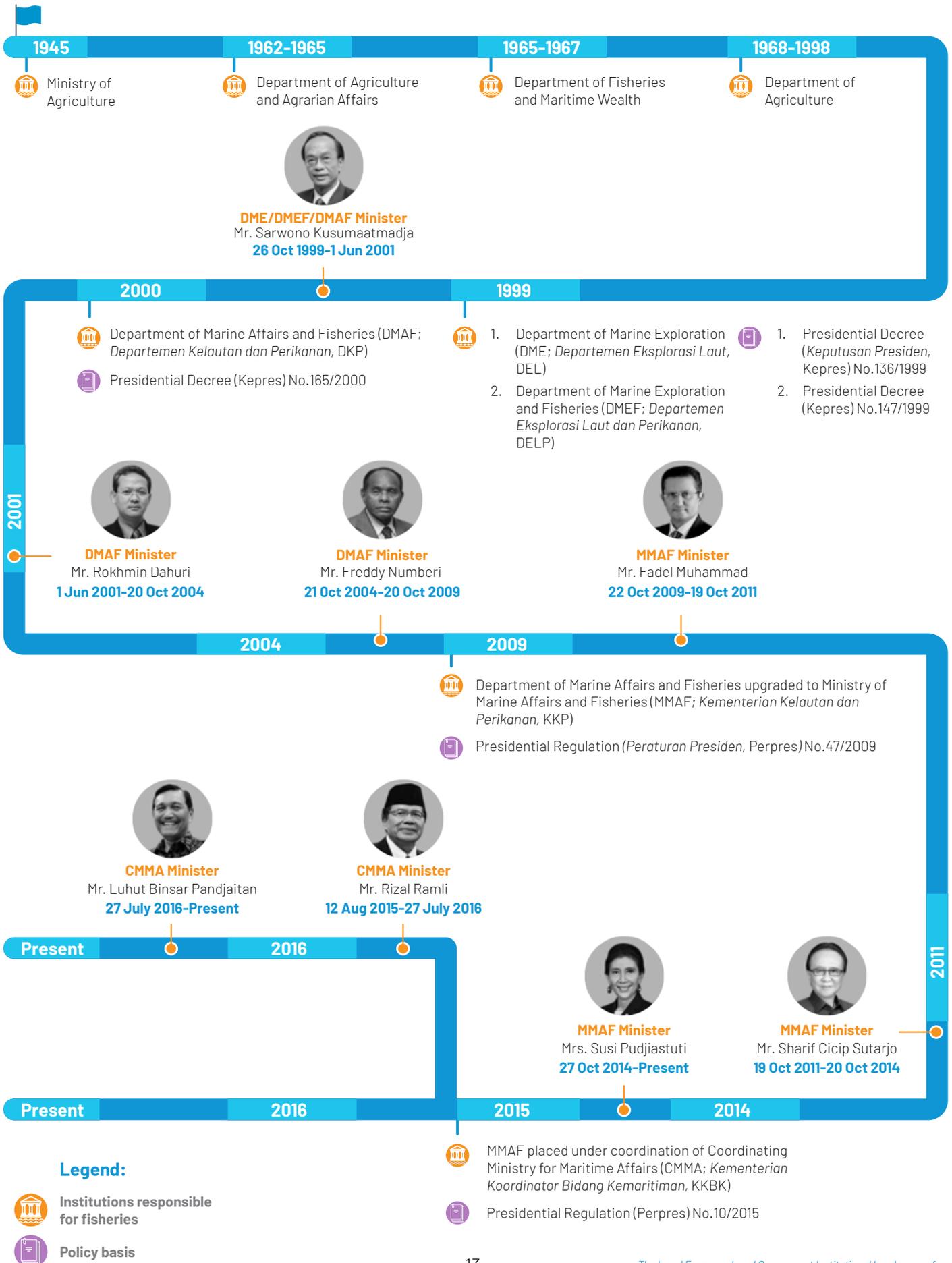


References:

1. Instructions of the President of the Republic of Indonesia No. 7/2016 on Acceleration of the Development of the National Fisheries Industry.
2. Morris, LJ and Paoli, G. (2018). A Preliminary Assessment of Indonesia's Maritime Security Threats and Capabilities. Santa Monica, CA: RAND Corporation.
3. Law No. 17/2008 on Shipping.

Figure 4

THE EVOLUTION OF THE MAIN INSTITUTIONS RESPONSIBLE FOR FISHERIES





4

Key Aspects of the Historical Context Related to Territorial Claims and Marine Policy

This section provides details regarding Indonesia's territorial claims as well as the high-level evolution of marine policy. Together, the evolution of territorial claims and marine policy helps to provide useful context before turning to the thematic sections.

The effort to secure Indonesia's territorial waters dominated marine policy and diplomacy for the first forty years of independence. **(See Figure 5 for key milestones related to maritime territorial claims.)** The effort began with the 1957 Djuanda Declaration, in which Indonesia first promulgated its claims over waters to the 12 nm limit, waters between islands, and waters inside of a straight line between the outermost points of this space, as its internal waters. Indonesia's territorial claims were initially resisted by some fishing nations whose fleets had historically fished in its waters. Indonesia chose to address these claims by bilaterally granting limited fishing rights in return for recognition of its claims.

The first milestone in marine policy was Presidential Regulation (Perpres) No. 19/1960 which established an inter-agency Maritime Council to advise the government in determining and formulating maritime policy and in planning and drafting maritime regulations and supervising their implementation.

Following the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, Indonesia shifted focus to exploiting fisheries within the entire Exclusive Economic Zone (EEZ). Government Regulation (PP) No. 15/1984 introduced mandatory licensing for all capture fishery operations in the EEZ and mandated the Minister of Agriculture with the responsibility for determining allowable catch based on available research and other data. Pursuant to Article 62(2) of UNCLOS, any surplus not utilized by Indonesian operators could be allocated to foreign operators through direct licensing or bilateral agreements with their home countries.

Other select milestones included:

- The first fisheries law, Law (UU) No. 9/1985, restricted fishing rights to Indonesian citizens and business entities, except where meeting obligations under international law.
- Law (UU) No. 17/1985—translating international maritime law into national law—constituted the first comprehensive legislative mandate for a marine policy.
- The creation of the Department of Marine Exploration (DME) in 1999—the first ministry dedicated to marine affairs since the short-lived Department for Fisheries and Marine Wealth in the mid-1960s—was an important development. The department's name was adjusted to include fisheries that same year.
- Law (UU) No. 27/2007 enshrined coastal areas as a national asset to be managed for the greatest benefit of the people. Where much of the policy effort over the previous twenty years had been on asserting Indonesia's sovereign rights in its EEZ, this law shifted attention back onto Indonesia's territorial waters.

More recently, Indonesia's assertion of its sovereign rights in the EEZ has adopted a stronger focus on law enforcement. The first significant milestone in this respect was Law (UU) No. 45/2009 amending the 2004 Fisheries Law which extended the jurisdiction of MMAF civilian investigators to the 200 nm limit. In 2014 a new law on marine affairs was also passed, establishing a comprehensive legal mandate for the integrated and sustainable management of Indonesia's oceans. Among others, it mandated the development of a National Marine Spatial Plan and a new Marine Security Agency (Bakamla) to strengthen patrols and security. Building on the marine affairs law, a new Marine Policy was passed in 2017. **(See Figure 6 for key milestones related to marine policy.)**

Figure 5

MARITIME TERRITORIAL CLAIMS: KEY MILESTONES



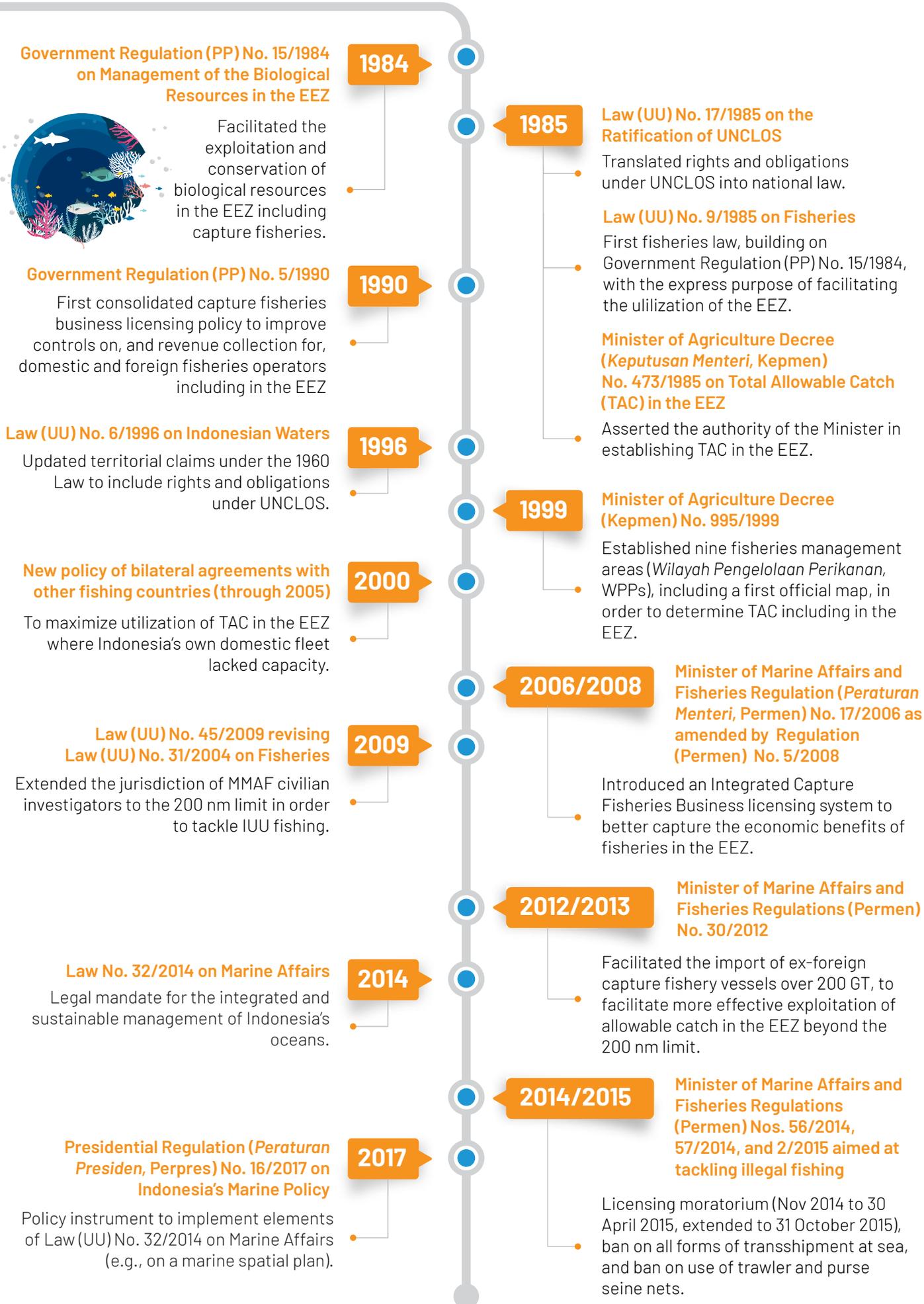
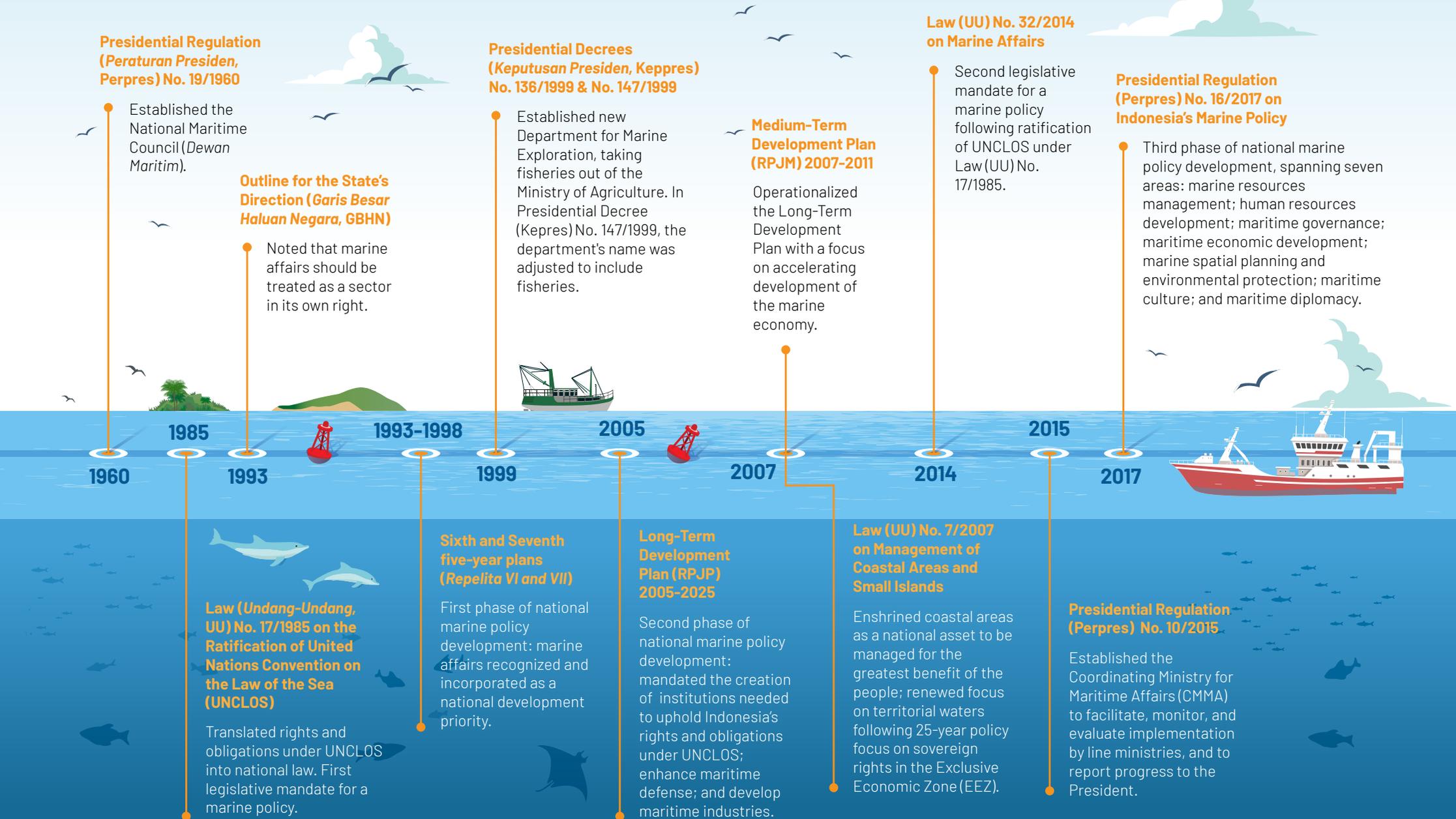


Figure 6

INDONESIA'S MARINE POLICY: KEY MILESTONES



5

Jurisdictional Authority and Rights



This section highlights the key features of jurisdictional authority and rights based on existing laws and regulations, and then provides an overview of the historical context of how these have evolved over time.

The jurisdictional authority over fisheries is multidimensional. It is possible to look at this in terms of the level of government (e.g., central, Provincial, Regency/City), the policy area (e.g., marine, coastal and small-islands, wild capture fisheries, aquaculture), the actual activities (e.g., issuance of licenses, management), the spatial area in question (e.g., 0–12 nm, 12–200 nm), the vessel size in question (e.g., ≤ 10 GT, > 10–≤ 30 GT, > 30 GT), or some combination of these variables.

Looking at jurisdiction through a spatial lens, the central government has management and licensing authority from 12–200 nm and provinces up to 12 nm. If the sea area between two provinces is less than 24 nm, the authority to manage marine resources is divided equally by distance up to the halfway point between the two provinces. It is also worth noting that until Law (UU) No. 23/2014, natural resource management within the 4 nm limit was the responsibility of the Regency/City level. **(See Figure 7 for an overview of jurisdictional authority—spatial.)**

In terms of authority based on vessel size, the main categories are up to 10 GT for small, greater than 10 GT up to 30 GT for medium, and greater than 30 GT for large. Further classifications apply for certain licenses and permits. For example, the Ministry of Transportation requires Vessel Certification (*Sertifikasi Bidang Perkapalan*) consisting of: Sea Pass (*Surat Laut*) for vessels weighing > 175 GT; Large Pass (*Pas Besar*) for vessels weighing 7–175 GT; and Small Pass (*Pas Kecil*) for vessels weighing < 7 GT. Generally speaking, the central government has authority over vessels greater than 30 GT and provinces have authority over vessels greater than 10 GT up to 30 GT. No one level of government has clear jurisdiction with respect to the oversight of small-scale fishers. **(See Figure 8 for an overview of jurisdictional authority—vessel size.)**

Looking at the historical context **(See Figure 9)**, key laws and milestones to highlight include the following:

- Article 33(3) of Indonesia's 1945 Constitution asserts the power of the state to control land, waters, and the natural resources they contain therein for the greatest prosperity of the people.
- **Spatial oversight:** Law (UU) No. 22/1999 on Local Government radically decentralized power to the regions. This included granting Provinces jurisdiction to 12 nm and Regencies/Cities to 4 nm. Law (UU) No. 32/2004 on Local Government, replacing Law (UU) No. 22/1999, reaffirmed Provincial authority to manage marine resources up to the 12 nm limit and Regency/City authority over a third of that, to 4 nm. However, Law (UU) No. 23/2014 on Local Government revoked the authority of Regencies/Cities over marine natural resource management within the 4 nm zone and transferred the power to the Provincial level. That said, Provinces can still delegate certain concurrent responsibilities

to Regencies/Cities. Depending on how implementing regulation is formulated, this could include the responsibility to administer a new category of Registration Certificates for Small-Scale Fishing Vessels and Fish Farmers under the OSS Regulation (PP) No. 24/2018.

- **Small-scale fishers:** Law (UU) No. 45/2009 amending the 2004 Fisheries Law defined small-scale fishers as those who fish to meet daily needs and who operate fishing vessels up to 5 GT. In 2016, a broader definition of small-scale fishers—vessels up to 10 GT—was incorporated into Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers. It is important to note, however, that Law (UU) No. 7/2016 does not specifically exclude small-scale fishers from licensing; only that they should be exempt from levies (i.e., having to pay for these licenses).

