

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

February 2019



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Suggested citation:

PSHK, Barunastra, et al. 2019. *The Legal Framework and Government Institutional Landscape of the Fisheries Sector in Indonesia*. Jakarta, Indonesia.

Cover Photo : Farizun Amrod Saad/Shutterstock.com

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Acknowledgments

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.

- Dr. Charil Abdini (Senior Expert on the Presidential Advisory Council and Senior Advisor to Barunastra Foundation)
- Dr. Dedi Adhuri (Coordinator of the Maritime Study Group at the Indonesian Institute of Sciences (LIPI))
- Dr. Tukul Rameyo Adji, M.T (Socio-Antropology Minister Expert Staff of Coordinating Ministry for Maritime Affairs)
- Dr. Luky Adrianto (Dean of Faculty of Fisheries and Marine Sciences at Bogor Agricultural University (IPB))
- Teuku Agam (Satgas 115/Task Force to Prevent and Combat Illegal Fishing)
- Dr. Firdaus Agung (Ministry of Marine Affairs and Fisheries)
- Mubariq Ahmad (Director at Conservation Strategies Fund)
- Prof. Melda Kamil Ariadno (Dean of the Faculty of Law Universitas Indonesia and the Head of the Center for Sustainable Ocean Policy)
- Joko Arif (David and Lucile Packard Foundation)
- Ines Ayostina (Blue Carbon & MPA Project Manager at Conservation International)
- Agus Budhiman (Senior Policy Advisor at Sustainable Fisheries Partnership)
- Gregory Churchill (Board Member of the Coral Triangle Center)
- John David Claussen (Program Officer at the David and Lucile Packard Foundation)
- Heather D'Agnes (Program Officer at the Walton Family Foundation)
- Dr. Ario Damar (Director of Center for Coastal and Marine Resources Studies at Bogor Agricultural University (IPB))
- Robert Delfs (Senior Associate at Starling Resources)
- Safira (Rili) Djohani (Executive Director at the Coral Triangle Center)
- Yanti Djuari (Chairman of the Board at the Indonesian Pole & Line and Handline Fisheries Association (AP2HI))
- James Eddy (Satgas 115/Task Force to Prevent and Combat Illegal Fishing)
- Santi Evelynna (former Executive Director at Transformasi)
- Rifki Furqan (Sustainable Fisheries Coordination for the Sustainable Ecosystems Advanced Project (USAID Sustainable Ecosystem Advanced Project))
- Stuart Green (Senior Adviser to the David and Lucile Packard Foundation)
- Noah Greenberg (Director at Starling Resources)
- Tiene Gunawan (Deputy Chief of Party USAID Sustainable Ecosystem Advanced Project)
- Dyah H (DJPT-KKP/Directorate General of Capture Fisheries, Ministry of Marine Affairs and Fisheries)
- Zaki Haikal (Writer/Analyst at IDeA)
- Taufik Hidayat (Associate at Starling Resources)
- Dr. Yunus Husein (Head of the Indonesia Jentera School of Law)
- Chase Jaz (Program Associate at the David and Lucile Packard Foundation)
- Rezal Kusumaatmadja (Chief Operating Officer at PT Rimba Makmur Utama)
- Sarwono Kusumaatmadja (former Minister of Marine Affairs and Fisheries)
- Laila Lafi (BKIPM-KKP/Agency of Fish Quarantine, Quality Control, and Safety of Fisheries Product, Ministry of Marine Affairs and Fisheries)
- Wuryati Morris (Consultant to the Walton Family Foundation)
- Umi Muawanah (Conservation Strategies Fund)
- Lida Pet-Soede (Marine Unit Leader at PT Hatfield Indonesia)
- Eko Prianto (Pusat Riset Perikanan – KKP/Center for Fisheries Research, Ministry of Marine Affairs and Fisheries)
- Budi Sugianti (BKIPM – KKP/Agency of Fish Quarantine, Quality Control, and Safety of Fisheries Product, Ministry of Marine Affairs and Fisheries)
- Dr. Agus Supangat (Senior Advisor to Yayasan Baruna Nusantara)
- Danny Supriyadi (Chief Executive Officer at Inisiatif Kelestarian Kelautan dan perikanan Nusantara (IKKAN))
- Handoko Adi Susanto (Senior Manager for Policy and Development at Rare Indonesia)
- Farita Yadranka (Coastal and Ocean/Fisheries Policy Senior Manager at the Nature Conservancy (TNC))

Acronyms

Bakamla	Marine Security Body or Coast Guard (<i>Badan Keamanan Laut</i>)	DPR	House of Representatives (<i>Dewan Perwakilan Rakyat</i>)
Bakorkamla	Marine Security Coordinating Body (<i>Badan Koordinasi Keamanan Laut</i>)	DPRD	Regional Representative Council (<i>Dewan Perwakilan Rakyat Daerah</i>)
BAL	Basic Agrarian Law (1960)	EEZ	Exclusive Economic Zone
BKIPM	Fish Quarantine, Quality Control and Fisheries Product Safety Agency (<i>Badan Karantina Ikan, Pengendalian Mutu, dan Keamanan Hasil Perikanan</i>)	FADs	fish aggregating devices
BKPM	National Investment Coordination Body (<i>Badan Koordinasi Penanaman Modal</i>)	FAO	Food and Agriculture Organization of the United Nations
BMI	maritime continent (<i>Benua Maritim Indonesia</i>)	FGD	Focus Group Discussion
BPK	small-scale fisher vessel registration records (<i>Bukti Pencatatan Kapal</i>)	FMCs	Fisheries Management Councils
CCSBT	Commission for the Conservation of Southern Bluefin Tuna	FY	fiscal year
CE	Customs and Excise	GBHN	Outlines for the State's Direction (<i>Garis Besar Haluan Negara</i>)
CMMA	Coordinating Ministry for Maritime Affairs (<i>Kemenko Maritim</i>)	HP-3	Coastal Waters Concessions (<i>Hak Pengusahaan Perairan Pesisir</i>)
CMMA	Coordinating Ministry for Maritime Affairs (<i>Kementerian Koordinator Bidang Kemaritiman</i> or KKBK)	Inpres	Presidential Instructions (<i>Instruksi Presiden</i>)
CSO	civil society organization	IOTC	Indian Ocean Tuna Commission
CVs	<i>Commanditaire vennootschap</i> or limited partnerships	IUU fishing	illegal, unreported, and unregulated fishing
DG	Director General	Kepmen	Ministerial Decrees (<i>Keputusan Menteri</i>)
DMAF	Department of Marine Affairs and Fisheries (<i>Departemen Kelautan dan Perikanan</i> or DKP)	Keppres	Presidential Decrees (<i>Keputusan Presiden</i>)
DME	Department of Marine Exploration (<i>Departemen Explorasi Laut</i> or DEL)	KKI	Indonesia's Marine Policy (<i>Kebijakan Kelautan Indonesia</i>)
DPD	Regional Representative Council (<i>Dewan Perwakilan Daerah</i>)	KPLP	Sea and Coast Guard (<i>Kesatuan Penjaga Laut dan Pantai</i>)
		KY	Judicial Commission (<i>Komisi Yudisial</i>)
		MA	Supreme Court (<i>Mahkamah Agung</i>)
		MEF	Ministry of Environment and Forestry
		MK	Constitutional Court (<i>Mahkamah Konstitusi</i>)

MMAF	Ministry of Marine Affairs and Fisheries (<i>Kementerian Kelautan dan Perikanan</i> or KKP)	PPKA	approvals for the use of foreign vessels (<i>Persetujuan Penggunaan Kapal Asing</i>)
MoU	Memorandum of Understanding	PPN	Value Added Tax (<i>Pajak Pertambahan Nilai</i>)
MPR, or Parliament	People's Consultative Assembly (<i>Majelis Permusyawaratan Rakyat</i>)	PPNS	Fisheries Civil Servant Investigators (<i>Penyidik Pegawai Negeri Sipil Perikanan</i>)
NIB	Business Identity Number (<i>Nomor Induk Berusaha</i>)	PPP	Fisheries business charges (<i>Pungutan Pengusahaan Perikanan</i>)
NJKP	taxable sales value (<i>Nilai Jual Kena Pajak</i>)	Prolegnas	National Legislation Program (<i>Program Legislasi Nasional</i>)
NJOP	tax object sales value (<i>Nilai Jual Obyek Pajak</i>)	PSDKP	MMAF Directorate General for Monitoring of Marine and Fisheries Resources (<i>Pengawasan Sumber Daya Kelautan dan Perikanan</i>)
OSS	Online Single Submission	PT	Limited Liability Companies (<i>Perseoran Terbatas</i>)
PBB	Land and Building Tax (<i>Pajak Bumi dan Bangunan</i>)	RFMO	Regional Fisheries Management Organizations
Perda	regional/local regulations (<i>Peraturan Daerah</i>)	RKP	annual work plan (<i>Rencana Kerja Pemerintah</i>)
Perda Kab	Regency/City Local Regulation (<i>Peraturan Daerah Kabupaten/ Kota</i>)	RoEs	Regional-Owned Enterprises
Perda Prov	Provincial Local Regulation (<i>Peraturan Daerah Provinsi</i>)	RPIM	Recommendation for Fish Farming Investment (<i>Rekomendasi Pembudidayaan Ikan Penanaman Modal</i>)
Permen	Ministerial Regulations (<i>Peraturan Menteri</i>)	RPJM	Medium-Term Development Plans (<i>Rencana Pembangunan Jangka Menengah</i>)
Perpres	Presidential Regulation (<i>Peraturan Presiden</i>)	RPJMD	Provincial and Regency/City Medium-Term Plan (<i>Rencana Pembangunan Jangka Menengah Daerah</i>)
Perpu	Government Regulation in Lieu of Law (<i>Peraturan Pemerintah Pengganti Undang-Undang</i>)	RPJP	Long-Term Development Plans (<i>Rencana Pembangunan Jangka Panjang</i>)
PHP	Fisheries production charges (<i>Pungutan Hasil Perikanan</i>)	RPJPD	Provincial and Regency/City Long-Term Plan (<i>Rencana Pembangunan Jangka Panjang Daerah</i>)
PLBC	Customs and Excise Sea Patrols (<i>Patroli Laut Bea Cukai</i>)	RPP	Fisheries Management Plans (<i>Rencana Pengelolaan Perikanan</i>)
PNBP	fishery-related non-tax revenues (<i>Penerimaan Negara Bukan Pajak</i>)		
PP	Government Regulation (<i>Peraturan Pemerintah</i>)		
PPA	charges on foreign fishers (<i>Pungutan Perikanan Asing</i>)		
PPh	Income Tax (<i>Pajak Penghasilan</i>)		

Acronyms

Satgas 115	Task Force to Prevent and Combat Illegal Fishing
SIKPI	Fish Transport Permit (<i>Surat Izin Kapal Pengangkutan Ikan</i>)
SIPI	Fish Capture Permit (<i>Surat Izin Penangkapan Ikan</i>)
SIUP	Fisheries Business License (<i>Surat Ijin Usaha Perikanan</i>)
SKAT	Transmitter Activation Certificate (<i>Surat Keterangan Aktivasi Transmitter</i>)
SLO	Certificate of Shipworthiness for Fish Capture Vessels (<i>Surat Laik Operasi Kapal Perikanan</i>)
SoEs	State-Owned Enterprises
SOP	Standard Operating Procedures
SPB	Sailing Permit (<i>Surat Persetujuan Berlayar</i>)
TAC	total allowable catch
TAP MPR	MPR Decrees (<i>Ketetapan MPR</i>)
TNI AL	Indonesian Navy (<i>TNI Angkatan Laut</i>)
TPI	fish auction market (<i>Tempat Pelelangan Ikan</i>)
UNCLOS	United Nations Convention on the Law of the Sea
UPI	local fish processing facilities (<i>Unit Pengolahan Ikan</i>)
UU	Law (<i>Undang-Undang</i>)
UUD	The 1945 Constitution (<i>Undang-Undang Dasar Republik Indonesia Tahun 1945</i>)
WPP	Fishery Management Areas (<i>Wilayah Pengelolaan Perikanan</i>)



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 institutional government 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 legal framework and government institutional elements related to the fisheries sector in Indonesia. 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.

An aerial photograph showing a large number of small, blue fishing boats with outriggers, anchored in clear turquoise water near a sandy beach. The boats are arranged in a somewhat grid-like pattern, with some closer to the shore and others further out. The water is a vibrant greenish-blue, and the beach is a light tan color. The overall scene is peaceful and suggests a coastal fishing community.

2

Components of the Indonesian Legal System and Processes

Summary

- There are three branches of government, as defined in the 1945 Constitution: the executive, legislature, and judiciary.
- There are four levels of sub-national government: Provinces (level 1), Cities and Regencies (level 2), Subdistricts (level 3), 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.
- 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.
- 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. On that matter, 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.

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.

2.1 National Government

Indonesia has three branches of government,¹ as defined in the 1945 Constitution: the executive, legislature, and judiciary. These are outlined in Table 1.

Table 1. Branches of the Indonesian Government

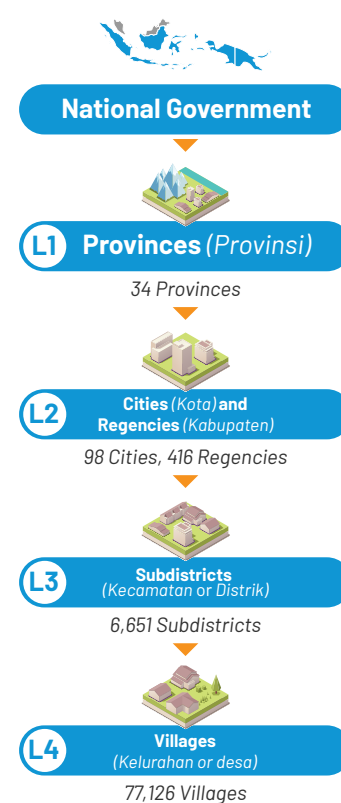
Branch/Bodies		Summary of Roles/Powers
Executive	President	The Constitution gives executive power to the President, who is the head of state and head of the government. The President is elected directly by the people of Indonesia since 2004.
	Vice President	The Vice President, also elected directly by the people of Indonesia, assists the President.
	Ministries	Ministries (<i>Kementerian</i>) are government agencies under and responsible to the President.
Legislative	People's Consultative Assembly (MPR, or Parliament)	The MPR (<i>Majelis Permusyawaratan Rakyat</i>) has the power to amend the 1945 Constitution, appoint the President and/or Vice President (in the case of vacancy), and inaugurate and/or impeach the President and/or Vice President. The MPR consists of two chambers: the House of Representatives and the Regional Representative Council (see rows below).
	House of Representatives (DPR)	The DPR (<i>Dewan Perwakilan Rakyat</i>) has 560 members. Although the DPR has the authority to make and change laws, in practice the DPR works with the executive branch to negotiate policy. It also holds budgeting authority and supervises the executive branch.
	Regional Representative Council (DPD)	The DPD (<i>Dewan Perwakilan Daerah</i>) has 136 seats: four members to represent each of the 34 Provinces in Indonesia. The DPD can initiate a bill but must propose that bill to the DPR. ²

Table 1 (continued)

Branch/Bodies		Summary of Roles/Powers
Judiciary ³	Supreme Court (MA)	The MA (<i>Mahkamah Agung</i>) is the highest court and has the authority to 1) hear and rule on all final decisions made by appellate courts, 2) review regulations under law (parliamentary act), 3) provide legal explanations and considerations to government institutions, and 4) provide a Civil Review (<i>Peninjauan Kembali</i>) of a final and binding court decision, in addition to other authorities given by law. ⁴ The MA has oversight of the general courts for general civil and criminal cases (<i>Peradilan Umum</i>), the religious courts (<i>Peradilan Agama</i>), the Military Court (<i>Peradilan Militer</i>), and the state administrative court (<i>Peradilan Tata Usaha Negara</i>), as well as the high courts (<i>Pengadilan Tinggi</i>) and district courts (<i>Pengadilan Negeri</i>). The MA is the final court following appeals. It does not have jurisdiction over constitutional matters.
	Constitutional Court (MK)	The MK (<i>Mahkamah Konstitusi</i>) ensures that statutes passed by Indonesia's national parliament comply with the constitution and resolves disputes over election results, the authority of state institutions, and the dissolution of political parties. The MK also decides on impeachment allegations made by the DPR. The MK can review or strike out laws, but not implementing regulations. ⁵
	Judicial Commission (KY)	The KY (<i>Komisi Yudisial</i>) is tasked with monitoring the behavior of judges, proposing candidates to serve as Supreme Court Justices to the DPR, and reviewing community complaints about the behavior and fairness of presiding judges. ⁶

2.2 Sub-national Government

Indonesia has four levels of sub-national government: Provinces⁷ (level 1), Cities and Regencies⁸ (level 2), Subdistricts⁹ (level 3)¹⁰, and Villages¹¹ (level 4). In 1999, Indonesia replaced its previous system of centralized government and development planning with a wide range of decentralization programs. The reforms gave greater authority, political power, and financial resources directly to Regencies and Cities, bypassing the Provinces. However, the Indonesian government reversed some of these reforms in Law No. 23/2014 on Local Government,¹² which replaced Local Government Law, Law No. 32/2004. In the new law, most governmental functions are distributed between the central and Provincial governments including with respect to natural resource licensing. Regency and City governments retain the authority for several functions, including front-line service provision, but to a much lesser degree than that given by the 2004 law.¹³



Like their national-level counterparts, Provinces, Cities and Regencies have their own local governments and parliamentary bodies.¹⁴ Each Province, City, and Regency has a Regional Representative Council (*Dewan Perwakilan Rakyat Daerah*, DPRD; DPRD I for Provinces, DPRD II for Cities/Regencies) and an elected head of government (governor, regent, or mayor), who presents drafts of the development budget and other plans to the DPRD for approval.

Villages are not simply a layer in the administrative hierarchy but, in many cases, exist on the basis of norms that long predate the Republic. The Village Law No. 6/2014 grants villages jurisdiction over customary affairs, matters of “village scale,” and matters delegated to it by higher levels of government relating to village governance, development, and community empowerment. Structurally, villages mirror other levels of government with an elected executive and council and are able to issue their own regulations (*Peraturan Desa* or *Perdes*). These are issued by the village head after consultation and agreement by the village council; regulations pertaining to budgets, charges, spatial planning, and the organizational structure of the village must be submitted for prior evaluation by Regency/City government.

Figure 1. Map of Indonesia, Including Provincial Boundaries



2.3 Policymaking Process

At the national level, the DPR plays a major role in policymaking through the creation and amendment of laws and budget formulation. However, both the executive and legislative branches must agree to a bill before it can become a law. In addition, the public (e.g., development agencies, technical advisors, businesses, CSOs, and academics) has input into the policymaking process. An overview of the policymaking process is provided in Figure 2.

Figure 2

THE POLICYMAKING PROCESS IN INDONESIA

The legislative process is carried out through 5 gradual steps:



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.

• 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.

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.

Once laws have been passed by the DPR then signed and formalized by the President, the executive branch produces implementing regulations. In the event that the bill is not signed by the President, the bill automatically becomes a law and must be promulgated after 30 days from the date of the joint approval.

The time lag between enacting laws and issuing implementing regulations can take years, due to budget and human resource requirements and to ensure that conflicts with existing regulations are avoided.

Although a bill introduced by the executive branch requires parliamentary approval to be enacted, the legislature's approval is not required for implementation guidelines, in the form of regulations, decrees, and instructions.¹⁵ In practice, legislation is not always matched with an implementing regulation, and implementing regulations do not always align with legislation.

2.4 Types of Laws and Regulations

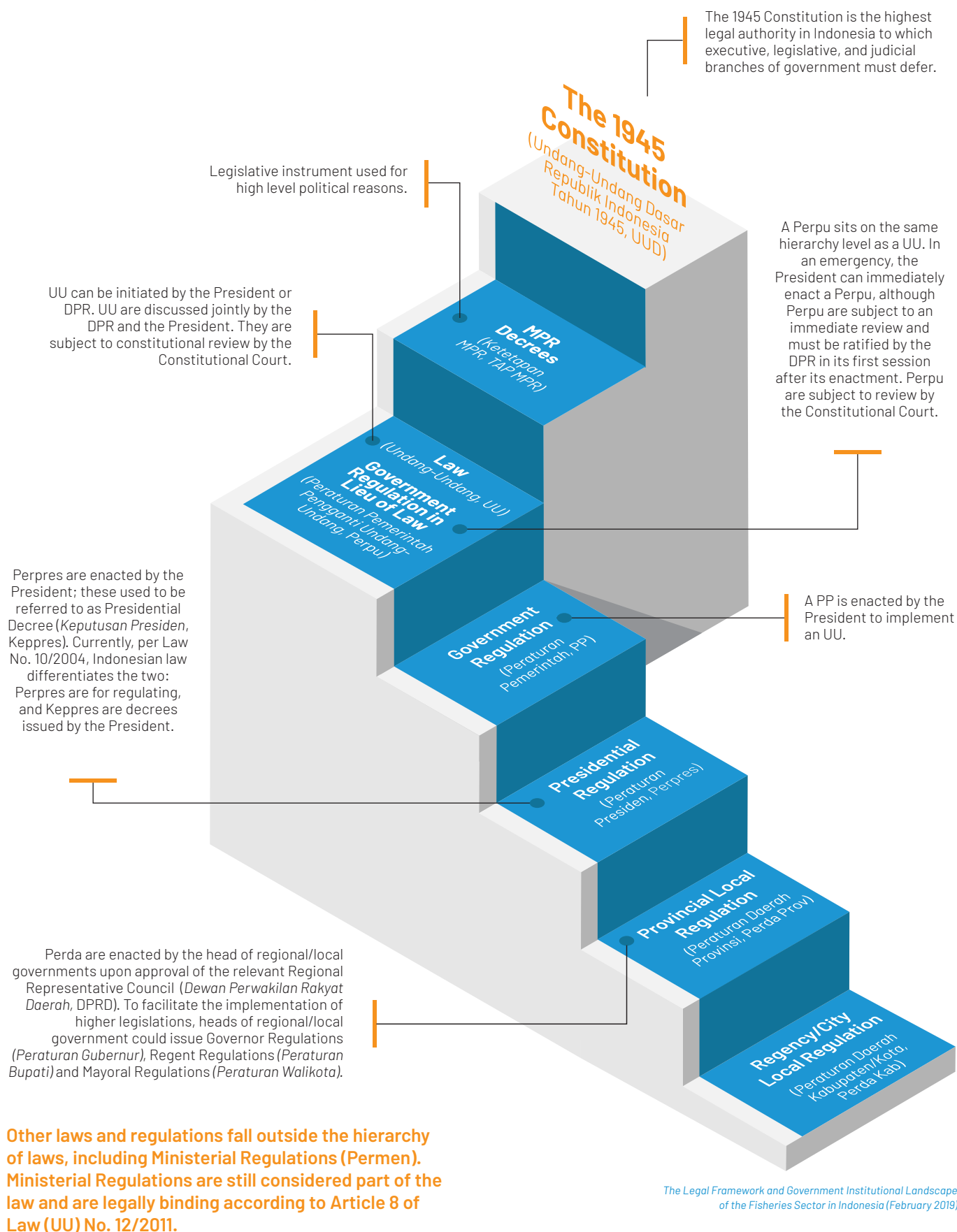
Indonesia currently has more than 50,000 laws and regulations.¹⁶ The “hierarchy of laws” (*tata urutan peraturan perundang-undangan*)¹⁷ sets out state institutions and individuals that can make laws, the types of laws they can make, and the relative authority of those laws. The most recent version of the hierarchy, in Article 7(1) of Law No. 12/2011 on Lawmaking, is described in Figure 3. In consequence of this hierarchy, “lower” laws must comply with and defer to “higher” laws.

Other laws and regulations fall outside the hierarchy of laws, including Ministerial Regulations (*Peraturan Menteri*, Permen). Ministerial Regulations are still considered part of the regulations and are legally binding according to Article 8 of Law (*Undang-Undang*, UU) No. 12/2011. It is important to note the difference between Ministerial Regulations and Ministerial Decrees (*Keputusan Menteri*, Kepmen). Ministerial Regulations (Permen) are for regulating, and Ministerial Decrees (Kepmen) are decrees issued by the Minister. Put differently, Ministerial Regulations (Permen) are often meant to provide the detailed implementing regulations for higher level laws and regulations. In practice, they are often found to contradict regional/local regulations (*Peraturan Daerah*, Perda), resulting in confusion when it comes to implementation on the ground. In response, in 2016, the Widodo administration annulled 3,143 local regulations on the grounds that they contradicted higher laws and regulations, promoted intolerance, or deterred investment.¹⁸

At the same time, conflicts often arise between regulations issued under different laws. As a result, on 8 December 2017, the Ministry of Law and Human Rights issued Ministerial Regulation (Permen) No. 32/2017 on the Procedures for the Settlement of Disputes Involving Laws and Regulations Through Non-Litigation Channels. This ministerial regulation provides a mechanism for non-litigation dispute settlement in cases where laws and regulations conflict vertically and/or horizontally in relation to legal norms or the distribution of authority between central-government ministries and local government; and where these conflicts of law have caused injustice to society and business, and

Figure 3

HIERARCHY AND TYPES OF LAWS AND REGULATIONS



hamper the investment climate, as well as national and regional economic activities. As of October 2018, 25 submissions have been made to this non-litigation channel.¹⁹

Determination of whether a given law is consistent with the Constitution constitutes a separate process. According to Article 24C(1) of the Constitution, only the Constitutional Court can assess whether laws (UU) are consistent with the Constitution. It cannot, however, review the constitutionality of other types of laws or actions of government. This is significant because most Indonesian laws are “lower level” laws, made below the level of UU—e.g., as PP, Perpres, Perda, Permen, Kepmen, and Presidential Instructions (*Instruksi Presiden*, Inpres). Only the Supreme Court has jurisdiction to review these laws, but it cannot do so in relation to their Constitutionality: the Supreme Court only has the authority to review lower level regulations to ensure their compliance with national statutes. No mechanism exists, therefore, to judicially review the constitutionality of such lower level regulations.²⁰

In addition to the official laws encompassed under Indonesia’s hierarchy of laws, there are several forms of unwritten law²¹ that are present to varying degrees in different parts of Indonesia:

- **Customs (*kebiasaan*)** encompass rules that are applicable as law but not enacted by the state or its subordinate authorities. For customs to have the binding power of law, they must relate to conduct by which society has always abided and there must be a belief in society that such conduct is binding as law (“legal belief”).
- **Adat law (*hukum adat*)** is a set of local and traditional laws and dispute resolution systems in many parts of Indonesia. Hence, there is no unified Adat law for the whole of Indonesia. Adat law is in principle also part of custom, but it is distinguished due to its close alignment with ethnicities. Adat law is important in several areas of law such as family law, inheritance law, and agrarian law, which can include traditional rules on fishing.

2.5 Other Policy Instruments

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

The National Long- and Medium-Term Development Plans are central components of the National Development Planning System (*Sistem Perencanaan Pembangunan Nasional*) mandated under Law 25/2004. The System replaces preexisting Soeharto-era planning instruments such as the Outlines for the State’s Direction (*Garis Besar Haluan Negara*, GBHN) and the Five-Year Development Plans (*Repelita*).

The National Long-Term Development Plan (RPJPN) establishes the vision, mission, and programs for national development based on the 1945 Constitution. A National Medium-Term Development Plan (RPJMN) describes how a Long-Term Plan will be operationalized over the course of a five-year presidential mandate. The Medium-Term Plan describes the overall national development plan across sectors and regions, its enabling macroeconomic and fiscal frameworks, and indicative regulatory and financing frameworks.²²

The National Medium-Term Plan, in turn, establishes the parameters by which each ministry sets its five-year strategic plan (*Rencana Strategis*) and annual work plans (*Rencana Kerja Pemerintah*, RKP). So, for example, the Ministry of Marine Affairs and Fisheries (MMAF; *Kementerian Kelautan dan Perikanan* or KKP) has developed a five-year strategic plan (*Rencana Strategis Kementerian Kelautan dan Perikanan*) for the period 2015–2019 corresponding to the 2015–2019 National Medium-Term Plan.

The first National Long-Term Development Plan (RPJPN) under the new Development Planning System was issued in 2005 for the period to 2025; the first Medium-Term Development Plan (RPJMN) was issued concurrently for the period 2005–2009. The current Medium-Term Development Plan (2015–2019) is the third since Law (UU) No. 25/2004 was passed. Work has started to frame the fourth Medium-Term Plan, which will commence in 2020.

At the local level, the National Long- and Medium Term Development Plans establish the parameters by which each Province and Regency/City is required to establish its own long- and medium-term development plans (*Rencana Pembangunan Jangka Panjang Daerah*, RPJPD and *Rencana Pembangunan Jangka Menengah Daerah*, RPJMD).²³ Provincial and Regency/City Medium-Term Plans in turn establish the parameters by which each local government line agency establishes its own five-year strategy (*renstra*) and annual work plan (RKP).

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



Summary

- 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.
- 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 31 government institutions/entities, including ministries, state agencies, task forces, and institutional agencies that have at least a partial mandate related 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.

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.

3.1 Fisheries Sector Laws and Regulations: Scope of the Review

This review attempts to capture the key national-level laws and regulations relevant to the fisheries sector. Given the sheer number of the existing laws and regulations, as well as the degree to which many of these are connected, the review should not be seen as exhaustive. Table 2 provides an overview of the laws and regulations reviewed. The full list is provided in Annex 4.

Table 2. 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	

3.2 Key Laws Related to the Fisheries Sector

The 1945 Constitution (*Undang-Undang Dasar Republik Indonesia Tahun 1945*, UUD) 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).

Article 33 of the 1945 Indonesian Constitution states that:

1. *The economy is to be structured as a common endeavor based on familial principles.*

2. *Production sectors that are vital to the state and that affect the livelihood of a considerable part of the population are to be controlled by the state.*
3. *The land and the waters as well as the natural riches therein are to be controlled by the state to be exploited for the greatest benefit of the people.*
4. *The organization of the national economy shall be based on economic democracy that upholds the principles of solidarity, efficiency along with fairness, sustainability, keeping the environment in perspective, self-sufficiency, and that is concerned as well with balanced progress and with the unity of the national economy.*
5. *Further provisions regarding the implementation of this article are to be regulated by law.*

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

1. Law (UU) No. 31/2004 on Fisheries (*Perikanan*), amended by Law (UU) No. 45/2009;
2. Law (UU) No. 27/2007 on Coastal Areas and Small Islands (*Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*), amended by Law (UU) No. 1/2014;
3. Law (UU) No. 23/2014 on Local Government (*Pemerintahan Daerah*), amended by Law (UU) No. 2/2015;
4. Law (UU) No. 32/2014 on Marine Affairs (*Kelautan*); and
5. Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers (*Perlindungan dan Pemberdayaan Nelayan, Pembudi Daya Ikan, dan Petambak Garam*).

Key features of these laws are described here, and then these laws are regularly referenced throughout the thematic sections that follow.

3.2.a Law (UU) No. 31/2004 on Fisheries (*Perikanan*) as amended by Law (UU) No. 45/2009

The Fisheries Law is the main law that guides the fisheries sector in Indonesia. The first, Law (UU) No. 9/1985, was replaced by Law (UU) No. 31/2004, signed by President Megawati. Five years later, Law (UU) No. 31/2004 was amended by Law (UU) No. 45/2009, signed by President Susilo Bambang Yudhoyono.

The official title of the 2009 law is “Law No. 45/2009 on the amendment to Law No. 31/2004 on Fisheries.” Therefore, to understand fisheries law, the 2004 and 2009 laws need to be read together; the 2009 law only amended some of the articles in the 2004 law, leaving its other remaining parts in force. For the purposes of this report, “Fisheries Law” is used to describe the collective reading of Law (UU) No. 31/2004 and its amendment, Law (UU) No. 45/2009.

The rationale for the 2009 amendment was stated in part (c) of the Preamble to the law: *"Law Number 31 of 2004 on Fishery was not fully able to anticipate the development of technologies and the legal need for the purpose and the utilization of the potential fish resources."* The General Elucidation of Law (UU) No. 45/2009 further explains that there were weaknesses in Law (UU) No. 31/2004 related to the regulation of fisheries management and fisheries crimes. Regarding fisheries management, the General Elucidation addresses problems in the inter-agency coordination mechanism as regulated in the 2004 Law. On fisheries crimes, the General Elucidation address issues concerning the regulation of law enforcement, how sanctions were formulized, and the need to clarify the relative jurisdiction or competence of the district court on criminal acts in the fisheries sector, when such crimes may be interpreted to be outside of the jurisdiction of the district court. A full summary and comparison of the 2004 law and the 2009 amendment is included in Annex 2.

In terms of key components, the Fisheries Law grants decision-making powers over fisheries management to the Minister of Marine Affairs and Fisheries. Article 7 (1) of Law (UU) No. 45/2009 amending the 2004 Fisheries Law stipulates that the Minister can determine:

- fisheries management plans;
- potential and allocation of capture fishery resources;
- total allowable fisheries harvest (total allowable catch or TAC);
- potential and allocation of cultivated fish areas;
- type and size of permissible fishing gear;
- capture fishing areas, lanes, times or seasons;
- capture fisheries operations and procedures;
- fishing ports;
- fishing ship monitoring systems;
- prevention of pollution and damage to fish resources and the environment;
- sanctuaries and marine protected areas;
- minimum measurement or weight of kinds of fish permitted to be caught; and
- kinds of fish to be protected (and more).²⁴

Under the Fisheries Law, the Minister's authority to oversee fisheries applies to Indonesia's national Fisheries Management Zone, defined as the territorial seas (up to 12 nm from the territorial baseline), the archipelagic and inland waters (within baselines drawn between Indonesia's outermost islands), and the country's Exclusive Economic Zone (EEZ; the area extending 200 nm outward from the territorial baseline of the territorial seas). Further details regarding the jurisdictional oversight and roles of MMAF are explored in the thematic sections.

It is important to note that the Fisheries Law is currently being revised again, as planned and as explicitly stated in the National Legislative Program for 2015–2019. Although this does not appear in the priority list for the 2018 program, both the Parliament and the government (in this case represented by MMAF) have begun to discuss the draft in various fora.

3.2.b Law (UU) No. 27/2007 on the Management of Coastal Areas and Small Islands (*Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*), amended by Law (UU) No. 1/2014

Law (UU) No. 27/2007 was signed by President Susilo Bambang Yudhoyono and has been effective since 17 July 2007. This law enshrined coastal areas as a national asset to be managed for the greatest benefit of the people, with a focus on: protecting, conserving, rehabilitating, using, and enriching coastal resources; strengthening the role of communities in their management; and enhancing their contribution to social and economic development.²⁵ The scope of this law covers coastal areas, defined as the oceanic spaces (*ruang lautan*) that are still affected by activities on land; terrestrial areas that still feel the influence of the sea; and small islands and their surrounding waters that form one unit and have considerable potential for utilization based on resources, environment, and society. In the law's implementation, Coastal Areas are deemed to extend to 12 nm measured from the territorial baseline toward the High Seas.

While Law (UU) No. 27/2007 does not specifically regulate fisheries, the law supports the protection of marine ecosystems, including habitats for fisheries resources. Article 60 recognizes the rights of traditional (*adat*) communities to conduct their traditional activities (including fishing) in the coastal waters.²⁶ Separately, the law requires that Provincial governments establish coastal and small islands management plans, including a Strategic Plan, a Zoning Plan, a Management Plan, and an Action Plan. The Zoning Plan divides the coastal areas into a general utilization zone, a conservation zone, and other zones (such as sea lanes or national strategic areas). Wild capture fisheries are allowed to take place within the general utilization zone.

The original Law (UU) No. 27/2007 also included provisions for granting Coastal Waters Concessions (*Hak Pengusahaan Perairan Pesisir*, HP-3) to Indonesian citizens, traditional (*adat*) communities, and the private sector. However, in 2011, a Constitutional Court Ruling annulled these provisions due to concerns that the law privileged entrepreneurs and other private sector entities over constitutionally mandated protections for traditional communities. On 15 January 2014, Law (UU) No. 27/2007 was amended by Law (UU) No.1/2014.

3.2.c Law (UU) No. 23/2014 on Local Government (*Pemerintahan Daerah*), amended by Law (UU) No. 2/2015

Law (UU) No. 23/2014 on Local Government was signed by President Susilo Bambang Yudhoyono on 30 September 2014, and became effective 2 October 2014. The law was amended shortly thereafter due to widespread concern regarding its removal of direct local elections. Its amendment, Law (UU) No. 2/2015, became effective 2 February 2015, signed by President Joko Widodo. These laws replaced Law (UU) No. 32/2004.

Law (UU) No. 23/2014 does not refer to Article 33 of the 1945 Constitution as its legal basis. Therefore, generally speaking, this law does not directly regulate the management and utilization of natural resources, including the fisheries sector. There are, however, several provisions that are relevant to fisheries and related jurisdictional authority.

Under Law (UU) No. 23/2014, Marine Affairs and Fisheries is considered an Optional Governmental Affair (*Urusan Pemerintahan Pilihan*), instead of an Obligatory Governmental Affair (*Urusan Pemerintahan Wajib*). Optional Governmental Affairs fall within the category of Concurrent (*konkuren*) Governmental Affairs, meaning that the authority for the affair is shared between the Central Government, Provinces, and Regencies/Cities Governments. As such, the authority for marine and fishery affairs is shared between these levels of government.²⁷ A detailed break-down of jurisdictional authority is included in the attachment to Law (UU) No. 23/2014, which explains the division (*Pembagian Urusan*) between the Central Government, Province, and Regency/City related to aspects of the fisheries sector.

Importantly, Law (UU) No. 23/2014 rescinded the authority of local governments over natural resource management within the 4 nm limit, giving Provincial government control and management authority of marine resources (other than oil and gas) within 12 nm.²⁸ However, it also grants the Central Government the ability to allocate a special territory (*Kawasan Khusus*) including a sea park area (*Kawasan Taman Laut*) within the 12 nm area in order to conduct certain Central government functions that are considered to be of strategic national interest.

It should also be noted that small-scale fishers are exempt from oversight by the Provincial government. Elucidation of Article 27 (5) provides a definition of small-scale fishers (*nelayan kecil*) as "... *fishers from Indonesian traditional communities who use traditional fishing materials and fishing equipment, and are not subject 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.*"

The full breakdown of jurisdictional authority by level of government is provided in Chapter 5 on Jurisdictional Authority and Rights.

3.2.d Law (UU) No. 32/2014 on Marine Affairs (*Kelautan*)

Law (UU) No. 32/2014 on Marine Affairs was signed by President Susilo Bambang Yudhoyono and has been effective since 17 October 2014. In general, the Marine Affairs Law aims to realize Indonesia as an independent, developed, and powerful archipelagic state. Specifically, it focuses on the integrated and sustainable management of Indonesia's oceans spanning maritime development, management, spatial planning, environmental protection, defense, security, and governance. Among others, it mandated the development of a National Marine Spatial Plan²⁹ and a new Marine Security Agency (*Badan Keamanan Laut*, Bakamla) to strengthen patrols and security.³⁰

3.2.e Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers (*Perlindungan dan Pemberdayaan Nelayan, Pembudi Daya Ikan, dan Petambak Garam*)

Law (UU) No. 7/2016 was signed by President Joko Widodo and has been effective since 14 April 2016. This law aims to improve the livelihoods of small-scale fishers, fish farmers, and salt farmers, and to enhance their contribution to sector targets. This is pursued through investments in supporting infrastructure, business certainty, capacity to manage fishery resources and businesses, and access to financial, insurance, and legal assistance (among others). In relation to business certainty, the law reaffirms the requirement for the regional government to provide small-scale fishers with livelihood space and access within coastal zoning plans (RZWP-3-K).

It classifies fishers, fish farmers, and salt farmers into different categories for the purposes of empowering and facilitating their respective industries. Notably, Article 1 paragraph 4 of Law (UU) No. 7/2016 defines small-scale fishers as those who fish to meet their daily needs either without vessels or with fishing vessels up to 10 GT. This conflicts with Article 1 paragraph 11 of Law (UU) No. 31/2004 on Fisheries, which, read in conjunction with amendments under Law (UU) No. 45/2009, defines small-scale fishers as those who fish to meet daily needs and who operate fishing vessels up to 5 GT. Given these conflicting definitions, the principle of *lex posterior derogat legi priori* (the new law disregards the older one) applies; Law (UU) No. 7/2016 now applies for the definition of small-scale fishers (i.e., vessels up to 10 GT) noting, however, that Law (UU) No. 7/2016 only exempts vessels within that category from charges. It does not exempt them from the requirement to possess fishing licenses or operational licenses such as small sea passes (*pas kecil*).

3.3 Key Government Institutions Involved in the Fisheries Sector

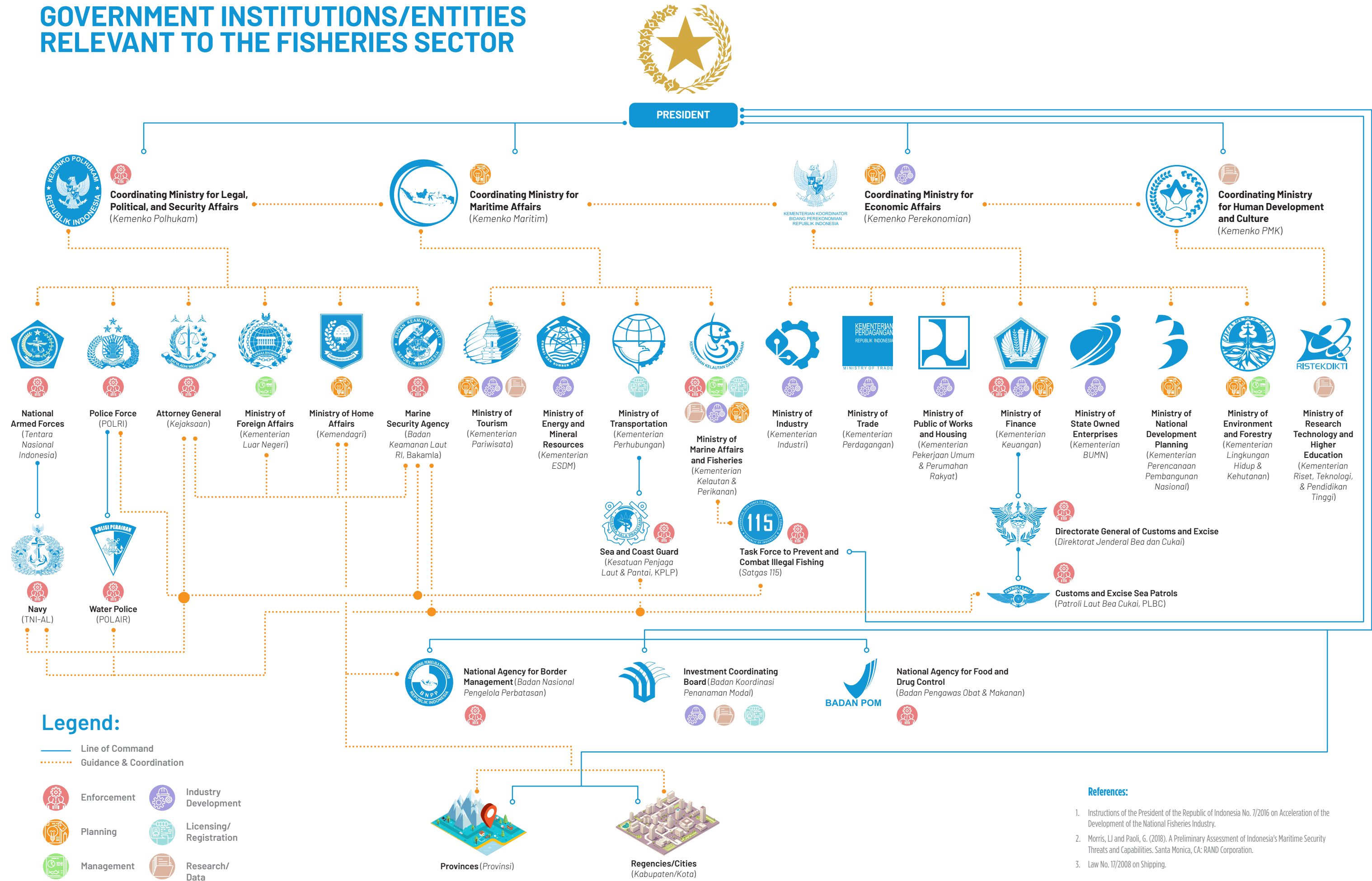
This review also analyzed 31 government institutions/entities, including ministries, state agencies, task forces, and institutional agencies that have at least a partial mandate related to the fisheries sector. An institutional map of these entities, their key area(s) of focus (e.g., enforcement, planning, management, industry development, licensing/

registration, research/data), and how they relate to one another (e.g., via a direct line of command or in a coordination and guidance role) is provided in Figure 4. Three things worth highlighting are:

- The Task Force to Prevent and Combat Illegal Fishing (*Satgas 115*) reports directly to the President, but it operates under the command of the Minister of MMAF;
- The Coordinating Ministry for Maritime Affairs (CMMA; *Kemenko Maritim*) coordinates the MMAF as well as the Ministry of Transportation (*Kementerian Perhubungan*), the Ministry of Tourism (*Kementerian Pariwisata*), and the Ministry of Energy and Mineral Resources (*Kementerian Energi & Sumber Daya Mineral*); and
- The Marine Security Agency (Bakamla) coordinates primarily with the Coordinating Ministry for Legal, Political and Security Affairs (*Kemenko Polhukam*). However, on the management and utilization of marine natural resources, Bakamla coordinates with the CMMA.

Figure 4

GOVERNMENT INSTITUTIONS/ENTITIES RELEVANT TO THE FISHERIES SECTOR



The full list of institutions reviewed, as well as their legal basis and relevance to wild capture fisheries and/or aquaculture, is provided in Annex 4.

The main government institution that is currently responsible for overseeing the fisheries sector is the MMAF. Looking back, the responsibility for overseeing fisheries has changed over time. The fisheries sector was initially classified as an area of agricultural policy under a new Ministry for Prosperity after Indonesia's declaration of independence in 1945. Following the end of hostilities with the Netherlands, the sector was placed under a new Ministry of Agriculture.

From 1962 to 1965, fisheries then found itself under a merged Department of Agriculture and Agrarian Affairs before very briefly, between 1965 and 1967, earning the status of a stand-alone Department of Fisheries and Marine Wealth. In 1968, however, fisheries were placed back under the Department of Agriculture as a separate Directorate General, where it remained for the next 30 years until the fall of the New Order in 1998.

The next phase in its the development came with the 1998 economic crisis and the fall of the New Order regime. Indonesia's new civilian government began to see fisheries as a potentially important source of export earnings. Until that point, the New Order had mainly relied on now dwindling oil and gas revenues.

So, in 1999, Indonesia's first dedicated ministry on marine affairs since 1965—the Department of Marine Exploration (DME; *Departemen Explorasi Laut*, DEL)—was established by President Abdurrahman Wahid.³¹ The department's name was adjusted to include fisheries that same year (*Departemen Explorasi Laut dan Perikanan*, DELP).³² It was renamed, again, as the Department of Marine Affairs and Fisheries (DMAF; *Departemen Kelautan dan Perikanan*, DKP) in 2000,³³ with a revised structure and mandate.³⁴ The current classification as a ministry, the MMAF, reflects a government-wide change of nomenclature in 2009.³⁵

In 2015, the MMAF was placed under the coordination of a new coordinating ministry, the Coordinating Ministry for Maritime Affairs (CMMA; *Kementerian Koordinator Bidang Kemaritiman* or KKBK), by the incoming Widodo administration alongside other line ministries with responsibility for aspects of maritime policy. Presidential Regulation (Perpres) No. 10/2015 mandates the CMMA with the main responsibility of coordinating, synchronizing, and monitoring the development and implementation of maritime policies. Among others, this mandate covers implementation of Law (UU) No. 32/2014 on Marine Affairs and, more recently, Presidential Regulation (Perpres) No. 16/2017 on Indonesia's Marine Policy (*Kebijakan Kelautan Indonesia*, KKI).

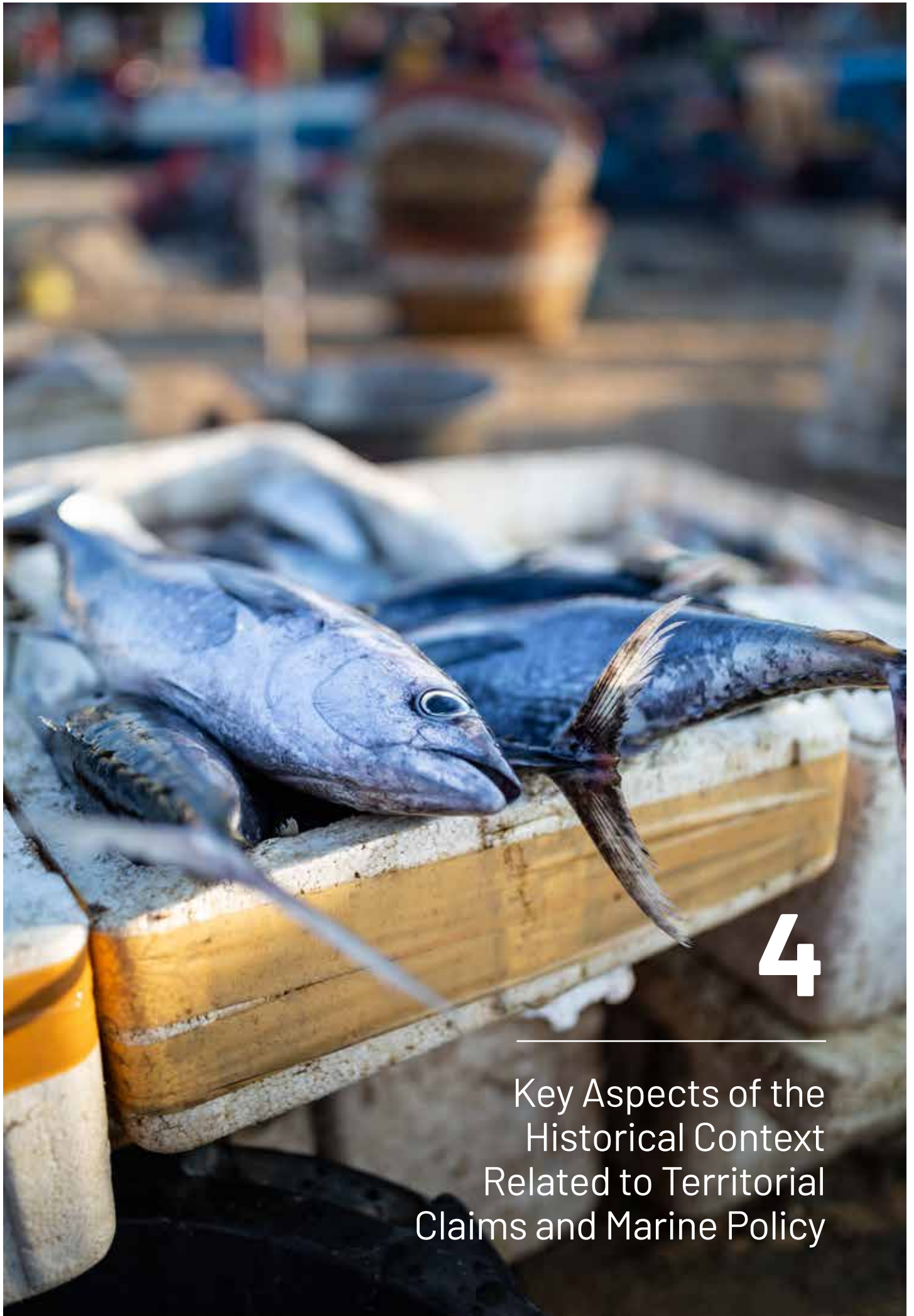
A summary of the evolution of the institution with primary responsibility for fisheries is provided in Figure 5.

Figure 5

THE LEGAL FRAMEWORK

THE EVOLUTION OF THE MAIN INSTITUTIONS RESPONSIBLE FOR FISHERIES





4

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

Summary

- The effort to secure Indonesia's territorial waters dominated marine policy and diplomacy for the first forty years of independence. 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, in planning and drafting maritime regulations, and in 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.
- 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.

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.

4.1 Territorial Claims

The development of Indonesia's fisheries laws and institutions are in large part the result of efforts to progressively assert, secure, and consolidate the Republic's territorial claims as an archipelagic nation, as well as to exercise its sovereign rights with respect to its continental shelf and EEZ. Law (UU) No. 5/1983 on Indonesia's EEZ, in particular, brought about a shift in emphasis in fisheries regulation from territorial waters (the focus in the 1970s) to establishing a management presence and maximizing utilization of allowable catch to the 200 nm limit (the focus from 1984 to the present).

Looking back, the effort to secure Indonesia's territorial waters dominated marine policy and diplomacy for the first forty years of independence, and fisheries policy also largely focused in that domain. 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 founders regarded the Djuanda Declaration as an essential step in consolidating the sovereignty and territorial integrity of the new republic following the nation's declaration of independence in 1945 and the withdrawal of the Netherlands' colonial administration in 1949. The Netherlands East Indies administration had previously only established its territorial claims in waters to the 3 nm limit under Article 1 (1)-(4) of Ordinance "Territoriale Zee en Maritieme Kringen Ordonnantie 1939" (TZMKO 1939-442). This claim left the bodies of water between the archipelago's many islands under international jurisdiction.

It took 25 years for the Djuanda Declaration's claims to be recognized under Part IV of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), on the rights of archipelagic states. Indonesia nevertheless proceeded apace to enshrine the Djuanda Declaration in national law, under Law (UU) No. 4 Prp/1960 on Indonesia's Waters. The clarifications attached to the 1960 law included an express desire to protect and exploit Indonesia's fisheries resources as a source of protein and against a backdrop of extensive malnutrition.

Pursuant to the 1960 law, Presidential Decree (Keppres) No. 103/1963 rescinded all earlier decisions of the Netherlands East Indies Governor General relating to the maritime environment (*maritiem kringen*) and, in particular, ordinance TZMKO 1939-442. However, the 1960 law also granted the right of peaceful free passage for foreign vessels across Indonesia's waters. Government Regulation (PP) No. 8/1962 regulates this right of free passage but expressly required such vessels to stow away any fishing gear while crossing Indonesian waters.³⁶

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. In 1968, for example, Japan and Indonesia concluded an "Interim Arrangement" permitting tuna fishing by Japanese vessels in the Banda Sea but at a distance of greater than 30 nm from the coast in order to protect local fishers.³⁷ Similar arrangements were negotiated with other countries.³⁸

At the same time, Indonesia was keen to protect the interests of its own fishers in waters claimed by neighboring states. So, in 1974, Indonesia entered a Memorandum of Understanding (MoU) with Australia. This recognized the territorial use rights of Indonesian traditional fishers in respect of trochus, *beche-de-mer*, abalone, green snail, sponges, and molluscs adjacent to Ashmore and Cartier Islands, Browse Islet, and Scott and Seringapatam Reefs. The MoU was later augmented by the 1981 Joint Fisheries Surveillance and Enforcement Arrangement.

Indonesia then ratified the 1958 Geneva Continental Shelf Convention and passed Law (UU) No. 1/1973 asserting its sovereign rights in the continental shelf to 200 m depth or more, to the extent that it can be explored and exploited for its natural resources. This law also regulated exploration, exploitation, and research, and established criminal sanctions for violation of its provisions.

With the conclusion of the UNCLOS negotiations in 1982, political attention shifted to the EEZ. Indonesia had begun to assert claims to its EEZ in 1980 and so moved quickly to pass Law (UU) No. 5/1983³⁹ declaring its EEZ. Shortly afterward it passed Law (UU) No. 17/1985 ratifying UNCLOS and translating rights and obligations into domestic law. This shift in focus to the EEZ inspired a new drive to exploit fisheries resources up to the 200 nm limit. Fisheries regulations had, until that point, focused on territorial waters including zoning and other restrictions on trawlers issued by the Minister of Agriculture in 1976.⁴⁰

The first milestone in the development of a capture fisheries regime for the EEZ was Government Regulation (PP) No. 15/1984 on Management of the Biological Resources in the EEZ. This regulation was passed to facilitate the exploitation and conservation of biological resources in the EEZ, including capture fisheries, and, where necessary, through joint ventures with foreign operators.

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.

Government Regulation (PP) No. 15/1984 functioned as a precursor to Indonesia's first fisheries law in 1985. Law (UU) No. 9/1985 on Fisheries, in the same way, sought to consolidate Indonesia's claims in its EEZ by facilitating the exploitation of fish stocks up to the 200 nm limit. It required all fishing operations to be licensed but introduced the important exception of small-scale fishers and fish farmers.⁴¹ It, too, mandated the Minister of Agriculture with the responsibility for determining total allowable catch, and a ministerial decree was issued that same year establishing a procedure to do so.⁴² Law (UU) No. 9/1985 also restricted fishing rights to Indonesian citizens and business entities, except where meeting obligations under international law such as through the assignment of surplus allowable catch in the EEZ to foreign parties pursuant to Article 62(2) of UNCLOS.

The imperative to maximize utilization of allowable catch within the EEZ continued to be reflected in regulation over the next 30 years, while also taking into account developments such as the 1995 Food and Agriculture Organization of the United Nations (FAO) Code of Conduct on Responsible Fisheries. Milestones in this regard include:

- Government Regulation (PP) No. 5/1990, establishing the first consolidated capture fisheries business licensing policy to improve controls on, and revenue collection for, domestic and foreign fisheries operators including in the EEZ.⁴³
- The declaration of nine Fishery Management Areas (*Wilayah Pengelolaan Perikanan*, WPP) in 1999⁴⁴ that include both territorial waters and the EEZ, marking a policy shift away from merely harvesting to managing capture fisheries. In 2009 the number of WPPs was expanded to eleven.⁴⁵
- A new set of bilateral agreements with other fishing countries from 2000 through 2005 where Indonesia's own domestic fleet lacked the necessary capacity to utilize allowable catch in the EEZ. Participating countries were each granted quotas: China (250,000 GT); the Philippines (150,000 GT); and Thailand (150,000 GT). A supporting regulation, Government Regulation (PP) No. 54/2002, facilitated business licensing (*Surat Ijin Usaha Perikanan*, SIUP) for capture fisheries in the EEZ, including of foreign business originating in countries with which bilateral agreements had been concluded⁴⁶ as well as of those financed through foreign investment.⁴⁷
- Pursuant to the new 2004 Fisheries Law, an Integrated Capture Fisheries Business licensing system was introduced in 2006. This replaced bilateral agreements as a way to better capture the economic benefits of EEZ fisheries by requiring foreign operators to invest in local processing.⁴⁸
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 extended licensing policy to permit the import of ex-foreign vessels over 200 GT to facilitate more effective exploitation of allowable catch in the EEZ beyond the 200 nm limit and in order increase the supply of raw material to domestic processors and to accelerate industrialization of the sector.⁴⁹

More recently, Indonesia's assertion of its sovereign rights in the EEZ have 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 and extending the jurisdiction of MMAF civilian investigators to the 200 nm limit.

Then, over 2014 and 2015 three regulations were passed aimed at tackling high levels of illegal, unreported, and unregulated (IUU) fishing as well as unsustainable fishing in spite of previous attempts to strengthen licensing:

- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 56/2014, later extended by Minister of Marine Affairs and Fisheries Regulation (Permen) No. 10/2015, placed a temporary moratorium on all new licensing pending an evaluation of existing ones.⁵⁰
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 57/2014 banned all forms of transshipment at sea in order to enforce a requirement to land catch at designed ports in Indonesia.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 2/2015 banned the use of trawl and seine nets and rescinded previous ministerial decrees on use of these gear types.