Figure 7

JURISDICTIONAL AUTHORITY – SPATIAL

Management authority

- Management of sea space (*ruang laut*) from 12 nautical miles (nm) to 200 nm and of sea space with national strategic value
- Management of wild capture fisheries from 12 nm to 200 nm

Licensing authority

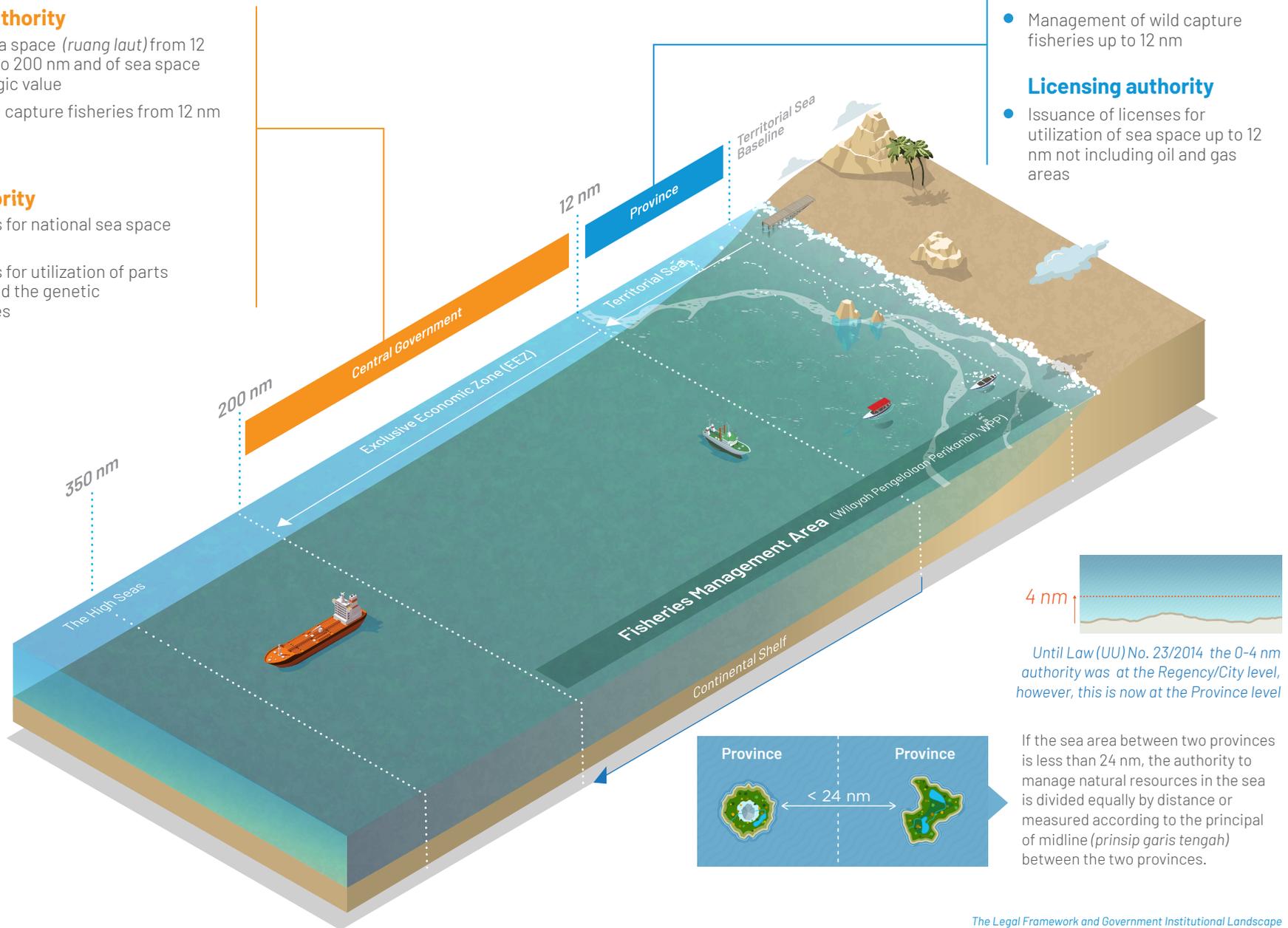
- Issuance of licenses for national sea space utilization
- Issuance of licenses for utilization of parts of organism that hold the genetic properties of species

Management authority

- Management of sea space up to 12 nm not including oil and gas areas
- Management of wild capture fisheries up to 12 nm

Licensing authority

- Issuance of licenses for utilization of sea space up to 12 nm not including oil and gas areas

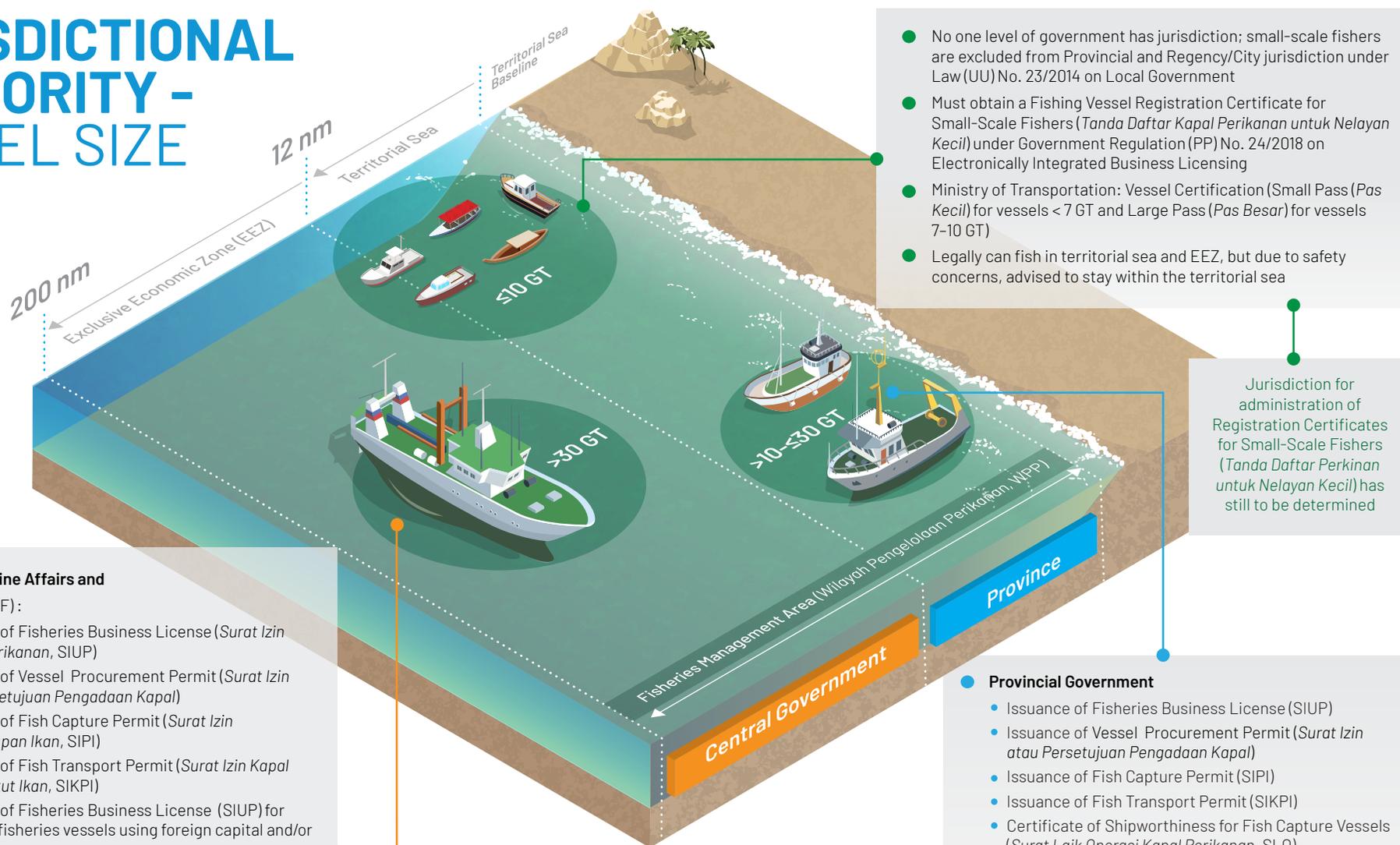


References:

1. Law No. 31/2004 on Fisheries as amended by Law No. 45/2009.
2. Law No. 23/2014 on Local Government as amended by Law No. 2/2015 and Law No. 9/2015.
3. Law No. 32/2014 on Marine Affairs.
4. Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers.
5. The United Nations Convention on the Law of the Sea (UNCLOS).

Figure 8

JURISDICTIONAL AUTHORITY - VESSEL SIZE



- **Ministry of Marine Affairs and Fisheries (MMAF) :**
 - Issuance of Fisheries Business License (*Surat Izin Usaha Perikanan, SIUP*)
 - Issuance of Vessel Procurement Permit (*Surat Izin atau Persetujuan Pengadaan Kapal*)
 - Issuance of Fish Capture Permit (*Surat Izin Penangkapan Ikan, SIPI*)
 - Issuance of Fish Transport Permit (*Surat Izin Kapal Pengangkut Ikan, SIKPI*)
 - Issuance of Fisheries Business License (SIUP) for 10-30 GT fisheries vessels using foreign capital and/or workers.
 - Transmitter Activation Certificate (*Surat Keterangan Aktivasi Transmitter, SKAT*)
 - Certificate of Shipworthiness for Fish Capture Vessels (*Surat Laik Operasi Kapal Perikanan, SLO*)
- **Ministry of Transportation:** Vessel Certification (Large Pass (*Pas Besar*) for vessels 7-175 GT; Sea Pass (*Surat Laut*) for vessels weighing > 175 GT) and Sailing Permit (*Surat Persetujuan Berlayar*)
- Can only fish in the EEZ

References:

1. Law No. 45/2009 on Amendment to Law No. 31/2004 on Fisheries.
2. Law No. 23/2014 on Local Government (amended by Law No. 2/2015).
3. Law No. 7/2016 on Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers.
4. Government Regulation (Peraturan Pemerintah, PP) No. 24/2018 on Electronically Integrated Business Licensing.

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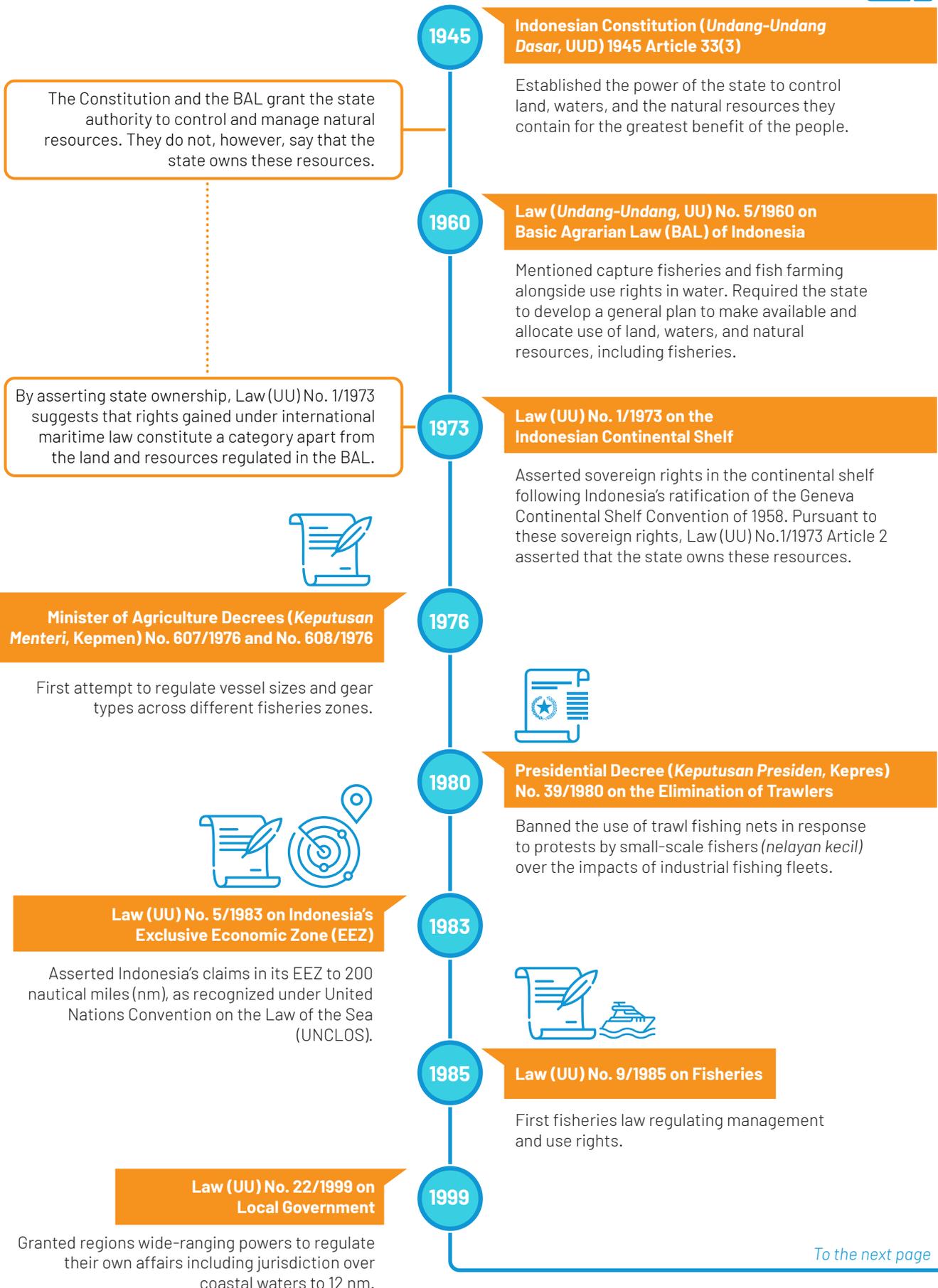
- No one level of government has jurisdiction; small-scale fishers are excluded from Provincial and Regency/City jurisdiction under Law (UU) No. 23/2014 on Local Government
- Must obtain a Fishing Vessel Registration Certificate for Small-Scale Fishers (*Tanda Daftar Kapal Perikanan untuk Nelayan Kecil*) under Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing
- Ministry of Transportation: Vessel Certification (Small Pass (*Pas Kecil*) for vessels < 7 GT and Large Pass (*Pas Besar*) for vessels 7-10 GT)
- Legally can fish in territorial sea and EEZ, but due to safety concerns, advised to stay within the territorial sea

Jurisdiction for administration of Registration Certificates for Small-Scale Fishers (*Tanda Daftar Perikanan untuk Nelayan Kecil*) has still to be determined

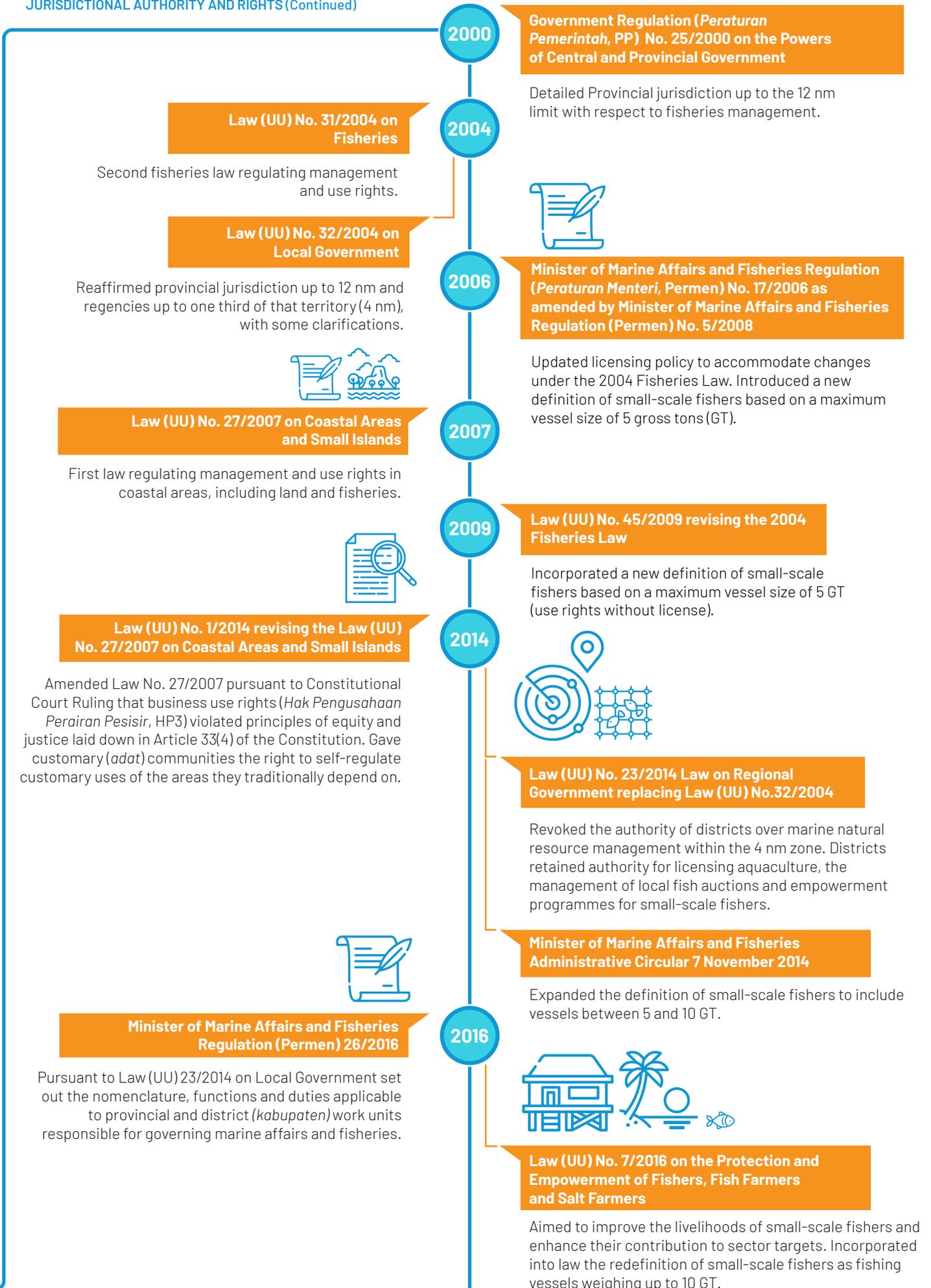
- **Provincial Government**
 - Issuance of Fisheries Business License (SIUP)
 - Issuance of Vessel Procurement Permit (*Surat Izin atau Persetujuan Pengadaan Kapal*)
 - Issuance of Fish Capture Permit (SIPI)
 - Issuance of Fish Transport Permit (SIKPI)
 - Certificate of Shipworthiness for Fish Capture Vessels (*Surat Laik Operasi Kapal Perikanan, SLO*)
- **Ministry of Transportation :** Vessel Certification (Large Pass (*Pas Besar*) for vessels 7-175 GT) and Sailing Permit (*Surat Persetujuan Berlayar*)
- Can only fish in the territorial waters
- If a provincially licensed vessel goes outside the 12 nm zone and into another province's jurisdiction, it is expected to obtain a migratory fishing permit or *surat andon* signed by the province of origin and province of destination.

Figure 9

JURISDICTIONAL AUTHORITY AND RIGHTS: KEY MILESTONES



To the next page



6

Management and Planning



This section describes the key features of the existing management and planning laws and regulations, and then provides historical context.

The term “management” is used in Law (UU) No. 31/2004 on Fisheries, which was partially amended by way of Law (UU) No. 45/2009 under the same title. The term “sustainable fisheries” is, however, not yet defined per existing laws and regulations. However, the term “sustainable development” (*pembangunan yang berkelanjutan*) is explicitly mentioned in Article 2 of the Fisheries Law as one of the principles of fisheries management.

Indonesian waters are currently divided into eleven Fisheries Management Areas (WPPs). Minister of Marine Affairs and Fisheries Regulation (Permen) No. 29/2012 provides the guidelines for fisheries management planning in each of the WPPs spanning stock assessments and processes to determine and allocate total allowable catch. **(See Figure 10 for an overview of formulating management plans for fisheries management areas.)** Maps for each WPP were gazetted under Ministry of Marine Affairs and Fisheries Regulation (Permen) No. 18/2014, and each WPP is regulated by a Ministerial Decree. MMAF Directorate General of Capture Fisheries Decree No. 47/2017 outlines the structure and tasks of Fisheries Management Councils (FMCs) in each of the WPPs. The role of the FMCs will be to serve as the primary formal consultative platform for fisheries stakeholders to convene and discuss matters related to fisheries in the WPPs.

In terms of Provincial-level management planning, Minister of Marine Affairs and Fisheries Regulation (Permen) No. 26/2016 on Nomenclature, Functions, and Duties Applicable to Provincial and Regency Work Units Responsible for Governing Marine Affairs and Fisheries provides the legal basis for the creation of a fisheries management plan by Provincial governments, especially the ones related to small island and coastal areas.