In 2014 a new law on marine affairs⁵¹ was also passed, establishing a comprehensive legal mandate for the integrated and sustainable management of Indonesia's oceans spanning maritime development, management, spatial planning, environmental protection, defense, security, and governance. Among others, it mandated the development of a National Marine Spatial Plan⁵² and a new Marine Security Agency (Bakamla) to strengthen patrols and security.⁵³

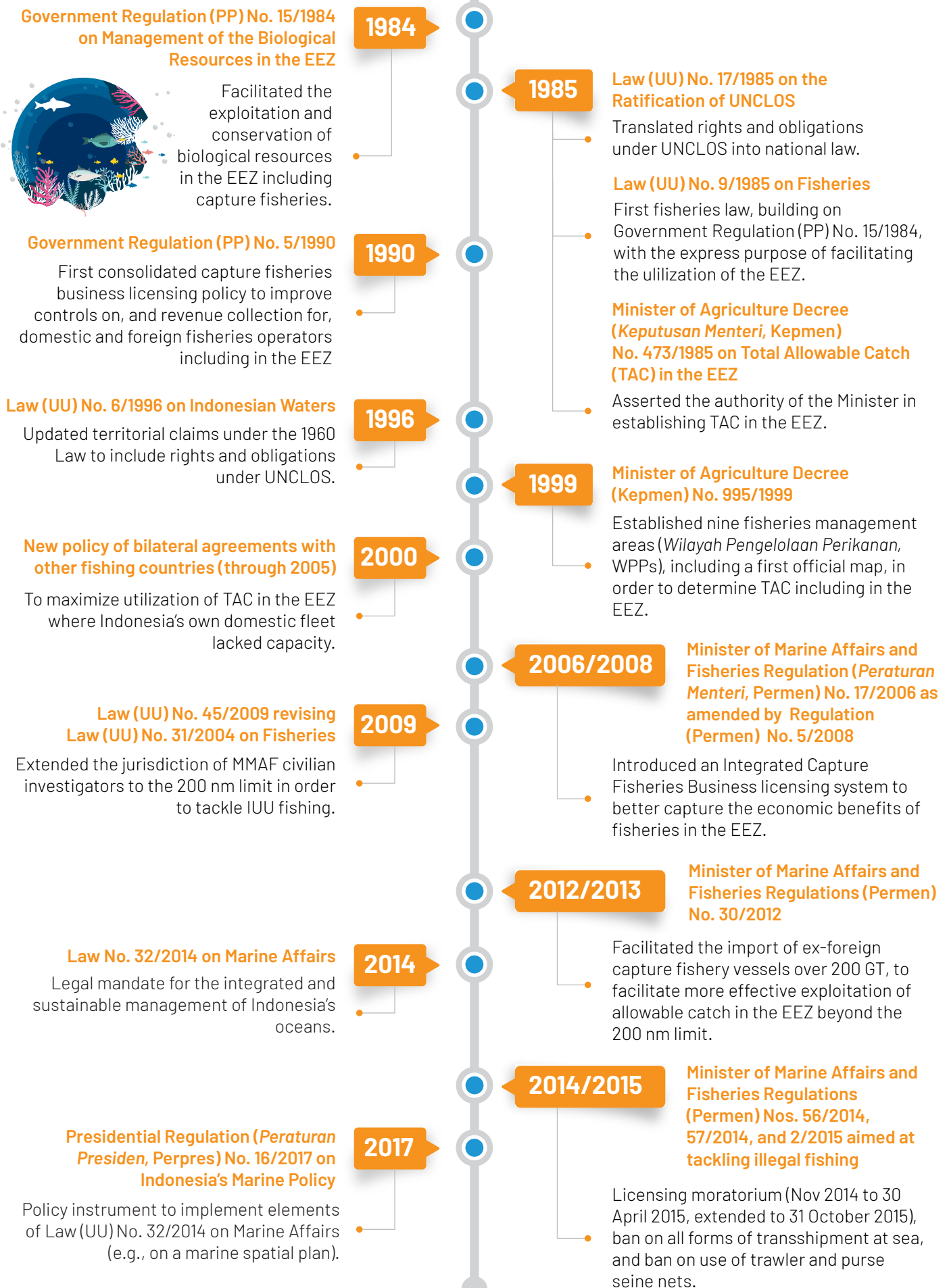
Building on the marine affairs law, a new Marine Policy (KKI) was passed in 2017, one important pillar of which relates to the institutions needed to implement maritime international law.⁵⁴ Among others, its accompanying action plan mandates accelerated work to complete delineation of maritime territorial boundaries and spatial plans. The policy situates a marine spatial plan (spanning both territorial waters and the EEZ) as a means to give legal certainty for the "optimal and sustainable" exploitation of marine natural resources. A draft government regulation on a National Marine Spatial Plan is currently in preparation under instruction from the Minister of Marine Affairs and Fisheries.⁵⁵

Figure 6 provides a summary of key milestones related to Indonesia's Maritime Territorial Claims.

Figure 6

MARITIME TERRITORIAL CLAIMS: KEY MILESTONES





4.2 Marine Policy

Indonesia's laws and institutions on fisheries constitute one part of a broader attempt to define a coherent policy on the governance and use of its oceans. That attempt, in turn, reflects Indonesia's efforts to progressively assert, secure, and consolidate its status and claims as an archipelagic state, and to exercise its sovereign rights in respect of its continental shelf and EEZ.

Arguably the first milestone in the evolution of marine policy was Presidential Regulation (Perpres) No. 19/1960 establishing an inter-agency Maritime Council. Among other things, this was tasked with advising the government in determining and formulating maritime policy, in planning and drafting maritime regulations, and in supervising their implementation.⁵⁶

Notwithstanding the assertion of Indonesia's claims in its territorial waters, its continental shelf and its EEZ,⁵⁷ there was little further evolution of marine policy as originally envisaged by Presidential Regulation (Perpres) No. 19/1960 until after Indonesia's ratification of UNCLOS III in 1985. Law (UU) No. 17/1985—translating international maritime law (*hukum laut*) into national law (UU)—constitutes the first comprehensive legislative mandate for a marine policy. The subsequent evolution of that policy happened in three phases.

4.2.a First Phase of Marine Policy Development

It took another decade after Indonesia's ratification of UNCLOS III in 1985 for the government to begin to formulate what such a policy might look like. The 1993 Outlines for the State's Direction (*Garis Besar Haluan Negara*, GBHN)—a five-year strategy instrument that was later supplanted by the current national development planning system under Law (UU) No. 24/2005—noted that marine affairs should be treated as a sector in its own right.

Building on the 1993 GBHN, the sixth five-yearly national development plan or *Repelita VI* (1994–1998) incorporated a dedicated chapter on marine affairs.⁵⁸ Also, over 1995 and 1996, state planners began exploring the idea of “Indonesia as a maritime continent” (*Benua Maritim Indonesia*, BMI), calling for greater awareness and development of Indonesia's maritime potential.⁵⁹

The seventh five-year plan or *Repelita VII* (1998–2003) further elaborated on these precepts in order to support development in the outer islands, especially in eastern Indonesia, including through the construction of outer-island fishing ports. *Repelita VII* was never fully enacted following the demise of the Soeharto regime that same year. It nevertheless planted the seeds for the second phase.

4.2.b The Second Phase of Marine Policy Development

The fact that it took so long to build marine policy into the national planning system suggests how little weight the Soeharto regime afforded marine affairs relative to other policy areas. Therefore, the creation of the Department of Marine Exploration (DME) in 1999 by President Abdurrahman Wahid⁶⁰—at the outset of the Reform Era—was an important development. It constituted the first ministry dedicated to marine affairs since the short-lived Department for Fisheries and Marine Wealth in the mid-1960s. The department's name was adjusted to include fisheries that same year.⁶¹

This development reflected Indonesia's new civilian government's renewed interest in ocean resources as a potentially important source of economic recovery and export earnings following the financial crisis in 1997. Until that point, the New Order had relied mainly on now dwindling oil and gas revenues.

In 2003, for example, President Megawati Sukarnoputri launched the Gerbang Mina Bahari program. This was expected to increase fisheries production to 1.8 million tons by 2005, generate export earnings worth USD 10 billion, employ 10 million people, and ensure Indonesians consume an average of 30 kilograms (kg) of fish per capita per year.⁶²

In 2005, a new twenty-year Long-Term Development Plan (RPJP) was enacted under the Yudhoyono administration. This included a policy focus on “a self-sufficient, advanced and strong archipelagic state.” This second attempt at a marine policy incorporated elements of those preceding it including the 1995 vision of a maritime continent (BMI) and the seventh *Repelita*.

Among other aspects, the 2005 Long-Term Development Plan (RPJP) mandates: action to develop and implement the governance and institutions needed to uphold Indonesia's rights and obligations under UNCLOS in respect of natural resources, maritime boundaries, and the continental shelf; enhanced marine defense; and the development of marine industries spanning marine transportation, fisheries, minerals, energy, tourism, and services.

Building on this mandate, the subsequent 2007 five-year Medium-Term Development Plan (RPJM) incorporated a focus on accelerating development of the marine economy through, among others: inventory and evaluation of marine resources; the development of marine industries; and a marine transportation system (*tol laut*).

Also in 2007, parliament enacted a new Law on the Management of Coastal Areas and Small Islands⁶³ covering waters up to the 12 nm limit. Law (UU) No. 27/2007 enshrined coastal areas as a national asset to be managed for the greatest benefit of the people, with a focus on: protecting, conserving, rehabilitating, using, and enriching coastal resources; strengthening the role of communities in their management; and enhancing their contribution to social and economic development.⁶⁴

Where much of the policy effort over the previous twenty years had been on asserting Indonesia's sovereign rights in its EEZ, Law (UU) No. 27/2007 shifted attention back onto Indonesia's territorial waters.

4.2.c The Third Phase in Marine Policy Development

In 2014, parliament enacted Law (UU) No. 32/2014 on Marine Affairs, specifically in response to the mandate established by the 2005 Long-Term Development Plan on marine governance and institutions. Law (UU) No. 32/2014 constitutes Indonesia's second legislative mandate, after Law (UU) No. 17/1985 ratifying UNCLOS, on marine affairs spanning marine development, resource management, spatial planning, environmental protection, defense, security, and governance in both territorial waters and the EEZ.

Among other things, Law (UU) No. 32/2014 mandates government with the responsibility for coordinating fisheries management, including with respect to international obligations in the high seas; accelerating the development of integrated marine spatial and coastal zoning plans in order to better manage marine resources; developing the fisheries industry in order to create employment and improve the welfare of fishers and fish farmers; and regulating the national fisheries logistics system. It also mandates a new Marine Security Agency (*Bakamla*), a non-structural agency reporting directly to the President via a coordinating Minister to strengthen patrols and security.

Marine policy gained further political impetus under the incoming Widodo administration. In 2015, building on the provisions of the 2005 Long-Term Development Plan and Law (UU) No. 32/2014, it enacted Presidential Regulation (Perpres) No. 10/2015 establishing the Coordinating Ministry for Maritime Affairs (CMMA) as responsible for coordinating, synchronizing, and monitoring the development and implementation of marine policy.

The Widodo administration then enacted Presidential Regulation (Perpres) No. 16/2017 on Indonesia's Marine Policy (KKI). This marks the fourth, and latest, attempt to mainstream maritime policy across government business.

Under the overall heading of Indonesia as a "Global Maritime Fulcrum," the 2017 Marine Policy consists of seven pillars:

1. marine natural resources management and human resources development;
2. marine defense, security, law enforcement, and safety;
3. marine institutional governance;
4. economy, infrastructure, and prosperity;
5. marine spatial planning and environmental protection;
6. maritime culture; and

7. maritime diplomacy.

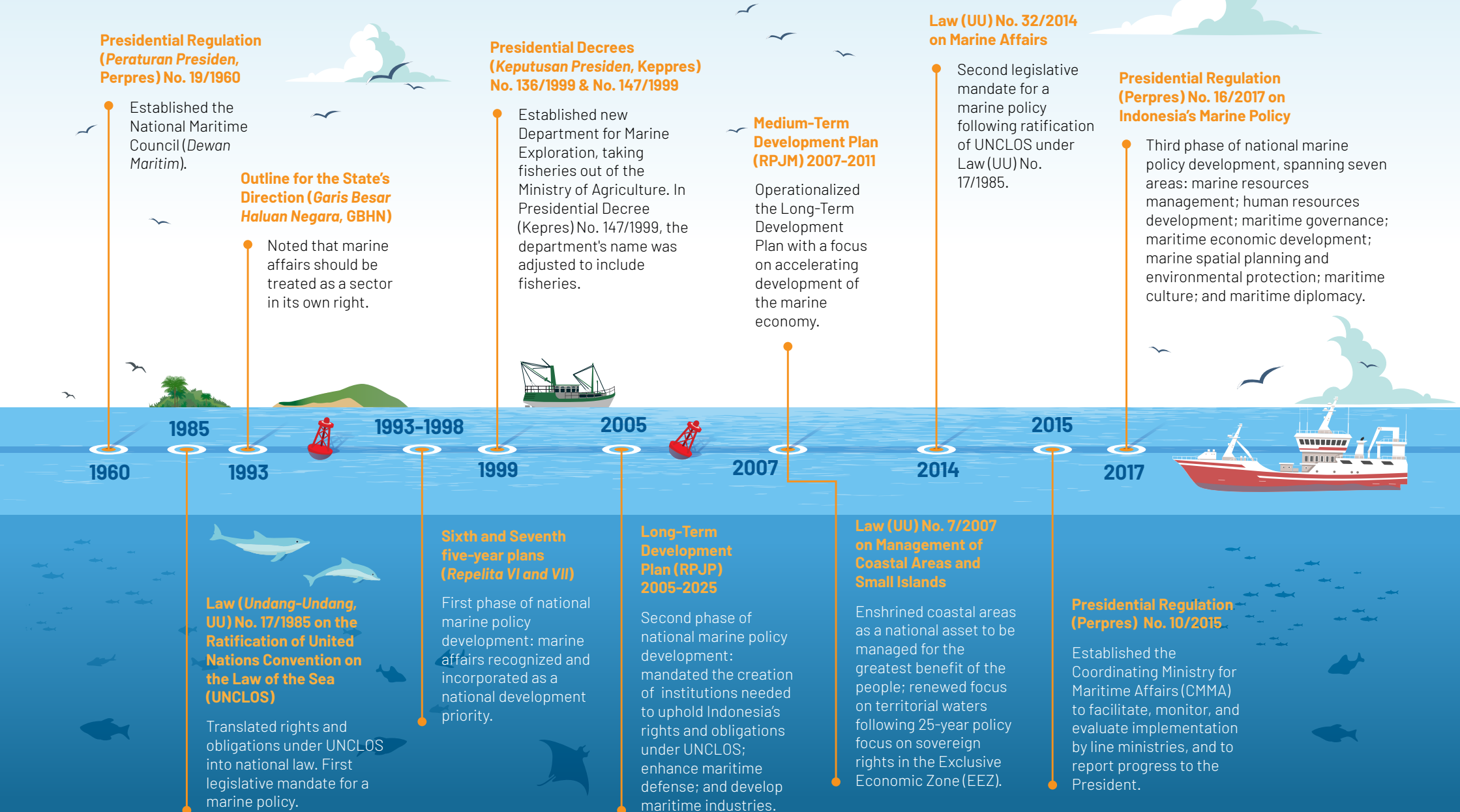
Each of these describes a broad policy mandate, which is then transposed into a detailed action plan consisting of government programs and activities for the period 2016–2019.⁶⁵ The CMMA is expected to facilitate, monitor, and evaluate implementation by line agencies and to report progress to the President.

With respect to fisheries, the 2017 Marine Policy mandates: the sustainable management of marine resources through biodiversity protection, value-added fish processing, and the development of sectors such as ecotourism; the accelerated development of integrated marine spatial and coastal zoning plans in order to better manage marine resources; measures to increase the prosperity of coastal communities; and an effort to document and integrate existing cultural practices into marine management.

Figure 7 provides a summary of key milestones related to Indonesia's Marine Policy.

Figure 7

INDONESIA'S MARINE POLICY: KEY MILESTONES



Jurisdictional Authority and Rights



Summary

- 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.
- 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 regulation of small-scale fishers.
- Looking at the historical context, 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).

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.

5.1 Key Features

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.

In order to demonstrate the various ways to look at jurisdictional authority:

- Table 3 provides an overview of the jurisdictional roles for different levels of government broken down by sub-affair and activities;
- Figure 8 shows the jurisdictional authority from the spatial perspective; and
- Figure 9 shows the jurisdictional authority depending on vessel size.

One key thing to be aware of regarding the current laws and regulations that define jurisdictional authority is that no one level of government has clear jurisdiction with respect to the regulation of small-scale fishers.

Law (UU) No. 23/2014 on Local Government withdraws jurisdiction over capture fisheries from Regencies and Cities to Provinces. However, Article 27(5) of the 2014 law also states that the Provincial mandate for natural resource management within the 12 nm zone does *not* include capture fishing by small-scale fishers. Annex Y(1) of the law further interprets small-scale fishers as constituting those using vessels ≤ 5 GT and so restricts provincial jurisdiction for capture fishery licensing to vessels > 5 GT and up to 30 GT.

Among other things, this created uncertainty about the ongoing administration of small-scale fisher vessel registration records (*Bukti Pencatatan Kapal*, BPK). According to Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business, BPK replaced the requirement for a business license with respect to small-scale fishers operating vessels up to 5 GT and were free of charge. The authority for issuing BPK originally rested with Regencies and Cities under Ministerial Regulation (Permen) No. 23/2013 on Vessel Registration and Marking. Law (UU) No. 23/2014 withdrew that authority up to the Provincial level but, at the same time, excluded vessels ≤ 5 GT from Provincial jurisdiction. So, rather than leave vessels ≤ 5 GT in legal limbo, some Provinces then chose to treat BPK as an area of concurrent responsibility under Article 20 of Law (UU) No. 23/2014, with authority to administer BPK delegated back to Regencies and Cities.

Vessel registration records or BPK have now been replaced with a new system of Registration Certificates for Small-Scale Fishing Vessels up to 10 GT (*Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil*) listed in Annex E.2 to Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation). MMAF still has to issue guidelines for the implementation of these new registration certificates, e.g., on whether the new certificates will also apply to vessels ≤ 5 GT and if so whether Provinces might continue to delegate responsibility back to Regencies and Cities given that this vessel category falls outside Provincial jurisdiction under Law (UU) No. 23/2014 on Local Government.

Table 3. Overview of Jurisdictional Roles for Different Levels of Government^{66,67}

Sub-Affair	Central Government	Provincial Government	Regency/City
Marine, Coastal and Small Islands	a. Management of sea space (<i>ruang laut</i>) beyond 12 nm and areas of national strategic value b. Issuance of licenses for national sea space c. Issuance of licenses for utilization of types and genes (germplasm or "<i>plasma nutfah</i>") of fish d. Determination of fish types for which trade is protected and regulated internationally e. Determination of conservation area (<i>Kawasan Konservasi</i>) f. Database of coastal areas and small islands	a. Management of sea space up to 12 nm not including oil and gas areas, and up to the halfway point between two Provinces where the waters between them are less than 24 nm wide b. Issuance of licenses and utilization of sea space up to 12 nm not including oil and gas areas c. Empowerment of society in coastal areas and small islands	N/A
Wild Capture Fisheries	a. Management of sea space beyond 12 nm b. National fish stock estimation and allowed number of fish catch (<i>jumlah tangkapan ikan yang diperbolehkan</i>, JTB) c. Issuance of wild capture Fisheries Business Licenses (SIUP) and Permit for Fish Capture (SIPI) for vessels > 30 GT, and vessels < 30 GT that use foreign capital and/or foreign labor/workers	a. Management of natural resources (including wild capture) up to 12 nm but with the exception of small-scale capture fisheries b. Issuance of wild capture business licenses (SIUP) and Permit for Fish Capture (SIPI) for vessels > 10 GT and up to 30 GT	a. Empowerment of small-scale fishers in the Regency/City b. Management and operation of fish auction markets (<i>Tempat Pelelangan Ikan</i>, TPI) c. issuance of registration certificates for small-scale fishing vessels

Table 3 (continued)

Sub-Affair	Central Government	Provincial Government	Regency/City
Wild Capture Fisheries	d. Determination of location for national and international fisheries harbors e. Issuance of licenses for fishing vessels procurement (<i>Persetujuan Pengadaan Kapal</i>) and Fish Transport Permit (<i>Surat Izin Kapal Pengangkutan Ikan, SIKPI</i>) for vessels > 30 GT f. Registration of vessels > 30 GT g. Issuance of Transmitter Activation Certificate (<i>Surat Keterangan Aktivasi Transmitter</i> or SKAT) h. Certificate of Shipworthiness for Fish Capture Vessels (<i>Sertifikat Layak Operasi, SLO</i>) for vessels > 30 GT i. Issuance of Sailing Permit or SPB through Harbor Master	c. Determination of location for development and management of Provincial fisheries harbor d. Issuance of license for fishing vessels procurement (<i>persetujuan pengadaan kapal</i>) and Fish Transport Permit (<i>SIKPI</i>) for vessels 0-10 GT and vessels > 10 GT and up to 30 GT e. Issuance of Fish Transport Permit (<i>Surat Izin Kapal Pengangkutan Ikan, SIKPI</i>) for vessels > 10 GT and up to 30 GT f. Registration of vessels > 10 GT and up to 30 GT	
Aquaculture	a. Certification and licenses for fish, drugs and food b. Issuance of licenses to import fish from abroad, and export live fish from Indonesia c. Issuance of Fisheries Business Licenses (SIUP) for aquaculture businesses operating across Provincial borders and/or using foreign labor d. Breeding and release permits	a. Issuance of SIUP in aquaculture for businesses operating across Regency/City borders within one Province	a. Issuance of registration certificate for small-scale fish farmers b. Empowerment of small aquaculture businesses c. Management of aquaculture d. Registration certificates for small-scale fish farmers and fish transportation

Figure 8

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

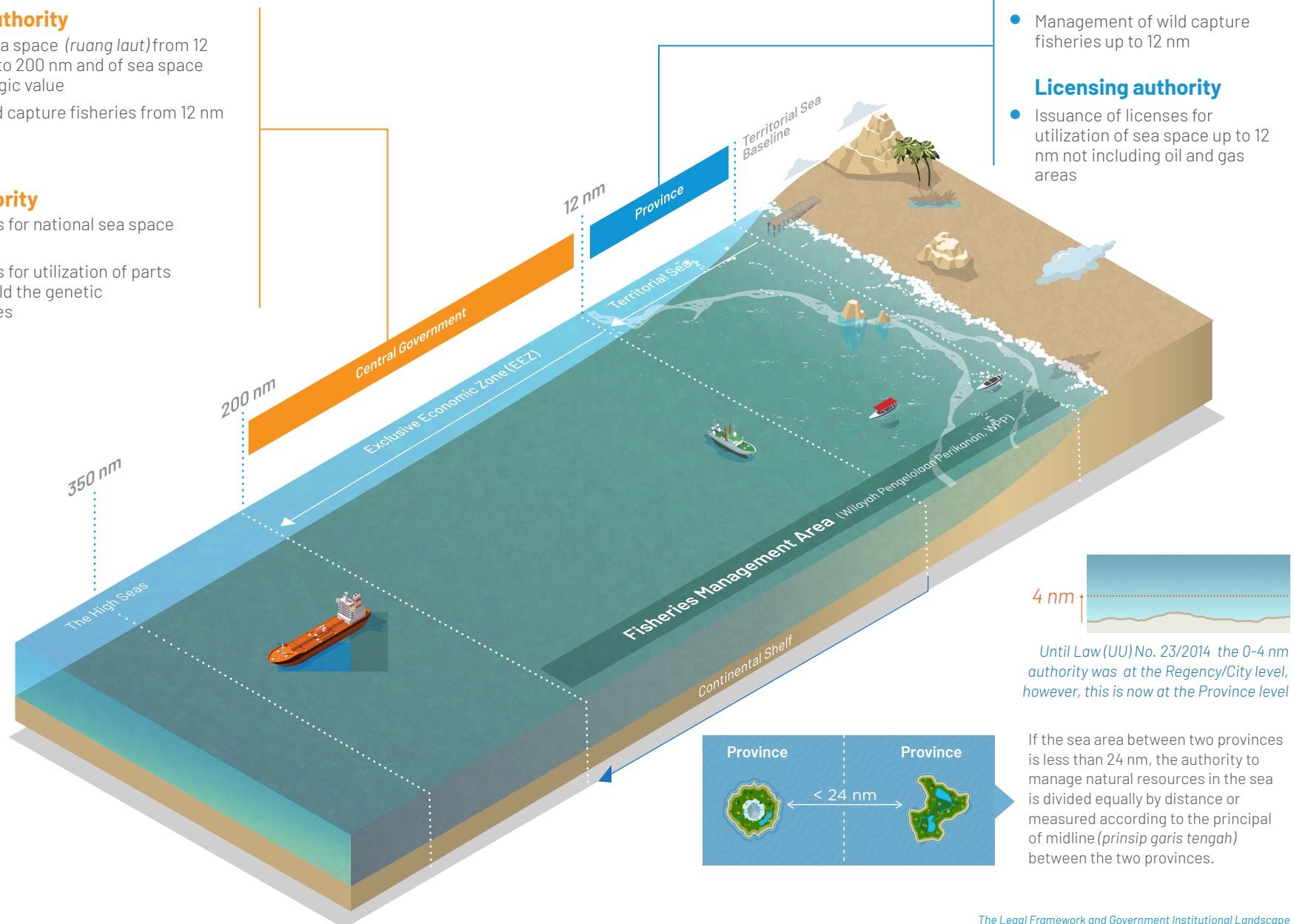
- Issuance of licenses for national sea space utilization
- Issuance of licenses for utilization of parts of organism that hold the genetic properties of species

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

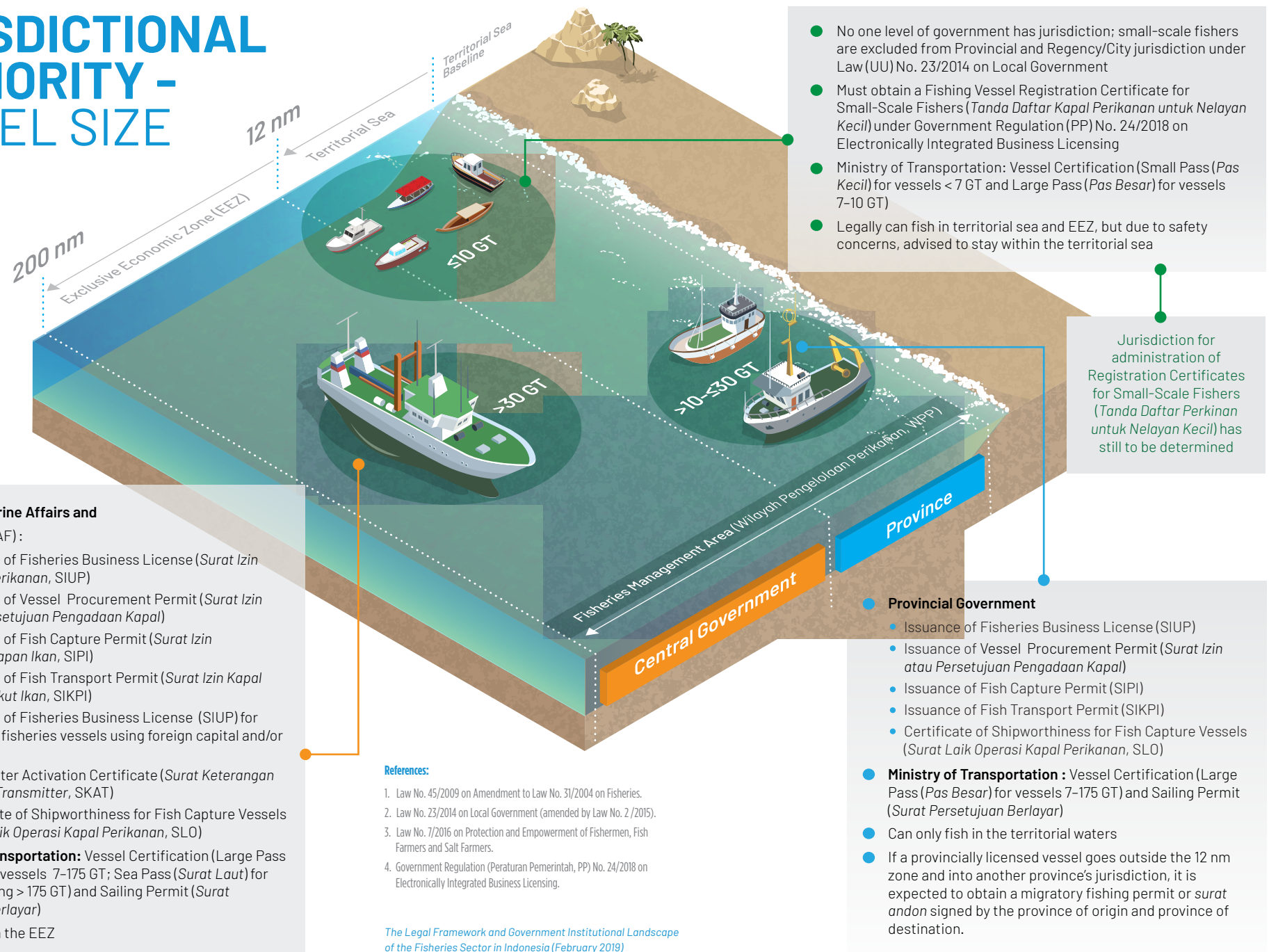


References:

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 9

JURISDICTIONAL AUTHORITY - VESSEL SIZE



5.2 Historical Context

5.2.a The Role of the State as a Manager

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. This founding principle underpins all subsequent law and regulation on Indonesia's marine space and fisheries.

The state's jurisdiction over natural resources is further elaborated in the 1960 Basic Agrarian Law (BAL). An important aim of the BAL was to equip the state with the means to increase production and meet the basic needs of every Indonesian citizen.⁶⁸ Building on Article 33(3) of the 1945 Constitution, the BAL requires the state to develop a general plan to make available and allocate use of land, waters, and natural resources, including fisheries.⁶⁹ Read together, the Constitution and the BAL enshrine the state as a manager of natural resources. They do not, however, specifically vest ownership of those resources in the state.

5.2.b Fisheries as a Use Right and Customary Law

In granting the state powers to regulate use rights, the 1960 BAL included a provision for 25-year business use rights in fisheries for Indonesian legal entities.⁷⁰ The BAL also mentioned fish husbandry and capture fisheries alongside use rights in water.⁷¹ While the BAL leaves it to government to regulate such rights, their inclusion in the BAL nevertheless implies that fisheries might constitute a form of title subject to agrarian—and not merely fisheries—law.

Further, such use rights in fisheries might constitute an individual title.⁷² It might equally constitute collective title where the BAL recognizes customary law as a legitimate source of agrarian law⁷³ and where the state's control over natural resources can be delegated to customary communities.⁷⁴ No further effort was, however, made to clarify these points, at least in agrarian law. As a result, rights in wild capture fisheries have instead been regulated under sectoral law and in the form of licenses issued by the minister.

Notwithstanding the provisions of the BAL related to customary law, the regulation of fisheries by customary communities⁷⁵ has never been formally recognized within the fisheries sector as a legitimate source of law. Article 6(2) of the 2004 Fisheries Law merely requires the state fishery managers to take account of customary law and local practices, to the extent that these do not conflict with national law.

5.2.c The Rights of Small-Scale Fishers

Notwithstanding the failure to title use rights, the requirement to protect the interests of Indonesia's traditional, small-scale fishers is now an established principle of regulatory and administrative practice. In as early as 1968, vessels working under the Japan-

Indonesia Interim Arrangement on tuna fishing in the Banda Sea were required to operate at a distance of greater than 30 nm from the coast in order to protect local fishers.

The interests of small-scale fishers also informed a decree by the Minister of Agriculture, in 1976, which restricted the size of vessel and gear type that could be used in each of four different fisheries zones and which were determined according to distance from the deepest point at low tide: 0–3 nm, 3–7 nm, 7–12 nm, and > 12 nm.⁷⁶

Despite these protection measures, in 1980, protests by small-scale fishers over the impact of industrial fishing fleets led to a Presidential Decree on the elimination of trawlers.⁷⁷ This started with a ban on trawling in the Bali and Java seas before reducing the overall number of trawlers operating in Indonesian waters to 1,000 vessels.