Looking at the historical context **(See Figure 11)**, key laws and milestones to highlight include:

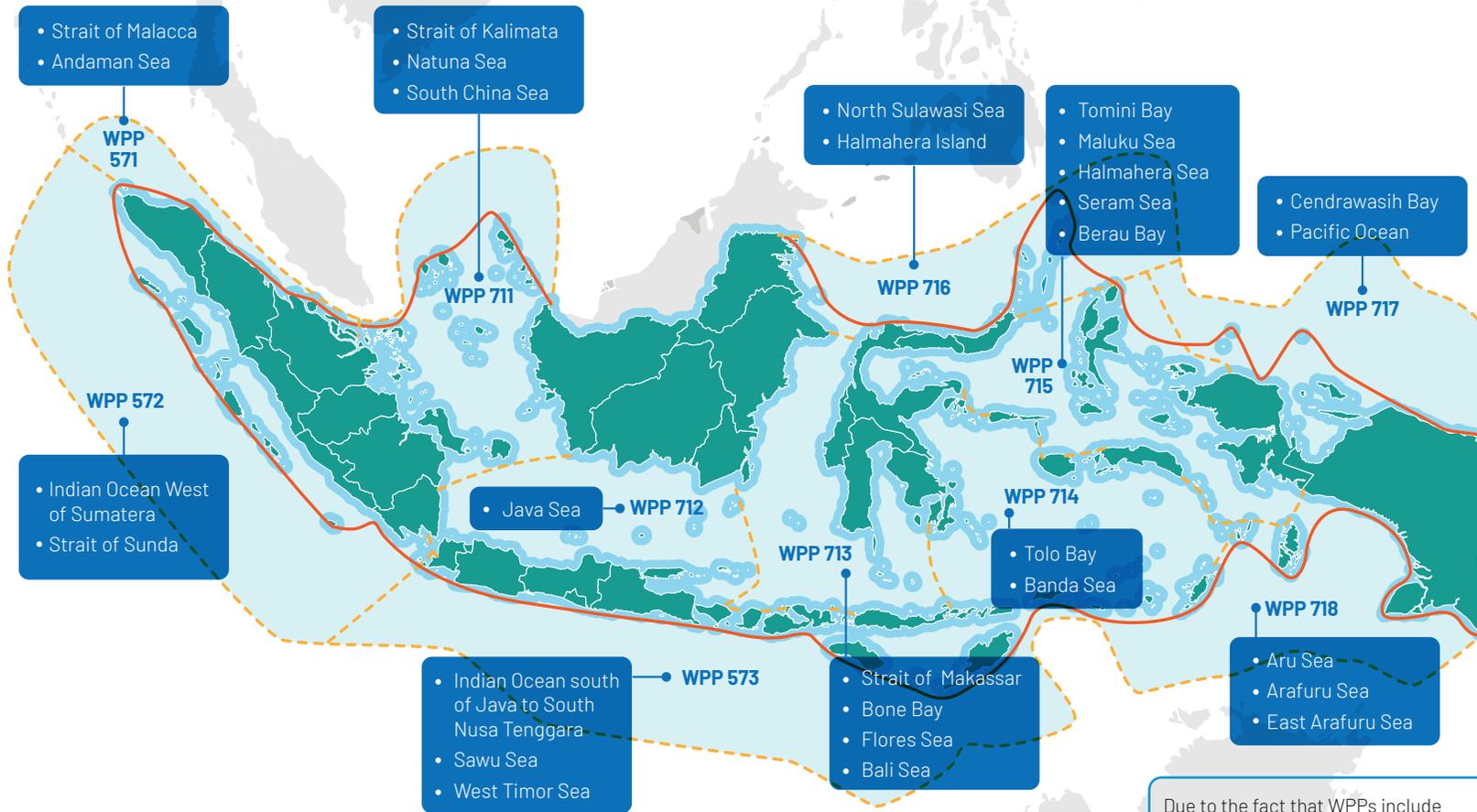
- The state’s mandate to manage natural resources is reflected in both Article 33(3) of the 1945 Constitution as well as the 1960 Basic Agrarian Law (BAL).
- Political attention in the marine sector was initially focused on asserting Indonesia’s claims with respect to its territorial waters. Policies to manage fish stocks only began to emerge in the mid-1970s. These included efforts to regulate industrial trawlers and to mitigate conflict between the industrial players and traditional, small-scale fishers.
- The conclusion of multilateral negotiations on UNCLOS in 1982 marked a new phase in the development of fisheries management policy with a greater focus on the Exclusive Economic Zone (EEZ). Indonesia declared its EEZ in 1983 and shortly after passed Government Regulation (PP) No. 15/1984 on Management of

the Biological Resources of the EEZ.

- In 1985, Law (UU) No. 9/1985 was passed and became the first legislative instrument on fisheries since the 1960 BAL. This was followed by Law (UU) No. 31/2004 and its amendment, Law (UU) No. 45/2009 on Fisheries.
- Indonesia ratified the Agreement for the Establishment of the Indian Ocean Tuna Commission and the Convention for the Conservation of Southern Bluefin Tuna in 2007 and is now a member of both commissions. Indonesia's accession to these agreements strengthened the focus on science-based management.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 16/2012 requires the National Commission for the Study of Fishery Resources to make use of best available scientific evidence.
- Presidential Instruction (Inpres) No. 7/2016 on the Accelerated Development of the Fisheries Industry mandated the accelerated mapping and planning of the Fisheries Management Areas based on carrying capacity and monitoring of fish stocks.

Figure 10

FORMULATING MANAGEMENT PLANS FOR FISHERIES MANAGEMENT AREAS



Fisheries Jurisdictions

Provincial government holds the jurisdiction for fisheries planning and management off the coast up to 12 nautical miles (nm), while the central government jurisdiction is 12-200 nm.

STEPS TO FORMULATE FISHERIES MANAGEMENT PLAN

1. Forming the Fisheries Management Plan Team

MMAF Minister will appoint Director for Capture Fisheries to form a specific team to formulate WPP-specific Fisheries Management Plans (*Rencana Pengelolaan Perikanan*). The team consists of relevant First Echelon unit and sections, local government, and the National Commission for the Study of Fishery Resources (*Komnaskajiskan*).

2. Drafting the Fisheries Management Plan Document

3. Consulting with Relevant Stakeholders

Drafting the Fisheries Management Plan should take into the consideration the indigenous peoples' concerns and local wisdom and practices. The draft will be shared with local government and stakeholders.

4. Finalizing the Fisheries Management Plan document

5. Issuing the Fisheries Management Plan by Ministry of Marine Affairs and Fisheries Decree

After the public consultation phase, the final Fisheries Management Plan will be issued by the MMAF.

Legend:

- Territorial Sea (up to 12 nm)
- Archipelagic Sea
- Fisheries Management Areas (*Wilayah Pengelolaan Perikanan, WPP*)
- Indonesian Exclusive Economic Zone (EEZ)

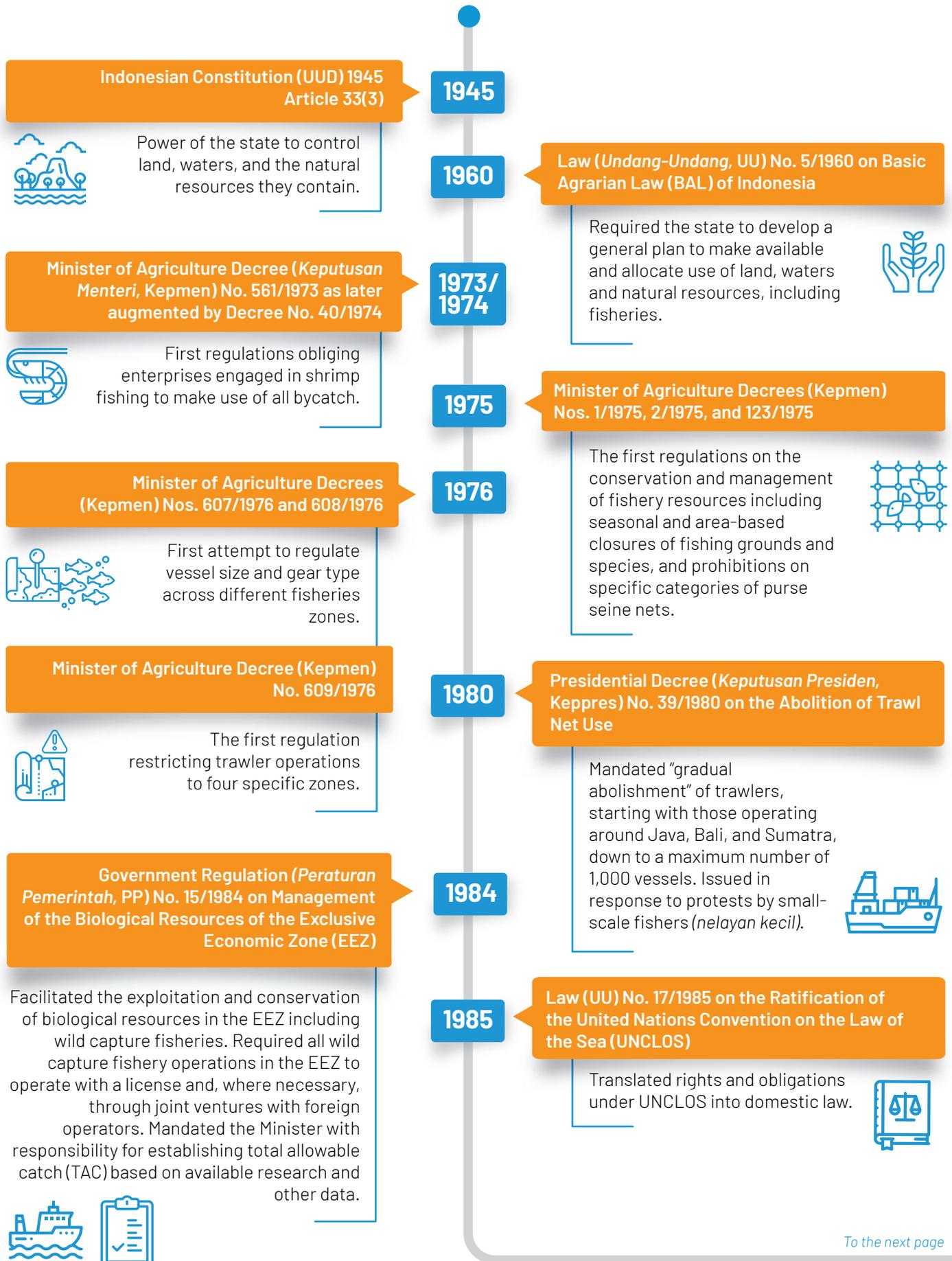
References:

1. Article 14 Ministerial Regulation No. 29/2012 on Guidelines for Fisheries Planning and Management on Capture Fishing.
2. Elucidation on Law No. 23/2014 on Local Government Point 1 letter Y.
3. Ministerial Regulation No. 26/2016 on Guidance for Provincial and Regional on Maritime and Fisheries Units.
4. Decision of Directorate General of Capture Fisheries No. 47/2017 on Fisheries Management Council.

Due to the fact that WPPs include more than one Province, MMAF's Directorate General of Capture Fisheries issued Decision No. 47/2017 providing the details and structures for Fisheries Management Council (FMC) in each WPP. The FMC will serve as the primary formal consultative platform to enable stakeholder discussion related to fisheries management.

Figure 11

FISHERIES MANAGEMENT & PLANNING: KEY MILESTONES



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Law (UU) No. 9/1985 on Fisheries

1985

First fisheries law, building on Government Regulation (PP) No. 15/1984, with the express purpose of facilitating the utilization of the EEZ. Restricted fishing rights to Indonesian citizens and business entities, except where meeting obligation under Article 62(2) of UNCLOS to assign surplus allowable catch to foreign parties.



Minister of Agriculture Decree (Kepmen) No. 473/1985 on TAC in EEZ

Asserted the authority of the Minister in establishing the TAC in the EEZ.

1999

Minister of Agriculture Decree (Kepmen) No. 995/1999

Established nine fisheries management areas (*Wilayah Pengelolaan Perikanan*, WPPs) in order to determine TAC in the EEZ.



Law (UU) No. 31/2004 on Fisheries

2004

Second fisheries law regulating management and use rights, accommodating the 1995 FAO Code of Conduct for Responsible Fisheries.



2006

Minister of Marine Affairs and Fisheries Regulation (Peraturan Menteri, Permen) No. 17/2006 as amended by Minister of Marine Affairs and Fisheries Regulation No. 5/2008

Updated licensing policy to accommodate changes under the 2004 Fisheries Law. Limited access by licensed vessels to only those WPPs stated in the terms of their licenses, and also required catch to be landed at designated ports. WPPs may be closed by the Minister for purposes of sustaining fish stocks.



Specific improvements on the 1985 Fisheries Law included: recognition of local customary practices; enhanced ministerial mandates for management planning, stock estimates, and allocations; a new mandate for fisheries conservation; increased effectiveness of law enforcement; and more detailed provisions on capture fisheries licensing.

Law (UU) No. 27/2007 on Management of Coastal Areas and Small Islands

2007

First law regulating management and use rights in coastal areas, including land and fisheries. Mandated the development of coastal zoning plans (RZWP-3-K) that guarantee space and access for the use of coastal communities. It did not, however, grant communities the right to exclude others and manage their resources.

Law (UU) No. 60/2007 on the Conservation of Fisheries Resources

First regulation establishing the biophysical and institutional parameters for fisheries ecosystem and species conservation.



Presidential Regulations (Peraturan Presiden, Perpres) Nos. 9/2007 and 109/2007.

2007



Indonesian ratification of Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC) and the Convention for the Conservation of Southern Bluefin Tuna (CCSBT).

Indonesia's accession to these agreements strengthened the focus on science-based management.

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 29/2012

2012

Provided guidelines for fisheries management planning in each of the 11 WPPs.

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 16/2012

Required the National Commission for the Study of Fishery Resources to make use of best available scientific evidence.



Law (UU) No. 21/2009

2009

Indonesian ratification of the Agreement for the Implementation of the Provisions of the UNCLOS of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.



Minister of Marine Affairs and Fisheries Regulation (Permen) No. 13/2009

Established the National Commission for the Study of Fishery Resources (*Komnaskajiskan*).

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 1/2009

Expanded the number of WPPs from nine to 11 based on the recommendations of the National Commission for the Study of Fishery Resources, and to conform with agreed international fishing area categorizations.

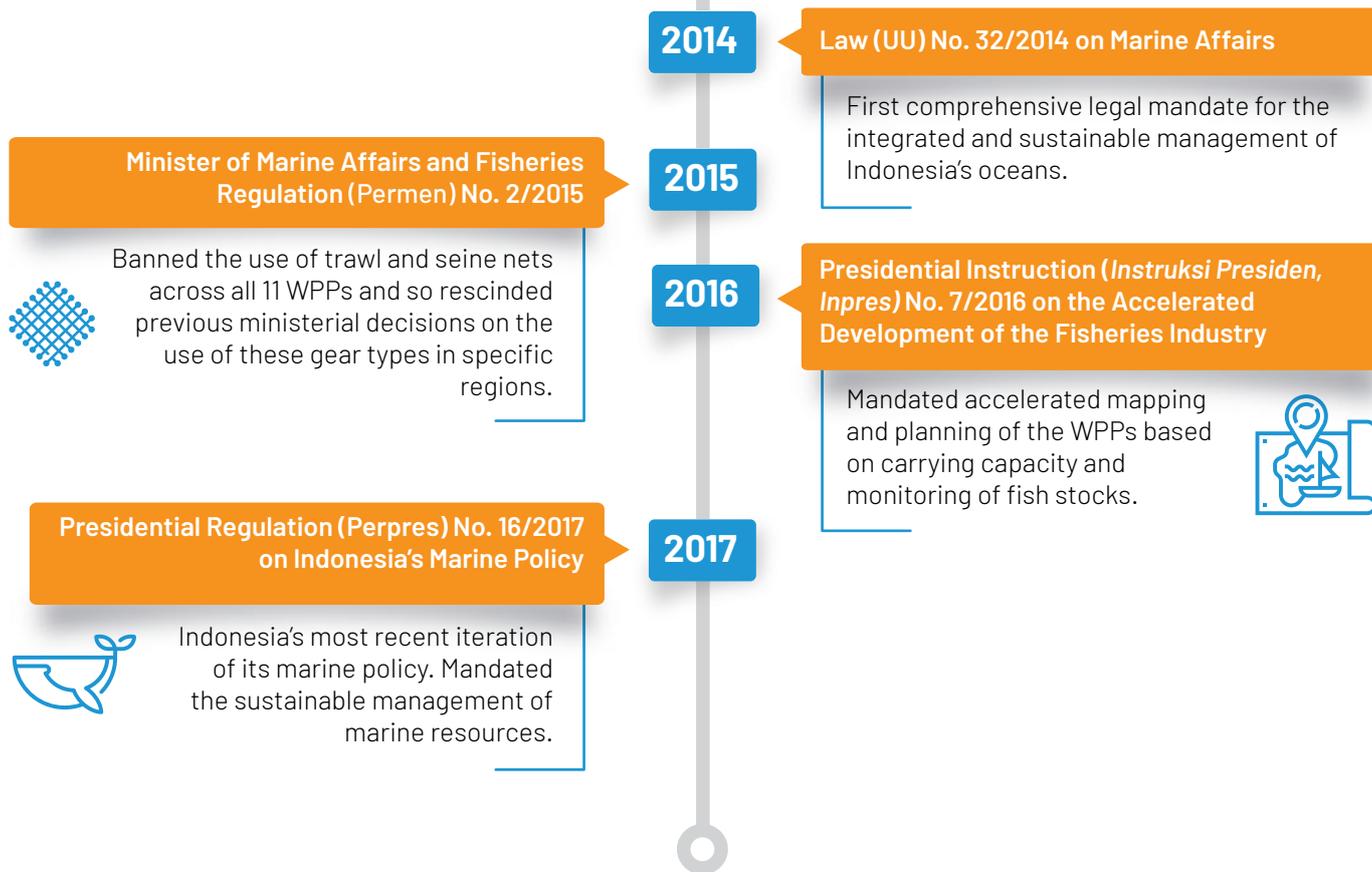
Law (UU) No. 45/2009 revising the 2004 Fisheries Law

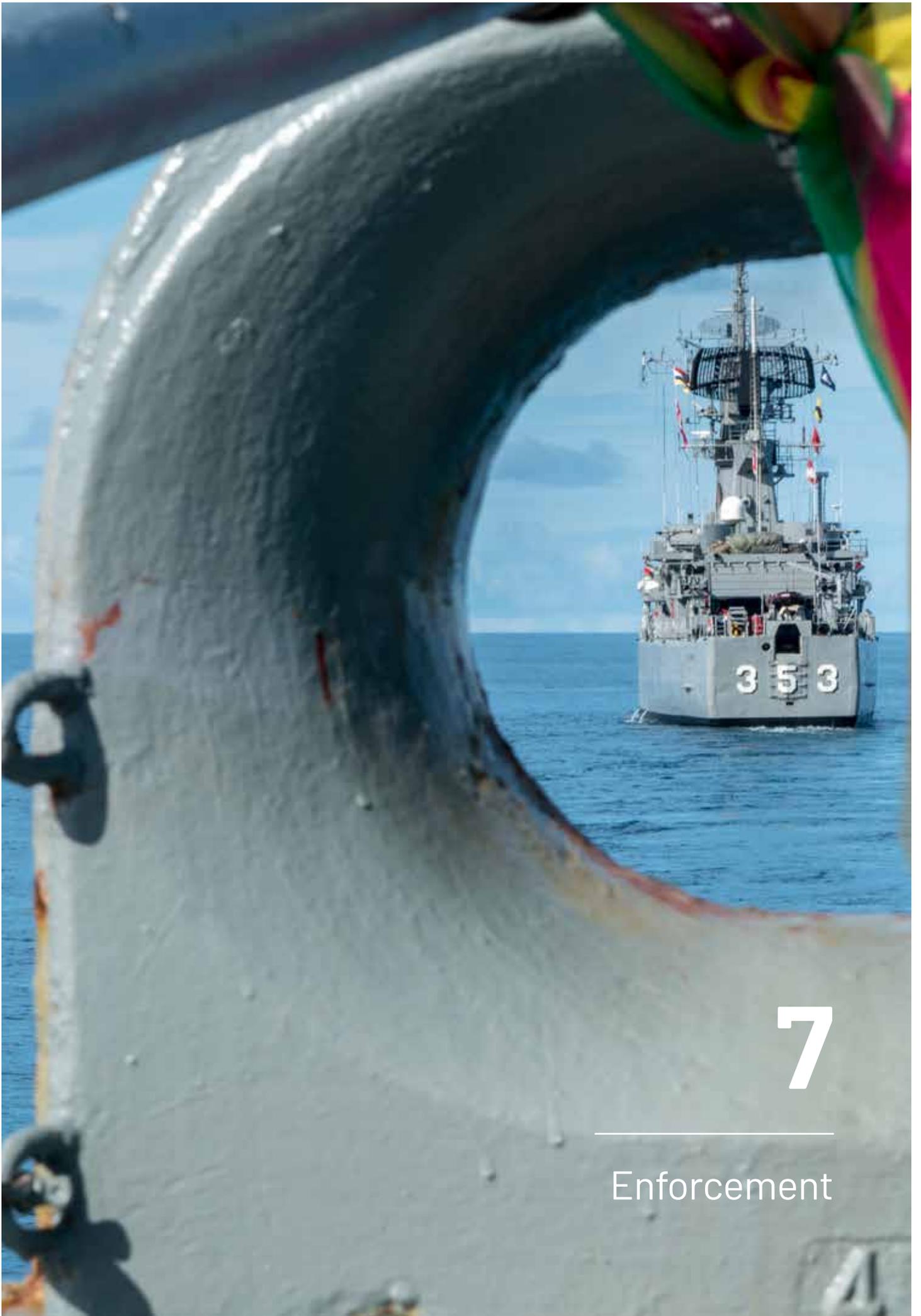
Revisions mainly focused on improving enforcement. Incorporated a new definition of small-scale fishers based on a maximum vessel size of 5 gross ton (GT)(use rights without license).