The 1985 and 2004 fisheries laws both exempted small-scale fishers (defined as fishing for daily needs) from having to operate with a fisheries business license (*izin usaha perikanan*).⁷⁸ Law (UU) No. 31/2004 also exempted small-scale fishers from fisheries charges⁷⁹ and affirmed their right to fish anywhere within the fisheries management areas of the Republic (an open-access right).⁸⁰ This principle of open access is also reflected in the 1999 and 2004 laws on local government; both state that small-scale fishers are unaffected by the jurisdictional boundaries of Provinces and Regencies/Cities.⁸¹

In an attempt to specify the licensing exemption for small-scale fishers, Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006 introduced a maximum 5 GT threshold beyond which a vessel would no longer qualify for the exemption. The 5 GT threshold was subsequently reflected in the 2009 amendments to the 2004 Fisheries Law.⁸²

Then, in 2007, Indonesia's first law on the management of coastal areas and small islands was passed. Law (UU) No. 27/2007 enshrined coastal areas as a national asset to be managed for the greatest benefit of the people in line with the 1945 Constitution (UUD) Article 33(3). Among other aspects, it mandated the development of coastal zoning plans (RZWP-3-K)⁸³ that guarantee space and access for the use of coastal communities.⁸⁴ But it stopped short of granting those communities the right to exclude others and to manage their resources.

However, Law (UU) No. 27/2007 also introduced a new category of business use license (*Hak Pengusahaan Perairan Pesisir*, HP3).⁸⁵ These were subsequently challenged in the Constitutional Court by an alliance of CSOs. In a landmark ruling, the Constitutional Court found that HP3 violated principles of equity and justice laid down in Article 33(4) of the Constitution. The court annulled provisions of Law (UU) No. 27/2007 pertaining to HP3 and affirmed the constitutional rights of coastal communities over the resources they depend on.⁸⁶

Law (UU) No. 1/2014, amending Law (UU) No. 27/2007, now gives customary (*adat*) communities the right to self-regulate customary uses of the areas they traditionally depend on.⁸⁷ The amendments to the Coastal Areas and Small-Islands Law also make it easier for other (non-customary) communities to obtain licenses. Though not specific to the interests of small-scale fishers, the ruling of Constitutional Court in 2010 constitutes a major milestone in affirming their rights, short of titling their interests as envisaged by possibly the BAL of 1960.

In 2014, the definition of small-scale fishers was broadened by the Minister of MMAF to include vessels between 5 and 10 GT, so also broadening the category able to operate without fishing licenses (SIUP, SIPI, and SIKPI) and to fish anywhere within the WPPs.⁸⁸ In 2016, this broader definition of small-scale fishers was then incorporated into Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers and Salt Farmers. This law aims to improve the livelihoods of small-scale fishers and enhance their contribution to sector targets, through investments in supporting infrastructure, business certainty, capacity to manage fishery resources and businesses, and access to financial, insurance, and legal assistance (among others). In relation to business certainty, Law (UU) No. 7/2016 reaffirms the requirement for the regional government to provide small-scale fishers with livelihood space and access within coastal zoning plans (RZWP-3-K).⁸⁹

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). The explanatory notes to Article 36 of Law (UU) No. 7/2016 states that licenses affecting small-scale fishers include “among others” a vessel measurement letter (*surat ukur*), arrival and departure records (*surat tanda bukti lapor kedatangan, dan keberangkatan kapal*), and sailing permits (*surat persetujuan berlayar*)—noting, also, that under Ministry of Transportation regulations these would apply to vessels > 7 GT. The explanatory notes do not mention small sea passes (*pas kecil*) which the Ministry of Transportation requires of all vessels less than 7 GT. This does not, however, mean that they are no longer required given the open-ended wording of the explanatory notes.

It is equally important to note that MMAF Ministerial Circular No. 600/2014,⁹⁰ stating that small-scale fisher vessels up to 10 GT no longer need to operate with a fisheries license, was an act of *ministerial discretion* that has still to be fully reflected in law and regulation. This means that, although fisheries licenses are not now being issued with respect to vessels up to 10 GT pursuant to the ministerial circular, they do still apply to the 5–10 GT vessel category on a strict reading of current fisheries regulation. As explained above, the current wording of Article 36 of Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers does not go so far as to expressly exempt any vessel up to 10 GT from having to operate with a fishing license. It only states that such licenses should be free of charge.

Ministerial Circular No. 600/2014 also did not exempt small-scale fisher vessels up to 5 GT from having to obtain vessel registration records (BPK) under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business. That said, vessel registration records or BPK have now been replaced with a new system of mandatory Registration Certificates for Small-Scale Fishing Vessels up to 10 GT (*Tanda Daftar Kapal Perikanan untuk nelayan kecil*) listed in Annex E.2 to Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation). These certificates constitute a new category of simplified business license that fishers are entitled to obtain free of charge. MMAF still has to issue guidelines for the implementation of these new certificates. In any case, with the OSS Regulation now in place, MMAF Ministerial Circular No. 600/2014 can no longer be relied upon as an authoritative statement of licensing policy with respect to small-scale fishers.

5.2.d Devolution of State Jurisdiction in Fisheries

Law (UU) No. 22/1999 on Local Government radically decentralized power to the regions, granting the latter jurisdiction in all affairs except for foreign relations, security, justice, monetary and fiscal policy, and religion. Powers in areas such as national development planning and public administration were also retained by the central government.

In relation to coastal waters, Law (UU) No. 22/1999 granted Provinces jurisdiction to 12 nm and Regencies/Cities to 4 nm.⁹¹ It also devolved powers to explore, exploit, conserve, and manage natural resources, as well as to develop spatial plans and to enforce the law in respect of those waters.⁹²

In the absence of any detail on fisheries in the 1999 law, Government Regulation (PP) No. 25/2000 on the Powers of Central and Provincial Government offers a little more clarity on the scope of Provincial jurisdiction to the 12 nm limit, including the:

- allocation and management of Provincial marine areas;
- exploration, exploitation, conservation, and management of marine resources within the limits of Provincial jurisdiction;
- licensing of fish farming and capture fisheries; and
- monitoring of fisheries exploitation.⁹³

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.⁹⁴ Interestingly, despite being passed within a few weeks of each other, Law (UU) No. 32/2004 on Local Government and Law (UU) No. 31/2004 on Fisheries take no account of each other. Article 65 of Law (UU) No. 31/2004 merely states that the allocation of power between central and regional government will be addressed through implementing regulations.

The 2009 amendments to Law (UU) No. 31/2004 on Fisheries are barely more specific on the role of local governments, granting them a role in aquaculture planning,⁹⁵ fisheries business development,⁹⁶ and fisheries information systems.⁹⁷

Then, in part reversal of the political settlement on decentralization initially agreed in 1999, Law (UU) No. 23/2014 on Local Government was passed replacing Law (UU) No. 32/2004. This 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, Law (UU) No. 23/2014 lays out the distribution of authority between these two levels far more clearly than previous laws on local government. Article 20 of Law (UU) No. 23/2014 also provides that Provinces may delegate certain concurrent powers to Regencies/Cities.

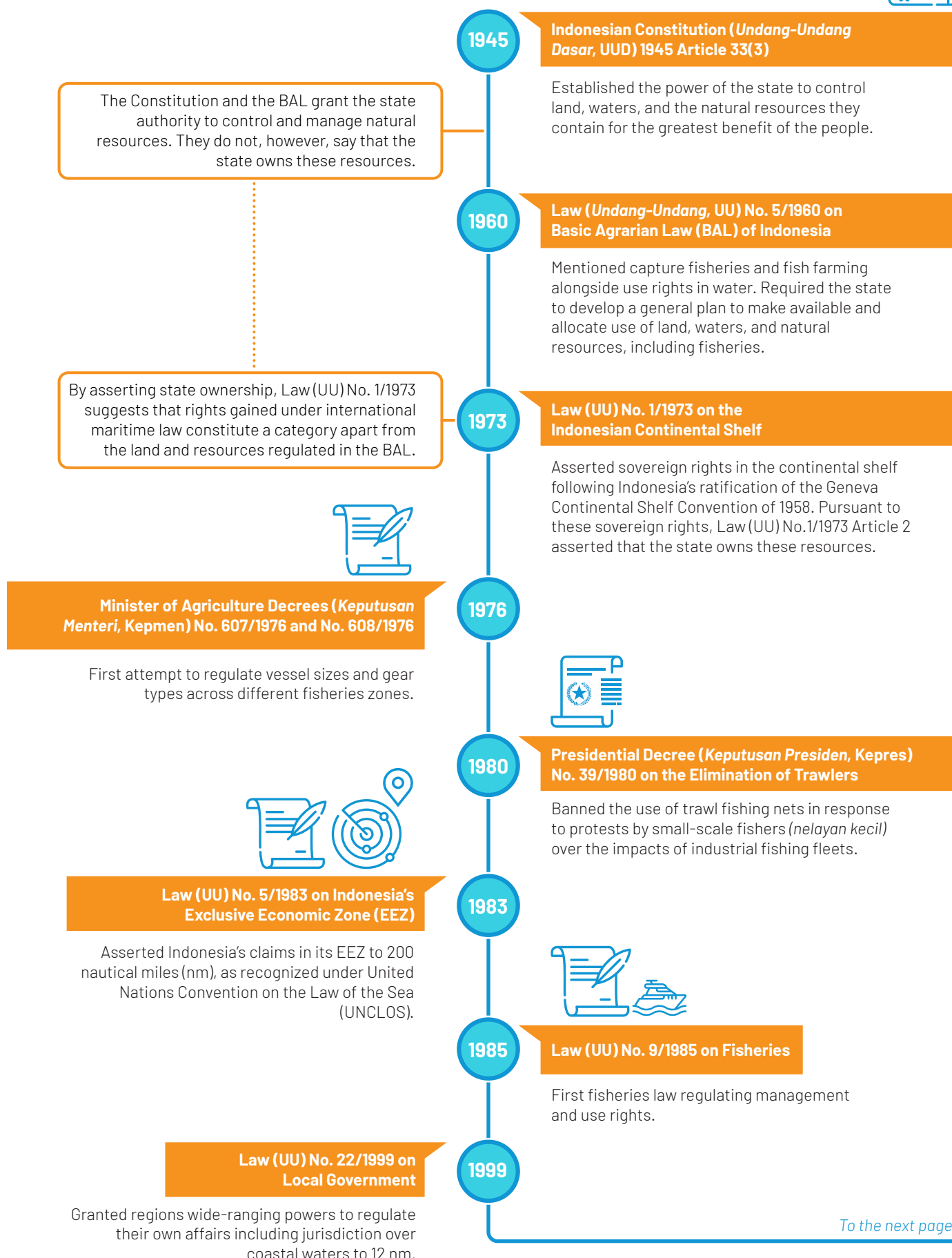
So, for example, some Provinces chose to redelegate responsibility to Regencies and Cities for issuing Fishing Vessel Registration Records (BPK) to small-scale fishers under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business, after the authority to do so was withdrawn to provincial level under Law (UU) No. 23/2014. It remains to be seen whether Provinces will do the same in administering Registration Certificates for Small-Scale Fishing Vessels (*Tanda Daftar Kapal Perikanan untuk Nelayan Kecil*), which now replace BPK, under OSS Regulation (PP) No. 24/2018.

Pursuant to Law (UU) No. 23/2014, MMAF has since issued Minister of Marine Affairs and Fisheries Regulation (Permen) No. 26/2016 setting out the nomenclature, functions, and assignments applicable to Provincial and Regency/City work units responsible for government marine affairs and fisheries. According to this regulation, Provinces are responsible for: formulating, implementing, and evaluating policy on the management, licensing, and use of marine space (other than oil and gas), the management of capture fisheries, and oversight of marine resource and fisheries up to the 12 nm limit; empowerment of coastal communities; licensing and registration of capture fishery vessels > 10 GT and up to 30 GT; and licensing of fish farming where this straddles two or more Regencies/Cities. Specific assignments in respect of these functions include conservation management and zoning and plans; and the development of strategic, zoning, management, and action plans for coastal areas and small islands (RSWP3K, RZWP3K, RPWP3K, RAPWP3K).⁹⁸ Regencies/Cities are delegated a much narrower set of functions and assignments around the development, implementation, and evaluation of small-scale fisher empowerment programs; management and licensing of aquaculture; and the management of designated fishery auction sites.

Figure 10 provides a summary of key milestones related to jurisdictional authority and rights.

Figure 10

JURISDICTIONAL AUTHORITY AND RIGHTS: KEY MILESTONES



To the next page

2000

Government Regulation (Peraturan Pemerintah, PP) No. 25/2000 on the Powers of Central and Provincial Government

Detailed Provincial jurisdiction up to the 12 nm limit with respect to fisheries management.

2004

Law (UU) No. 31/2004 on Fisheries

Second fisheries law regulating management and use rights.

Law (UU) No. 32/2004 on Local Government

Reaffirmed provincial jurisdiction up to 12 nm and regencies up to one third of that territory (4 nm), with some clarifications.



2006

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

Updated licensing policy to accommodate changes under the 2004 Fisheries Law. Introduced a new definition of small-scale fishers based on a maximum vessel size of 5 gross tons (GT).

2007

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

First law regulating management and use rights in coastal areas, including land and fisheries.



2009

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

Incorporated a new definition of small-scale fishers based on a maximum vessel size of 5 GT (use rights without license).

2014

Law (UU) No. 1/2014 revising the Law (UU) No. 27/2007 on Coastal Areas and Small Islands

Amended Law No. 27/2007 pursuant to Constitutional Court Ruling that business use rights (*Hak Pengusahaan Perairan Pesisir*, HP3) violated principles of equity and justice laid down in Article 33(4) of the Constitution. Gave customary (*adat*) communities the right to self-regulate customary uses of the areas they traditionally depend on.



Law (UU) No. 23/2014 Law on Regional Government replacing Law (UU) No.32/2004

Revoked the authority of districts over marine natural resource management within the 4 nm zone. Districts retained authority for licensing aquaculture, the management of local fish auctions and empowerment programmes for small-scale fishers.

Minister of Marine Affairs and Fisheries Administrative Circular 7 November 2014

Expanded the definition of small-scale fishers to include vessels between 5 and 10 GT.

2016

Minister of Marine Affairs and Fisheries Regulation (Permen) 26/2016

Pursuant to Law (UU) 23/2014 on Local Government set out the nomenclature, functions and duties applicable to provincial and district (*kabupaten*) work units responsible for governing marine affairs and fisheries.



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

Aimed to improve the livelihoods of small-scale fishers and enhance their contribution to sector targets. Incorporated into law the redefinition of small-scale fishers as fishing vessels weighing up to 10 GT.

6

Management and Planning



Summary

- 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. 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. 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 decision provides the structure and details for each FMC including the officials assigned to be placed in the councils and working groups. 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, 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 of fisheries management policy in Indonesia 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.

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

6.1 Key Features

The term “fisheries management” (*Pengelolaan Perikanan*) 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. Fisheries management is defined as:

...all efforts, including integrated processes, in the collection of information, analysis, planning, consultation, decision-making, allocation of fish resources, and implementation as well as enforcement of laws and regulations in the field of fisheries carried out by the [Central] Government or other authorities, and directed to achieve continuing productivity of aquatic biological resources and the realization of agreed-upon objectives.⁹⁹

“Sustainable development” is considered one of the principles of fisheries management.¹⁰⁰ As explained in the elucidation of Article 2(k) of Law (UU) No. 45/2009 amending the 2004 Fisheries Law, the “principle of sustainable development” is defined as:

...fisheries management is carried out in a planned manner and is able to increase prosperity and welfare of the people by prioritizing the preservation of environmental functions for the present and the future time.¹⁰¹

The term “sustainable fisheries” is, however, not yet defined by existing laws and regulations.

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 (TAC). Maps and coordinates for each WPP were gazetted under Ministry of Marine Affairs and Fisheries Regulation (Permen) No. 18/2014. Each WPP is regulated by a Ministerial Decree as described in Annex 3.

The MMAF has the authority to develop the Fisheries Management Plan (*Rencana Pengelolaan Perikanan*, RPP) for each WPP. The RPP is an official document that serves as a strategic plan and outlines gear restrictions and other management measures.¹⁰² It is developed by MMAF in partnership with representatives from the applicable Provincial governments and the National Commission for the Study of Fishery Resources (*Komnaskajiskan*). The MMAF is represented by the Director General (DG) of Capture Fisheries, which assumes the role as Team Coordinator.¹⁰³

During the process, the RPP team is tasked with developing a work plan, data and information collection, analysis, and public consultation.¹⁰⁴ Data on fish resources,

the environment, and social-economic facts serve as the basis on which to formulate the RPP.¹⁰⁵ After the preliminary draft of the fisheries management plan has been developed, the team must have a public consultation to secure feedback and input from relevant stakeholders, including those who will be directly affected by the RPP.¹⁰⁶

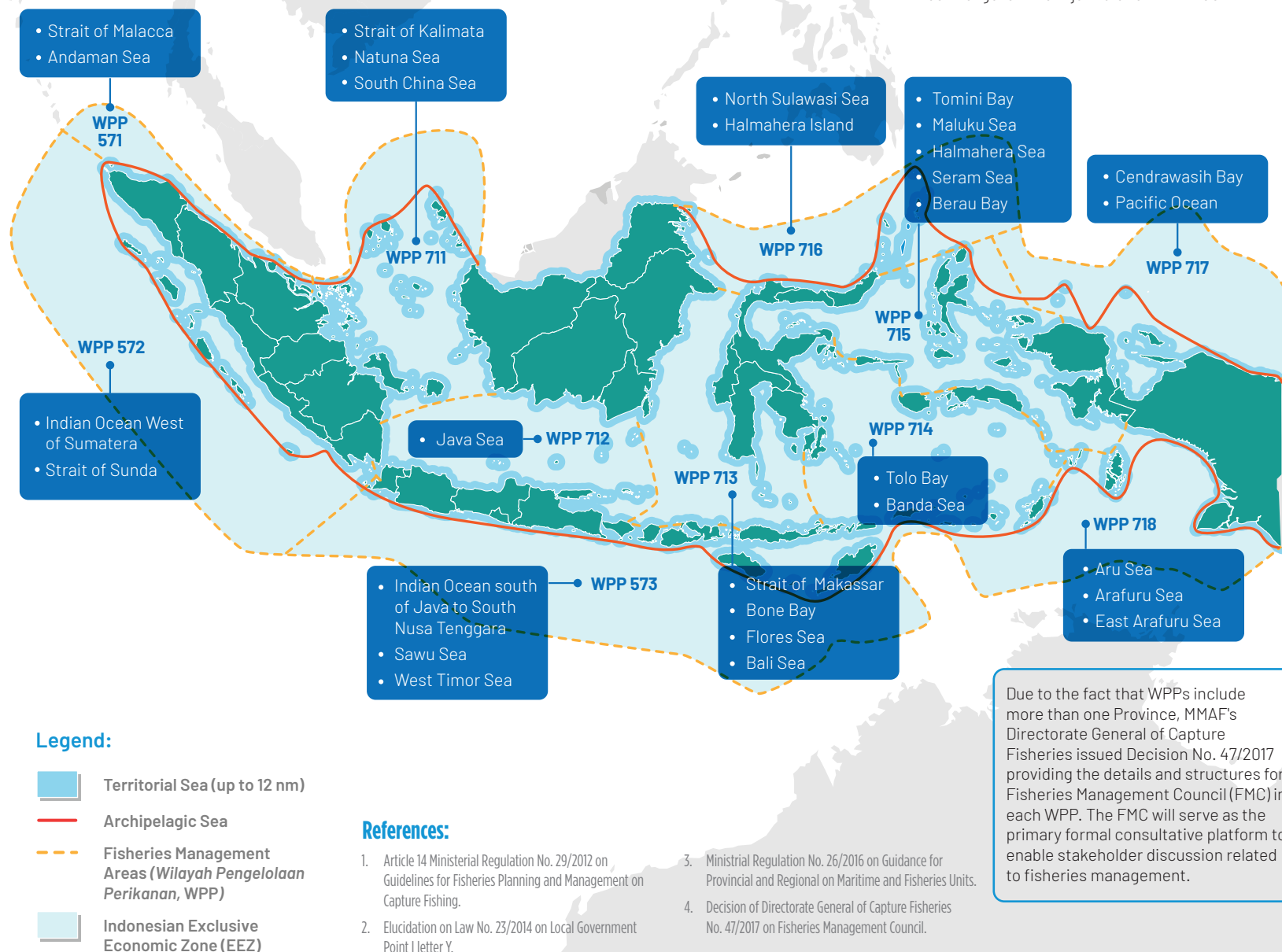
The MMAF Directorate General (DG) of Capture Fisheries issued Decree No. 47/2017 regarding fisheries management coordination. At the national level, the DG of Capture Fisheries is the Coordinating Head of Fisheries Management, and the Secretariat consists of the Director of Fisheries Resource Management, the Sub-directorate Head of Inland, Territorial, and Archipelagic Waters, the Director of Fisheries Ports, the Director of Fishing Vessels and Gear, and the Director of Fishers, Licensing, and Permits. The decision also outlines the establishment of Fisheries Management Councils (FMCs) in each of the WPPs. The FMCs are meant to serve as the primary formal consultative platform for fisheries stakeholders to convene and discuss matters related to fisheries in the WPPs. Essentially, FMCs are meant to play the institutional role of engaging with stakeholders and decision makers involved with fisheries management. The decision provides the structure and details for each FMC including the names of individuals appointed to the council and its working groups. Even though some of the RPPs did not include a plan to establish an FMC (i.e., WPP 571, 711, 716, and 717), the DG of Capture Fisheries Decree No. 47/2017 nevertheless requires one to be set up for each WPP.

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 ones related to small island and coastal areas (Article 14 (2)). According to Annex Part Section III of this Ministerial Regulation (Permen), the Provincial Marine and Fisheries Service (*dinas*) is responsible for formulating fisheries management plans up to 12 nm, implementing fisheries policy, and managing fisheries resources up to 12 nm, as well as fisheries management evaluation and reporting.¹⁰⁷ However, none of the existing regulations clarify how responsibilities will be distributed and shared between each of the Provinces in a given WPP.

Figure 11 provides an illustration of the 11 WPPs and the management planning process.

Figure 11

FORMULATING MANAGEMENT PLANS FOR FISHERIES MANAGEMENT AREAS



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

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.

6.2 Historical Context

6.2.a State Mandate to Manage Fisheries

The state's mandate to manage natural resources is reflected in both Article 33(3) of the 1945 Constitution¹⁰⁸ as well as the 1960 BAL. The latter requires the state to develop a general plan for the availability, allocation of use of land, waters, and natural resources, including fisheries.

6.2.b Early Attempts at Sustainable Fisheries Management within Territorial Waters

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. These efforts laid the ground for all subsequent policy on management and licensing. They also constitute an interesting historical precedent for more recent restrictions on trawling.

Among the first of these regulations was Minister of Agriculture Decree (Kepmen) No. 561/1973¹⁰⁹ requiring all industrial vessels engaged in shrimping to make use of bycatch. Then, in 1975, the ministry issued the first set of guidelines for the conservation and management of fishery resources.¹¹⁰ These regulated seasonal and area-based closures of fishing grounds and species, as well as vessel size and fishing gear; prohibited purse seining in water less than a minimum depth; and prohibited the use of specific categories of purse seine.

In 1976, the ministry augmented these guidelines by dividing fishing grounds into four different zones depending on the distance from the deepest point at low tide (0–3 nm, 3–7 nm, 7–12 nm, and > 12 nm) and introduced restrictions on vessel size and gear type specific to each zone. These restrictions were specified in fishing permits, and violations could result in permits being revoked.¹¹¹ They have since been adjusted on multiple occasions but remain a feature of capture fisheries management and licensing to this day.

Also in 1976, the ministry restricted trawler operations to four specific zones: Zone A in the Indian Ocean; Zone B in the Strait of Malacca and the South China Sea; Zone C in the Strait of Karimata, Java Sea, and the Strait of Makassar; and Zone D in Eastern Indonesia. In response to protest from small-scale fishers, those operations were then further curtailed by Presidential Decree (Keppres) No. 39/1980. The decree set out to eliminate trawling from the Bali and Java Seas and reduce the overall number of licensed trawlers in Indonesia to one thousand.

6.2.c Expanding Fisheries Management to Include the EEZ

The conclusion of multilateral negotiations on UNCLOS in 1982 marked a new phase in the development of fisheries management policy in Indonesia with a greater focus on the EEZ.

Indonesia declared its EEZ in 1983¹¹² and shortly after passed Government Regulation (PP) No. 15/1984 on Management of the Biological Resources of the EEZ. An important objective of the regulation was to facilitate the exploitation of capture fisheries and, through that, to assert Indonesia's newly acquired sovereign rights to the 200 nm limit.

Among other aspects, Government Regulation (PP) No. 15/1984 required all wild capture fishery operations in the EEZ to operate with a license and, where necessary, through joint ventures with foreign operators, who could be licensed directly pursuant to bilateral agreements with their home countries.¹¹³ However, the regulation also made explicit mention of conservation and mandated the Minister with responsibility for establishing allowable catch based on available research and other data.¹¹⁴

Then, in 1985, Law (UU) No. 9/1985 was passed and became the first legislative instrument on fisheries since the 1960 BAL. Like the preceding Government Regulation (PP) No. 15/1984, Law (UU) No. 9/1985 sought to consolidate Indonesia's claims in its EEZ by facilitating the exploitation of fish stocks; mandated the Minister of Agriculture with responsibility for determining Total Allowable Catch (TAC) and catch size; and restricted fishing rights to Indonesian citizens and business entities, except where meeting obligations under Article 62(2) of UNCLOS on assignment of surplus allowable catch to foreign parties. It also required all business entities undertaking fishing activities to operate with a licence with the exception of small-scale fishers.

Implementing measures under Law (UU) No. 9/1985 include Minister of Agriculture Decree No. 473/1985 on TAC in the EEZ. This describes in more detail the authority of the Minister in establishing TAC by species, or group of species, in part or all of the EEZ; and in determining the permitted number of vessels and gear types, taking into account allowable catch. It also reasserted the requirement for all operators in the EEZ to first obtain a license from the Minister.

6.2.d The 1995 FAO Code of Conduct on Responsible Fisheries

Indonesia's recognition of the 1995 FAO Code of Conduct on Responsible Fisheries marked the next phase in the development of fisheries management policy. Responding to the Code of Conduct, the Minister of Agriculture Decree (Kepmen) No. 995/1999 on Fisheries Resource Potential and Number of Allowable Catch reordered Indonesia's fishing grounds into nine WPPs in order to determine TAC across a range of species such as large and small pelagic and demersal fish, prawn, squid, ornamental fish, molluscs and sea cucumber. The policy was also seen as a means to rebalance fishing fleets across the country, away from overexploited areas.

Then in, 2004, a new fisheries law was passed. Law (UU) No. 31/2004 on Fisheries partly reflected growing political expectation of the fisheries sector as a driver in economic recovery following the 1997 financial crisis. However, the new law also sought to better align Indonesia's fisheries regulation with evolving international standards including the 1995 FAO Code of Conduct through more effective and efficient management, compared to the preceding 1985 law.

Specific improvements on the 1985 law included: recognition of local customary practices; enhanced ministerial mandates for management planning, stock estimates, and allocations; a new mandate for fisheries conservation; and more detailed provisions on the licensing system spanning mandatory business (SIUP), fishing (SIPI), transportation (SIKPI) licensing, vessel registration, and landings.

Like the 1985 law, the rights to fish were restricted to Indonesian entities, except where meeting obligations under international law, and small-scale fishers were excluded from having to obtain a license. Law (UU) No. 31/2004 also aimed to increase the effectiveness of law enforcement building on the 1981 Criminal Law Code. This included enhanced powers for civilian, navy, and police investigators; a dedicated fisheries court with powers to trial, judge, and sentence; and a detailed schedule of criminal sanctions.

In line with a commitment to implement the FAO Code of Conduct on Responsible Fisheries, the law also required the proceeds of non-tax revenues in the sector to be invested in fisheries development including in activities to sustain fisheries resources and the environment. In practice, however, non-tax revenues flow, in the first instance, to the Treasury. This is then redisbursed to MMAF and other fishery related entities via the annual budget but is not necessarily earmarked for fisheries development.

Fishery regulations were then substantially updated to accommodate changes in the new law under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006 (as amended by Minister of Marine Affairs and Fisheries Regulation No. 5/2008). Among other things, Ministerial Regulation (Permen) No. 17/2006 excluded small-scale vessels up to 5 GT from the requirement to secure a license, a threshold subsequently reflected in the 2009 amendment to the 2004 Fisheries Law in its definition of small-scale fishers. It limited access to only those WPPs stated in the terms of their licenses, and also required catch to be landed at designated ports. It also stated that WPPs may be closed by the Minister for the purpose of sustaining fish stocks.

6.2.e Expanding Management to Include Coastal Areas

Law (UU) No. 27/2007 on the Management of Coastal Areas and Small Islands marked a further, new phase in policy on management and planning. The law was a response to growing international interest in integrated coastal management, and enshrined coastal areas as a national asset to be managed for the greatest benefit of the people.

Law (UU) No. 27/2007 focuses on protecting, conserving, rehabilitating, using, and enriching coastal resources; strengthening the role of communities in their management; and enhancing their contribution to the social and economic life of communities.

Unlike the preceding fisheries law,¹¹⁵ Law (UU) No. 27/2007 required community participation in the development of management plans. It also required coastal zoning plans (RZWP-3-K) to guarantee communities space and access to use coastal areas but stopped short of granting communities the right to exclude and manage.

6.2.f A New Focus on Conservation and Science-Based Fisheries Management

In 2007, Government Regulation (PP) No. 60/2007 on the conservation of fisheries resources was passed. For the first time, this established the biophysical and institutional parameters for the ecosystem and species conservation specifically of fishery resources. MMAF's mandate in implementing this regulation overlaps, however, with the Ministry of Environment and Forestry (MEF). MEF already carried the mandate to establish and manage various categories of natural reserves¹¹⁶ under the Law (UU) No. 5/1990 on the Conservation of Biological Resources and Ecosystems, including in marine areas.

Also in 2007, Indonesia ratified the Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC) and the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) under Presidential Regulations (Perpres) No. 9/2007 and No. 109/2007, respectively, and is now a member of both commissions.¹¹⁷ Shortly after, Indonesia ratified the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks under Law (UU) No. 21/2009. Indonesia's accession to these agreements strengthened the focus on science-based management. For example, IOTC and CCSBT members are required to take part in coordinated research activities such as stock assessments of tuna species.

In 2009, following Indonesia's accession to these Regional Fisheries Management Organizations (RFMOs),¹¹⁸ the Ministry of Marine Affairs and Fisheries established a National Commission for the Study of Fishery Resources (*Komnaskajiskan*)¹¹⁹ with the responsibility for providing inputs and recommendations to the Minister on stock potential and allowable catch, as the basis for responsible fisheries management policy.

In 2012, the commission's technical function was amended under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 16/2012. This expanded on the Commission's function—beyond identifying, validating, and synthesizing data, information, and research on fish stocks—to include review of strategic fishery management policies in respect of each WPP.

Indonesia's membership in the RMFOs and the establishment of the National Commission for the Study of Fishery Resources (*Komnaskajiskan*) also inspired new thinking on WPPs as devolved management institutions representing the different parts of Indonesia territorial waters and EEZ. This included a decision, under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 1/2009, to expand the number of WPPs from nine to 11 based on the recommendations of the *Komnaskajiskan*. The previous nine WPPs were partly determined based on fish landing-sites (i.e., ports). The shift to eleven WPPs also conformed with an international fishing area categorization which, for statistical purposes, had been standardized by the FAO.

6.2.g Fisheries Management and Planning as an Aspect of Maritime and Industrial Policy

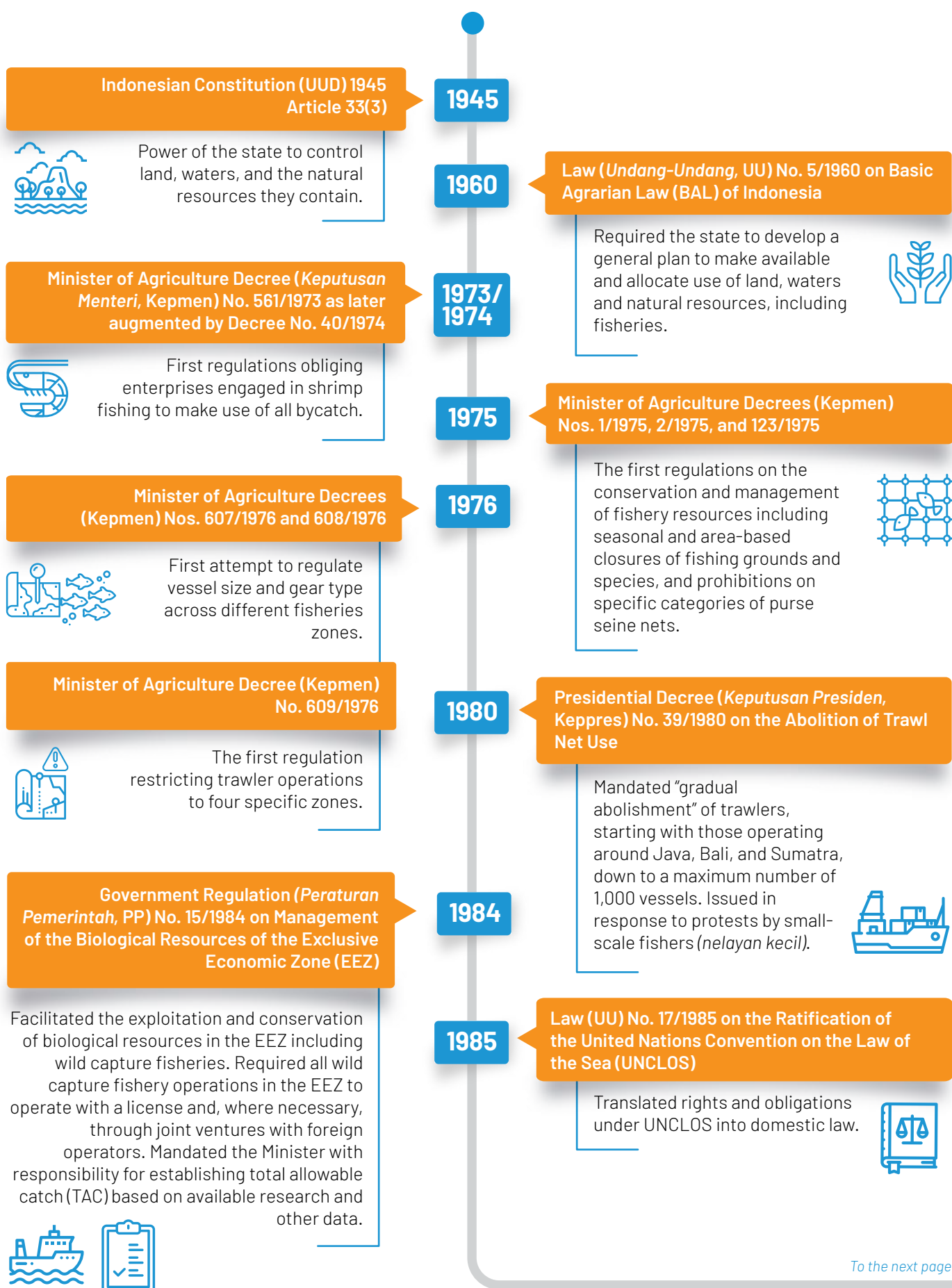
Law (UU) No. 32/2014 on Marine Affairs constitutes Indonesia's first legislative mandate for the integrated and sustainable management of Indonesia's oceans spanning marine development, resource management, spatial planning, environmental protection, defense, security, and governance in both the territorial waters and the EEZ. Among other aspects, Law (UU) No. 32/2014 mandates government with the responsibility for coordinating fisheries management in respect to Indonesia's international obligations.

Presidential Instruction (Inpres) No. 7/2016 on the Accelerated Development of the Fisheries Industry includes a mandate to accelerate mapping and planning of the WPPs based on the carrying capacity and monitoring of fish stocks. President Widodo's recent 2017 Marine Policy¹²⁰ makes a similar call to accelerate development of integrated marine spatial and coastal zoning plans in order to better manage marine resources.

Figure 12 provides a timeline of key milestones related to fisheries management and planning.

Figure 12

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.



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.

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.

**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.

*To the next page*

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

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.

2007**2009****Law (UU) No. 21/2009**

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.

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

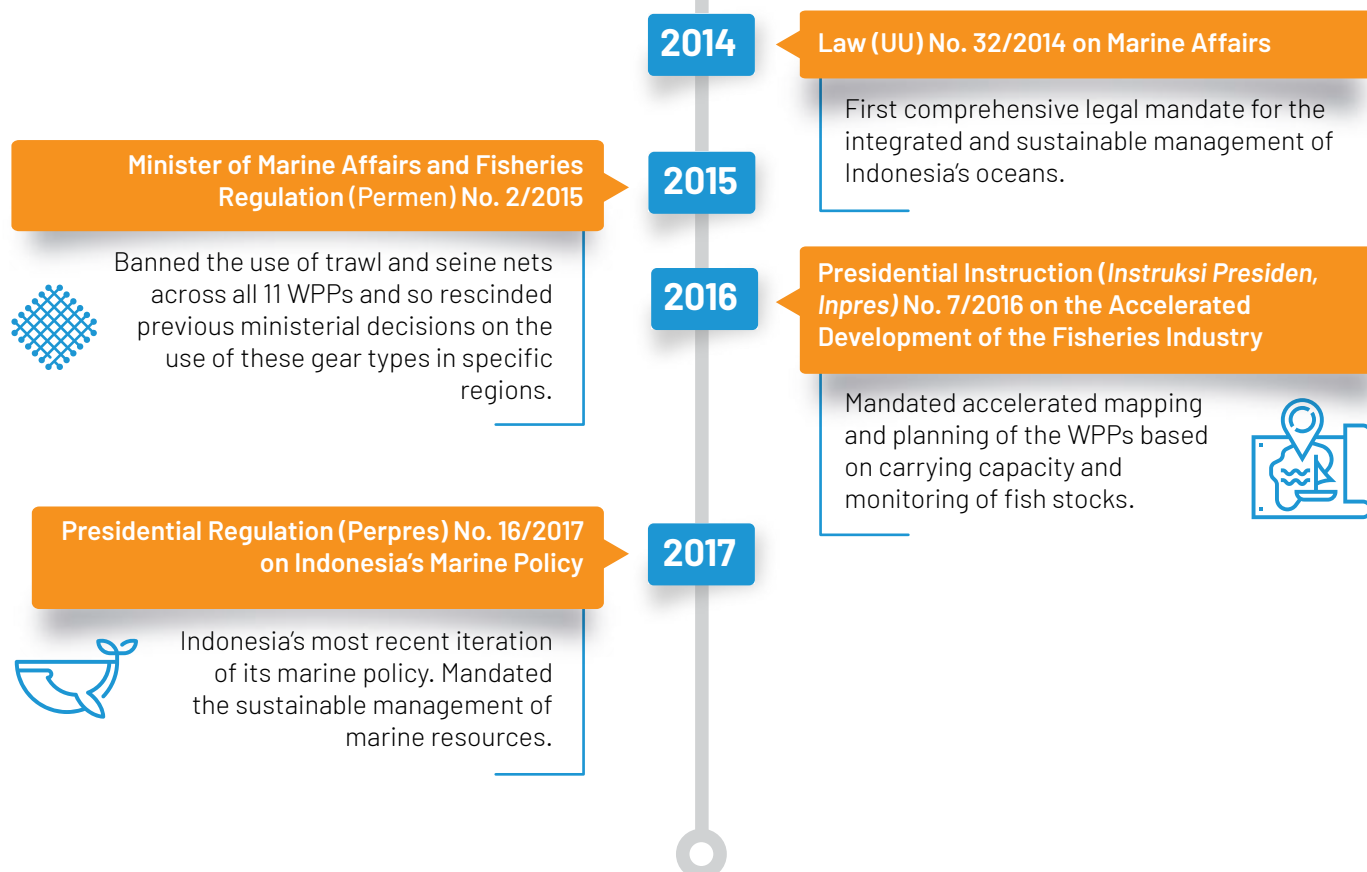
Provided guidelines for fisheries management planning in each of the 11 WPPs.

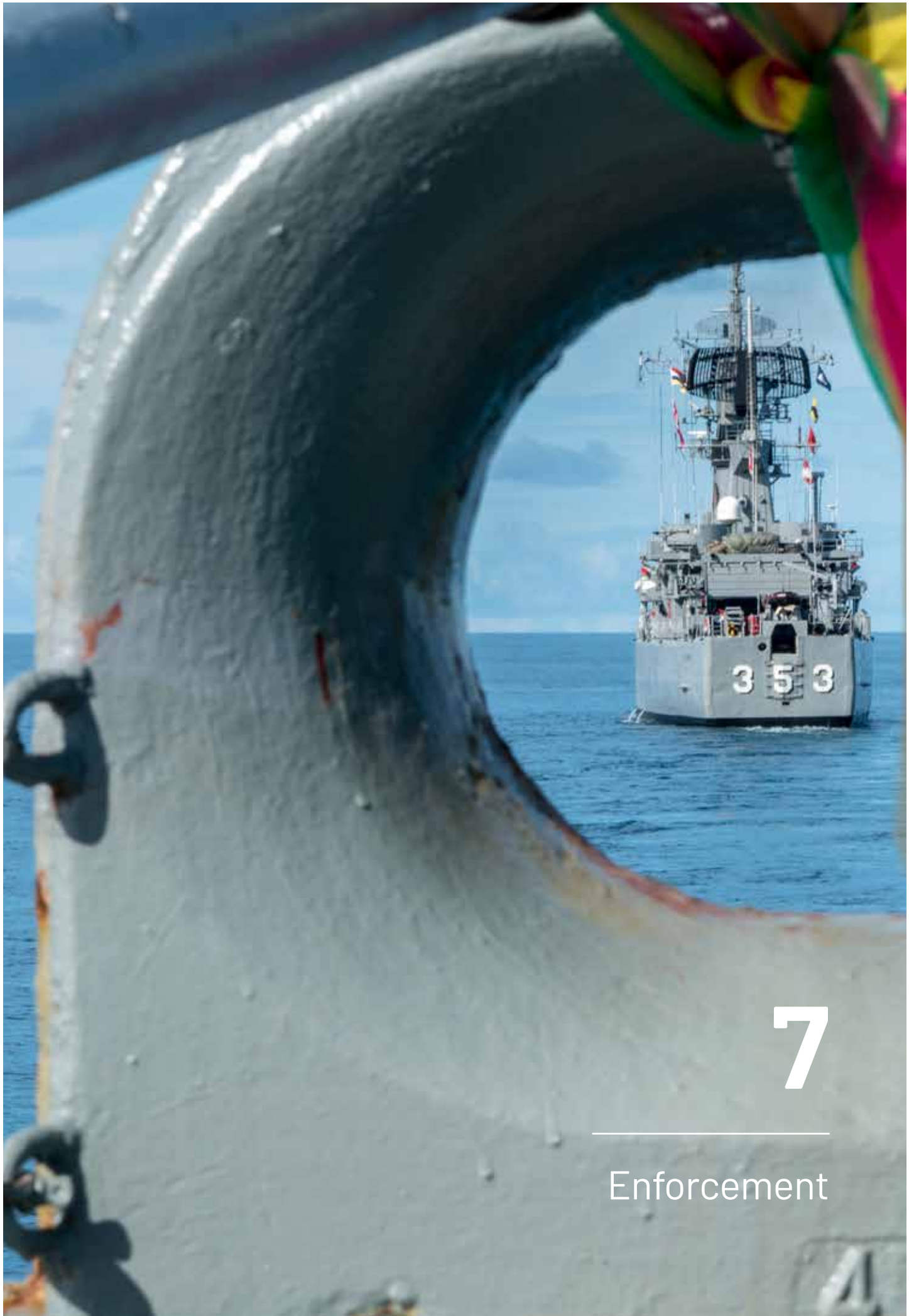
Minister of Marine Affairs and Fisheries Regulation (Permen) No. 16/2012

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

**2012**

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7

Enforcement

Summary

- 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. In no particular order, these include:
 1. MMAF Directorate General for Monitoring of Marine and Fisheries Resources and Fish Quarantine, Quality Control and Fisheries Product Safety Agency;
 2. The Indonesian Navy;
 3. The National Police;
 4. Marine Security Agency (Bakamla);
 5. Coordination Forum on Handling Fisheries Crimes;
 6. Coordinating Ministry for Legal, Political and Security Affairs;
 7. Task Force to Prevent and Combat Illegal Fishing (Satgas 115);
 8. Fishery Courts;
 9. National Agency for Border Management; and
 10. Sea and Coast Guard (KPLP) under the Ministry of Transportation.
- 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 0-12nm, while the Navy and Fisheries Civil Service Investigators have 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.
- Looking at the historical context, 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.

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 for the evolution of enforcement-related issues.

7.1 Key Features

7.1.a Enforcement Institutions

There are a number of institutions/entities currently responsible for various aspects of fisheries law enforcement. In no particular order, these include:

1. MMAF Directorate General for Monitoring of Marine and Fisheries Resources (*Pengawasan Sumber Daya Kelautan dan Perikanan*, PSDKP) and Fish Quarantine, Quality Control and Fisheries Product Safety Agency (*Badan Karantina Ikan, Pengendalian Mutu, dan Keamanan Hasil Perikanan*, BKIPM);
2. The Indonesian Navy (*TNI Angkatan Laut*, TNI AL);
3. The National Police (*Kepolisian*);
4. Marine Security Agency (*Badan Keamanan Laut*, Bakamla);
5. Coordination Forum on Handling Fisheries Crimes (*Forum Koordinasi Penanganan Tindak Pidana di Bidang Perikanan*);
6. Coordinating Ministry for Legal, Political and Security Affairs (*Kemenko Polhukam*);
7. Task Force to Prevent and Combat Illegal Fishing (Satgas 115);
8. Fishery Courts;
9. National Agency for Border Management (*Badan Nasional Pengelola Perbatasan Republik Indonesia*); and
10. Sea and Coast Guard (*Kesatuan Penjaga Laut dan Pantai*, KPLP) under the Ministry of Transportation.

Each of these institutions/entities has a mandate related to at least one of the following actions: apprehension, investigation, coordination, and prosecution.

A summary of the respective mandates and notes regarding, for example, the overlap in mandates between entities, is included in Table 4. Figure 13 provides a graphical summary of these institutions/entities.

Table 4. 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).	
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.

Table 4 (continued)

Institution/Entity	Establishment and Fisheries Mandate	Notes
Coordinating Ministry for Legal, Political and Security Affairs (Kemenko Polhukam)	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). ¹²¹ 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.
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.

Table 4 (continued)

Institution/Entity	Establishment and Fisheries Mandate	Notes
National Agency for Border Management (Badan Nasional Pengelola Perbatasan Republik Indonesia)	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.
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 (Patroli Laut Bea Cukai, 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.

As Table 4 shows, 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. In practice, Satgas 115 appears to lead on the coordination of apprehensions, investigations, and prosecutions but leaves Bakamla to coordinate on patrol-related activity. 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.

Figure 13

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

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



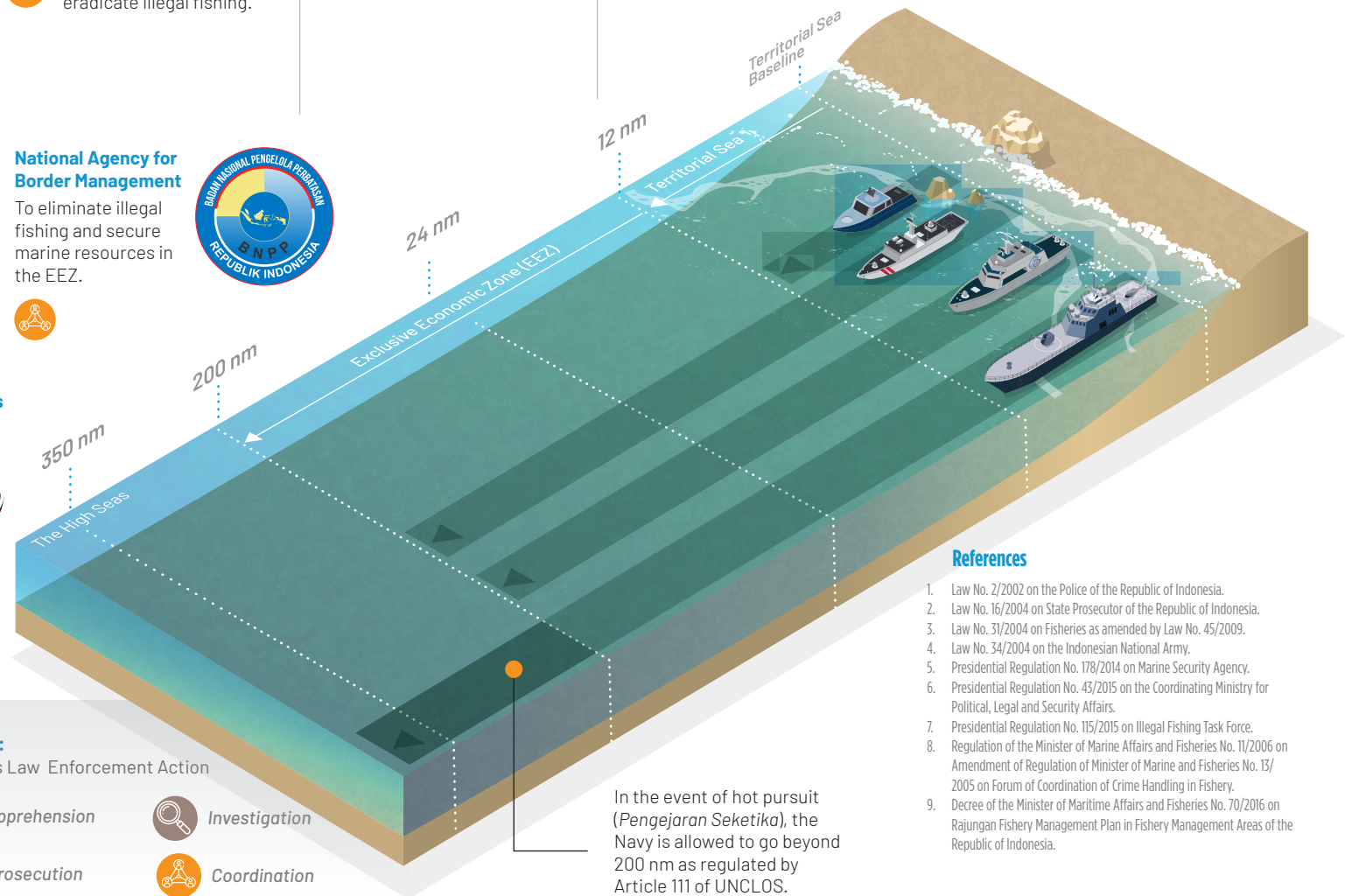
Investigation



Prosecution



Coordination



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.

7.1.b Fisheries Laws and Regulations

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. It extended the jurisdiction of Fisheries Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil Perikanan*) to 200 nm and granted fisheries courts the ability to prosecute foreign as well as Indonesian citizens. Adjustments were also made to procedures for investigation and case handling, as well as to the level of applicable fines and sentences.

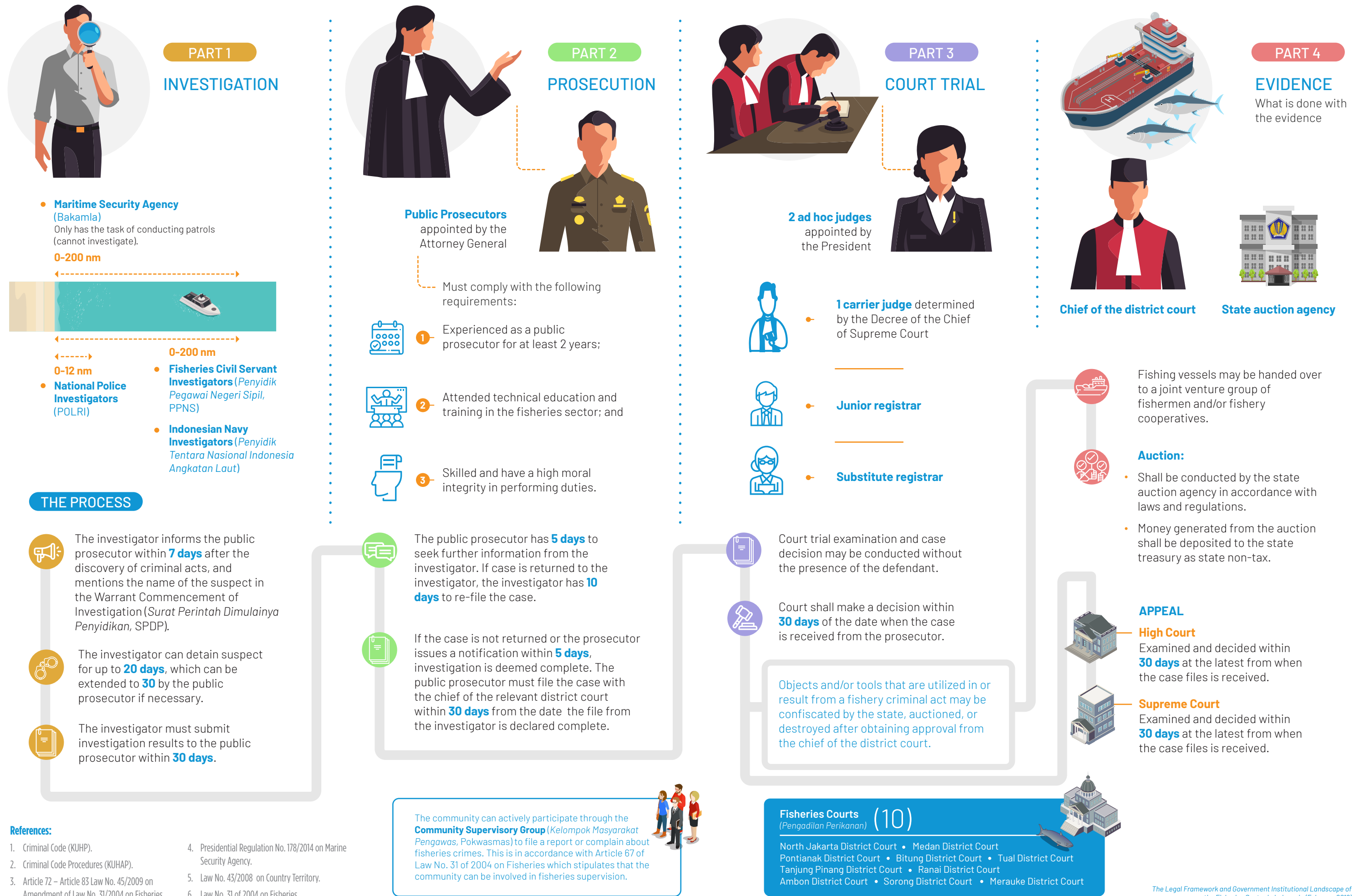
These amendments under Law (UU) No. 45/2009 laid the groundwork for more recent management efforts at tackling IUU fishing, including:

- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 56/2014, placing a temporary moratorium on all new licensing pending an evaluation of existing ones.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 57/2014, banning all forms of transshipment at sea in order to enforce a requirement to land catch at designed ports in Indonesia.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 2/2015, banning the use of trawl and seine nets, and rescinding previous ministerial decrees on the use of these gear types.

The enforcement process for upholding the Fisheries Law, from investigation to prosecution to the court trial to what happens with evidence, is explained in Figure 14.

Figure 14

FISHERIES LAW ENFORCEMENT PROCESS



7.2 Historical Context

The current institutional arrangement related to enforcement of the fisheries sector reflects four main sources of law and policy:

1. Shipping, as represented by the Sea and Coast Guard (KPLP) under the Ministry of Transportation;
2. Fisheries, as represented by the MMAF (especially the DG for Monitoring of Marine and Fishery Resources (PSDKP) and now the Task Force to Prevent and Combat Illegal Fishing (Satgas 115));
3. Marine security, as represented by the Navy (TNI AL), National Police (Kepolisian RI), and the Marine Security Agency (Bakamla); and
4. Immigration and fiscal matters, as represented (among others) by the DG of Customs and Excise (*Direktorat Jenderal Bea dan Cukai*) under the Ministry of Finance.

These agencies have evolved in parallel leading, in some cases, to parallel attempts to coordinate them. The narrative below describes developments with respect to three of these policy areas: shipping, fisheries, and marine security.

7.2.a Enforcement Under Shipping Law and Policy

The Sea and Coast Guard (KPLP) under the Ministry of Transportation has its roots in a series of colonial laws and regulations, including the 1882 shipping regulation; the 1936 Shipping Law; and the 1939 Ordinance on Territorial Waters and the Maritime Environment. Until 1942, responsibility for enforcement was split between the Shipping Agency (*Dienst Van Scheepvaart*) and the Government Navy (*Gouvernement Marines*).

The two agencies were merged in 1947 as the Sea and Coast Guard Service (*Zee en Kustbewaking Dienst*). Following the transfer of sovereignty to the Indonesian Republic in 1949, this was in turn merged with the Indonesian Shipping Service (*Jawatan Pelayaran Republik Indonesia*) to create the Sea and Coast Guard (KPLP) under the jurisdiction of the Ministry of Transportation. Also, in 1959, Indonesia established a Sea Transportation Council under Presidential Regulation (Perpres) No. 14/1959 with responsibility for oversight of ports and merchant shipping. The KPLP then underwent a number of name changes and organizational merges over the 1960s but reverted to its current name, the Sea and Coast Guard, under Minister of Transportation Decree (Kepmen) No. 14/1973.

Law (UU) No. 21/1992 on Shipping mandated the involvement of the national police, civil service investigators from other related departments, and the navy in criminal investigations in relation to violations under the law, but it did not elaborate on the role of KPLP. This left KPLP devoid of a clear statutory mandate until Law (UU) No. 17/2008 was introduced replacing Law (UU) No. 21/1999.

Article 278 of Law (UU) No. 17/2008 specifically mandated the formation of a Sea and Coast Guard (*Penjaga Laut dan Pantai*) to guarantee safety and security and to enforce the law. It required that such an agency should report directly to the President and be operated by the Minister of Transportation. This would have upgraded the status of KPLP. However, this provision has never been implemented. This is due to overlaps in jurisdiction with the Marine Security Coordinating Body (*Badan Koordinasi Keamanan Laut*, Bakorkamla), established under Presidential Regulation (Perpres) No. 81/2005, which has since been reconstituted as the Marine Security Agency (Bakamla) under Presidential Regulation (Perpres) No. 178/2014. The KPLP nevertheless continues to function as a unit under the Ministry of Transportation.

7.2.b Enforcement Under Fisheries Law and Policy

A key objective of the second fisheries law, Law (UU) No. 31/2004, was to increase the effectiveness of law enforcement building on the 1981 Criminal Law Code. Improvements in relation to the first fishery law, Law (UU) No. 9/1985, included enhanced powers for civilian, navy, and police investigators; a dedicated fisheries court with powers to trial, judge, and sentence; and a detailed schedule of criminal sanctions.

Article 73 of Law (UU) No. 31/2004 on Fisheries also granted equal powers to MMAF, the Navy (TNI AL) and the national police in investigating and initiating the prosecution of cases. There was, however, no effective mechanism to facilitate coordination between these agencies; the last attempt to do so was the Agency for the Coordination of Security at Sea and the Command for Joint Security Operations at Sea (*Badan Koordinasi Keamanan di Laut dan Komando Pelaksana Operasi Bersama Keamanan di Laut*) established in 1972 (see section below on marine security).

So, in 2005, MMAF established a Coordination Forum for the Handling of Fishery Crimes under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 13/2005 (as later revised by Minister of Marine Affairs and Fisheries Regulation (Permen) No. 11/2006). The purpose of the forum was to support investigations, to improve communication, and to support data and information exchange necessary for effective and efficient case handling. The forum consisted of MMAF, the National Police, the Navy, the Attorney General, the Supreme Court, the Constitutional Court, the Ministry for Law and Human Rights, the Ministry of Transportation, the Ministry of Finance, and the Ministry of Labor and Transmigration. Provinces have since formed equivalent coordination fora at their level.

The Coordination Forum was, however, a non-structural entity without a mandate to handle individual cases. At the same time, cases of illegal fishing along Indonesia's maritime boundaries with Malaysia and the perceived losses this was inflicting on the domestic fisheries industry increased political pressure to improve enforcement.

So, in 2009, Law (UU) No. 31/2004 on Fisheries was revised to enhance: the powers of patrols to stop, investigate, detain, arrest, and recommend sanctions; the jurisdiction

of the fisheries court to cover foreign as well as Indonesian citizens; procedures for investigation and case handling, emphasizing also that MMAF civilian investigators have jurisdiction to the 200 nm limit alongside the navy, and the level of applicable fines and sentences. The 2009 amendments to the 2004 Fisheries Law did not, however, resolve jurisdictional overlaps between enforcement agencies, and problems with coordination persisted.

Finally, in 2015, a Task Force for the Eradication of Illegal Fishing (Satgas 115) was established under Presidential Regulation (Perpres) No. 115/2015. The Task Force is responsible for mobilizing the operational capacity of MMAF, the Navy, the National Police, the Attorney General's Office, the Marine Security Agency (Bakamla) and other related agencies, and has the authority to identify enforcement targets, coordinate the collection of relevant data and information, and to oversee enforcement operations by the Navy, Police, MMAF, and the Marine Security Agency. It did not mention the involvement of the Sea and Coast Guard (KPLP) under the Ministry of Transportation, suggesting that this has no role in its work.