The 2009 revised fisheries law mainly served to strengthen enforcement including enhanced powers to stop, investigate, detain, arrest and recommend sanctions. It extended the jurisdiction of Ministry of Marine Affairs and Fisheries civilian investigators to the 200 nautical miles (nm) as well as of the fisheries court in prosecuting foreign as well as Indonesian citizens. Adjustments were also made to procedures for investigation and case handling, and the level of applicable fines and sentences.

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7

Enforcement

This section first provides an overview of the current enforcement institutions and the laws and regulations that direct their efforts. It then provides the historical context of the evolution of enforcement-related issues.

There are a number of institutions/entities currently responsible for various aspects of fisheries crimes law enforcement. Each of these institutions/entities has a mandate related to at least one of the following actions: apprehension, investigation, coordination, and prosecution. **(See Table 2 and Figure 12 for an overview of relevant enforcement entities.)**

Table 2. Overview of Key Fisheries Law Enforcement Institutions/Entities

Institution/Entity	Establishment and Fisheries Mandate	Notes
MMAF Directorate General (DG) for Monitoring of Marine and Fisheries Resources (PSDKP) and Fish Quarantine, Quality Control and Fisheries Product Safety Agency (<i>Badan Karantina Ikan, Pengendalian Mutu, dan Keamanan Hasil Perikanan, BKIPM</i>)	Established under MMAF. PSDKP is responsible for monitoring compliance by fishing vessels. Among others, PSDKP operates a vessel surveillance system that was first put in place in 2003 under Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 29/2003 and subsequently enhanced under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 5/2007. Fisheries Civil Servant Investigators (<i>Penyidik Pegawai Negeri Sipil Perikanan</i>) have the authority to investigate and apprehend suspected vessels operating within 0–200 nm. The BKIPM has a similar role for aquaculture.	Overlapping authority exists across these law enforcement institutions. All three are able to investigate and apprehend within 0–12 nm, and the Navy (TNI AL) and the Fisheries Civil Servant Investigators (PSDKP) have the authority to 200 nm.
The Indonesian Navy (TNI AL)	Established by Law (UU) No. 34/2004 on the Indonesian National Armed Forces (<i>Tentara Nasional Indonesia</i>). The Navy is tasked with upholding the law and maintaining security within 0–200 nm. They are mandated to investigate and apprehend.	
The National Police (<i>Kepolisian RI</i>)	Established by Law (UU) No. 2/2002. According to Article 16, the National Police can combat illegal fishing; coordinate with the CMMA; remeasure vessels; and implement fair law enforcement, prioritizing protection for small-scale fishers. They can investigate and apprehend within 0–12 nm (i.e., in territorial waters).	

Table 2 (continued)

Institution/Entity	Establishment and Fisheries Mandate	Notes
Marine Security Agency (Bakamla)	Established by Presidential Regulation (Perpres) No. 178/2014. Bakamla's mandate covers both Indonesia's territorial waters and its EEZ, and includes: formulating national policy on security and safety; implementing an early warning system; patrols, monitoring, prevention and law enforcement; synergizing and monitoring patrols by related agencies; providing technical and operational support to related agencies; and search and rescue. On security matters, Bakamla coordinates with the Coordinating Ministers for Legal, Political and Security Affairs (<i>Kemenko Polhukam</i>). On the management and utilization of marine natural resources, Bakamla coordinates with the Coordinating Minister for Maritime Affairs (<i>Kemenko Maritim</i>).	Bakamla is established under a Presidential Regulation, mandated by the Law (UU) No. 32/2014 on Marine Affairs, and is not directly mandated by the Fisheries Law. In fact, Bakamla is not mentioned in the Fisheries Law and its officers do not have any investigative authority as Investigators (<i>Penyidik</i>). In other words, when Bakamla pursues and captures vessels suspected of fisheries crimes, they must hand over the ship to mandated Investigators to further the legal process.
Coordinating Ministry for Legal, Political and Security Affairs (<i>Kemenko Polhukam</i>)	Established by Presidential Regulation (Perpres) No. 10/2015. Responsible for determining development priorities in enhancing marine security in line with national political and legal policy lines.	Provides the primary coordination function for Bakamla.
Coordination Forum on Handling Fisheries Crimes	Established by Article 73(5) of Law (UU) No. 31/2004, amended by Law (UU) No. 45/2009. Set up to synchronize and coordinate the handling of fisheries crimes carried out by MMAF, the Navy (TNI-AL), and the Indonesian National Police (POLRI) to ensure effectiveness and efficiency, and to fulfill a sense of justice.	On 30 December 2015, the Coordination Forum resulted in a joint agreement in the form of the Charter of Joint Agreement (<i>Piagam Kesepakatan Bersama</i>) between MMAF, Indonesian Armed Forces (TNI), and the Indonesian National Police (POLRI). ² The scope of the Charter covers two areas: 1) exchange of data and information, and 2) law enforcement. Further, the Attachment to the charter provides the Standard Operating Procedures (SOP) for the Handling of Fisheries Crimes.

Table 2 (continued)

Institution/Entity	Establishment and Fisheries Mandate	Notes
Task Force to Prevent and Combat Illegal Fishing (Satgas 115)	Established by Presidential Regulation (Perpres) No. 115/2015. Satgas 115 is responsible for mobilizing the operational capacity of MMAF, the Navy (TNI-AL), the National Police (POLRI), the Attorney General's Office, the Marine Security Agency (Bakamla) and other related agencies. It has the authority to identify enforcement targets, to coordinate the collection of relevant data and information, and to oversee enforcement operations by relevant institutions. There is no mention of the Sea and Coast Guard (KPLP), suggesting that this has no role in its work.	Although the task force reports to the President, it operates under the command of the Minister of the MMAF, with the support of the Navy Vice Chief of Staff, the head of the Police Security Guard Agency, the head of the Marine Security Agency, and the Solicitor General for Criminal Affairs. The Task Force works through a Joint Team headed by an on-the-scene commander responsible for undertaking law enforcement operations, who reports directly to the Minister of MMAF as the commander of the task force.
Fishery Courts	Article 71(3) of Law (UU) No. 31/2004 on Fisheries (amended by Law (UU) No. 45/2009) established the first batch of the Fisheries Court in North Jakarta, Medan, Pontianak, Bitung, and Tual District Courts. Later, by way of Presidential Decrees (Keppres) No. 15/2010 and No. 6/2014, more fisheries courts were established in Tanjungpinang, Ranai, Ambon, Sorong, and Merauke. In total, there are now 10 fisheries courts. They have the powers to trial, judge, and sentence fisheries-related crimes.	These Fishery Courts have jurisdiction over foreign as well as Indonesian citizens. Their role is to examine and try criminal acts under the Fisheries Law.
National Agency for Border Management (<i>Badan Nasional Pengelola Perbatasan Republik Indonesia</i>)	Established by Presidential Regulation (Perpres) No. 12/2010. Tasked primarily with enhancing the effectiveness of maritime and defense diplomacy, and settlement of state borders with 10 neighboring countries, as well as dampening maritime rivalry and territorial disputes. Also mandated to eliminate illegal fishing in the EEZ and establish sea transport services.	There is potential for overlapping authority with MMAF related to law enforcement in the context of eradicating illegal fishing. There is also the potential for overlapping authority with the Ministry of Transportation regarding the authority to increase the transportation of raw materials for the fishing industry.

Table 2 (continued)

Institution/Entity	Establishment and Fisheries Mandate	Notes
Sea and Coast Guard (KPLP) under the Ministry of Transportation	Established by the Minister of Transportation Decree (Kepmen) No. 14/1973. Tasked with guaranteeing safety and security at sea as described under Law (UU) No. 17/2008 on Shipping.	Law (UU) No. 17/2008 specifically mandated the formation of a Sea and Coast Guard (<i>Penjaga Laut dan Pantai</i>) reporting directly to the President. This would have upgraded the status of the existing KPLP. However, this provision has never been implemented due to overlaps with Marine Security Coordination Body (<i>Badan Koordinasi Keamanan Laut</i> , Bakorkamla) and now the Marine Security Agency (Bakamla). KPLP nevertheless continues to function as a unit under the Ministry of Transportation.
Customs and Excise Sea Patrols (<i>Patroli Laut Bea Cukai</i>, PLBC) under Directorate General of Customs and Excise, Ministry of Finance	Article 75 of Law (UU) 17/2006 (amending UU 10/1995) on Customs grants Customs and Excise (CE) Officials the authority to conduct patrols at sea using armed vessels.	According to Article 76 of Law (UU) 17/2006, CE officials can request assistance from the police, navy, or other agencies. Decree No. KEP 125/BC/2018 of the Director-General of Customs and Excise also establishes a Marine Customs Command and Control Centre (<i>Pusat Komando dan Pengendalian Patroli Laut Direktorat Jenderal Bea dan Cukai</i> or <i>Puskodal Bea dan Cukai</i>) with the responsibility to coordinate surveillance data and support sea patrols.

The law enforcing institutions that have the mandate to investigate and make arrests in connection to crimes under the Fisheries Law are MMAF's Fisheries Civil Servant Investigators, the Indonesian Navy, and the National Police. Overlapping authority exists across these law enforcement institutions. All three are able to investigate and apprehend within 0–12 nm, while the Navy and the Fisheries Civil Service Investigators have the authority to 200 nm. There are several areas where overlapping mandates may lead to conflict or ineffective execution of law enforcement actions. Satgas 115 attempts to mitigate this; while it does not resolve the jurisdictional overlaps that exist between marine security agencies, Satgas 115 nevertheless succeeds in facilitating coordination on a case-by-case basis. Bakamla's mandate closely resembles that of the Sea and Coast Guard (KPLP) under the Ministry of Transportation.

The latter's remit is, however, broader than Bakamla's and includes surveillance of shipping, pollution salvage operations, and underwater exploration, among other things.

There are 10 fisheries courts in place to examine and try criminal acts under the Fisheries Law. **(See Figure 13 for an overview of the law enforcement process.)**

Looking at the historical context **(See Figure 14)**, key laws and milestones to highlight include:

- The Fisheries Law provides the main guidance related to fisheries and fisheries-related crimes. Law (UU) No. 45/2009 amended the 2004 fisheries law in order to enhance the powers of patrols to stop, investigate, detain, arrest, and recommend sanctions.
- Over time, several entities have been set up to resolve overlapping or conflicting mandates and to strengthen coordination. These include: the Coordination Forum for the Handling of Fishery Crimes, set up by MMAF; the Task Force for Planning, Security Development and Law Enforcement at Sea, set up by the Coordinating Minister of Politics and Security; and the Marine Security Coordinating Body (Bakorkamla). Most recently, in 2015, a Task Force for the Eradication of Illegal Fishing (Satgas 115) was established to mobilize the operational capacity of MMAF, the Navy, the National Police, the Attorney General's Office, the Marine Security Agency (Bakamla), and other related agencies.

Figure 12

FISHERIES SECTOR ENFORCEMENT INSTITUTIONS/ENTITIES



Ministry of Marine Affairs and Fisheries (MMAF)

- To establish and chair the Coordination Forum on Handling Fisheries Crime (*Forum Koordinasi Penanganan Tindak Pidana di Bidang Perikanan*).
- The roles of MMAF Fisheries Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil Perikanan, PPNS*) are to apprehend and investigate fisheries crimes.



Task Force to Prevent and Combat Illegal Fishing (SATGAS 115)

To develop and provide instructions to partners to carry out law enforcement operations in an effort to eradicate illegal fishing.



National Police (Kepolisian RI)

To combat illegal fishing and to implement fair law enforcement.



Indonesian Navy (TNI AL)

To check foreign fishing vessels in Indonesian waters.



Marine Security Agency (Bakamla)

To conduct security and safety patrols in the territorial waters.



Coordinating Ministry For Legal, Political and Security Affairs (Kemenko Polhukam)

To develop priorities for enhancing maritime security in line with national political and legal policy lines.



National Agency for Border Management (BNPP)

To eliminate illegal fishing and secure marine resources in the EEZ.



Coordination Forum on Handling Fisheries Crimes (*Forum Koordinasi Penanganan Tindak Pidana di Bidang Perikanan*)

To synchronize and coordinate the handling of fisheries crimes carried out by each institution to ensure effectiveness and efficiency, and to fulfill a sense of justice.



Fishery Courts



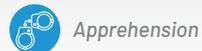
Marine Customs Command and Control Center (*Pusat Komando dan Pengendalian Patroli Laut Direktorat Jenderal Bea dan Cukai or Puskodal Bea dan Cukai*)

Coordinates and supports Customs and Excise Sea Patrols (*Patroli Laut Bea Cukai or PLBC*) to ensure compliance with immigration, customs, fiscal, and sanitation rules.



Legend:

Fisheries Law Enforcement Action



Apprehension



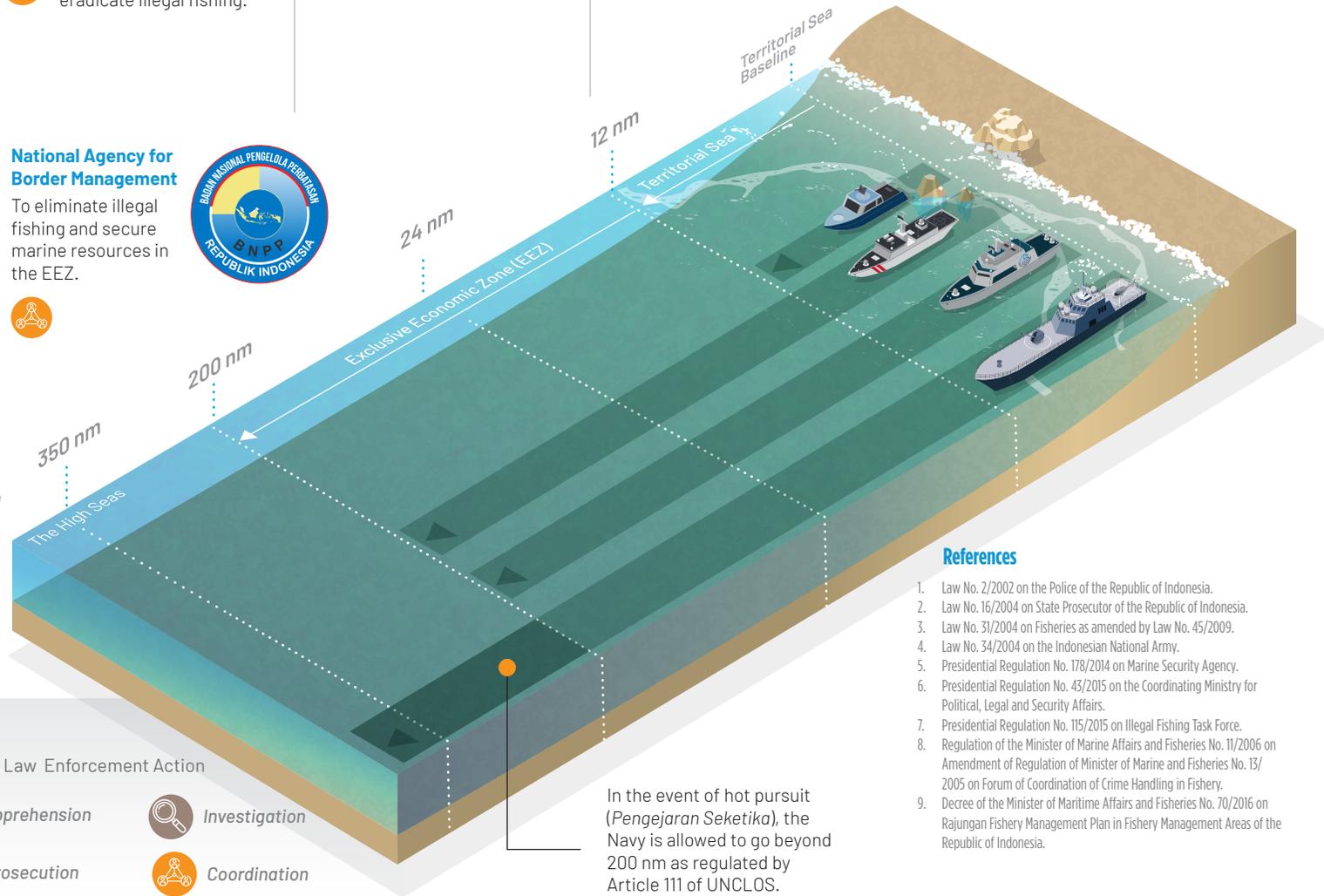
Investigation



Prosecution



Coordination



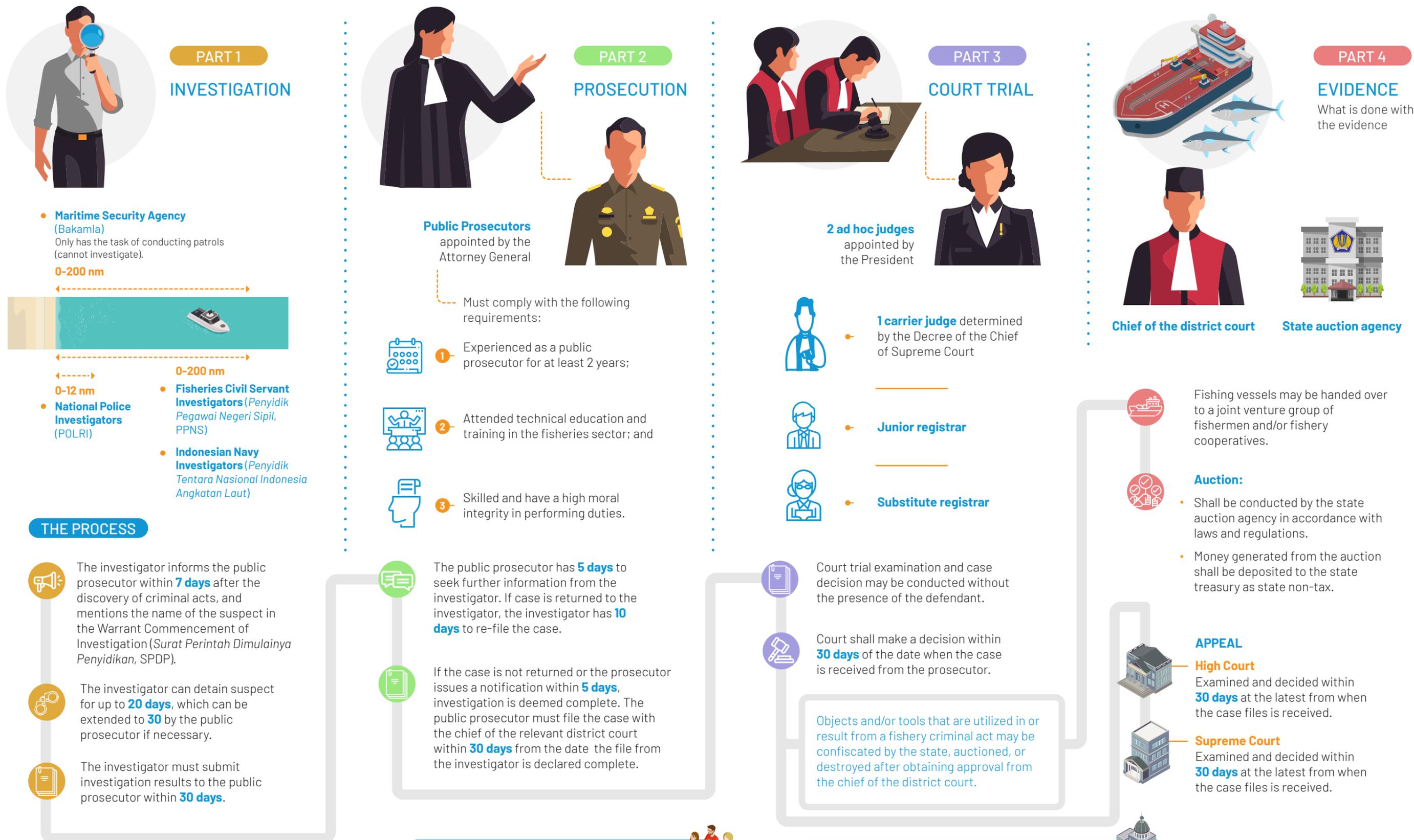
In the event of hot pursuit (*Pengejaran Seketika*), the Navy is allowed to go beyond 200 nm as regulated by Article 111 of UNCLOS.