7.2.c Enforcement Under Marine Security Law and Policy

As Indonesia began to exert its maritime territorial claims under the 1957 Djuanda Declaration and the 1960 Law on Waters, Presidential Regulation (Perpres) No. 19/1960 was issued to establish an inter-agency Maritime Council. Among other things, this Council was tasked with advising the government in determining, formulating and overseeing implementation of maritime policy and regulation, including in relation to security.

In 1972, recognition of the need for more effective coordination of mandates related to marine security led to the Creation of the Agency for the Coordination of Security at Sea and the Commando for Joint Security Operations at Sea (*Badan Koordinasi Keamanan di Laut dan Komando Pelaksana Operasi Bersama Keamanan di Laut*) by Joint Decree of the Ministers of Defense and Security, Transportation, Finance, Justice and the Attorney General.

Then, in 1996, a new law on Indonesia's Waters was passed (Law (UU) No. 6/1996 in recognition of the fact that Law (UU) No. 4 PrP/1960 was deficient with respect to developments under UNCLOS. Articles 23(3) and 24(3) of Law (UU) No. 6/1996 mandated the establishment of a coordinating body by Presidential Decree with respect to the exploitation, management, protection, and environmental sustainability of Indonesia's waters, and for enforcement of international maritime law regarding Indonesia's sovereign rights and passage by foreign vessels through Indonesia's waters.

Building on this mandate, the Coordinating Minister of Politics and Security Decree (Kepmen) 5/2003 established a Task Force for Planning, Security Development and Law Enforcement at Sea. Its work then laid the groundwork for Presidential Regulation (Perpres) No. 81/2005 establishing the Marine Security Coordinating Body (Bakorkamla).

Presidential Regulation (Perpres) No. 81/2005 mandated Bakorkamla with the responsibility for coordinating marine security with respect to patrolling, monitoring, prevention, and enforcement. The coordinating body was headed by Coordinating Minister for Politics, Law and Security, and included the ministers for Foreign Affairs, Home Affairs, Defense, Law and Human Rights, Finance, Transport, and Fisheries, as well as the Attorney General, the Commander of the Armed Forces, the Head of Police, the Head of National Intelligence, and the Navy Chief of Staff. This regulation also stipulated that these were to be supported by, among other structures, a coordinating team representing these different agencies, with the responsibility for the development of policies on marine security, as well as for planning, monitoring and evaluating security coordination; and that an ad hoc Marine Security Coordination Work Unit (*Satgas Korkamla*) would be convened for joint operations.

Like the Fisheries Crime Handling Coordination Forum, which was established at the same time (see section above on enforcement in fisheries), Bakorkamla did not succeed in resolving overlaps in jurisdiction between enforcement agencies; as a non-structural agency, it lacked the power to direct any of its constituent agencies.

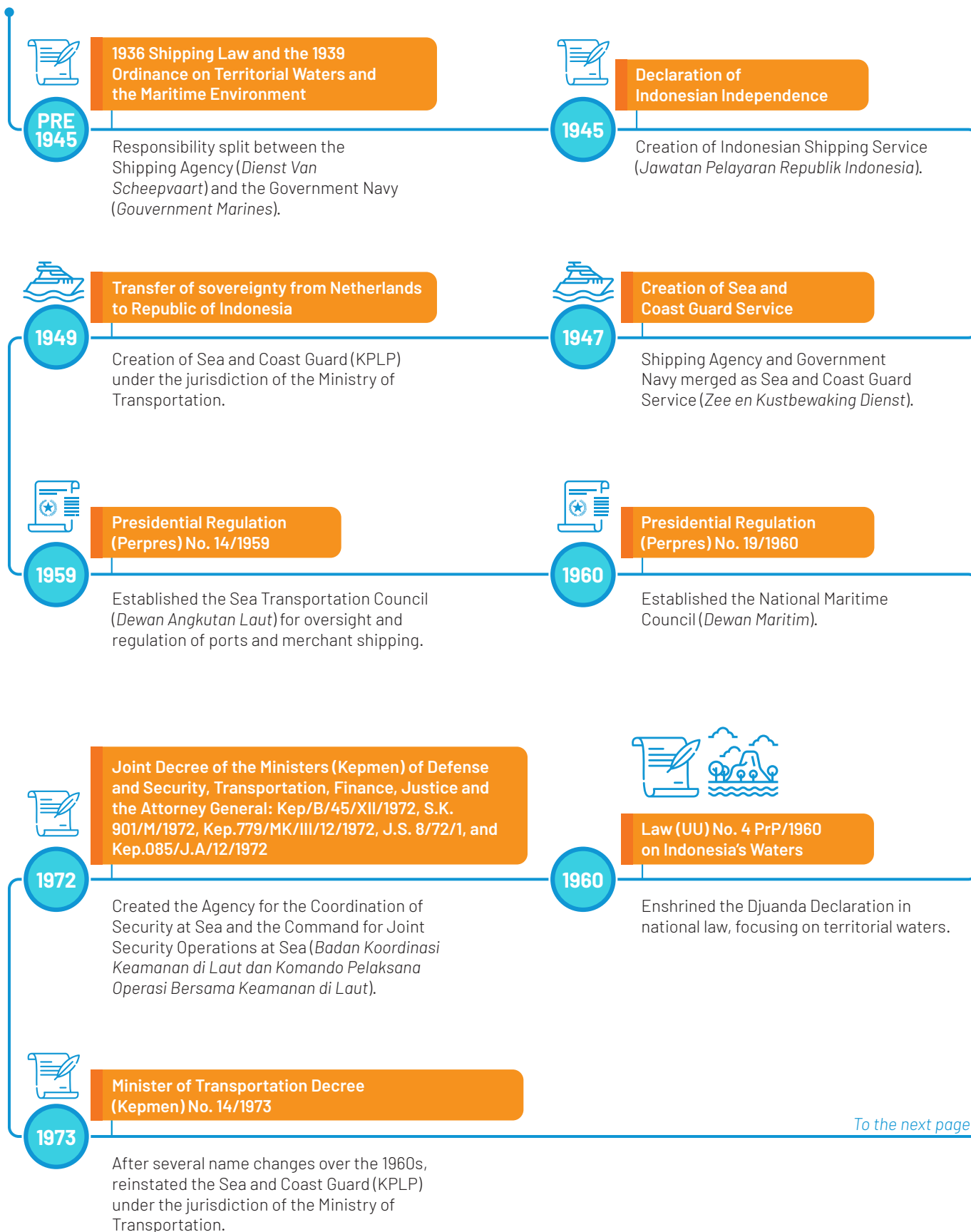
Law (UU) No. 45/2009, revising Law (UU) No. 31/2004 on Fisheries, represented one response to pressure for better enforcement (see section above on enforcement in fisheries). Bakorkamla's mandate was not, however, revised until the passing of Law (UU) No. 32/2014 on Marine Affairs. Building on a mandate described in Indonesia's Long-Term Development Plan (RPJP) 2005–2025, Law (UU) No. 32/2014 established a comprehensive legal framework for the integrated and sustainable management of Indonesia's oceans. Among other things, Law (UU) No. 32/2014 mandated a new Marine Security Agency (Bakamla) as a non-structural agency reporting directly to the President via a coordinating minister to strengthen patrols and security. That same year, Presidential Regulation (Perpres) No. 178/2014 was passed establishing the new agency.

Figure 15 provides a summary of enforcement-related key milestones.

Figure 15

THE LEGAL FRAMEWORK

ENFORCEMENT: KEY MILESTONES



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ENFORCEMENT (continued)



1985

Law (UU) No. 9/1985 on Fisheries

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



1992

Law (UU) No. 21/1992 on Shipping

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).



2003

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

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



1996

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

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.



2003

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

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



2004

Law (UU) No. 31/2004 on Fisheries

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.



2005

Presidential Regulation (Perpres) No. 81/2005

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.



2005

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

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



2005

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

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 Illegal*, 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

Summary

- 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.
- 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. 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);¹²²
 2. Fishing Vessel Registration Certificate for Small-Scale Fishers (*Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil*);¹²³ and
 3. Registration Certificate for Small-Scale Fish Farmers (*Tanda Daftar Bagi Pembudidaya Ikan Kecil*).¹²⁴
- 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). 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 (SIP);¹²⁵
 2. Fish Transport Permit (SIKPI);¹²⁶
 3. Fish Transport Registration Certificate (*Tanda Pencatatan Kapal Pengangkut Ikan*);¹²⁷
 4. Vessel Procurement Permit (*Izin atau Persetujuan Pengadaan Kapal*);¹²⁸
 5. Transmitter Activation Certificate (SKAT);¹²⁹
 6. Certificate of Shipworthiness for Fish Capture Vessels (SLO);¹³⁰
 7. Vessel Certification;¹³¹
 8. Sailing Permit;¹³²
 9. Breeding Permit;¹³³ and
 10. Release Permit.¹³⁴
- 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.

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.

8.1 Key Features

In order to understand the current registration and licensing system, it is first necessary to understand the different fisheries company classifications and which vessels within the capture fishery business are required to secure a license.

Fishers are persons whose livelihoods consist of fishing.¹³⁵ Persons here include individuals or corporations.¹³⁶ A corporation is a group of people and/or asset that is organized either in the form of a legal entity or a non-legal entity.¹³⁷ Corporations that are legally incorporated obtain their legal status: (1) through the law that established/set up the entity; or (2) through the status grant from the Ministry of Law and Human Rights. Legally incorporated corporations include the following categories:

1. Limited Liability Companies (*Perseroan Terbatas, PTs*);¹³⁸
2. State-Owned Enterprises (SoEs);¹³⁹
3. Regional-Owned Enterprises (RoEs);¹⁴⁰
4. Cooperatives;¹⁴¹
5. State-Owned Legal Entities;¹⁴²
6. Associations;¹⁴³ and
7. Foundations.¹⁴⁴

Certain entities do not need to pursue legal entity status. Instead, these types of entities are obliged to register with the government.¹⁴⁵ This consists of the following types of entities:

1. Civil Partnerships;¹⁴⁶
2. Firms;¹⁴⁷ and
3. *Commanditaire vennootschap* (CVs) or limited partnerships.¹⁴⁸

The fisheries sector distinguishes small-scale fishers as a separate category: small-scale fishers and fishers. Several laws, regulations, and other government-issued notifications provide definitions for “small-scale fishers.” For example, Article 1(11) of Law (UU) No. 31/2004 on Fisheries, read in conjunction with amendments under Law (UU) No. 45/2009, defines small-scale fishers as those who fish to meet daily needs and who operate fishing vessels up to 5 GT. More recently, Article 1(4) of Law (UU) No. 7/2016 regarding Protection and Empowerment of Fishers defines them as those who conduct fishing to meet their daily needs either without vessels or with fishing vessels up to 10

GT. Given these conflicting definitions, the principle of *lex posterior derogat legi priori* (the new law disregards the older one) applies; Law (UU) No. 7/2016 applies for the definition of small-scale fishers (i.e., vessels up to 10 GT) noting, however, that Law (UU) No. 7/2016 only exempts vessels within that category from charges. It does not exempt them from the requirement to possess fishing licenses or operational licenses such as the small sea pass (*Pas Kecil*).

There are also traditional, labor, and vessel-owned fishers. All three types of fishers are contained in Law (UU) No. 7/2016. A traditional fisher is an individual who catches fish on the basis of traditional rights, and local customs and wisdom. A labor fisher is fisher who provides their skills to participate in fishing activities. Meanwhile, a vessel-owning fisher is a fisher whose fishing vessels are used in a fishery business.

In July 2018, the central government introduced a new scheme under 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. In other words, the fisheries sector is not currently operational under the OSS system.

The OSS system divides business licensing into two types: business licenses and operational/commercial permits. A business license is a license issued by the OSS Agency for and on behalf of the Minister, Head of Agency, Governor, or Regent/Mayor after a business person registers to obtain a Business Identity Number (*Nomor Induk Berusaha*, NIB). The business can start initial necessary activities before obtaining a commercial/operational permit so long as it provides the required documents within a certain period of time.¹⁴⁹ Operational or commercial permits are issued by the OSS Agency for and on behalf of the Minister, Head of Agency, Governor, or Regent/Mayor after a business person obtains a business license and allow the business to conduct commercial or operational activities.¹⁵⁰ Both business licenses and permits also cover registration-type licenses/permits, especially for small-scale business persons such as a Fishing Vessel Registration Certificate for Small-Scale Fishers (*Tanda Daftar Kapal Perikanan untuk nelayan kecil*) and the Fish Transport Registration Certificate (*Tanda Pencatatan Kapal Pengangkut Ikan*).

Before the application of the OSS system, nomenclature varied and included terms such as licenses, permits, registrations, certificates, recommendations, approvals, and so on, often without clear distinction. This was true in the fisheries sector as well as in other sectors. The OSS tries to address this obscurity by dividing the licensing system into two major criteria, namely business licenses and commercial/operational permits. It differentiates licenses and permits based on character and validity period regardless of the variety of sub-terms/descriptors used. In terms of character, licenses provide

the right to run a sustainable business, while permits give the right to run a business in certain activities or operations. In terms of the validity period, licenses have longer duration than a permit.

According to the OSS system, business licenses related to the fisheries sector include the following. The OSS supervising agency, the Coordinating Ministry for Economic Affairs, issues these in the name of the related Ministry. Refer to Table 8 for further information on the relevant issuing authority.

1. Fisheries Business License (*Surat Izin Usaha Perikanan*, SIUP);¹⁵¹
2. Fishing Vessel Registration Certificate for Small-Scale Fishers (*Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil*);¹⁵² and
3. Registration Certificate for Small-Scale Fish Farmers (*Tanda Daftar Bagi Pembudidaya Ikan Kecil*).¹⁵³

Note that Fishing Vessel Registration Certificates for Small-Scale Fishers and Fish Farmers (*Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil* and *Tanda Daftar Bagi Pembudidaya Ikan Kecil*), as listed in Annex E.2 of Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing, are new categories of business licenses. 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.

According to the OSS system, operational/commercial permits related to the fisheries sector include the following. The OSS supervising agency, the Coordinating Ministry for Economic Affairs, issues these in the name of the related Ministry. Refer to Table 8 for further information on the relevant issuing authority.

1. Fish Capture Permit (*Surat Izin Penangkapan Ikan*, SIPI);¹⁵⁴
2. Fish Transport Permit (*Surat Izin Kapal Pengangkut Ikan*, SIKPI);¹⁵⁵
3. Fish Transport Registration Certificate (*Tanda Pencatatan Kapal Pengangkut Ikan*);¹⁵⁶
4. Vessel Procurement Permit (*Izin atau Persetujuan Pengadaan Kapal*);¹⁵⁷
5. Transmitter Activation Certificate (*Surat Keterangan Aktivasi Transmitter*, SKAT);¹⁵⁸
6. Certificate of Shipworthiness for Fish Capture Vessels (*Surat Laik Operasi Kapal Perikanan*, SLO);¹⁵⁹
7. Vessel Certification (*Sertifikasi Bidang Perkapalan*);¹⁶⁰
8. Sailing Permit (*Surat Persetujuan Berlayar*, SPB);¹⁶¹
9. Breeding Permit (*Izin Pemuliaan*);¹⁶² and
10. Release Permit (*Izin Pelepasan*).¹⁶³

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 (*Rekomendasi Pembudidayaan Ikan Penanaman Modal*, RPIPM).

Table 5 summarizes the main registrations and licenses applicable to the fisheries sector. Figure 16 also summarizes these.

Table 5. Fisheries Sector Registrations/Licenses

Type	Name	Overview	Applicability
Business Licenses	Fisheries Business License (SIUP)	License to conduct fishery business using the production facilities listed in the license	All fishers other than small-scale fishers and small-scale fish farmers
	Fishing Vessel Registration Certificate for Small-Scale Fishers (<i>Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil</i>)	- Registration certificate to conduct fishery business for small-scale fishers - Replaces vessel registration records (BPK)	Small-scale fishers operating vessels up to 10 GT
	Registration Certificate for Small-Scale Fish Farmers (<i>Tanda Daftar bagi Pembudidaya Ikan Kecil</i>)	Registration certificate to conduct fishery business for small-scale fish farmers	Small-scale fish farmers
Operational/ Commercial Permits	Fish Capture Permit (SIPI)	Permit to capture fish	All fishers except small-scale fishers
	Fish Transport Permit (SIKPI)	Permit to transport fish	All fishers except small-scale fishers
	Fish Transport Registration Certificate (<i>Tanda Pencatatan Kapal Pengangkut Ikan</i>)	Permit for small-scale fish farmers to transport fish	Small-scale fish farmers
	Vessel Procurement Permit (<i>Izin atau Persetujuan Pengadaan Kapal</i>)	Permit for fishers or business persons to buy, build or modify a vessel	All vessels 5 GT or more¹⁶⁴
	Breeding Permit (<i>Izin Pemuliaan</i>)	Permit to breed fish parents (<i>induk</i>), prospective fish parents (<i>calon induk</i>), and/or fish seeds for fish farming	All fish farmers

Table 5 (continued)

Type	Name	Overview	Applicability
Operational/ Commercial Permits (continued)	Release Permit (<i>Izin Pelepasan</i>)	Permit given to use superior fish parents (<i>induk unggul</i>) and/or higher quality seeds for hatchery and enlargement of fish parents, prospective fish parents and/or fish seeds	All fish farmers
	Transmitter Activation Certificate (SKAT)	Document that states that the transmitter system for monitoring fisheries on certain fishing vessels has been installed and activated and can be monitored at fishing vessel monitoring centers	Vessels > 30 GT and vessels operating in WPPs and/or in the high seas
	Certificate of Shipworthiness for Fish Capture Vessels (SLO)	Document that states that fishing vessels have fulfilled administrative requirements and technical feasibility to conduct fisheries activities	Every fishing vessel except small-scale fishers and fish farmers
	Vessel Certification (<i>Sertifikasi Bidang Perkapalan</i>) ¹⁶⁵	Certificate showing the nationality of the vessel, call sign, and continuous synopsis record	- Sea Pass (<i>Surat Laut</i>) for vessels weighing > 175 GT; - Large Pass (<i>Pas Besar</i>) for vessels weighing 7–175 GT; and - Small Pass (<i>Pas Kecil</i>) for vessels weighing < 7 GT
	Sailing Permit (SPB)	Permit issued by Harbor Master, who is appointed by the Ministry of Transportation, to every ship or vessel that will sail	- All vessels or ships excluding warships and/or state government ships as long as they do not carry out commercial activities.¹⁶⁶ - Small-scale vessels need only produce their BPK (now Registration Certification) to obtain SPB

In Table 5, note the important difference in the threshold definitions of small-scale vessels adopted by MMAF and the Ministry of Transportation. Vessel Certification by the Ministry of Transportation applies a 7 GT threshold to differentiate between vessels eligible for small or large passes (*Pas Kecil* or *Pas Besar*), while MMAF defines small-scale fishers as those operating vessels up to 10 GT 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 obtain operational permits issued by the Ministry of Transportation. Other details can be found in Figure 9 in the Jurisdictional Authority and Rights Chapter.

Table 6 summarizes the process and types of licenses and permits relevant for wild capture businesses depending on vessel size.

Table 6. Process for Obtaining Licenses and Permits for Wild Capture Businesses

Fish Capture Business	Category		
	Small-scale fishers with vessels up to 10 GT	Fishers with vessels 10–30 GT	Fishers with vessels > 30 GT vessel or < 30 GT and using foreign capital
1. Registration under OSS Regulation	Business Identity Number (NIB)	NIB	NIB
2. Business licensing	Fishing Vessel Registration Certificate for Small-Scale Fishers (<i>Tanda Daftar Kapal Perikanan Untuk Nelayan Kecil</i>)	SIUP	SIUP
3. Operational or Commercial Permit	• Vessel Procurement Permit (for vessels 5–10 GT) • Vessel Certification (Small Pass (<i>Pas Kecil</i>) for vessels weighing < 7 GT and Large Pass (<i>Pas Besar</i>) for vessels 7–10 GT) • SPB	• Vessel Procurement Permit • SIPI • SIKPI • Vessel Certification (Large Pass (<i>Pas Besar</i>) for vessels 10–30 GT) • SLO • SPB	• Vessel Procurement Permit • SIPI • SIKPI • Vessel Certification (Large Pass (<i>Pas Besar</i>) for vessels weighing 30–175 GT and Sea Pass (<i>Surat Laut</i>) for vessels weighing > 175 GT) • SKAT • SLO • SPB

Table 7 summarizes the process and types of licenses and permits for aquaculture businesses.

Table 7. Process for Obtaining Licenses and Permits for Aquaculture Businesses

Aquaculture	Category	
	Small-scale fish farmer	Fish farmer
Registration to OSS	NIB	NIB
Business Licensing	Registration Certificate for Small-Scale Fish Farmers (<i>Tanda Daftar bagi Pembudidaya Ikan Kecil</i>)	SIUP
Operational or Commercial Permit	- Breeding Permit - Release Permit - Fish Transport Registration Certificate (<i>Tanda Pencatatan Kapal Pengangkut Ikan</i>)	- Breeding Permit - Release Permit - SIKPI

Table 8 summarizes the level of government responsible for issuing various registrations and licenses.

Table 8. Fisheries Sector Registrations/Licenses Issuance Responsibility

Vessel Size	Central Government	Provincial Government ¹⁶⁷	Regency/City
≤ 10 GT*	- Vessel Certification (Small Pass (<i>Pas Kecil</i>) for vessels weighing < 7 GT and Large Pass (<i>Pas Besar</i>) for vessels 7–10 GT) - SPB	Vessel Procurement Permit	n/a
10–30 GT	- Vessel Certification (Large Pass (<i>Pas Besar</i>) for vessels 10–30 GT) - SIUP if using foreign labor or capital - SKAT - SPB	- SIUP - SIPI - SIKPI - Vessel Procurement Permit	n/a

* The issuing authority for Registration Certificates for Small-Scale Fishers (*Tanda Daftar bagi Pembudidaya Ikan Kecil*) has still to be determined.

Table 8 (continued)

Vessel Size	Central Government	Provincial Government	Regency/City
> 30 GT	• Vessel Certification (Large Pass (<i>Pas Besar</i>) for vessels weighing 30–175 GT and Sea Pass (<i>Surat Laut</i>) for vessels weighing 175 GT and more) • SIUP • SIPI • SIKPI • Vessel Procurement Permit • SKAT • SLO • SPB	• n/a	• n/a
Aqua-culture	• SIUP • SIKPI • Breeding Permit • Release Permit	• SIUP • SIKPI	• Registration Certificate for Small-Scale Fish Farmers • Fish Transport Registration Certificate

It is important to, once again, underline that the decision of the Minister of the MMAF in 2014—stating that small-scale fishing vessels between 5 and 10 GT no longer need to operate with fishing licenses¹⁶⁸—was an act of *ministerial discretion* that has still to be fully reflected in law and regulation. This means that, although SIUP, SIPI, and SIKPI are no longer being issued to vessels up to 10 GT, they still apply to the 5–10 GT vessel category on a strict reading of current fisheries regulation; the current wording of Article 36 of Law (UU) No. 7/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers does not go so far as to expressly exempt any vessel up to 10 GT from having to operate with a fishing license. It only states that such licenses should be free of charge.

Ministerial Circular No. 600/2014 also did not exempt small-scale fisher vessels up to 5 GT from having to obtain vessel registration records (*Bukti Pencatatan Kapal* or BPK) under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business. Fisher vessel registration records or BPK have now been replaced with a new system of mandatory Registration Certificates for Small-Scale Fishing Vessels up to 10 GT (*Tanda Daftar Kapal Perikanan untuk nelayan kecil*) listed in Annex E.2 to Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation). These certificates constitute a new category of simplified business license, which fishers are entitled to obtain free of charge. MMAF still has to issue guidelines for the implementation of these new certificates. In any case, with the OSS Regulation now in place, MMAF Ministerial Circular No. 600/2014 can no longer be relied upon as an authoritative statement of current licensing policy.

In terms of the SIPI, there are four types provided by the Ministerial Regulation (Permen) No. 30/2012 on Fish Capture Business in Indonesia Fisheries Management Areas, namely:

1. SIPI for single operation;
2. SIPI for group operation;
3. SIPI for a Supporting Vessel on a Fishing Operation; and
4. SIPI for a Fisheries Training/Research/Exploration Vessel.

Data elements specified in the four SIPIs are same. These elements are as follows:

- a. Identity;
- b. Vessel information;
- c. Type of vessel/fishing equipment;
- d. Notes;
- e. Reference;
- f. Fish catching area;
- g. Base port;
- h. Transit and unloading port; and
- i. Permit validity period.¹⁶⁹

It is worth noting that the SIPI application does not include standardized categories, but rather relies on the applicant to provide certain information. For example, for the section on the type of vessel/fishing equipment, the applicant is asked to provide specify components (*komponen*), specifications (*spesifikasi*), and units (*satuan*). Similarly, the section on fish capture area is left blank. It is at the discretion of the applicant to define fish capture areas and prohibited areas.

Once the OSS system is up and running for the fisheries sector, the four types of SIPI will be merged into one.

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 16

FISHERIES REGISTRATIONS AND LICENSES



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

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

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.

8.2 Historical Context

8.2.a Evolution of Capture Fisheries Licensing Policy

Licensing of fishery resources stems from the state's mandate to manage natural resources as reflected in both Article 33(3) of Indonesia's 1945 Constitution¹⁷⁰ and the 1960 BAL. The latter requires the state to develop a general plan for the availability, allocation of land use, waters, and natural resources, including fisheries.

Policy on licensing in the capture 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. Licensing initially focused on industrial trawling and shrimping within territorial waters, and constitutes some of the earliest attempts to manage fisheries including rules on the use of bycatch and zoning, as well as restrictions on vessel size and gear type.¹⁷¹ The focus then shifted, however, to asserting Indonesia's newly acquired sovereign rights to the 200 nm limit following the conclusion of multilateral negotiations on UNCLOS in 1982 and Indonesia's declaration of its EEZ in 1983.¹⁷²

The Government Regulation (PP) No. 15/1984 on the Management of the Biological Resources of the EEZ was the first legal instrument to introduce mandatory licensing of all capture fishery operations in the EEZ.¹⁷³ Shortly after, the Ministry of Agriculture issued Decree (Kepmen) No. 473/1985 on TAC in the EEZ, though, in practice, TAC did not subsequently serve to restrict the total number of licenses issued.

Law (UU) No. 9/1985 was passed later that year. For the first time, this translated existing regulatory practice in fisheries licensing into a dedicated, legislative mandate. Among other things, it restricted fishery business rights to Indonesian citizens and business entities, except where meeting obligations under UNCLOS Article 62(2) (assignment of surplus allowable catch to foreign parties)¹⁷⁴; and it required all business bodies undertaking fishing activities to operate with a license. However, it also excluded small-scale fisheries from this requirement.¹⁷⁵

Five years later, government issued regulation (PP) No. 5/1990 in an attempt to improve controls on revenue collection from domestic and foreign fisheries operators. This initially regulated business (SIUP) and fishing (*Surat Izin Penangkapan Ikan*) licenses, as well as approvals for the use of foreign vessels (*Persetujuan Penggunaan Kapal Asing*). Subsequent revisions under Regulation (PP) No. 141/2000 introduced the additional requirement for a Fish Transport Permit (SIKPI).

Then in, 2004, a new fisheries law was passed. Compared to Law (UU) No. 9/1985, which it replaced, the new law included a more detailed provision on mandatory business (SIUP), fishing (SIPI), and transportation (SIKPI) licensing, as well as on vessel registration and landings, building on the body of regulation initiated under Regulation (PP) No. 5/1990.

Fishery regulations were then substantially updated to accommodate changes in the new law under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006 (as amended by Minister of Marine Affairs and Fisheries Regulation No. 5/2008).¹⁷⁶

Among others, Regulation (Permen) No. 17/2006:

- Excluded small-scale vessels up to 5 GT from the requirement to operate with a license: a threshold subsequently reflected in the 2009 amendment to the 2004 Fisheries Law in its definition of small-scale fishers.
- Granted access to licensed vessels only within the WPPs that are stated in the terms of their licenses, and also required catch to be landed at designated ports.
- Indicated that the Minister might close WPPs for purposes of sustaining fish stocks.
- Required all Indonesian fishing and fisheries transport vessels operating in the high seas to be licensed.
- Provided guidance on, among others, procedures for the licensing of vessels over 30 GT by the MMAF Directorate General for Capture Fisheries and of vessels below that threshold by Governors (up to 30 GT) and Regency/City Heads (up to 10 GT).
- Required all foreign investors to invest in local processing units; and introduced a licensing regime for Integrated Capture Fisheries Business to regulate this type of investment.

Licensing policy continued to evolve in iterative steps. Substantial developments over the subsequent ten years included:

- Ministerial Regulations (Permen) No. 14/2011 and No. 49/2011, providing further guidance on, among others, procedures for licensing of vessels by MMAF, Governors, and Regency/City Heads. Regulation (Permen) No. 14/2011 also strengthened area-based controls on capture fisheries by limiting each licensed domestic vessel to just two neighbouring WPPs with similar characteristics, and each licensed foreign vessel to just one.
- Ministerial Regulation (Permen) No. 12/2012, establishing rules for licensing of Indonesian vessels in the high seas, in compliance with Regional Fisheries Management Organizations (RFMO) standards on capture fisheries and fishery transport.
- Ministerial Regulations (Permen) No. 30/2012 and No. 26/2013 on licensing, import of ex-foreign vessels, and investment in the domestic processing in line with policy to industrialize the sector. Controversially, Ministerial Regulation (Permen) No. 30/2012 introduced an exception to requirements to land fish domestically by permitting transshipment at sea for direct export by purse seiners over 1,000 GT. This regulation was subsequently revoked by Ministerial Regulation (Permen) No. 26/2013 on grounds that it violated the Fisheries Law as amended in 2009.¹⁷⁷

8.2.b Licensing of Small-Scale Fishers

Since at least Law (UU) No. 9/1985 on fisheries, small-scale fishers (defined as those fishing in order to meet daily needs) have not been required to operate with a license. Ministerial Regulation (Permen) No. 17/2006 was the first to limit that category to only vessels up to 5 GT. That threshold was then adopted in the 2009 amendments to the 2004 Fisheries Law.

In 2014, Minister of Marine Affairs and Fisheries Administrative Circular No. 0600/MEN-KP/XI/2014¹⁷⁸ expanded the definition of small-scale fishers to include vessels between 5 and 10 GT. This broadened the category able to operate without a fishing license on grounds that it might accelerate the empowerment of small-scale fishers. That broader 10 GT definition of small-scale fishers was then adopted by Law (UU) No. 7/2016 on the Protection of Small-Scale Fishers and Salt Farmers and is also reflected in current proposed revisions to the fisheries law.

It is important to note, however, that Law (UU) No. 7/2016 did not go so far as to also exempt any vessel up to 10 GT from having to operate with a fishing license. It only states that such licenses should be free of charge. As such, the exemption introduced under Ministerial Circular No. 600/2014 constituted an act of *ministerial discretion* that has still to be fully reflected in law and regulation. Also, Ministerial circular No. 600/2014 did not exempt small-scale fisher vessels up to 5 GT from having to obtain vessel registration records (*Bukti Pencatatan Kapal* or BPK) under Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Capture Fishery Business.

Fisher vessel registration records or BPK have since been replaced with a new system of mandatory Registration Certificates for Small-Scale Fishing Vessels up to 10 GT (*Tanda Daftar Kapal Perikanan untuk nelayan kecil*) listed in Annex E.2 to Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation). These certificates constitute a new category of simplified business license, which fishers are entitled to obtain free of charge. MMAF still has to issue guidelines for the implementation of these new certificates. In any case, with the OSS Regulation now in place, MMAF Ministerial Circular No. 600/2014 can no longer be relied upon as an authoritative statement of licensing policy in respect of small-scale fishers.

8.2.c Shifting Policy on Foreign Participation

The evolution of licensing policy partly reflects a shift in focus from actively encouraging foreign participation to a policy of protecting and growing the domestic fishing industry.

Indonesia began to encourage foreign participation in the exploitation of its territorial waters in the late 1960s. In 1968, for example, Japan and Indonesia concluded an “Interim Arrangement” permitting tuna fishing by Japanese vessels in the Banda Sea.¹⁷⁹ Similar arrangements were negotiated with other countries.¹⁸⁰

At around the same time, Indonesia passed two new laws on foreign and domestic investment, which encouraged joint ventures between foreign and domestic entities.¹⁸¹

Policy on foreign participation, through joint ventures, gained further strategic impetus with the declaration of Indonesia's EEZ in 1983, as a way of maximizing utilization of allowable catch within Indonesia's EEZ pursuant to Article 62(2) of UNCLOS.

Government Regulation (PP) No. 15/1984 on the Management of the Biological Resources of the EEZ permitted foreign legal entities to fish within the EEZ to the extent that Indonesian operators were as yet unable to make full use of allowable catch. At the same time, it also stated that foreign vessels could only be licensed where bilateral agreements had already been concluded with their home countries.¹⁸²

The 1985 fisheries law¹⁸³ restricted fisheries business rights to Indonesian legal entities but did not exclude the possibility of foreign participation through joint ventures or in meeting obligations under Article 62(2) of UNCLOS.¹⁸⁴ Government Regulation (PP) No. 5/1990 also permitted Indonesian operators to make use of foreign-flagged vessels¹⁸⁵ under joint venture operations.¹⁸⁶

Between 2000 and 2005, the newly established Department for Marine Exploration entered into a new series of bilateral agreements with other fishing countries under which foreign vessels were permitted to operate in the Indonesian waters, on the pretext of utilising unallocated allowable catch in the EEZ in line with Indonesia's obligations under UNCLOS.¹⁸⁷ Participating countries were each granted quotas: China, 250,000 GT; the Philippines, 150,000 GT; and Thailand, 150,000 GT. These facilitated the direct licensing and chartering of foreign vessels.

The enabling legal instruments for these bilateral agreements included Law (UU) No. 24/2000 on International Agreements, Government Regulation (PP) No. 141/2000 amending rules on fishing and fish transportation by foreign vessels or enterprises, Government Regulation (PP) No. 36/2002 on innocent passage of foreign vessels, and, in particular, Government Regulation (PP) No. 54/2002.

Government Regulation (PP) No. 54/2002 regulated business licensing (SIUP) for capture fisheries in the EEZ, including for foreign vessels originating in countries with which bilateral agreements had been concluded¹⁸⁸ and for those financed through foreign investment. The latter required prior approval¹⁸⁹ by the Minister of Marine Affairs and Fisheries on the recommendation of the National Investment Coordination Body (*Badan Koordinasi Penanaman Modal*, BKPM).¹⁹⁰

In 2006, policy on foreign participation changed again: the Yudhoyono administration no longer saw that bilateral arrangements and direct licensing of foreign vessels were generating much benefit. The DMAF introduced a new policy on Integrated Capture Fisheries Business, requiring all foreign investors in the capture fisheries sector to invest in local fish processing facilities (*Unit Pengolahan Ikan*, UPI).

With this new focus on enhancing domestic capture fishery and processing capacity, pre-existing bilateral agreements were now left to expire.¹⁹¹

In 2012, licensing policy was extended by the now renamed Ministry of Marine Affairs and Fisheries (MMAF) to facilitate the import and the re-flagging of ex-foreign vessels over 100 GT. The policy aimed to facilitate more effective exploitation of allowable catch in the EEZ beyond the 100 nm limit, to increase the supply of raw material to domestic processors, and to accelerate industrialization of the sector.¹⁹²

8.2.d Increasing Policy Focus on IUU

In reality, the requirement to invest in processing units did not prevent license holders from flouting rules on landing, reporting, and processing fish at designated ports in Indonesia, and on use of domestic crews. Vessels that had been re-flagged in Indonesia were found to be interchangeably using more than one vessel flag (or, “double-flagging”) to facilitate the direct export of fish.¹⁹³

So, in November 2014, Ministerial Regulation (Permen) No. 56/2014 introduced a temporary moratorium to 30 April 2015 on all licensing in Indonesian fishery management areas (EEZ and territorial waters) pending an evaluation of existing licenses. The moratorium was later extended to 31 October 2015 under Ministerial Regulation (Permen) No. 10/2015. Pending this evaluation of existing licenses, MMAF suspended the issuance of new licenses for fisheries businesses (SIUP), capture (SIPI), and transportation (SIKPI). MMAF also suspended renewals of capture and transportation licenses (SIPI and SIKPI) that had expired. Any licenses found in violation of their terms would be sanctioned.

The moratorium policy resulted in the evaluation of 1,132 ex-foreign vessels over 30 GT representing most of, if not all, the existing fleet of that caliber. According to the Minister of Marine Affairs and Fisheries, in a presentation on Priorities for Development of the Marine and Fisheries Sector dated 28 February 2018, 100% of ex-foreign vessels were found to be in violation—including the use of the same permit to cover multiple vessels—so the moratorium has in effect led to a ban on the operation of all ex-foreign vessels.

Then, following the licensing moratorium in 2014, all forms of transshipment at sea still permitted under Regulation (PP) No. 26/2013 were rescinded under Ministerial Regulation (PP) No. 57/2014: failure to land catch at designated ports in Indonesia would result in an immediate withdrawal of capture fishery and transport licenses (SIPI and SIKPI). The moratorium has now expired; no new regulation has been issued extending it beyond 31 October 2015. License holders found in violation of their terms are still the subject of legal proceedings, meaning that their vessels remain unable to operate.¹⁹⁴

Presidential Regulation (Perpres) No. 44/2016 (negative investment list) subsequently closed capture fisheries to foreign investment, so fully reversing the policies of the early

2000s; operations must now be 100% domestically financed and specially approved by the MMAF with respect to resource allocation and geographic coordinates.¹⁹⁵ This means that foreign vessels may access Indonesian waters but they now have no rights to extraction; they may still be involved in transportation, just not if it involves capture fisheries.

So, pursuant to Presidential Regulation (Perpres) No. 44/2016, MMAF is no longer issuing new SIUP, SIPI, and SIKPI for foreign vessels involved in capture fishery nor it is renewing any that have expired, but it has started issuing new SIPI and SIKPI to domestic vessels over 30 GT.¹⁹⁶

The impact of Presidential Regulation (Perpres) No. 44/2016 on *ex-foreign* vessels apprehended under the moratorium is, however, a matter of ongoing debate. On a strict reading, Regulation (PP) No. 44/2016 does not have any bearing on whether a vessel might originally have been procured from overseas.

MMAF has, nevertheless, cited Presidential Regulation (Perpres) No. 44/2016 as grounds not to relicense *ex-foreign* vessels apprehended under the moratorium because they were built or procured using foreign investment in the past. The Ministry of Transportation, referring to Article 57 of Law (UU) No. 17/2008 on Transportation, disagrees with this interpretation if these vessels are now fully Indonesian owned.¹⁹⁷

Provision for the procurement of vessels from abroad already exists under Fisheries Law (UU) No. 31/2004, Articles 35–40; in the amendments to the Fisheries Law (UU) No. 45/2009, Articles 35 A and 36; and also in Part Y (2) of the Matrix of Distribution of Concurrent Government Affairs across National, Provincial, and Regency/City Administrations under Law (UU) No. 23/2014 on Local Government.

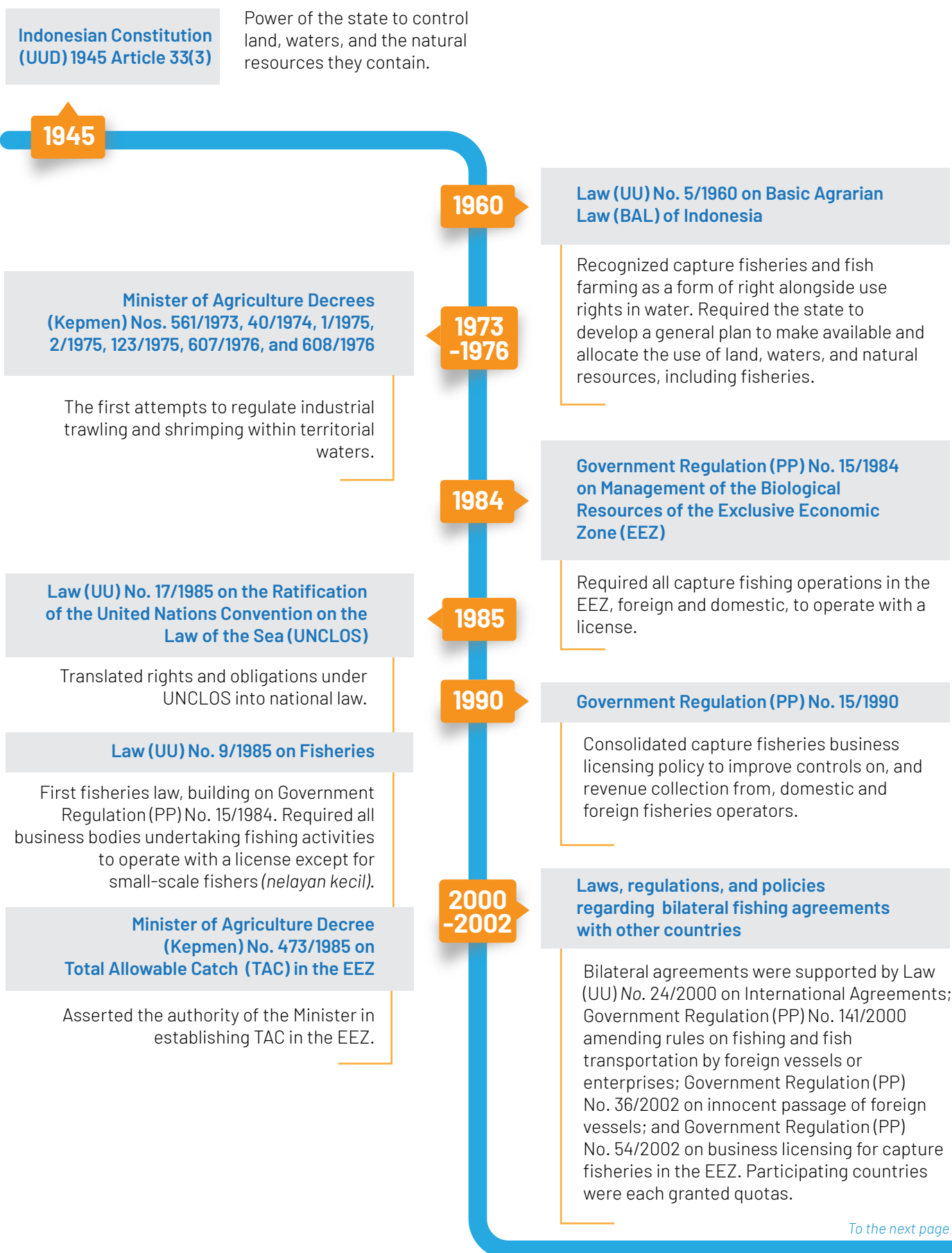
It cannot, however, be said that these laws in any case override Presidential Regulation (Perpres) No. 44/2016, as it too ultimately derives from Law (UU) No. 25/2007 on capital investment. So the status of *ex-foreign* vessels under the negative investment list is an area requiring clarification and resolution, and may, ultimately, be resolved on a case-by-case basis.

Another development, related to the effort to tackle IUU, is Minister of Marine Affairs and Fisheries Regulation (PP) No. 35/2015 on a System for Certifying Human Rights in the Fisheries Sector. This responded to revelations of slavery on fishing vessels and introduces mandatory human rights certification of fishery businesses. Among others, the regulation sets out areas of compliance on working conditions and worker and community rights;¹⁹⁸ mandates the establishment of a multi-stakeholder team to determine criteria and a system for accrediting certifiers;¹⁹⁹ and includes provision for compliance training, monitoring, and sanctions.²⁰⁰ The regulation also requires the ministry to align all procedures on vessel licensing with this new regulation, within a year of its promulgation.²⁰¹

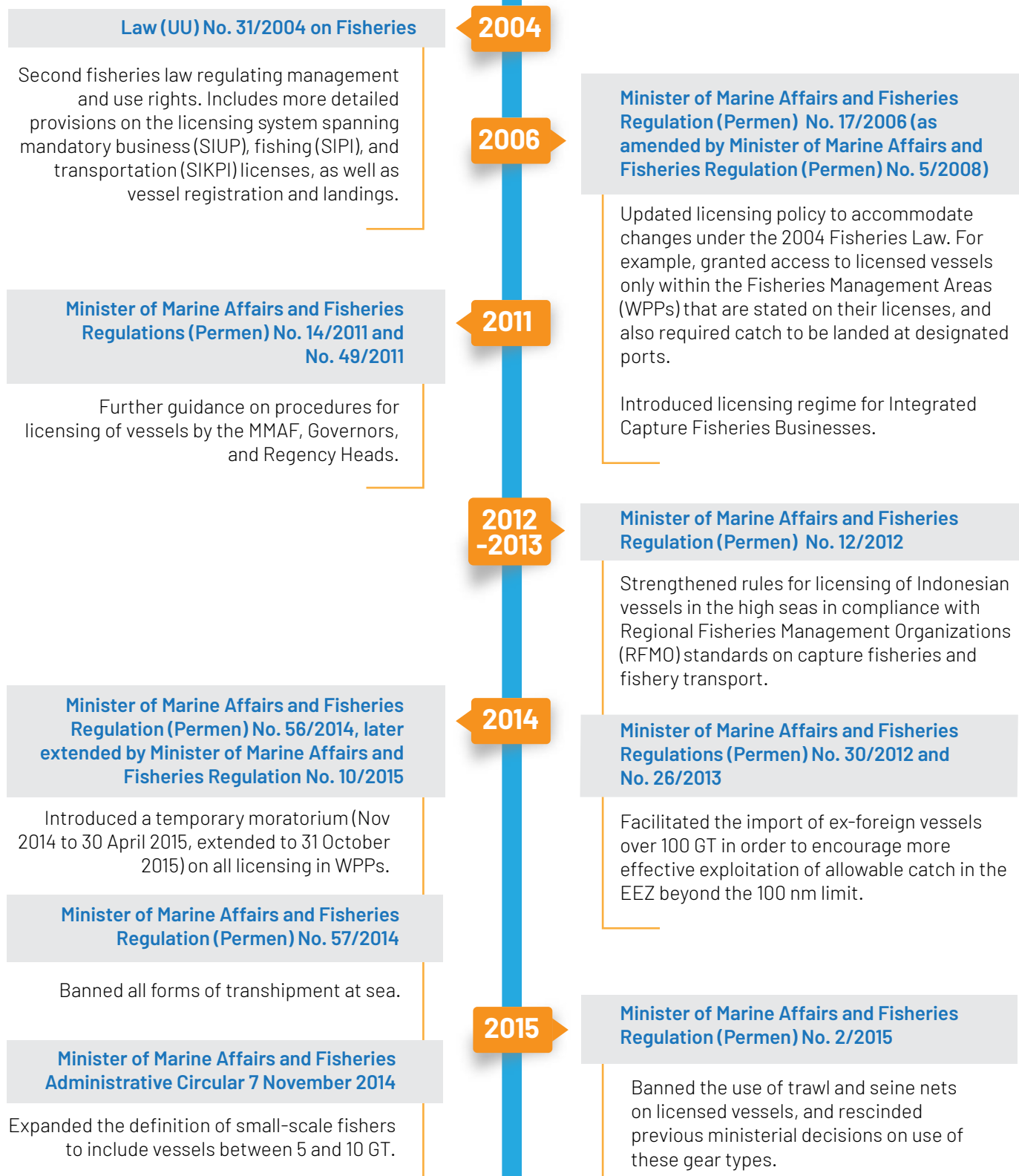
Figure 17 provides a summary of key milestones related to fisheries registrations and licenses.

Figure 17

FISHERIES REGISTRATION AND LICENSES: KEY MILESTONES



To the next page



**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.

2018

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.

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.



Summary

- 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.
- 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, where:
 - *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), where:
 - *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.

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.

9.1 Key Features

9.1.a Fisheries Sector Non-Tax State Revenue

At the present time, fishery-related non-tax state revenues (*Penerimaan Negara Bukan Pajak*, PNBP) are mainly regulated through:

- Fisheries business charges (*Pungutan Pengusahaan Perikanan*, PPP);
- Fisheries production charges (*Pungutan Hasil Perikanan*, PHP);²⁰²
- The procedures for collecting fisheries-related non-tax revenues (*Tata Cara Pemungutan PNBP*);²⁰³ and
- The productivity classification of capture fishing vessels (*Produktivitas Kapal Penangkapan Ikan*).²⁰⁴

PPP and PHP both constitute forms of non-tax state revenue (PNBP), and vessel productivity is a variable used in calculating PHP. The most recent adjustments to fishery-sector non-tax revenues (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. 86/2016.²⁰⁵

Based on Government Regulation (PP) No. 75/2015 and Articles 3 and 4 of implementing Ministerial Regulation (Permen) No. 38/2015, charges under the PPP category relate to:

- New fisheries business licenses (SIUP) for the allocation of fishing vessels using designated gear, and for any changes to those allocations and gear types;
- New fish transportation licenses (SIKPI), and changes and extensions to those licenses; and,
- New licenses for the installation of new fish aggregating devices (FADs) or *rumpon* and extensions to those licenses (SIPR).

The PHP charge categories relate to new capture fishery licenses (SIPI) or their extension, with respect to capture fishery vessels; and vessels supporting the operation of capture fishing.

Both PPP and PHP are charged upon license application, change, or extension.

Payment of PPP and PHP charges are prerequisites for the issuance of SIPI or SIKPI licenses.²⁰⁶ Specifically, PPP and PHP apply to "...fishery companies engaging in capture fishing and/or fish transportation using capture fishing vessels and/or fish transport vessels of more than 30 GT in weight and operating in the fishery management area of

the Republic of Indonesia and/or in the high seas.” Thus, the stated PPP and PHP forms in this regulation apply to all foreign and domestic legal entities licensed to capture fish in Indonesia’s WPPs, and only for vessels > 30 GT as the regulation specifically regulates PNPB with respect to vessels licensed by MMAF. It does not regulate charges by Provincial administrations on vessels of $\leq$ 30 GT and which may vary from Province to Province (see section below).

In comparison to the PPP in the earlier regulation,²⁰⁷ Government Regulation (PP) No. 75/2015 expanded the number of PPP categories for capture fishing vessels from 13 to 23 based on fishing gear. Fish aggregating devices were introduced as a new gear category. The regulation also increased the tariffs chargeable on each of these categories. The increase in PPP tariffs compared to the previous 13 categories range between 100 and 300% per one GT.

Government Regulation (PP) No. 75/2015 also:

- Divided fish transportation vessels into two ownership categories covering domestic and foreign vessels. Each ownership category covers four types of transportation vessels (previously there had only been two); and
- Expanded the number of PHP categories from two to three (small, medium, and large) and, compared to the earlier regulation, increased PHP tariffs by between 500% and 1,000%, i.e., from 1% to 5% of productivity for small category vessels and from 2.5% to 25% of productivity for large category vessels. The tariff remains at 10% for medium category vessels.

Note that the gross tonnage of each of these three new PHP vessel size categories is stipulated in Article 4 of implementing Ministerial Regulation (Permen) No. 36/2015 as follows: 30–60 GT (small); > 60–200 GT (medium); > 200 GT (large).

Article 5 of Ministerial Regulation (Permen) No. 38/2015 also establishes that PPP is calculated using the gross tonnage (GT) of the largest vessel within an allocated fleet (where a business license may cover more than one vessel, e.g., for purse seining) and with no scope for rebate should an operator then choose to use a smaller vessel.

With these changes, the formulae used to calculate PPP and PHP, as regulated under Government Regulation (PP) No. 75/2015 and its implementing Ministerial Regulation (Permen) No. 38/2015 are now as follows:

PPP for fishery business licenses (SIUP)²⁰⁸ = number of allocated vessels x size of largest allocated vessel x PPP gear tariff, where:

- *number of allocated vessels* is the number of vessels approved under a single license.
- *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).²⁰⁹

PPP for fish aggregating devices (FADs) or *rumpon* is calculated as the tariff per FAD x the number of FADs.²¹⁰

PHP²¹¹ = tariff per vessel size category²¹² x fishing vessel productivity²¹³ x benchmark price of fish²¹⁴ x actual vessel size (GT), where:

- *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 No. 32/2012 (KemenDag-RI 2012) amending Regulation No. 13/2011 (KemenDag-RI 2011); and
- *actual vessel size* refers to the GT of the vessel that is going to be licensed.

As stipulated in Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 86/2016, vessel productivity values for selected gears is determined by seven factors: (1) GT of vessel, (2) material of the vessel (wood, metal, or fiberglass), (3) engine power, (4) type of fishing gear, (5) number of trips per year, (6) average catchability per trip, and (7) fishing grounds. However, the relationship between or weighting of these variables is not explained.

In combination, these changes significantly increase charges on capture fishery vessels of 30 GT and over. However, because these changes were introduced alongside a moratorium on licensing, so they did not result in an immediate increase in fisheries sector non-tax state revenues. This is reflected in figures for fisheries non-tax state revenues, which dropped in 2015 before recovering and then increasing in 2016:^{215,216}

- Fishery revenues for fiscal year (FY) 2013: IDR 229,350,562,720 (~USD 15.2 million)
- Fishery revenues for FY 2014: IDR 216,367,232,525 (~USD 14.3 million)
- Fishery revenues for FY 2015: IDR 79,271,014,420 (~USD 5.3 million)
- Fishery revenues for FY 2016: IDR 362,117,397,236 (~USD 24 million)

A third PNB category is not listed under the natural resources state revenues and instead constitutes service charges (*retribusi jasa*). This deals with:

- Fishing port services;
- Data analysis services;
- Facilities and infrastructure services;
- Laboratory checking/testing services;

- Education services;
- Training services;
- GIS and modelling services; and
- Certification services.

Finally, Referring to Government Regulation (PP) No. 62/2002²¹⁷ and its amendment Government Regulation (PP) No. 19/2006,²¹⁸ fisheries resource charges for vessels up to 30 GT and/or using a less than 90 HP engine, and operating within the jurisdiction of *Provinsi* and/or *Kabupaten/Kota* (both referred to as *Pemerintah Daerah*) are regulated by the associated regional government (*Pemerintah Daerah*). Therefore, tariffs for vessels of up to 30 GT may vary according to the particular Provincial regulation; pursuant to Law (UU) No. 23/2014 on Local Government, only Provinces have powers to license vessels at the local level and Regencies/Cities no longer do. This stipulation has not yet been changed under the latest regulation on PNPB in the fisheries sector (Government Regulation (PP) No. 75/2015).

9.1.b Fisheries Sector Tax Revenue

There are three main areas of fisheries sector tax revenue:

- Income tax (*Pajak Penghasilan*, PPh);
- Land and building tax (*Pajak Bumi dan Bangunan*, PBB); and
- Value added tax (*Pajak Pertambahan Nilai*, PPN).

Income Tax (PPh)

Business entities or exporters who are doing business in the area of forestry, plantation, agriculture, and fisheries are appointed as collectors (*Pemungut*) of income tax under Article 22 of Law (UU) No. 36/2008 on the Fourth Amendment to Law (UU) No. 7/1983 on Income Tax. Under this arrangement they may levy taxes on collecting traders (*pedagang pengumpul*) on behalf of the Minister of Finance. Collecting traders are legal entities or individuals whose businesses collect products from forestry, plantation, agriculture, and fisheries, and sell those products to other business entities or exporters.

Box 2. Article 22 Law (UU) No. 36/2008 on Fourth Amendment to Law (UU) No. 7/1983 on Income Tax

1. The Minister of Finance may appoint:
 - a. the government treasury to levy taxes on payments for the provision of goods;
 - b. certain entities to levy taxes from taxpayers who conduct activities in the import sector or business activities in other sectors; and
 - c. certain corporate taxpayers to levy taxes on buyers related to the sale of luxury goods.
2. Provisions on the basis for collecting tax, and for determining the criteria, nature and amount of tax that should be levied as referred to in paragraph (1), shall be regulated by or under regulation issued by the Minister of Finance.
3. The amount of tax levied on taxpayers who do not have a Taxpayer Identification Number is 100% higher than the rate that is applied to the taxpayers with such a number.

Tariffs and procedures for the collection of income tax on business entities or exporters doing business in the area of forestry, plantation, agriculture, and fisheries are regulated by 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.

Based on DG of Tax Regulation (*Peraturan Direktur Jenderal Pajak*) No. 23/2009, the amount of income tax payable on the purchase of materials by collectors is 0.25% of the purchase price excluding value added tax. The collectors are business entities or exporters operating in the areas of forestry, plantation, agriculture, and/or fisheries.

Land and Building Tax (PBB)

Article 4(1) Law (UU) No. 12/1985 on Land and Building Tax (PBB), later amended by Law (UU) No. 12/1994, stated that a tax subject is a person or entity that has a right to the land (*bumi*, literally translated as “earth”), and/or benefits from the land, and/or owns, controls, and/or benefits from buildings on the land.

In 2010, this article was challenged in the Constitutional Court (*Mahkamah Konstitusi*, MK) by a number of fishing companies: PT West Irian Fishing Industries, PT Dwi Bina Utama, PT Irian Marine Product Development, and PT Alfa Kurnia. The fishing companies argued that the PBB applied to the fisheries sector constituted double taxation because the sector is also subject to fishery products levies (PHP) under Article 48 Law (UU) No. 45/2009 amending the 2004 Fisheries Law. The companies argued that with PHP already in place, PBB is unjustifiable. In 2012, the Constitutional Court (MK) decided to reject the petition from the fishing companies. In its decision, the Constitutional Court

explained the difference between tax and levies in the fisheries sector. According to the Constitutional Court, PBB in fisheries sector relates to the utilization of land in the form of a sea area or fishing area as stated in a fishing license (SIPI). Meanwhile, levies in the fisheries sector relate to the utilization of fish resources.

The PBB for the fisheries sector is included within the category of “PBB on other sectors” (*PBB Sektor Lainnya*). The DG of Tax Regulation No. 20/2015 on the Procedure of Implementing PBB for Other Sectors stated that the PBB tax object includes:

- Land (*bumi*) in the form of offshore waters (covering the Indonesian territorial sea, archipelagic waters, inland seas, EEZ, and waters within the Indonesian Continental Shelf) used for:
 - Wild capture business
 - Aquaculture business
 - Pipe network
 - Telecommunication cable network
 - Electric cable network
 - Toll roads
- Buildings in the form of technical construction planted or fixed permanently on the land (*bumi*) in the form of offshore waters (covering the Indonesian territorial sea, archipelagic waters, inland seas, EEZ, and waters within the Indonesian Continental Shelf).

The PBB tariff is applied to the Tax Object (land and/or building) at 0.5% of the taxable sales value (*Nilai Jual Kena Pajak*, NJKP). The basis to calculate NJKP is set at a minimum of 20% and a maximum of 100% of the tax object sales value (*Nilai Jual Obyek Pajak*, NJOP). The percentage of NJKP is determined by a government regulation. See Articles 5, 6(3), 6(4), and 7 Law No. 12/1985 on Land and Building Tax later amended by Law (UU) No. 12/1994.

Value Added Tax (PPN)

All fisheries products other than fresh fish products are subject to PPN; according to Law (UU) No. 42/2009 concerning the Third Amendment to Law No. 8/1983 concerning Value Added Tax on Goods and Services and Sales Tax on Luxury Goods, starting April 1, 2010, fresh fish products are no longer subject to PPN.

9.2 Historical Context

9.2.a The Evolution of Fisheries Sector Non-Tax State Revenues

Law (UU) No. 9/1985 marked the first major milestone in efforts to enhance fisheries revenue generation, in particular from Indonesia’s newly established EEZ. The 1985 law built on the preceding Presidential Decree (Keppres) No. 8/1975 on the application

of the fishery business charges (PPP) and the fishery productivity charges (PHP) to both domestic and foreign investments in the fishery sector.²¹⁹ The law then laid the groundwork for Government Regulation (PP) No. 15/1990, a key objective of which was to improve revenue collection from domestic and foreign fisheries operators.

Government Regulation (PP) No. 15/1990 regulated business (SIUP) and fishing (SIPI) licenses, as well as approvals for the use of foreign vessels (*Persetujuan Penggunaan Kapal Asing*, PPKA). It affirmed a mandatory charge on all capture fishery and aquaculture production of 2.5% and 1%, respectively,²²⁰ of total sale price (split 70:30 between the center and producing regions);²²¹ noting, however, that charges on foreign flagged vessels operating in the EEZ would be set by the fisheries minister in agreement with the finance minister,²²² and that small-scale fishers and fish farmers were exempted.²²³

Then in 1997, a new law on non-tax state revenues²²⁴ was passed. Implementing Government Regulation (PP) No. 142/2000 on Rates and Forms of Non-Tax State Revenue that may be collected by the Department for Fisheries (DKP) refined the basis for calculating PNBP, consisting of two types of charges on fisheries business (PPP) and fisheries production (PHP), as follows:

PPP²²⁵ = Tariff per GT x vessel size (GT) taking into account the type of gear used

PHP²²⁶ = 2.5% x vessel productivity x the benchmark price for fish

Under Government Regulation (PP) No. 142/2000, vessel productivity is determined by the Minister of Marine Affairs and Fisheries and is based on the estimated level of exploitation within a specific fishery management area. The benchmark price for fish is determined by the Minister of Trade and Industry based on the average weighted sale price (*Harga Jual Rata-rata Tertimbang*) of fish on the domestic or international market, taking into account the views of the Department of Fisheries and related agencies.