References

- Law No. 2/2002 on the Police of the Republic of Indonesia.
- Law No. 16/2004 on State Prosecutor of the Republic of Indonesia.
- Law No. 31/2004 on Fisheries as amended by Law No. 45/2009.
- Law No. 34/2004 on the Indonesian National Army.
- Presidential Regulation No. 178/2014 on Marine Security Agency.
- Presidential Regulation No. 43/2015 on the Coordinating Ministry for Political, Legal and Security Affairs.
- Presidential Regulation No. 115/2015 on Illegal Fishing Task Force.
- Regulation of the Minister of Marine Affairs and Fisheries No. 11/2006 on Amendment of Regulation of Minister of Marine and Fisheries No. 13/2005 on Forum of Coordination of Crime Handling in Fishery.
- Decree of the Minister of Maritime Affairs and Fisheries No. 70/2016 on Rajungan Fishery Management Plan in Fishery Management Areas of the Republic of Indonesia.

Figure 13

FISHERIES LAW ENFORCEMENT PROCESS

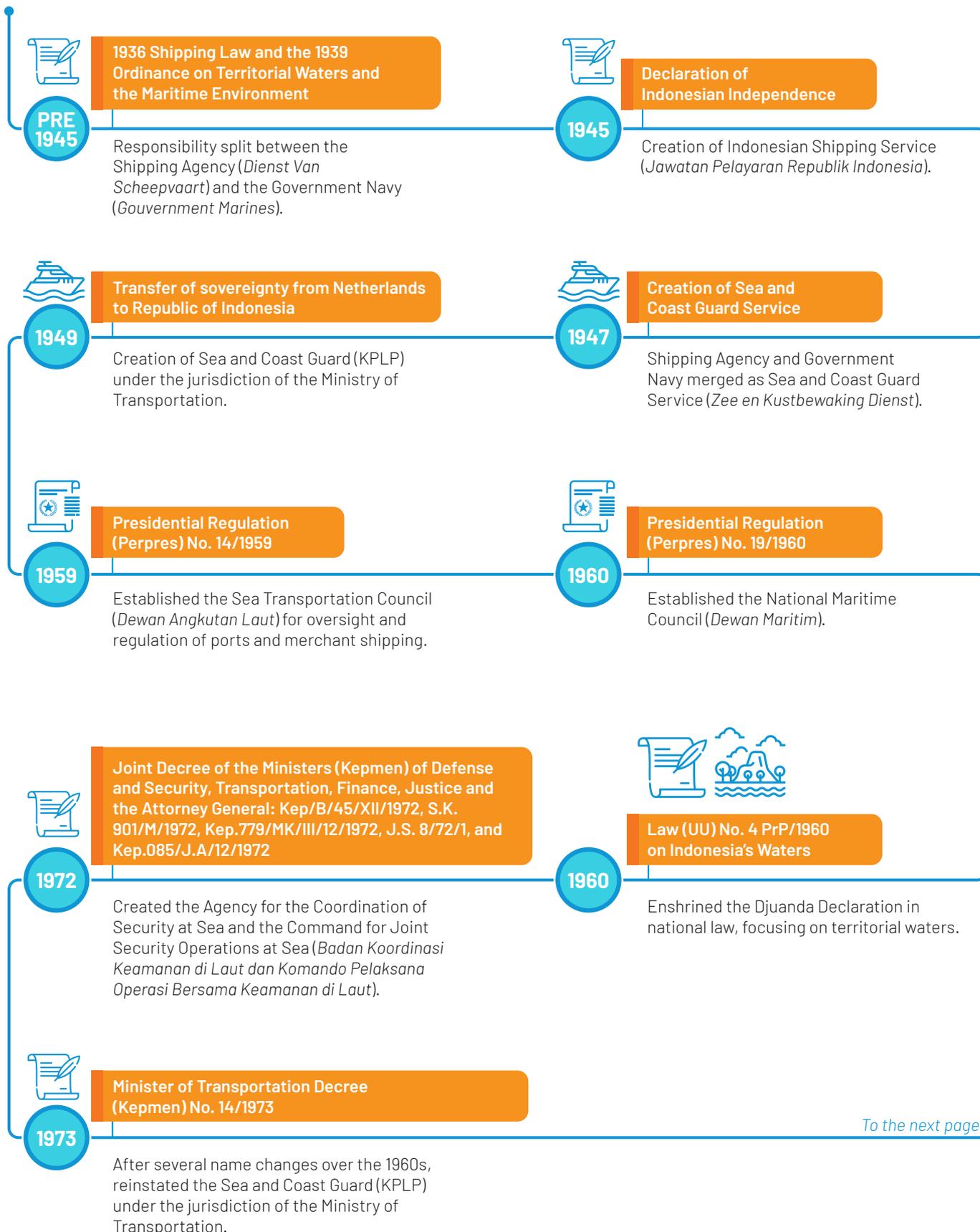


References:

1. Criminal Code (KUHP).
2. Criminal Code Procedures (KUHP).
3. Article 72 – Article 83 Law No. 45/2009 on Amendment of Law No. 31/2004 on Fisheries.
4. Presidential Regulation No. 178/2014 on Marine Security Agency.
5. Law No. 43/2008 on Country Territory.
6. Law No. 31 of 2004 on Fisheries.

Figure 14

ENFORCEMENT: KEY MILESTONES



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ENFORCEMENT (continued)



Law (UU) No. 9/1985 on Fisheries

1985

First fisheries law. Mandated government to monitor and control implementation and established a schedule of criminal sanctions for violations.



Law (UU) No. 21/1992 on Shipping

1992

Mandated the involvement of the national police, civil service investigators from other related departments, and the navy in criminal investigations. Did not elaborate on the role of the Sea and Coast Guard Unit (KPLP).



Ministerial Decree of Coordinating Minister of Politics and Security (Kepmen) No. 5/2003

2003

Established a Task Force for Planning, Security Development and Law Enforcement at Sea.



Law (UU) No. 6/1996 on Indonesian Waters

1996

Replaced Law (UU) No. 4 PrP/1960 on Indonesia's Waters. Mandated the establishment of a coordinating body by Presidential Decree (Keppres) for enforcement of international maritime law with respect to Indonesia's sovereign rights.



Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 29/2003

2003

Introduced Ministry of Marine Affairs and Fisheries (MMAF) vessel surveillance system.



Law (UU) No. 31/2004 on Fisheries

2004

Second fisheries law. Aimed to increase the effectiveness of law enforcement building on the 1981 Criminal Law Code. Improvements included enhanced powers for civilian, navy, and police investigators, as well as a dedicated fisheries court with powers to trial, judge, and sentence.



Presidential Regulation (Perpres) No. 81/2005

2005

Established the inter-agency Marine Security Coordinating Body (*Badan Koordinasi Keamanan Laut, Bakorkamla*) with responsibility for coordinating marine security with respect to patrolling, monitoring, prevention, and enforcement.



Long-Term Development Plan (*Rencana Pembangunan Jangka Panjang, RPJP*) 2005-2025

2005

Mandated action to develop the institutions needed to uphold Indonesia's rights and obligations under UNCLOS including with respect to security.



Minister of Marine Affairs and Fisheries Regulation (Permen) No. 13/2005

2005

Established a Coordination Forum for the Handling of Fishery Crimes to support investigations and to improve communication, as well as data and information exchange.

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ENFORCEMENT (continued)



2006

Law (UU) 17/2006 amending Law (UU) No. 10/1995 on Customs

Granted customs and excise officials the authority to conduct patrols at sea using armed vessels, as well as to request assistance from the police, navy, or other agencies.



2008

Law (UU) No. 17/2008 on Shipping

Mandated the formation of a Sea and Coast Guard (*Penjaga Laut dan Pantai*) to guarantee safety and security, and to enforce the law, reporting directly to the President. Not implemented, so the status of the Sea and Coast Guard Unit (KPLP) under Ministry of Transportation remains unchanged.



2014

Law (UU) No. 32/2014 on Marine Affairs

Mandated a new Marine Security Agency (Bakamla) reporting directly to the President via a coordinating minister to strengthen patrols and security. The Coordinating Ministry for Maritime Affairs was established in part to implement Law (UU) No. 32/2014.



2009

Law (UU) No. 45/2009 revising Law (UU) No. 31/2004 on Fisheries

Enhanced provisions on enforcement, including powers to stop, investigate, detain, arrest, and recommend sanctions; the jurisdiction of the fisheries court to cover foreign as well as Indonesian citizens; and procedures for investigation and case handling.



2014

Presidential Regulation (Perpres) No. 178/2014

Established the Marine Security Agency (Bakamla) to patrol and ensure safety and security in Indonesia's territorial waters and EEZ.

Bakamla replaced Bakorkamla and, unlike the latter which represented different agencies, works to its own operational mandate to patrol and ensure safety and security in Indonesia's territorial waters and EEZ.



2015

Presidential Regulation (Perpres) No. 115/2015

Established the Task Force for the Eradication of Illegal Fishing (*Satuan Tugas Pemberantasan Penangkapan Ikan Secara Ilegal, Satgas 115*).



2018

Director-General of Customs and Excise Decree (*Keputusan Direktur Jenderal, Kepdirjen*) No. 125/2018

Established a Marine Customs Command and Control Center (*Pusat Komando dan Pengendalian Patroli Laut Direktorat Jenderal Bea dan Cukai or Puskodal Bea dan Cukai*).

8

Registration and Licensing

This section summarizes the key features related to the existing registration and licensing system per current laws and regulations. It then provides the evolution of the capture fisheries licensing policy, highlighting issues related to the definition and treatment of small-scale fishers and foreign participants.

Registration and licensing policy in the fisheries sector has undergone several iterations over the past 50 years in line with developments in international maritime law, as well as efforts to improve revenue generation, build a domestic fishing industry, and better prevent IUU fishing. **(See Figure 16 for an overview of key milestones related to registration and licensing.)** Even though the definition for a small-scale fisher has changed over time, exemptions regarding licenses and levies have consistently been in place for small-scale fishers, which Ministerial Regulation (Permen) No. 17/2006 first defined as fishers operating vessels up to 5 GT. The licensing exemption for small-scale fishers was later extended to include vessels up to 10 GT by Ministerial Circular No. 600/2014. The circular did not, however, exempt them from having to obtain Fishing Vessel Registration Records (BPK) under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business.

In July 2018, the central government introduced a new Online Single Submission (OSS) system per Government Regulation (PP) No. 24/2018 to allow businesses from various sectors to obtain necessary business licenses and commercial permits in a quick and efficient manner. **(See Figure 15 for an overview of business licenses and commercial permits.)** The OSS system divides business licensing into two types: business licenses and operational/commercial permits. According to the OSS system, business licenses related to the fisheries sector include:

1. Fisheries Business License (SIUP);³
2. Fishing Vessel Registration Certificate for Small-Scale Fishers (*Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil*);⁴ and
3. Registration Certificate for Small-Scale Fish Farmers (*Tanda Daftar Bagi Pembudidaya Ikan Kecil*).⁵

Note that with respect to vessels up to 10 GT, the Fishing Vessel Registration Certificate for Small-Scale Fishers replaces Fishing Vessel Registration Records (BPK) previously regulated under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business. Fishing Vessel Registration Certificates constitute a new category of simplified business license, which fishers can obtain free of charge. As such, the OSS Regulation overrides the 10 GT licensing exemption introduced by Ministerial Circular No. 600/2014.

According to the OSS system, operational/commercial permits related to the fisheries sector include:

1. Fish Capture Permit (SIPI);⁶
2. Fish Transport Permit (SIKPI);⁷

3. Fish Transport Registration Certificate (*Tanda Pencatatan Kapal Pengangkut Ikan*);⁸
4. Vessel Procurement Permit (*Izin atau Persetujuan Pengadaan Kapal*);⁹
5. Transmitter Activation Certificate (SKAT);¹⁰
6. Certificate of Shipworthiness for Fish Capture Vessels (SLO);¹¹
7. Vessel Certification;¹²
8. Sailing Permit;¹³
9. Breeding Permit;¹⁴ and
10. Release Permit.¹⁵

In addition to these licenses and permits, foreign investors who want to engage in aquaculture in Indonesia first require a Recommendation for Fish Farming Investment (RPIPM).

It is important to note the difference in vessel size thresholds administered by the Ministry of Transportation and by MMAF as applicable to permits that must be obtained by small-scale fishers. The Ministry of Transportation differentiates vessels less than 7 GT; for MMAF the cutoff is 10 GT as established under Law (UU) No. 7/2016 on the Empowerment of Fishers. This means that vessels in the 7–10 GT range, though still not required to operate with fishing licenses, are expected to meet a higher threshold with respect to operational permits issued by the Ministry of Transportation. While the fisheries sector is one of the many business sectors included in the system, MMAF has not yet issued an OSS implementing regulation. In other words, the fisheries sector is not currently operational within the OSS system.

Box 1 below outlines the requirements for registration and licensing of wild capture fishery vessel.

Box 1. Registration and Licensing Requirements for a Wild Capture Fishery Business

According to Law (UU) No. 17/2008 on Shipping (*Pelayaran*), Law (UU) No. 31/2004 on Fisheries, Law (UU) No. 45/2009 on Fisheries (amended), Law (UU) No. 23/2014 on Local Government, and Law (UU) No. 25/2007 on Capital Investment and their respective derivative regulations, if a vessel is to operate legally in capture fisheries it needs to be:

1. Measured by the Ministry of Transportation (Law (UU) No. 17/2008) and possess a measurement document if it is 7 GT or above. A vessel below that volume does not need to be measured or possess a measurement document.
2. Registered by the Ministry of Transportation (Law (UU) No. 17/2008) with proof of vessel ownership. The relevant articles only apply to vessels of at least 7 GT; they do not mention the status of vessels below 7 GT.
3. In possession of an Indonesian Nationality Vessel Identity Document (*Surat Tanda Kebangsaan Kapal Indonesia*) issued by the Ministry of Transportation (Law (UU) No. 17/2008), a Sea Pass (*Surat Laut*) if it is more than 175 GT, a Large Pass (*Pas Besar*) if it is between 7 and 175 GT, and a Small Pass (*Pas Kecil*) if it is below 7 GT. Assuming *Pas Kecil* is mandatory for vessels below 7 GT, then it means that any vessel below 7 GT including fishing vessels must also be registered.
4. In possession of a fisheries business license (SIUP) issued by MMAF or Provincial government (Law (UU) No. 31/2004, Law (UU) No. 45/2009, and Law (UU) No. 23/2014). This is the step where the 2016 negative investment list regulation comes in: only businesses that can demonstrate 100% local capital/investment may apply for a fisheries business license.
5. In possession of a Fish Capture Permit (SIPI) to conduct capture fisheries business or a Fish Transport Permit (SIKPI) to conduct fisheries transportation business issued by MMAF or Provincial government (Law (UU) No. 31/2004, Law (UU) No. 45/2009, and Law (UU) No. 23/2014).
6. In possession of a Registration Certificate for Small-Scale Fishing Vessels (*Tanda Daftar Kapal Perikanan untuk nelayan kecil*) if the vessel is 10 GT or less, issued by either Provincial government or (if delegated by the Province) Regency government, pursuant to Annex E.2 of Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing.
7. In possession of an operational safety permit (*Surat Layak Operasi*) issued by MMAF Directorate General for Capture Fisheries (*Dirjen Pengawasan Sumberdaya Kelautan dan Perikanan*) (Law (UU) No. 31/2004, Law (UU) No. 45/2009) before any capture or transport operation is permitted to commence.
8. In possession of a sailing permit document (*Surat Persetujuan Berlayar*, SPB) issued by the Harbor Master (Law (UU) No. 31/2004, Law (UU) No. 45/2009), who is appointed by the Ministry of Transportation, before any capture or transport operation is permitted to commence.

Figure 15



Recommendation for Fish Farming Investment (Rekomendasi Pembudidayaan Ikan Penanaman Modal, RPIP)

Only applies to foreign investors who want to conduct fish farming in Indonesia (must secure **before getting fisheries business licenses and permits**).

Director General of Aquaculture (*Direktorat Jenderal Perikanan Budidaya*) as one of the requirements for obtaining SIUP issued by the authorized agency in the field of investment

No validity period regulated

FISHERIES REGISTRATIONS AND LICENSES

1. BUSINESS LICENSES AND REGISTRATION

Issued through the Online Single Submission (OSS) system under the supervision of Coordinating Ministry for Economic Affairs for and on behalf of the ministry, Provincial government, or Regency/City government after a business person registers for a Business Identity Number (*Nomor Induk Berusaha, NIB*). See Table 5 for information about the type of fisher or fish farmer these licenses apply to.

Fisheries Business License (Surat Izin Usaha Perikanan, SIUP)

The MMAF delegates the authority to issue SIUP to the Director General of Capture Fisheries or Provincial government in accordance with their respective jurisdictions. SIUP covers both wild capture fisheries and aquaculture.

As long as the business is running

Registration Certificate for Small-Scale Fish Farmers (Tanda Daftar bagi Pembudidaya Ikan Kecil)

Every small-scale fish farmer has an obligation to obtain a Registration Certificate for Small-Scale Fish Farmers from the Provincial government. By Law, the Provincial government may delegates to the Regency/City government to issue such a registration certificate.

As long as the business is running

Fishing Vessel Registration Certificate for Small-Scale Fishers (Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil)

Licensing authority has still to be determined.

As long as the business is running

2. OPERATIONAL/COMMERCIAL PERMITS

Issued through the OSS system under the supervision of Coordinating Ministry for Economic Affairs for and on behalf of the ministry, Provincial government, or Regency/City government after a business person obtains a Business License if the business plans to conduct commercial or operational activities. See Table 5 for information about the type of fisher or fish farmer these permits apply to.

Fish Capture Permit (Surat Izin Penangkapan Ikan, SIPI)

MMAF or Provincial government in accordance with their respective jurisdictions

1 year

Fish Transport Permit (Surat Izin Kapal Pengangkut Ikan, SIKPI)

MMAF or Provincial government in accordance with their respective jurisdictions

1 year

Fish Transport Registration Certificate (Tanda Pencatatan Kapal Pengangkut Ikan)

Fisheries Office (*Dinas Kelautan & Perikanan*) in the Regency/City government

1 year

Vessel Procurement Permit (Izin Atau Persetujuan Pengadaan Kapal)

MMAF for vessels weighing 30 GT or more; Provincial government for vessels less than 30 GT.

No validity period regulated

Breeding Permit (Izin Pemuliaan)

MMAF No validity period regulated

Release Permit (Izin Pelepasan)

MMAF No validity period regulated

Transmitter Activation Certificate (Surat Keterangan Aktivasi Transmitter, SKAT)

MMAF Valid as long as there has been no change in the transmitter, SIUP, and/or SIPI

Certificate of Shipworthiness for Fish Capture Vessels (Surat Laik Operasi Kapal Perikanan, SLO)

MMAF for vessels > 30 GT and Provincial government for vessels 10–30 GT Valid for two 24-hour periods

Vessel Certification (Sertifikasi bidang perkapalan)

Issued by
 a. Ministry of Transportation (MoT) through Directorate General of Marine Transportation: Sea Pass (*Surat Laut*) for vessels weighing > 175 GT
 b. Harbor Master (appointed by the MoT): Large Pass (*Pas Besar*) for vessels 7–175 GT
 c. Harbor Master (appointed by the MoT): Small Pass (*Pas Kecil*) for vessels < 7 GT
 Valid as long as there has been no change in data on vessel certification

Sailing Permit (Surat Persetujuan Berlayar, SPB)

Harbor Master (appointed by the Ministry of Transportation) Valid for 24 hours

Legend: Types of Registrations/ Licenses Issuing Authorities

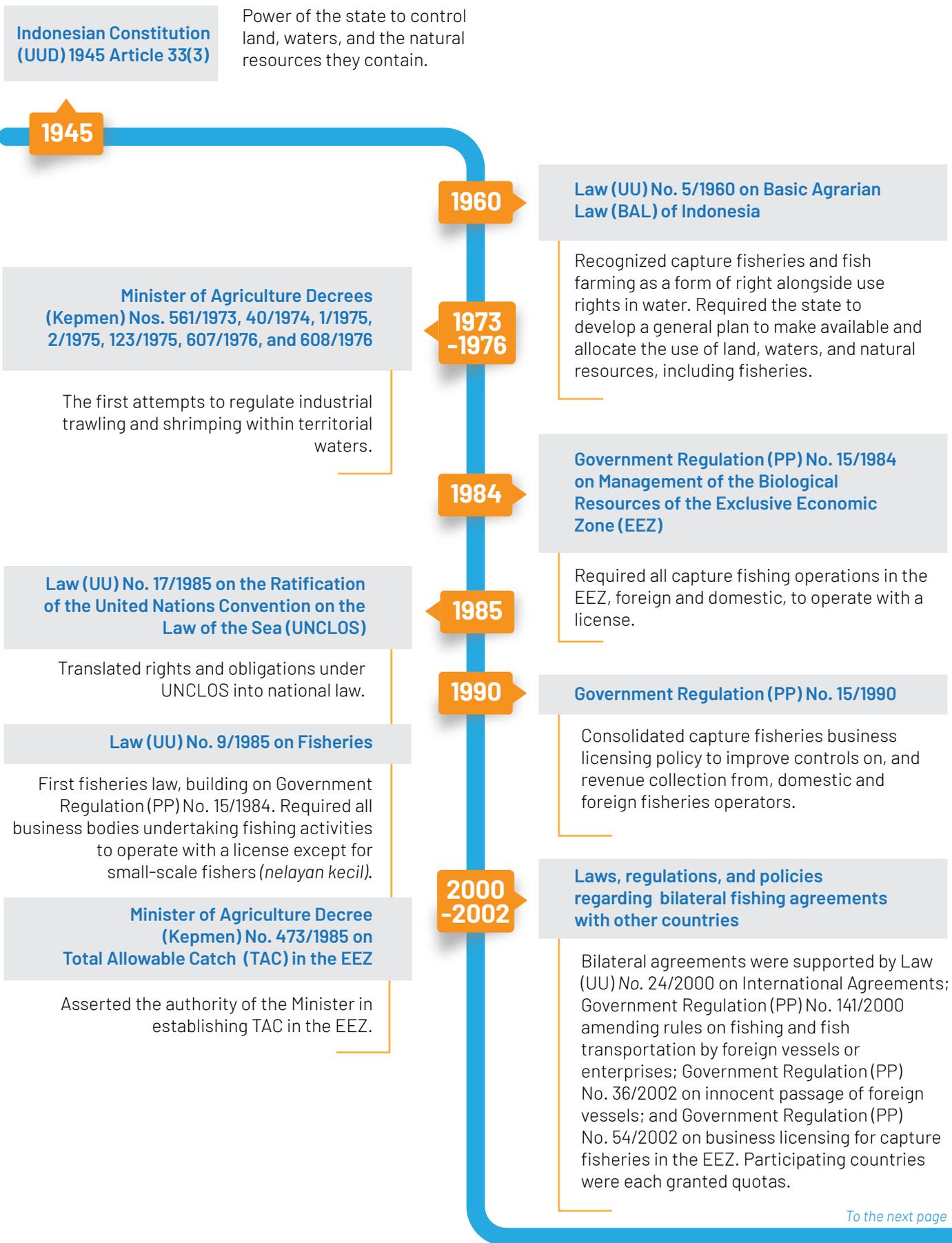
Wild Capture Aquaculture Time of Validity

References:

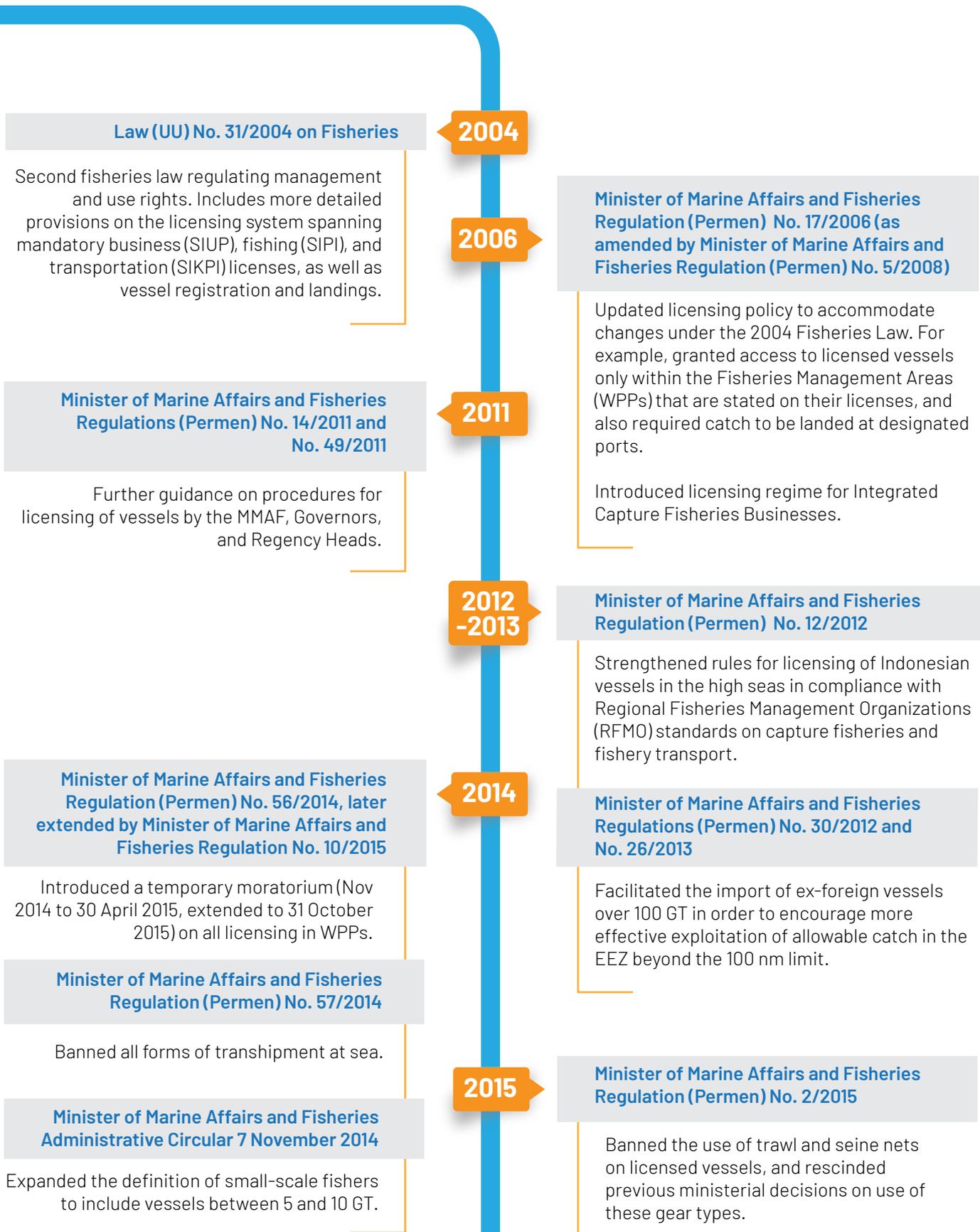
- Law No. 25/1992 on Cooperatives.
- Law No. 16/2001 on Foundation as amended by Law No. 28/2004.
- Law No. 19/2003 on State-Owned Enterprises.
- Law No. 23/2004 on Local Government.
- Law No. 40/2007 on Limited Liability Company.
- Law No. 45/2009 on Amendment to Law No. 31/2004 on Fisheries.
- Law No. 12/2011 on Laws and Regulations Making Process.
- Law No. 12/2012 on Higher Education.
- Law No. 7/2016 on Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers.
- Government Regulation No. 28/2017 on Fish Farming.
- Government Regulation No. 54/2017 on Regional-Owned Enterprises.
- Government Regulation No. 24/2018 on Electronically Integrated Business Licensing, also known as Online Single Submission Regulation.
- Presidential Regulation No. 44/2016 on the List of Business Fields that are Closed and Business Fields that are Open with Requirements in the Field of Investment (Investment Negative List Regulation).
- Ministerial Regulation of Marine Affairs and Fisheries No. 30/2012 on Fish Capture Business within Fisheries Management Areas in Indonesia.
- Ministerial Regulation of Marine Affairs and Fisheries No. 36/2014 on Andon Fishing.
- Ministerial Regulation of Marine Affairs and Fisheries No. 49/2014 on Fish Farming Business.
- Ministerial Regulation of Transportation No. 82/2014 on Sailing Permit.
- Ministerial Regulation of Marine Affairs and Fisheries No. 42/2015 on Fishing Vessel Monitoring System.
- Ministerial Regulation of Marine Affairs and Fisheries No. 23/2016 on Amendment of Ministerial Regulation of Marine Affairs and Fisheries No. 30/2012 on Fish Capture Business within Fisheries Management Areas in Indonesia.
- Ministerial Regulation of Marine Affairs and Fisheries No. 1/2017 on Certificate of Shipworthiness for Fish Capture Vessels.
- Ministerial Regulation of Transportation No. 39/2017 on Registration and Nationality of Vessel.

Figure 16

FISHERIES REGISTRATION AND LICENSES: KEY MILESTONES



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Presidential Regulation (Perpres) No. 44/2016

Closed capture fisheries to foreign investment; operations must now be 100% domestically financed and specially approved by MMAF with respect to resource allocation and geographic coordinates.

2016

Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers

Incorporated into law the redefinition of small-scale fishers as fishing vessels weighing less than 10 GT, and so broadens the category able to operate without fishing licenses.

However, Law (UU) No. 23/2014 on Local Government has higher legal standing than the 2016 negative investment list regulation. In other words, based on existing law, it is still legally possible for foreign capital to invest in the capture fisheries sector.

2018

Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing

The Online Single Submission (OSS) system was launched to allow businesses from various sectors to obtain necessary business licenses and commercial permits in a quick and efficient manner. At present, the implementation of the OSS system is under the supervision of the Coordinating Ministry for Economic Affairs. The fisheries sector is one of the many business sectors included in the system. However, the OSS implementing regulation for the fisheries sector has not yet been issued by MMAF.

9

Revenues



This section looks at the current laws and regulations regarding fisheries sector non-tax and tax revenue collection. It then provides an overview of the evolution of the fisheries sector's laws and regulations related to non-tax state revenue.

Fishery-related non-tax state revenues (PNBP) for vessels greater than 30 GT fall into two categories: (1) Fisheries business charges (PPP) and (2) Fisheries production charges (PHP). Both PPP and PHP are charged upon license application, change, or extension.

(See Figure 17 for a summary of key milestones related to fisheries sector non-tax state revenue.)

The most recent adjustments to PNBP were made under Government Regulation (PP) No. 75/2015 and further elaborated under Minister of Marine Affairs and Fisheries Regulations (Permen) No. 36/2015 and No. 38/2015 as well as Decree (Kepmen) No. 86/2016. In comparison to earlier regulations, these regulations expanded the number of PPP categories for capture fishing vessels from 13 to 23 based on fishing gear and increased the tariffs chargeable on each of these categories; expanded the number of PHP categories from two to three (small: 30–60 GT, medium: > 60–200 GT, large: > 200 GT); and, compared to the earlier regulation, increased PHP tariffs by between 500% and 1,000%.

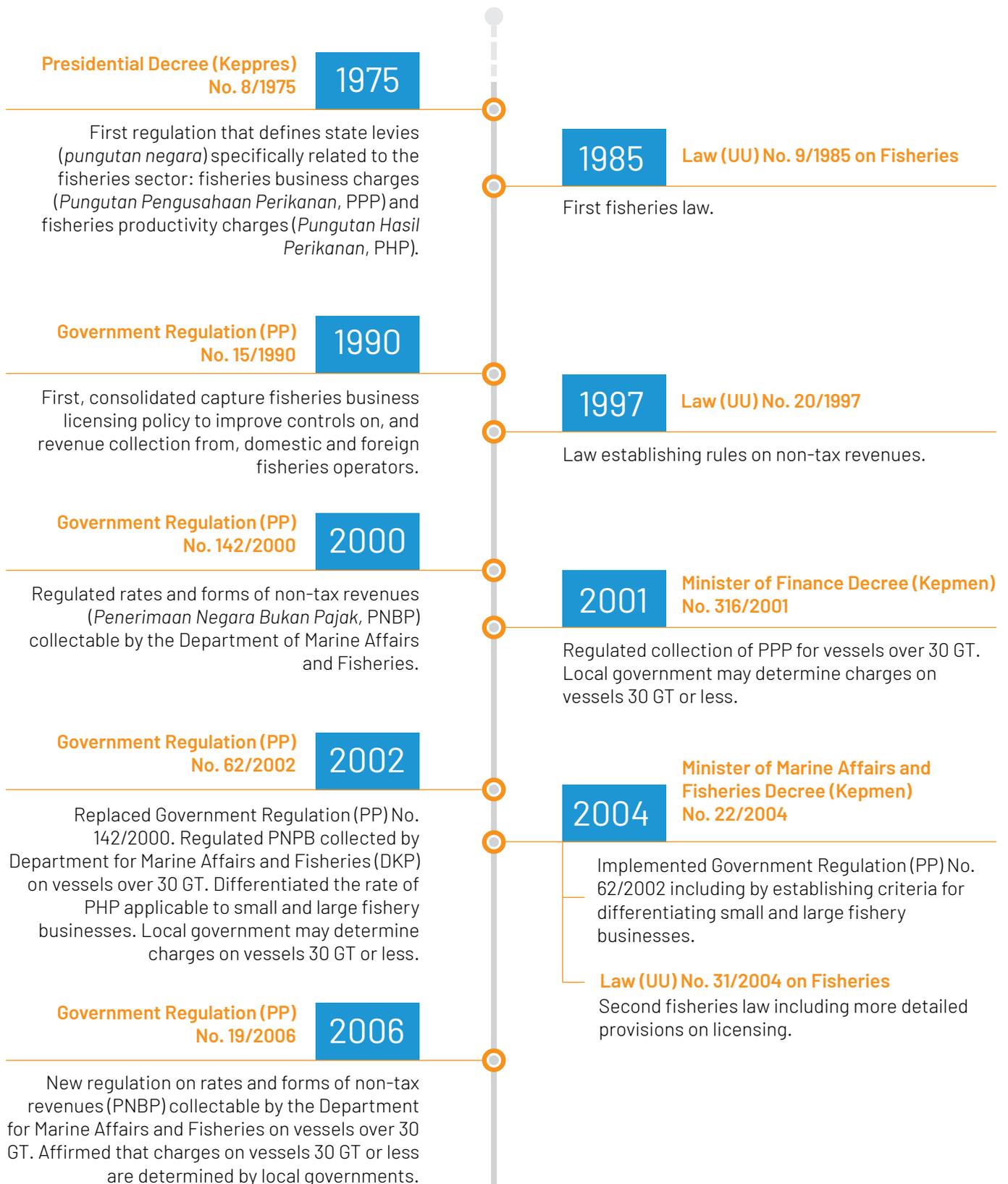
- **PPP** for fisheries business licenses (SIUP) = number of allocated vessels x size of largest allocated vessel x PPP gear tariff.
 - *number of allocated vessels* is the number of vessels approved under a single license (where a business license may cover more than one vessel).
 - *size of largest allocated vessel* is the gross tonnage (GT) of the largest of the approved vessels under a single license.
 - *PPP gear tariff* refers to specific tariffs set per gear types.
- **PPP** for fish transportation licenses (SIKPI) is calculated as the tariff per GT for fish transportation vessels x the vessel size (GT).
- **PPP** for fisher aggregating devices (FADs) or *rumpon* is calculated as the tariff per FAD x the number of FADs.
- **PHP** = tariff per vessel size category x fishing vessel productivity x benchmark price of fish x actual vessel size (GT)
 - *tariff per vessel size category* is 5% for small (30–60 GT), 10% for medium (> 60–200 GT), and 25% for large (> 200 GT).
 - *fishing vessel productivity* is the total catch (tons) of the fishing vessel in one year divided by the GT of the fishing vessel.
 - *benchmark price of fish* is the base price of fish as defined by Minister of Trade Regulation (Permen) No. 32/2012 (KemenDag-RI 2012) amending Regulation (Permen) No. 13/2011 (KemenDag-RI 2011).
 - *actual vessel size* refers to the GT of the vessel that is going to be licensed.

- Tariffs for vessels of up to 30 GT may vary according to the particular Provincial regulation.

There are three main areas of fisheries sector tax revenue: (1) Income tax (PPh), (2) Land and building tax (PBB); and (3) Value added tax (PPN). The PPN does not apply to fresh fish. The tariffs and procedures for the income tax of business entities or exporters doing business in the areas of forestry, plantation, agriculture, and fisheries are regulated by the DG of Tax Decree (*Keputusan Direktur Jenderal Pajak*) No. 523/2001, later amended by DG of Tax Regulation (*Peraturan Direktur Jenderal Pajak*) No. 23/2009.

Figure 17

FISHERIES SECTOR NON-TAX STATE REVENUE: KEY MILESTONES



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Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006 as amended by Minister of Marine Affairs and Fisheries Regulation (Permen) No. 5/2008

2006/
2008

Ended the previous policy of licensing foreign vessels in the EEZ under bilateral, joint-venture arrangements. Foreign operators would now have to establish local fish processing facilities (*Unit Pengolahan Ikan, UPI*).

Minister of Marine Affairs and Fisheries Administrative Circular 7 November 2014

2014

Raised the minimum threshold for fishing licenses from 5 to 10 GT

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 56/2014, later extended by Minister of Marine Affairs and Fisheries (Permen) No. 10/2015

Introduced a temporary moratorium (Nov 2014 to 30 April 2015, extended to 31 October 2015) on all licensing in the fisheries management areas (WPPs).

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 57/ 2014

Banned all forms of transshipment at sea. One motivation was the difficulty enforcing policy on domestic processing under Regulation (Permen) No. 17/2006.

Government Regulation (PP) No. 75/2015

2015

New regulation on rates and forms of non-tax revenues (PNBP) collectable by the Ministry of Marine Affairs and Fisheries (MMAF) so applies only to vessels over 30 GT. This increased PPP rates by between 100 and 300% and PHP rates by between 500 and 1000%.

Minister of Marine Affairs and Fisheries Regulation (Permen) No. 15/2008

2008

Established procedures for the collection of PPP and PHP specifically in relation to aquaculture businesses.

2015

Fishery Revenues

Fishery non-tax revenues for fiscal year 2015 fell to IDR 79,271,014,420 (~USD 5.3 million*) from IDR 216,367,232,525 (~USD 14.3 million*) in 2014 in the wake of the licensing moratorium.



2016

Fishery Revenues

Fishery non-tax revenues for fiscal year 2016 recovered due to new rates and forms of PNBP, reaching IDR 362,117,397,236 (~USD 24 million*).



*Using an exchange rate of IDR 15,075 on 3 October 2018.

10

International Agreements



This section provides an overview of the international agreements to which Indonesia is a party, and highlights regulations that have been introduced in response to participation in these international bodies.

Starting around the time of the Indonesian Independence, several international agreements and bodies started to form to address various aspects of fisheries. **(See Figure 18 for a timeline of these, including when Indonesia signed or ratified.)**

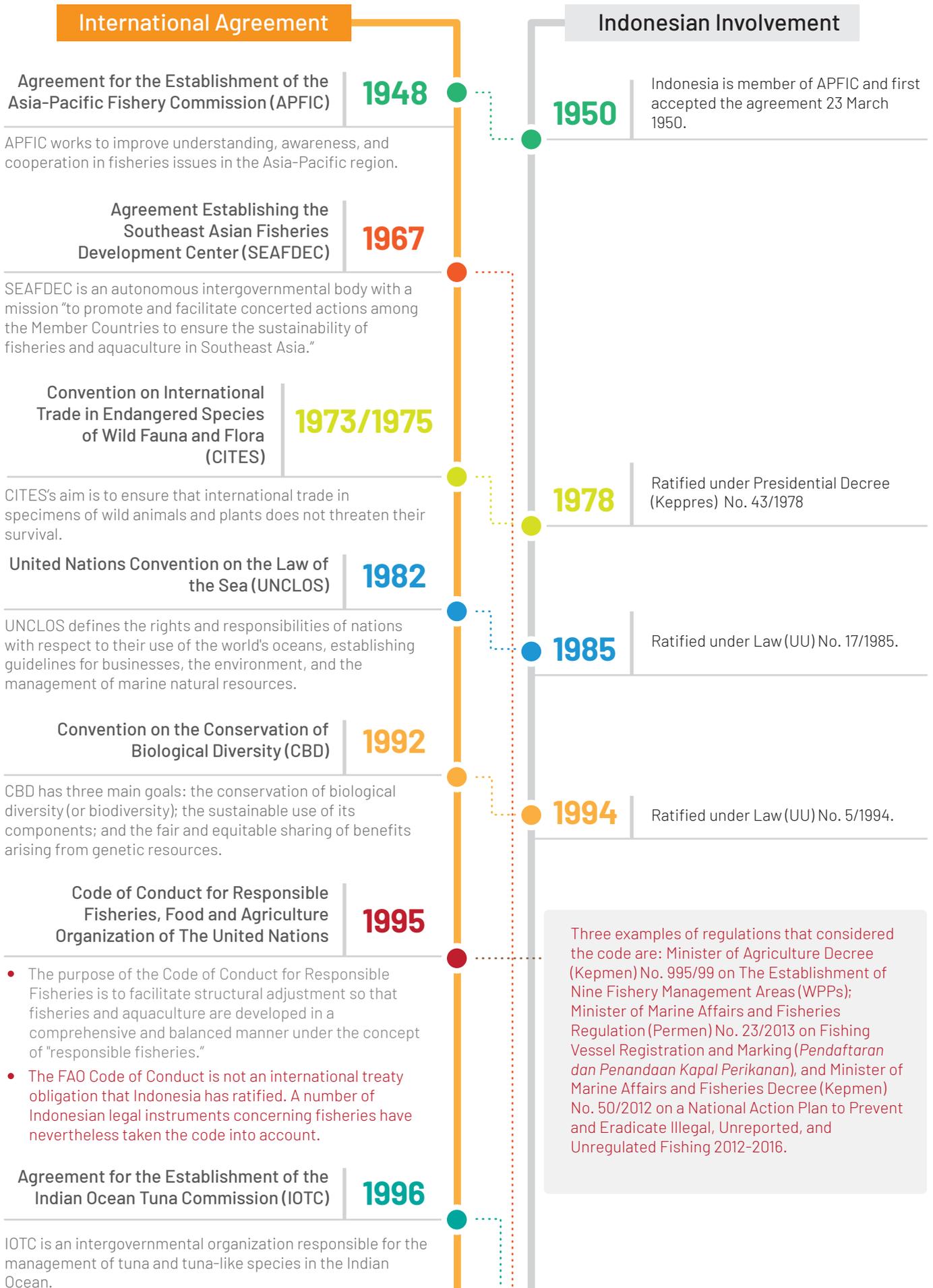
In principle, all international agreements signed by Indonesia and the ones Indonesia is a party to require that Indonesia comply with the contents of said agreements. In addition, the national regulations issued by Indonesia to ratify said agreements must be made in accordance with the substance of the signed document.

In terms of international organizations, Indonesia becomes a member of an international organization after it signs the agreement. Joining an international organization has certain implications, such as funding for the secretariat and compliance with provisions stipulated in the organization's bylaws and other documents.

In the fisheries sector, one important group of International Agreements is the Regional Fisheries Management Organizations (RFMOs), including the Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC). Generally speaking, participation in these RFMOs has strengthened the focus on science-based fisheries management.

Figure 18

INTERNATIONAL AGREEMENTS: KEY MILESTONES



Agreement for the Establishment of the Asia-Pacific Fishery Commission (APFIC) 1948

APFIC works to improve understanding, awareness, and cooperation in fisheries issues in the Asia-Pacific region.

Agreement Establishing the Southeast Asian Fisheries Development Center (SEAFDEC) 1967

SEAFDEC is an autonomous intergovernmental body with a mission "to promote and facilitate concerted actions among the Member Countries to ensure the sustainability of fisheries and aquaculture in Southeast Asia."

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973/1975

CITES's aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

United Nations Convention on the Law of the Sea (UNCLOS) 1982

UNCLOS defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

Convention on the Conservation of Biological Diversity (CBD) 1992

CBD has three main goals: the conservation of biological diversity (or biodiversity); the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources.

Code of Conduct for Responsible Fisheries, Food and Agriculture Organization of The United Nations 1995

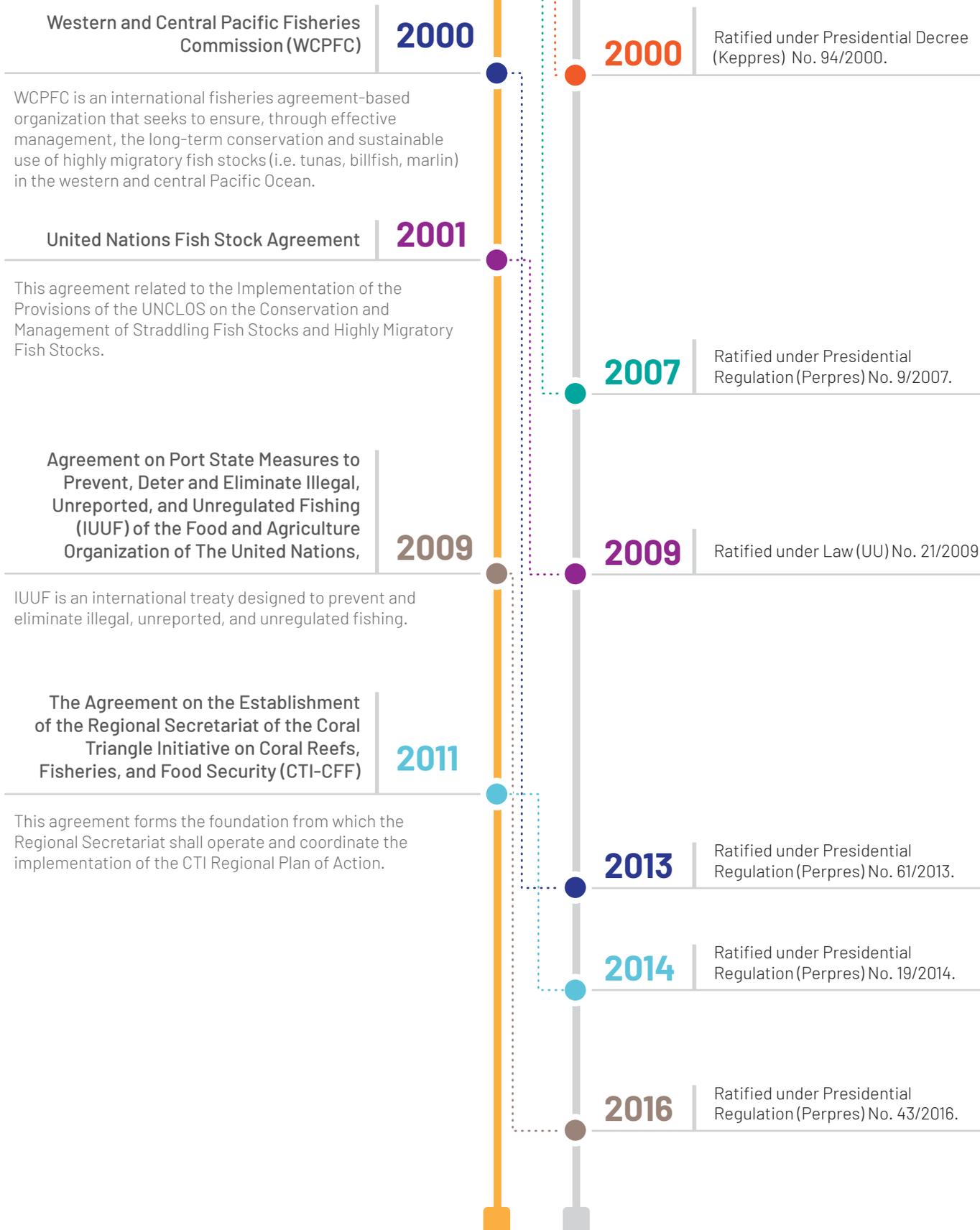
- The purpose of the Code of Conduct for Responsible Fisheries is to facilitate structural adjustment so that fisheries and aquaculture are developed in a comprehensive and balanced manner under the concept of "responsible fisheries."
- The FAO Code of Conduct is not an international treaty obligation that Indonesia has ratified. A number of Indonesian legal instruments concerning fisheries have nevertheless taken the code into account.

Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC) 1996

IOTC is an intergovernmental organization responsible for the management of tuna and tuna-like species in the Indian Ocean.

Three examples of regulations that considered the code are: Minister of Agriculture Decree (Kepmen) No. 995/99 on The Establishment of Nine Fishery Management Areas (WPPs); Minister of Marine Affairs and Fisheries Regulation (Permen) No. 23/2013 on Fishing Vessel Registration and Marking (*Pendaftaran dan Penandaan Kapal Perikanan*), and Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 50/2012 on a National Action Plan to Prevent and Eradicate Illegal, Unreported, and Unregulated Fishing 2012-2016.

INTERNATIONAL AGREEMENTS



A photograph of a fisherman sitting on a sandy beach, mending a large fishing net. The fisherman is shirtless, wearing a red pair of shorts and a wide-brimmed straw hat. He is positioned in the center of the frame, with his hands focused on a section of the net. The net is made of dark, diamond-shaped mesh and is supported by a wooden frame of thick, light-colored poles. The background shows a clear blue sky and a sandy beach. The word "Annexes" is overlaid in white text on the fisherman's chest.

Annexes

Annex 1. Key Definitions

These are broken into three categories:

1. Spatial
2. Fisheries and Resources
3. Fisher and Fishing

Spatial Terms

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Kepulauan	Archipelago	<i>Kepulauan adalah suatu gugusan pulau, termasuk bagian pulau, dan perairan di antara pulau-pulau tersebut, dan lain-lain wujud alamiah yang hubungannya satu sama lain demikian eratny sehingga pulau-pulau, perairan, dan wujud alamiah lainnya itu merupakan satu kesatuan geografi, ekonomi, pertahanan keamanan, dan politik yang hakiki, atau yang secara historis dianggap sebagai demikian.</i>	An Archipelago is a group of islands, including parts of islands, waters between those islands, and other natural manifestations, of which the reciprocal relationship is so close that said islands, waters, and other natural manifestations constitute one geographical, economic, security and defense, and political unity of intrinsic nature, or which was historically regarded as such a unit.	Article 1 Number 3 Law No. 6/1996 on Indonesian Waters Article 1 Number 4 Law No. 32/2014 on Marine Affairs	Both Law No. 6/1996 on Indonesian Waters and Law No. 32/2014 on Marine Affairs use the same term of “archipelago,” while Law No. 17/1985 on the Ratification of UN Convention on the Law of the Sea uses a different choice of words. However, there are no substantive differences between these definitions.
		<i>“Kepulauan” berarti suatu gugusan pulau, termasuk bagian pulau, perairan di antaranya dan lain-lain wujud alamiah yang hubungannya satu sama lainnya demikian eratny sehingga pulau-pulau, perairan dan wujud alamiah lainnya itu merupakan suatu kesatuan geografi, ekonomi dan politik yang hakiki, atau yang secara historis dianggap sebagai demikian.</i>	“Archipelago” means a group of islands, including parts of islands, interconnecting waters, and other natural features that are so closely interrelated that such islands, waters, and other natural features form an intrinsic geographical, economic, and political entity, or which was historically regarded as such an entity.	Article 46 (b) UNCLOS (Law No. 17/1985 on the Ratification of UN Convention on the Law of the Sea)	
Negara Kepulauan	Archipelagic State	<i>Negara Kepulauan adalah negara yang seluruhnya terdiri dari satu atau lebih kepulauan dan dapat mencakup pulau-pulau lain.</i>	An Archipelagic State is a state that entirely consists of one or more islands and may include other islands.	Article 1 Number 4 Law No. 6/1996 on Indonesian Waters Article 1 Number 5 Law No. 32/2014 on Marine Affairs Article 46 (a) UNCLOS (Law No. 17/1985 on the Ratification of UN Convention on the Law of the Sea)	Archipelagic State is used consistently throughout.

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Perairan Kepulauan	Archipelagic Waters	<i>Perairan Kepulauan Indonesia adalah semua perairan yang terletak pada sisi dalam garis pangkal lurus kepulauan tanpa memperhatikan kedalaman atau jaraknya dari pantai.</i>	The Indonesian Archipelagic Waters are all the bodies of water located on the innerside of the archipelagic baseline (the line delineating the outermost limits of the archipelago) without regard to the depth or the distance from the coast.	Article 3 paragraph (3) Law No. 6/1996 on Indonesian Waters	There is a slight difference in the wording of these definitions but substantively they remain largely the same.
		<i>Perairan kepulauan adalah semua perairan yang terletak pada sisi dalam garis pangkal kepulauan tanpa memperhatikan kedalaman atau jarak dari pantai.</i>	Archipelagic Waters are the bodies of water located in the inner limit of the archipelago, regardless of the sea level or distances from the coastline.	Elucidation Article 7 paragraph (1) Letter a Law No. 32/2014 on Marine Affairs	
Perairan Indonesia	Indonesian Waters	<i>Perairan Indonesia adalah laut teritorial Indonesia beserta perairan kepulauan dan perairan pedalaman.</i>	Indonesian Waters are Indonesia's territorial seas along with its archipelagic and inland waters.	Article 1 Number 4 Law No. 6/1996 on Indonesian Waters Article 1 Number 2 Law No. 17/2008 on Shipping Article 1 Number 20 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	Each of the laws that mention "Indonesian Waters" use the same definition. There is no specific mention of the geographical area in nautical miles. It is generally understood that Indonesian waters include the 0 to 200 nm area.
Laut Teritorial Indonesia	Indonesian Territorial Sea	<i>Laut Teritorial Indonesia adalah jalur laut selebar 12 (dua belas) mil laut yang diukur dari garis pangkal kepulauan Indonesia.</i>	The Indonesia Territorial Sea is a body of water with a width of 12 (twelve) nautical miles measured from the Indonesian archipelagic base line.	Article 1 Number 19 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	The Indonesian Territorial Waters extend from 0 to 12 nm. The definition is essentially the same for both laws. It also aligns with the territorial waters definition per UNCLOS.
		<i>Laut Teritorial Indonesia adalah jalur laut selebar 12 (dua belas) mil laut yang diukur dari garis pangkal kepulauan Indonesia sebagaimana dimaksud dalam Pasal 5.</i>	The Indonesian Territorial Sea is a body of water with a width of 12 (twelve) nautical miles measured from the Indonesian archipelagic base line as referred to in Article 5.	Article 3 paragraph (2) Law No. 6/1996 on Indonesian Waters	

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Zona Ekonomi Eksklusif Indonesia	Indonesian Exclusive Economic Zone (EEZ)	<i>Zona Ekonomi Eksklusif Indonesia adalah jalur di luar dan berbatasan dengan laut wilayah Indonesia sebagaimana ditetapkan berdasarkan undang-undang yang berlaku tentang perairan Indonesia yang meliputi dasar laut, tanah di bawahnya dan air di atasnya dengan batas terluar 200 (dua ratus) mil laut diukur dari garis pangkal laut wilayah Indonesia.</i>	The Indonesian Exclusive Economic Zone is the area beyond the territorial sea of Indonesia as stipulated by law concerning Indonesian waters covering the seabed, the land underneath, and the water above it with an outer limit of 200 (two hundred) nm measured from the Indonesian baseline.	Article 2 Law No. 5/1983 on Indonesia's Exclusive Economic Zone	The Indonesian EEZ extends from 12 to 200 nm. The language used to describe the EEZ in the most recent fisheries law is slightly different in wording than the original EEZ law, but there is no substantive difference, and therefore does not impact implementing regulations.
		<i>Zona Ekonomi Eksklusif Indonesia, yang selanjutnya disebut ZEEI, adalah jalur di luar dan berbatasan dengan laut teritorial Indonesia sebagaimana ditetapkan berdasarkan undang-undang yang berlaku tentang perairan Indonesia yang meliputi dasar laut, tanah di bawahnya, dan air di atasnya dengan batas terluar 200 (dua ratus) mil laut yang diukur dari garis pangkal laut teritorial Indonesia.</i>	Indonesia's Exclusive Economic Zone, herein after referred to as ZEEI, is the area outside of and bordering with the Indonesian territorial seas, as stipulated by the law on Indonesian waters covering the seabed, the land underneath, and the water above it with an outermost border of 200 (two hundred) nautical miles measured from the base line of the Indonesian territorial seas.	Article 1 Number 21 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	
Kelautan	Marine	<i>Kelautan adalah hal yang berhubungan dengan Laut dan/atau kegiatan di wilayah Laut yang meliputi dasar Laut dan tanah di bawahnya, kolom air dan permukaan Laut, termasuk wilayah pesisir dan pulau-pulau kecil.</i>	Marine is a subject related to matters and/or activities at sea consisting of the seabed and the land beneath, the water column, and the sea surface, including coastal areas and small islands.	Article 1 Number 2 Law No. 32/2014 on Marine Affairs	
Maritim	Maritime	-	-	-	No definition found within existing Laws.

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Perairan Pedalaman	Inland Waters	<i>Perairan Pedalaman adalah semua perairan yang terletak pada sisi darat dari garis air rendah pantai-pantai Indonesia, termasuk kedalamnya semua bagian dari perairan yang terletak pada sisi darat dari suatu garis penutup.</i>	Inland Waters are all waters located on the land side of the low water line from the coasts of Indonesia, including therein all parts of the waters located on the land side of a closing line.	Elucidation Article 7 paragraph (1) Letter a Law No. 32/2014 on Marine Affairs	The wording of the definition varies slightly across these three laws, but the differences are minimal. To stipulate the borders of the inland waters, the Indonesian Government draws closing lines at the river mouths, estuaries, bays, inland seas, and harbors. The inland waters consist of: a. inland sea, and b. land waters.
		<i>Kecuali sebagaimana diatur dalam bab IV, perairan pada sisi darat garis pangkal laut teritorial merupakan bagian perairan pedalaman Negara tersebut.</i>	Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the inland waters of the State.	Article 8 (1) UNCLOS (Law No. 17/1985 Ratification of UN Convention on the Law of the Sea)	
		<i>Perairan Pedalaman Indonesia adalah semua perairan yang terletak pada sisi darat dari garis air rendah dari pantai-pantai Indonesia, termasuk ke dalamnya semua bagian dari perairan yang terletak pada sisi darat dari suatu garis penutup sebagaimana dimaksud dalam Pasal 7.</i>	The Indonesia Inland Waters are all waters located on the land side of the low water line from the coasts of Indonesia, including therein all parts of the waters located on the land side of a closing line as referred to in Article 7.	Article 3 paragraph (4) Law No. 6/1996 on Indonesian Waters	
Wilayah Pesisir	Coastal	<i>Wilayah Pesisir adalah daerah peralihan antara Ekosistem darat dan laut yang dipengaruhi oleh perubahan di darat dan laut.</i>	Coastal refers to the transition area between terrestrial and marine ecosystems affected by any changes both in land and at sea.	Article 1 Number 2 Law No. 1/2014 amending Law No. 27/2007 on Coastal Areas and Small Islands Management	
Wilayah Pesisir	Coastal Area	<i>Wilayah Pesisir adalah daerah peralihan antara Ekosistem darat dan laut yang dipengaruhi oleh perubahan di darat dan laut.</i>	The Coastal Area is the transition area between terrestrial and marine ecosystems affected by any changes both in land and at sea.	Article 1 Number 2 Law No. 1/2014 amending Law No. 27/2007 on Coastal Areas and Small Islands Management	

Fisheries and Resources Terms

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Sumber Daya Alam Hayati	Biological Natural Resources	<i>Sumber daya alam hayati adalah semua jenis binatang dan tumbuhan termasuk bagian-bagiannya yang terdapat di dasar laut dan ruang air Zona Ekonomi Eksklusif Indonesia.</i>	Biological natural resources are all types of animals and plants, including their parts, on the seabed and in waters in the Indonesian Exclusive Economic Zone.	Article 1 letter a Law No. 5/1983 on Indonesia's Exclusive Economic Zone	The differences in definition are substantive, potentially impacting how regulations are implemented. Fish and fisheries resources are included in the definition of biological natural resources.
		<i>Sumber daya alam hayati adalah unsur-unsur hayati di alam yang terdiri dari sumber daya alam nabati (tumbuhan) dan sumber daya alam hewani (satwa) yang bersama dengan unsur non-hayati di sekitarnya secara keseluruhan membentuk ekosistem.</i>	Biological natural resources are the elements in nature consisting of living plants and animals, altogether with their surroundings of non-living elements, which constitutes the ecosystem.	Article 1 number 1 Law No. 5/1990 on Conservation of Biological Natural Resources and the Ecosystem	
Sumber Daya Alam	Natural Resources	<i>Sumber daya alam adalah unsur lingkungan hidup yang terdiri atas sumber daya hayati dan non-hayati yang secara keseluruhan membentuk kesatuan ekosistem.</i>	Natural resources are all environmental elements consisting of biological and non-biological resources creating the ecosystem.	Article 1 Number 9 Law No. 32/2009 on Environmental Protection and Management	Fish and fisheries resources are considered natural resources.
Sumber Daya Ikan	Fisheries Resources	<i>Sumber daya ikan adalah potensi semua jenis ikan.</i>	Fisheries resources are potentials of all kinds of fish.	Article 1 Number 2 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	Fish and fisheries resources are considered natural resources.
Perikanan	Fisheries	<i>Perikanan adalah semua kegiatan yang berhubungan dengan pengelolaan dan pemanfaatan sumber daya ikan dan lingkungannya mulai dari praproduksi, produksi, pengolahan sampai dengan pemasaran yang dilaksanakan dalam suatu sistem bisnis perikanan.</i>	Fisheries means activities related to the management and utilization of fish resources and their environment from pre-production, production, post-production, and marketing performed in the fisheries business cycle.	Article 1 Number 1 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Ikan	Fish	<i>Ikan adalah semua biota perairan yang sebagian atau seluruh daur hidupnya berada di dalam air, dalam keadaan hidup atau mati, termasuk bagian-bagiannya.</i>	Fish are all aquatic biota that has a life cycle that takes place wholly or partly in water, whether alive or dead, including parts thereof.	Article 1 Number 10 Law No. 16/1992 on Animal, Fish and Plant Quarantine	There is a slight difference across the relevant laws, but it should not impact the implementing regulations.
		<i>Ikan adalah segala jenis organisme yang seluruh atau sebagian dari siklus hidupnya berada di dalam lingkungan perairan.</i>	Fish are all kind of organisms with all or part of its life cycle in a water environment.	Article 1 Number 4 Law No. 45/2009 on Law No. 31/2004 on Fisheries Article 1 Number 18 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Konservasi Sumber Daya Alam	Conservation of Natural Resources	<i>Konservasi sumber daya alam adalah segala upaya yang bertujuan untuk melindungi dan melestarikan sumber daya alam di Zona Ekonomi Eksklusif Indonesia.</i>	Conservation of natural resources is all efforts aiming to protect and preserve natural resources in the Indonesian Exclusive Economic Zone.	Article 1(d) Law No. 5/1983 on Indonesia's Exclusive Economic Zone	Fish and fisheries resources are considered natural resources. The definition is different in these two laws, but it is unclear whether or how these differences would impact the respective implementing regulations.
		<i>Konservasi sumber daya alam adalah pengelolaan sumber daya alam untuk menjamin pemanfaatannya secara bijaksana serta kesinambungan ketersediaannya dengan tetap memelihara dan meningkatkan kualitas nilai serta keanekaragamannya.</i>	Conservation of natural resources means managing the natural resources to ensure prudent utilization and prolong the availability by preserving and improving biodiversity value.	Article 1 Number 18 Law No. 32/2009 on Environmental Protection and Management	

Term in Bahasa Indonesian	Term Translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Perikanan Berkelanjutan	Sustainable Fisheries	-	-	-	There is no definition. However, the term "Sustainable Fisheries" is mentioned in the Elucidation Article 2 Letter k Law (UU) No. 45/2009 amending Law (UU) No. 31/2004 on Fisheries "development principles." "Sustainable Fisheries" is one of the principles: fisheries that are conducted in a planned manner and able to increase prosperity and welfare of the people by prioritizing the preservation of environmental functions for the present and the future.
Pengelolaan Perikanan	Fisheries Management	<i>Pengelolaan perikanan adalah semua upaya, termasuk proses yang terintegrasi dalam pengumpulan informasi, analisis, perencanaan, konsultasi, pembuatan keputusan, alokasi sumber daya ikan, dan implementasi serta penegakan hukum dari peraturan perundang-undangan di bidang perikanan, yang dilakukan oleh pemerintah atau otoritas lain yang diarahkan untuk mencapai kelangsungan produktivitas sumber daya hayati perairan dan tujuan yang telah disepakati.</i>	Fisheries management is efforts including all integrated processes in the collection of information, analysis, planning, consultation, decision making, allocation of fish resources, and implementation and law enforcement in the fisheries sector, exercised by the government or other agencies directed to achieve a continuous productive water biological resources and agreed-upon objectives.	Article 1 Number 7 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	

Fisher and Fishing Terms

Term in Bahasa Indonesian	Term translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Nelayan	Fisher	<i>Nelayan adalah orang yang mata pencahariannya melakukan penangkapan ikan.</i>	A fisher is a person whose means of living is catching fish.	Article 1 Number 10 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	
		<i>Nelayan adalah Setiap Orang yang mata pencahariannya melakukan Penangkapan Ikan.</i>	A fisher is anybody that earns livelihood by catching fish.	Article 1 Number 3 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Nelayan Kecil	Small-Scale Fishers	<i>Nelayan Kecil adalah orang yang mata pencahariannya melakukan penangkapan ikan untuk memenuhi kebutuhan hidup sehari-hari yang menggunakan kapal perikanan berukuran paling besar 5 (lima) gross ton (GT).</i>	A small-scale fisher is an individual whose means of living is catching fish to meet their daily needs using a vessel with a weight of no more than five gross tons (GT).	Article 1 Number 11 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	The most recent definition, per Law No. 7/2016, applies. In other words, small-scale fishers are those that do not use a vessel or that use a vessel of no more than 10 GT.
		<i>Nelayan Kecil adalah Nelayan yang melakukan Penangkapan Ikan untuk memenuhi kebutuhan hidup sehari-hari, baik yang tidak menggunakan kapal penangkap Ikan maupun yang menggunakan kapal penangkap Ikan berukuran paling besar 10 (sepuluh) gross ton (GT).</i>	A small-scale fisher is a fisher who catches fish to meet daily needs, either not using a fishing vessel or using a fishing vessel of no more than ten gross tons (GT).	Article 1 Number 4 Law No. 7/2016 concerning Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Nelayan Kecil	Small-Scale Fishers	<i>Yang dimaksud dengan “nelayan kecil” adalah nelayan masyarakat tradisional Indonesia yang menggunakan bahan dan alat penangkapan ikan secara tradisional, dan terhadapnya tidak dikenakan surat izin usaha dan bebas dari pajak, serta bebas menangkap ikan di seluruh pengelolaan perikanan dalam wilayah Republik Indonesia.</i>	What is meant by “small scale fishers” is fishers of Indonesian traditional communities who use traditional fishing materials and equipment and are not subject to business licenses and are free from taxes, and are free to fish in all fisheries management within the territory of the Republic of Indonesia.	Elucidation of Article 27 Paragraph 5 Law No. 23/2014 on Local Government	

Term in Bahasa Indonesian	Term translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Pembudi Daya Ikan	Fish Farmers	<i>Setiap orang yang mata pencahariannya melakukan pembudidayaan Ikan air tawar, Ikan air payau, dan Ikan air laut.</i>	Every person whose livelihood is cultivating freshwater fish, brackish water fish, and sea water fish.	Article 1 Number 9 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Pembudi Daya Ikan Kecil	Small-Scale Fish Farmers	<i>Pembudi Daya Ikan yang melakukan Pembudidayaan Ikan untuk memenuhi kebutuhan hidup sehari-hari.</i>	Fish farmers who conduct fish farming to fulfill their daily needs.	Article 1 Number 10 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers Article 1 Number 13 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	
Petambak Garam	Salt Farmers	<i>Setiap Orang yang melakukan kegiatan Usaha Pergaraman</i>	Every person who conducts salt business.	Article 1 Number 14 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Petambak Garam Kecil	Small-Scale Salt Farmers	<i>Petambak Garam Kecil adalah Petambak Garam yang melakukan Usaha Pergaraman pada lahannya sendiri dengan luas lahan paling luas 5 (lima) hektare, dan perebus Garam.</i>	Salt farmers who do their farming business on their own land of a maximum of 5 (five) hectares, and salt boilers.	Article 1 Number 15 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Nelayan Andon	Andon Fishers	<i>Andon penangkapan ikan adalah kegiatan penangkapan ikan di laut yang dilakukan oleh nelayan dengan menggunakan kapal perikanan berukuran tidak lebih dari 30 (tiga puluh) grose tonnage (GT), dengan daerah penangkapan ikan sesuai SIPI Andon.</i>	Andon fishers are individuals engaging in fishing activities using a vessel with a maximum weight of 30 (thirty) gross tons (GT), with areas as specified by the Andon Fish License.	Article 1 Number 2 Ministerial Regulation of Marine and Fisheries No. 36/PERMEN-KP/2014 on Andon Fishing	

Term in Bahasa Indonesian	Term translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Nelayan Tradisional	Traditional Fishers	<i>Nelayan tradisional adalah Nelayan yang melakukan Penangkapan ikan di perairan yang merupakan hak perikanan tradisional yang telah dimanfaatkan secara turun-temurun sesuai dengan budaya dan kearifan lokal.</i>	A traditional fisher is an individual who catches fish based on traditional fisheries rights on the grounds of local custom and wisdom.	Article 1 Number 5 Law 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	In Elucidation of Article 27 Paragraph 5 Law No. 23/2014 on Local Government, the definition of small-scale fishers is equated with traditional fishers. Separately, there is a significant difference between the definition of Law No. 7/2016 and Law No. 23/2014: Law No. 7/2016 mentions directly the release of traditional fishers from business permits and tax payments, while Law No. 23/2014 does not mention this.
		<i>Yang dimaksud dengan "nelayan kecil" adalah nelayan masyarakat tradisional Indonesia yang menggunakan bahan dan alat penangkapan ikan secara tradisional, dan terhadapnya tidak dikenakan surat izin usaha dan bebas dari pajak, serta bebas menangkap ikan di seluruh pengelolaan perikanan dalam wilayah Republik Indonesia.</i>	What is meant by "mall scale fishers" is fishers of Indonesian traditional communities who use traditional fishing materials and equipment and are not worn to business licenses and are free from taxes, and are free to fish in all fisheries management areas within the territory of the Republic of Indonesia.	Elucidation of Article 27 Paragraph 5 Law No. 23/2014 on Local Government	
Hak Perikanan Tradisional	Traditional Fishing Rights	<i>Negara kepulauan harus menghormati perjanjian yang ada dengan negara lain dan harus mengakui hak perikanan tradisional dan kegiatan lain yang sah negara tetangga yang langsung berdampingan dalam daerah tertentu yang berada dalam perairan kepulauan... Hal demikian tidak boleh dialihkan atau dibagi dengan negara ketiga atau warga negaranya.</i>	An archipelagic state shall respect existing agreements with other states and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighboring states in certain areas falling within archipelagic waters... Such rights shall not be transferred to or shared with third states or their nationals.	Article 51 UNCLOS (Law No. 17/1985 on the Ratification of UN Convention on the Law of the Sea)	There is no standard definition related to the Traditional Fisheries Rights in the laws and regulations in Indonesia. Article 1 number 5 Law No. 7/2016 on Protection and Empowerment of Fishers, Aquaculturists and Salt Farmers mentioned the rights of traditional fishers.

Term in Bahasa Indonesian	Term translated into English	Definition in Bahasa Indonesian	Definition in English	References	Notes
Penangkapan Ikan	Fishing	<i>Penangkapan ikan adalah kegiatan untuk memperoleh ikan di perairan yang tidak dalam keadaan dibudidayakan dengan alat atau cara apa pun, termasuk kegiatan yang menggunakan kapal untuk memuat, mengangkut, menyimpan, mendinginkan, menangani, mengolah, dan/atau mengawetkannya.</i>	Fishing means activities related to catching uncultivated fish from waters by using any means or methods, including activities using ships to load, transport, store, freeze, handle, process, and/or preserve fish.	Article 1 Number 5 Law No. 45/2009 amending Law No. 31/2004 on Fisheries	
		<i>Penangkapan Ikan adalah kegiatan untuk memperoleh ikan di perairan yang tidak dalam keadaan dibudidayakan dengan alat dan cara yang mengedepankan asas keberlanjutan dan kelestarian, termasuk kegiatan yang menggunakan kapal untuk memuat, mengangkut, menyimpan, mendinginkan, menangani, mengolah, dan/atau mengawetkannya.</i>	Fishing means activities related to catching uncultivated fish that is not in a state of being farmed by using instruments and methods that emphasize the principles of sustainability and conservation, including activities using a vessel to load, transport, store, cool, handle, process, and/or preserve fish.	Article 1 Number 8 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	
Pembudidayaan Ikan	Fish Cultivation	<i>Pembudidayaan ikan adalah kegiatan untuk memelihara, membesarkan, dan/atau membiakkan ikan serta memanen hasilnya dalam lingkungan yang terkontrol, termasuk kegiatan yang menggunakan kapal untuk memuat, mengangkut, menyimpan, mendinginkan, menangani, mengolah, dan/atau mengawetkannya.</i>	Fish cultivation is the activity of breeding and harvesting fish in a controlled environment, and the includes shipping, loading, transporting, storing, freezing, preserving, and handling processes.	Article 1 Number 6 Law No. 45/2009 amending Law No. 31/2004 on Fisheries Article 1 Number 13 Law No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers	

References

- ¹ This level also includes Districts (*distrik*) under Papuan special autonomy.
- ² Charter of Joint Agreement (*Piagam Kesepakatan Bersama*) between MMAF, Indonesian Armed Forces (TNI), and the Indonesian National Police (POLRI). The Charter of joint agreement between those three institutions has three different numbers written in the document: No. 1236/PSDKP/KS.310/XII/2015, No. PKB/20/XII/2015, and No. B/52/XII/2015.
- ³ In OSS Regulation, SIUP became a single license on fisheries businesses including in the field of fish capture, fish farming, fisheries transport, fish processing, and fisheries marketing.
- ⁴ *Ibid.* *Tanda Daftar Kapal Perikanan untuk Nelayan Kecil* is new registration nomenclature replacing Fishing Vessel Registration Records (*Bukti Pencatatan Kapal* or BPK) that was previously regulated in the Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Fish Capture Business in Fisheries Jurisdiction Area of Republic of Indonesia.
- ⁵ *Ibid.* *Tanda Daftar bagi Pembudidayaan Ikan Kecil* is new registration nomenclature replacing Fish Farming Business Registration Certificate (*Tanda Pencatatan Usaha Pembudidayaan Ikan*) that was previously regulated in the Minister of Marine Affairs and Fisheries Regulation (Permen) No. 49/2014 on Fish Farming Business.
- ⁶ *Ibid.* Similar to SIUP, SIPI became a single permit on fish farming activities merging SIPI for fish capture vessels, training vessels, and research or exploration vessels.
- ⁷ *Ibid.* Similar to SIUP and SIPI, SIKPI is also a single permit to merge SIKPI for fish capture and fish farming.
- ⁸ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 49/2014 on Fish Farming Business, Article 12(4).
- ⁹ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Fish Capture Business in Fisheries Jurisdiction Area of the Republic of Indonesia, Article 30, and Law (UU) No. 23/2014 on Local Government, Annex.
- ¹⁰ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 42/2015 on Fishing Vessel Monitoring System, Article 1(4) and Articles 15–17.
- ¹¹ Ministerial Regulation of Marine Affairs and Fisheries No. 1/2017 on Certificate of Operation Worthy for Fishing Vessel, Articles 3–14.
- ¹² Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation), Annex. Vessel Certification (*Sertifikasi bidang Perkapalan*) became new nomenclature and a single permit on fishing vessels in terms of vessel nationality registration (*Surat Tanda Kebangsaan Kapal*). The OSS Regulation indirectly invalidated Minister of Transportation Regulation (Permen) No. 32/2017 on Registration and Nationality of Vessels.
- ¹³ Minister of Transportation Regulation (Permen) No. 82/2014 on Sailing Permit (*Surat Persetujuan Berlayar*).
- ¹⁴ Government Regulation (PP) No. 28/2017 on Fish Farming, Article 17.
- ¹⁵ *Ibid.*, Article 18.