The period 2000–2004 witnessed other (parallel) changes in the regulatory framework on fisheries sector revenues with the introduction of regional autonomy under Law (UU) No. 22/1999. This granted regions the right to regulate and manage their governance and interests, within some limits.

Pursuant to Law (UU) No. 22/1999 on Regional Government, Government Regulation (PP) No. 25/2000 on the Powers of Central and Provincial Government grants Provinces jurisdiction to the 12 nm limit with respect to:²²⁷

1. Allocation and management of Provincial marine areas;
2. Exploration, exploitation, conservation, and management of marine resources within the boundaries of Provincial jurisdiction;
3. Licensing of fish farming and capture fisheries; and
4. Monitoring of fisheries exploitation.

So, in 2001, the Ministry of Finance issued further guidance on the collection of PNPB in the fisheries sector under Minister of Finance Decree (Kepmen) No. 316/2001. This specified, among others, the tariff applicable to each type of gear, for the purposes of calculating PPP.²²⁸ It also stated that charges on vessels of 30 GT and less, or with engines of 90 HP or less, or that have a total length of 18 m or less and that operate within the 12 nm limit to Provincial jurisdiction, may be regulated by local government.²²⁹ The same regulation required licensed businesses subject to non-tax charges to pay the State Treasury (Ministry of Finance) in the form of a non-tax deposit through the state-designated bank (Bank Persepsi).²³⁰

A further adjustment was made under Government Regulation (PP) No. 62/2002, replacing Regulation No. 142/2000, which MMAF then implemented under Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 22/2004. Government Regulation (PP) No. 62/2002 differentiated the rate of PHP applicable to small and large businesses, at a rate of 1% x vessel productivity x the floor price of fish for small businesses, and 2.5% for large.²³¹ Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 22/2004 established the following criteria for differentiating small businesses from large:

1. Wooden construction and made domestically;
2. Not more than 60 GT (a single vessel or total cumulative vessel capacity of the business) or with an engine capacity of no more than 180 HP;
3. No foreign crew; and
4. No legal registration.²³²

The 2004 fisheries law marked the next milestone in efforts to enhance fisheries revenue generation, with a more detailed provision on mandatory business (SIUP), fishing (SIPI) and transportation (SIKPI) licensing, as well as on vessel registration and landings. As with Law (UU) No. 9/1985, Law No. 31/2004 exempted small-scale fishers from charges but emphasized the liability of foreign operators in the EEZ.²³³

In line with a commitment to implement the FAO Code of Conduct on Responsible Fisheries, Law (UU) No. 31/2004 on fisheries also required the proceeds of non-tax state revenues in the sector to be invested in fisheries development including in activities to sustain fisheries resources and the environment.²³⁴ In accordance with Law (UU) No. 20/1997 on Ministry of Finance Regulation (Permen) No. 3/2013 on Procedures for Depositing Non-Tax State Revenues, all such PNPB must nevertheless be deposited with the State Treasury before it can be reallocated back to line ministries.

In implementing the 2004 law, Government Regulation (PP) No. 19/2006²³⁵ amended Government Regulation (PP) No. 62/2002 by further elaborating the forms and rates of PNPB applicable to capture fisheries, aquaculture, fish processing, fish quarantine, and education and training. Among other things, its provisions concerned the:

- Terminology relating to the different forms of non-tax state revenue (PNBP) regulated by the Department for Marine Affairs and Fisheries, which include fisheries charges and non-fisheries resource/service-related charges;²³⁶
- Application of PPP, PHP, and charges on foreign fishers (*Pungutan Perikanan Asing*, PPA) as the requirement for the issuance of SIUP, SIPI, and/or SIKPI;²³⁷ and
- Criteria for determining PPP, PHP, and PPA charges on fishery businesses operating in both capture fishing and aquaculture.²³⁸

Another important implementing regulation under the 2004 fisheries law was Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006. This regulation ended the previous policy of licensing foreign vessels in the EEZ under bilateral, joint-venture arrangements and replaced it with a policy of integrated capture fisheries businesses based on the import of ex-foreign vessels. This required that all foreign operators must establish local fish processing facilities (*Unit Pengolahan Ikan*, UPI).

The UPI requirement was established in the expectation that this would increase non-tax state revenue receipts by enhancing domestic capacity within the sector. However, anecdotal evidence suggests that some UPIs were only constructed for purposes of licensing.²³⁹ Fish were instead transported directly out of Indonesian waters without being reported at designated fish landing ports, or processed in designated UPIs. This was one reason why MMAF moved to ban transshipment at sea under Ministerial Regulation (Permen) No. 57/2014.²⁴⁰

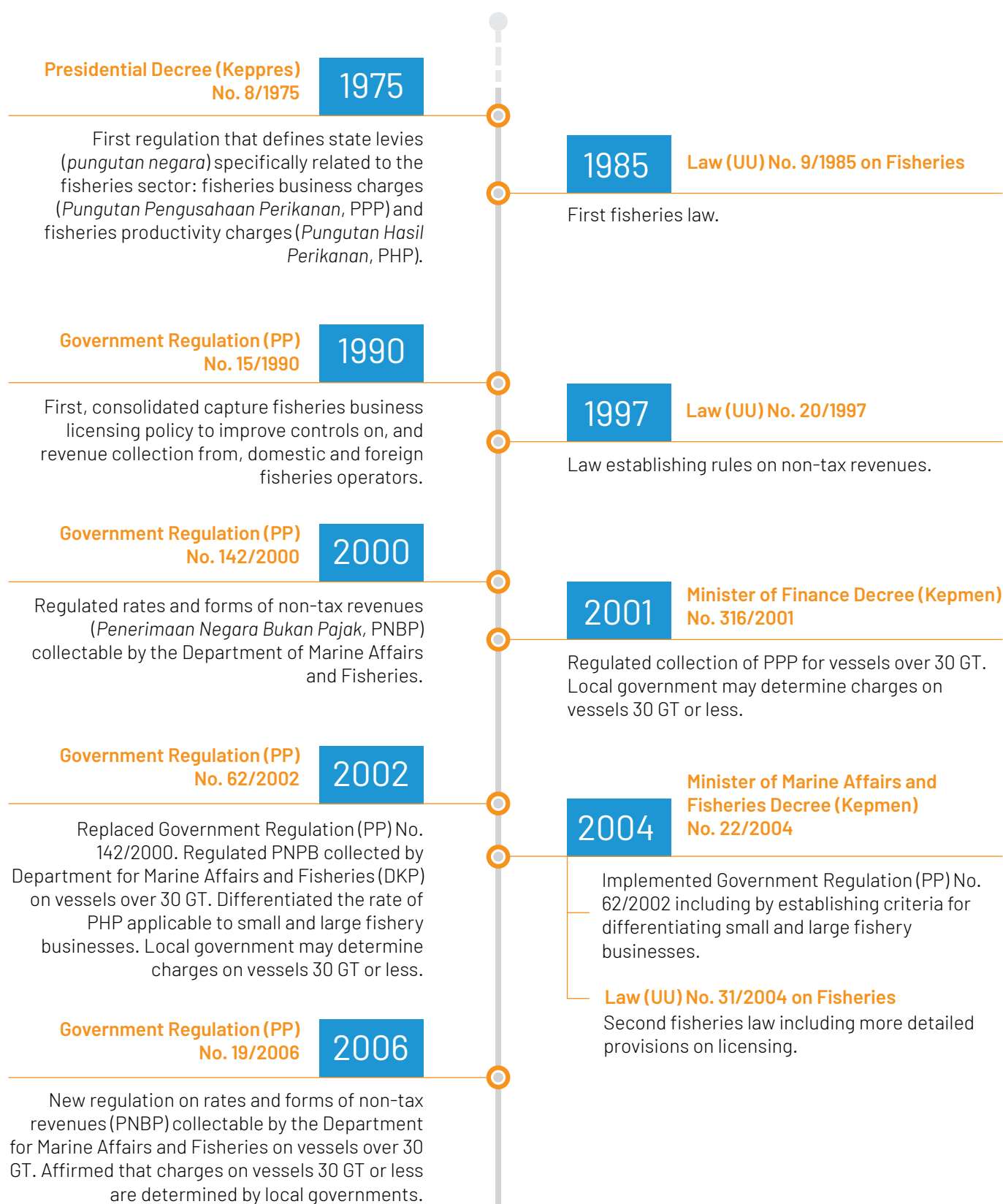
In 2008, the Ministry of Marine Affairs and Fisheries issued a decree establishing procedures for the collection of PPP and PHP specifically in relation to aquaculture businesses.²⁴¹ Until that point, charges had only been made with respect to aquaculture business operating with foreign investment and/or foreign workers.²⁴²

Government Regulation (PP) No. 75/2015 constituted the next major milestone in the development of non-tax revenue (PNBP) policy in the fishery sector and serves to frame its current features as described above.

Figure 18 provides a summary of key milestones related to fisheries sector non-tax state revenue.

Figure 18

FISHERIES SECTOR NON-TAX STATE REVENUE: KEY MILESTONES



To the next page

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



Summary

- 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.

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. A timeline of these, including when Indonesia signed or ratified, is provided in Figure 19.

In principle, all international agreements signed by Indonesia and the ones Indonesia is a party to require that Indonesia complies 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). RFMOs are international organizations that are dedicated to the sustainable management of fishery resources in a particular region of international waters, or of highly migratory species. Indonesia is party to two RFMOs:

1. Indian Ocean Tuna Commission (IOTC); and
2. Western and Central Pacific Fisheries Commission (WCPFC).

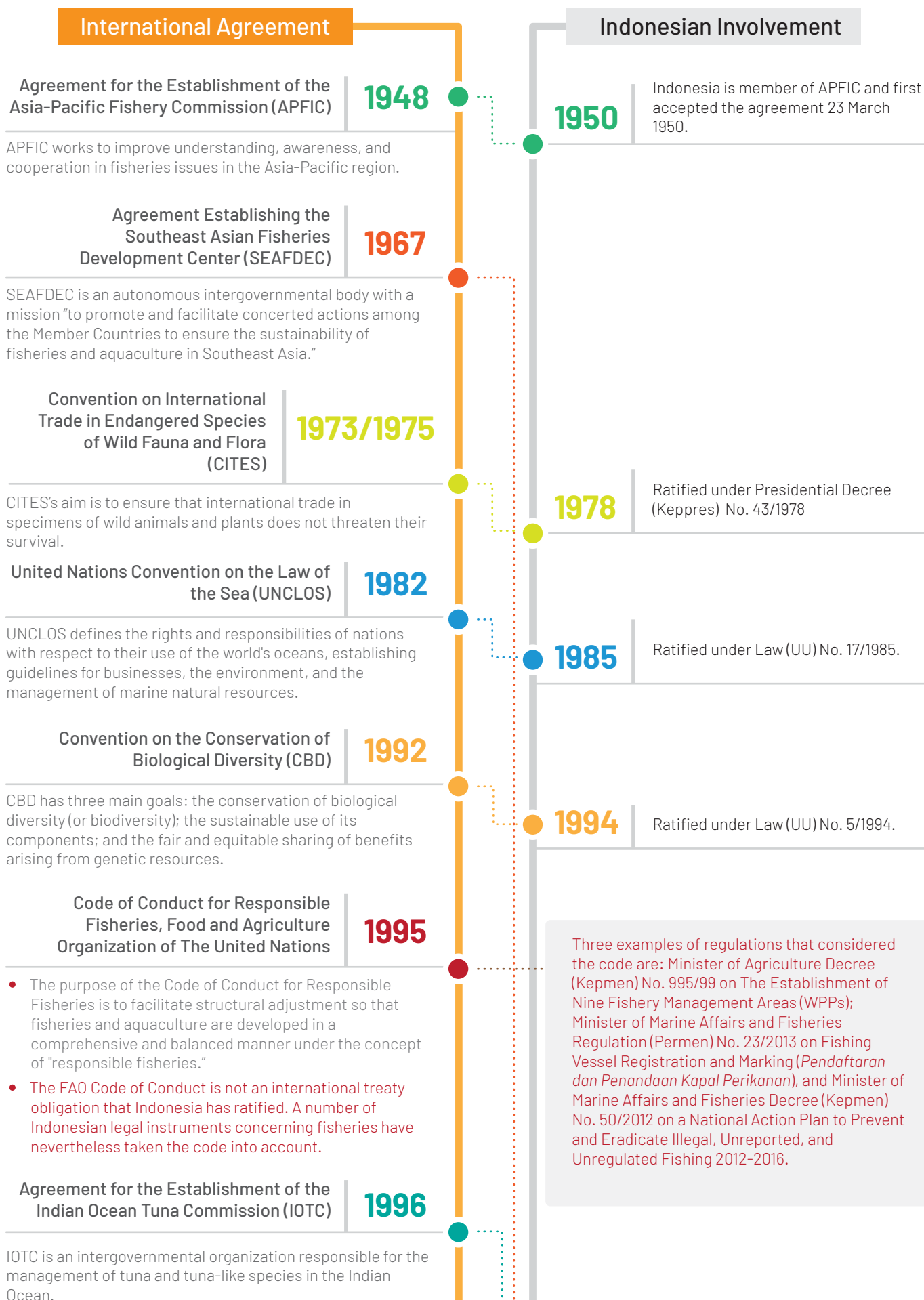
Some regulations have been issued to comply with these RFMOs, for example:

- Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 107/2015 on Tuna, Cakalang and Tongkol Fishing Management Plan. This is the basic reference for tuna fishery management in Indonesia ensuring that it complies with IOTC rules on tuna fisheries management.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 12/2012 on Fish Capture Business in the High Seas. This is in line with IOTC Resolution 07/02 and WCPFC 2004-01 and others.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 42/2015 on Fishing Vessel Monitoring System (VMS). This is in line with IOTC Resolution 06/03 and WCPFC-CMM 2007-02 and others. Specifically, an online VMS is obligatory for vessels > 60 GT, and an offline VMS is required for vessels 30–60 GT.
- Minister of Marine Affairs and Fisheries Regulation (Permen) No. 23/2013 on Fishing Vessel Registration and Marking. This is in line with IOTC Resolution 07/02 and WCPFC CMM 2004-03.

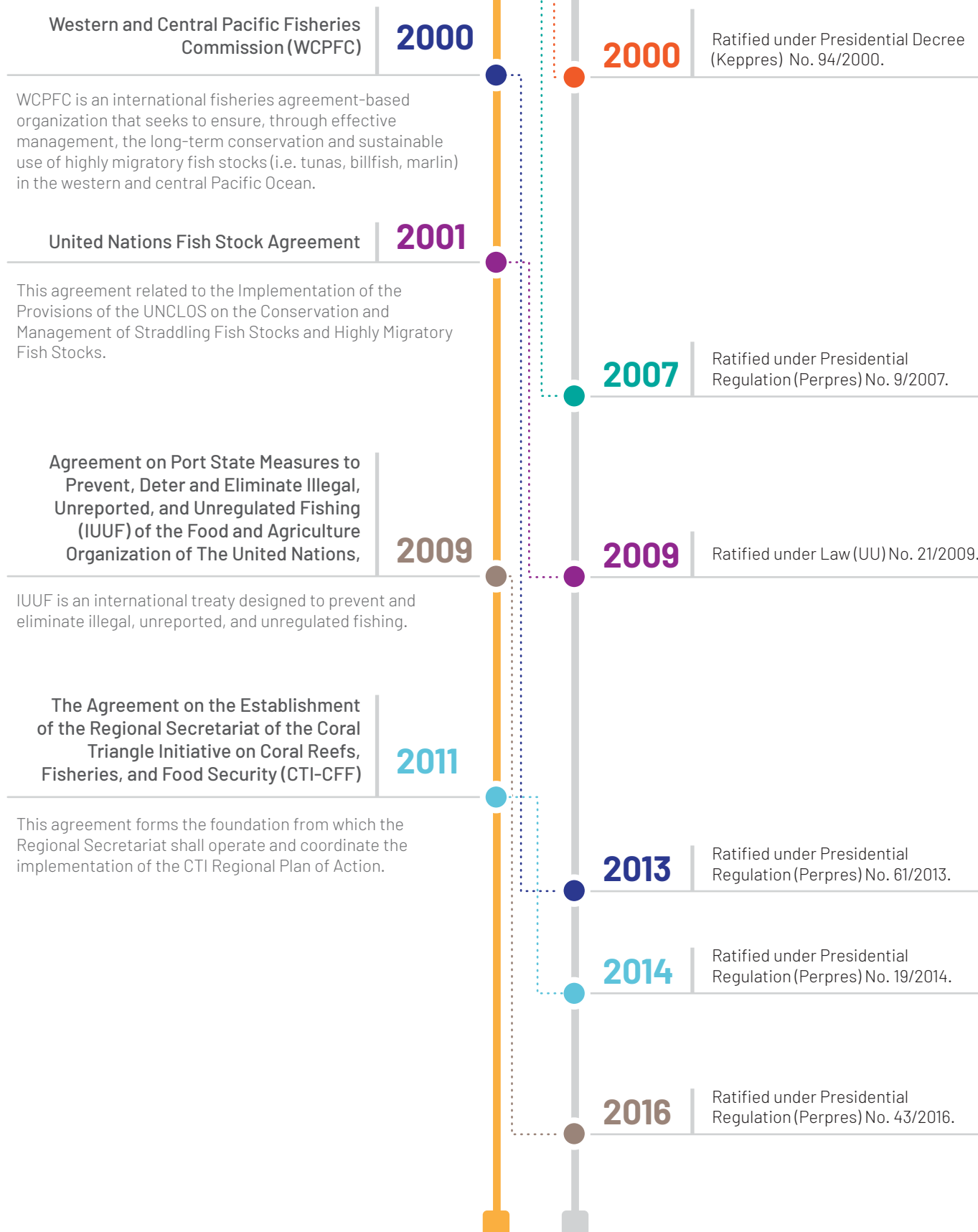
Generally speaking, participation in these RFMOs has strengthened the focus on science-based fisheries management.

Figure 19

INTERNATIONAL AGREEMENTS: KEY MILESTONES



INTERNATIONAL AGREEMENTS



A photograph showing a person from the waist up, wearing a red shirt and a straw hat, working on a large fishing net. The net is made of dark mesh and is supported by a wooden frame. The person is holding a wooden pole and appears to be adjusting or repairing the net. The background is a clear blue sky. The word "Annexes" is overlaid in white text in the center of the image.

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	Each of the laws that mention "Indonesian Waters" use the same definition.
				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	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.
		<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)	To stipulate the borders of the inland waters, the Indonesian Government draws closing lines at the river mouths, estuaries, bays, inland seas, and harbors.
		<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	The inland waters consist of: a. inland sea, and b. land 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.
		<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	Fish and fisheries resources are included in the definition of biological natural resources.
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.
		<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	The definition is different in these two laws, but it is unclear whether or how these differences would impact the respective implementing regulations.

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	
		<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” “Small scale fishers” are fishers belonging to Indonesian traditional communities who use traditional fishing materials and equipment, are not subject to business licenses, 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	

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 operate their own 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) gross tonnage (GT), dengan daerah penangkapan ikan sesuai SIPI Andon.</i>	Andon fishers are individuals engaged in migratory fishing activities using a vessel with a maximum weight of 30 (thirty) gross tons (GT), within areas specified in an Andon Fishing 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 on the basis of traditional fisheries rights as established in 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 “Small scale fishers” are fishers belonging to Indonesian traditional communities who use traditional fishing materials and equipment, are not subject to business licenses, 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	

Annex 2. Comparison Between Law (UU) No. 31/2004 and Law (UU) No. 45/2009 on Fisheries

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
General Provisions	Articles 1–3 Provides definitions of terminology used in the law, principles of fisheries management, and purposes of the law.	- The definitions of “Small Fishers” and “Minister” in Article 1 have been amended. “Small Fishers” are defined in the amendment as “...people whose source of living is capture fishing in order to meet daily needs and which utilizes fishing vessel with maximum size of 5 (five) gross tonnage (GT).” The Definition provided by the 2004 law previously only mentioned small fishers as “...people whose source of living is capture fishing in order to meet daily needs.” “Minister” is defined in the amendment as the minister who directly manages the fisheries sector (<i>membidangi urusan perikanan</i>). Previously the 2004 law defined “minister” as the minister whose responsibilities are concerned with the fisheries sector (<i>bertanggung jawab di bidang perikanan</i>). - The principles of fisheries management established under Article 2 of the previous law have been amended. The new Article 2 lists the principles of: benefit, justice, togetherness, partnership, independence, equity, alignment, openness, efficiency, sustainability, and sustainable development.
Scope	Article 4 States that the law is applicable to Indonesian citizens, foreigners, Indonesian legal entities, foreign legal entities, fishing vessels with Indonesian flags, and fishing vessels with foreign flags, with certain criteria.	No amendments
Fishery Management Areas	Article 5 Fisheries management area consists of: Indonesian waters (<i>Perairan Indonesia</i>), EEZ, and rivers, lakes, reservoirs, swamps, and other bodies of water that may be utilized for business, as well as potential farming fish areas in the territory of the Republic of Indonesia.	No amendments

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Fishery Management	Articles 6–24 - Fisheries management shall consider the customary law and/or local wisdom as well as community participation (Article 6 (2)). - In order to support the policies for the management of fish resources, the Minister of MMAF shall determine the fisheries management plan, the potential and allocation of fish resources in the fisheries management area, etc. (Article 7 (1)). - Provides a list for any person who conducts business and/or fishery management activities to comply with, including type, quantity, and size of fish capture equipment; area, path, and time or season of fish capture; fishing vessel monitoring system; etc. (Article 7 (2)). - The Minister is to determine the potential and number of capture that is allowed, considering the recommendation from the national commission that reviews fish resources. The National commission is formed by the Minister and the members consist of the experts in their field, which is from the relevant agencies (<i>Komisi Nasional Pengkajian Sumberdaya Ikan – Komnas Kajiskan</i>) (Article 7 (3)). - Lists prohibitions for persons, the captain/owner of fishing vessels, the owner of fish farming companies, etc., to utilize biological substances, explosive materials, tools and/or methods, and/or construction that may disadvantage and/or harm the sustainability of fish resource. (Article 8). - Lists prohibitions to conduct acts that result in pollution and/or damage of fish resources and/or their environment in the fishery management area (Article 12 (1)).	- The provision of Article 7 has been amended. The amendment added “fisheries ports” to the list of things that should be determined by the Minister in order to support the management of fish resources policy (Article 7 (1) letter j). - The amendment also changes the term “Fishery Sanctuary (<i>Suaka Perikanan</i>)” to “Conservation Water Area (<i>Kawasan Konservasi Perairan</i>)” (Article 7 (1) letter r). - The amendment states that the obligation to comply with the provision of the fishing vessel monitoring system is not applicable to small fishers and/or small fish farmers (Article 7 (3)). - The provision of Article 9 has been amended. The amendment states that the provision of fish capture equipment and/or aids that interfere with and damage the sustainability of fish resources will be regulated by a Ministerial Regulation (Article 9 (2)). - The provision of Article 14 paragraph (3) has been amended by refining the wording. The amendment regulates that the government shall control the importation and/or exportation of new types of fish from abroad and/or inter-island traffic to ensure the sustainability of germplasm which are related to fish resources. - Between Article 15 and Article 16, One article was inserted between Article 15 and Article 16,1, namely Article 15A, on the role of the government to regulate the quality control of the parent (“<i>induk</i>”) and fish seed that is cultivated. - Two paragraphs have been inserted under Article 18, namely paragraph (3) and paragraph (4), on the implementation of water utilization (“<i>pemanfaatan air</i>”) and fish farming area (“<i>lahan pembudidayaan ikan</i>”) that is conducted by local government, and will be further regulated by Government Regulation. - One paragraph has been inserted under Article 23, namely paragraph (3), on the role of the Government to do community outreach (“<i>sosialisasi</i>”) about the raw ingredients, food additives, auxiliary ingredients, and/or equipment that may endanger human health and/or the environment.

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Fisheries Business	Articles 25–45 - Includes preproduction, production, processing, and marketing of fisheries products. - Regulates the licenses (SIUP, SIPI, SIKPI). - Regulates fishing vessels (construction, importation, modification of vessel, registration, measuring of fishing vessel, etc.). - Regulates the role of the Government to organize and develop fisheries ports.	- Article 25 has been amended, adding the point that further provisions on preproduction, production, processing and marketing of fisheries products will be regulated by Ministerial Regulation. - Three articles have been inserted between Article 25 and Article 26, namely Article 25A, Article 25B, and Article 25C, on the quality standards for fisheries products, on the role of the Government to organize and facilitate marketing activities of fisheries businesses both domestically and abroad, and on the role of the Government to develop, facilitate, and enter into partnerships in the development of the national fisheries industry. - Article 27 paragraph (1), paragraph (2), and paragraph (3) has been amended, and provides that any person who owns and/or operates a fishing vessel flying a foreign flag and that is utilized to conduct fish capture operations in the ZEEI must possess a SIPI, and that any person who operates fishing vessels flying an Indonesian flag in the fishery management area of the Republic of Indonesia or who operates a fishing vessel flying a foreign flag in ZEEI must possess an original SIPI. The amendment also inserted 1 (one) paragraph namely paragraph (5) stating that the obligation to have a SIPI as referred to in paragraph (1) and/or to possess an original SIPI as referred to in paragraph (3) does not apply to small fishers. - Article 28 paragraph (1) and paragraph (2) has been amended, requiring that any person who owns and/or operates a fish transportation vessel flying the Indonesian flag in the fishery management area of the Republic of Indonesia must possess a SIKPI, and that any person who owns and/or operates a fish transportation vessel flying a foreign flag in the fishery management area of the Republic of Indonesia must possess a SIKPI. The amendment also inserted 2 (two) new paragraphs namely paragraph (3) and paragraph (4) regulating that any person who operates a fishing vessel in the fishery management area of the Republic of Indonesia shall possess an original SIKPI; also, that the obligation to possess a SIKPI as referred to in paragraph (1) and/or to bring the original SIKPI as referred to in paragraph (3) does not apply to subsistence fishers and/or subsistence fish farmers. - One article was inserted between Article 28 and Article 29, namely Article 28A, on the prohibition of faking and/or utilizing fake SIUP, SIPI, and SIKPI. - The provision of Article 32 has been amended, adding the word “issuance” on the provision, therefore reading as follows: “Further provision on the issuance, procedure and terms of granting SIUP, SIPI, and SIKPI is regulated by the Regulation of the Minister.” - One article was inserted between Article 35 and Article 36, namely Article 35A, on the obligation on fishing vessels flying an Indonesian flag, and that conduct fish capture operations in the fishery management area of the Republic of Indonesia, to employ captains and crews with Indonesian citizenship; and, on the obligation on foreign fishing vessels which conduct fish capture operations in EEZ to employ crews of which at least 70% must be Indonesian citizens. - Article 36 has been amended and now requires a fishing vessel owned by an Indonesian citizen and that is operated in the fishery management area of the Republic of Indonesia and the high seas must be registered first as an Indonesian fishing vessel.

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Fisheries Business (continued)		• “The provision of Article 41 has been amended, on the role of the government to organize and conduct supervision of fishery ports, where the Minister of MMAF shall determine: a national fishery port master plan; a fishery port classification; the management of fishery ports; technical requirements and/or standards in planning, construction, operation, development, and supervision of fishery ports; the working area and operation of the fishery port that covers certain parts of the water and land that becomes the working area and operation of the fishing port; and fishing ports that are not built by the government. Article 41 also regulates that every fishing vessel and fish transporting vessel shall land the fish in a designated fishing port or other designated port. • One article was inserted between Article 41 and Article 42, namely Article 41A, on the functions of fishery ports. • Article 42 has been amended, on the duties and authorities of the harbormaster (<i>Syahbandar</i>). • Article 43 has been amended, stating that any fishing vessel that conducts fishery activities must own a certificate of feasibility (<i>surat laik operasi</i>) to operate. This issued by the fishery supervisor without charging any fees. • Article 44 paragraph (1) has been amended on the issuance of a Sailing Approval Letter by the harbormaster after the fishing vessel receives an operation feasibility certificate.
Information System and Statistics Data of Fisheries	Articles 46–47 Regulates the role of the Government to arrange and develop information systems and statistics data of fisheries, and to establish data and information centers related to fisheries.	• Article 46 has been amended, on the role of central and local government to prepare and develop information systems and statistical data of fisheries, as well as to organize: the collection, processing, analysis, storage, presentation, and dissemination of stock potential data; updating data on fish movement, facilities and infrastructure, production, handling, processing, and marketing of fish, as well as socioeconomic data related to the implementation of fish resources management and the development of fishery business systems. • One article was inserted between Article 46 and Article 47, namely Article 46A, requiring the government to ensure the confidentiality of fishery data and information relating to log book data on fishing and fish capture, data obtained by observers, and company data on fishery business licensing processes.
Fisheries Levies	Articles 48–51 Mandates that fish levies are utilized for the development of fishery as well as for conservation activities of fish resources and its environment.	• The provision of Article 48 paragraph (1) has been amended and between paragraph (1) and paragraph (2) was inserted 1 (one) paragraph, namely paragraph (1a), stating that fisheries levies are classified as non-tax state revenue. • The provision of Article 50 has been amended, stating that fishery levies are utilized for fisheries development and fish resource conservation activities and their environment.

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Research and Development of Fisheries	Articles 52–56 Regulated the role of the government to boost and/or organize research and development of fisheries in order to obtain the required knowledge and technologies in the development of fishery business.	No amendments
Fisheries Education, Training, and Counseling	Articles 57–59 Regulated the role of the government to conduct education programs, training, and counseling of fisheries in order to improve the development of human resources in the fisheries sector.	No amendments
Empowerment of Small-Scale Fishers and Fish Farmers	Articles 60–64 Regulated the empowerment program of the government by providing credit schemes and organizing education and training programs.	The provision of Article 65 paragraph (1) has been removed.
Delegation of Duties and Assistance Tasks	Article 65 Regulated the delegation of part of duties from central government to local government.	No amendments
Fisheries Supervisions	Articles 66–70 Supervision of fisheries is conducted by the fisheries supervisors, consisting of civil servant investigators (<i>Penyidik Pegawai Negeri Sipil Perikanan</i>) of fisheries and non-investigator civil servants of fisheries (<i>Non Penyidik Pegawai Negeri Sipil Perikanan</i>). The public may be involved in assisting fisheries supervision.	- Article 66 paragraph (2) and paragraph (3) has been amended, adding details of the scope of supervision conducted by the fishery supervisor, including: fish capture activities, fish farming, seeding, processing, distribution, import and export of fish, quality of fishery products, distribution of fish drugs, conservation, pollution caused by human actions, germplasm, research and development of fisheries, and genetically engineered fish. - Three articles were inserted between Articles 66 and Article 67, namely Article 66A, Article 66B, and Article 66C, which regulate the description of a “fishery supervisor” as a civil servant who works in the fisheries sector and is appointed by the Minister, as well as their duties and authorities. - Article 69 has been amended, stating that the investigator and/or supervisor may take special action in the form of burning and/or sinking of a fishing vessel with a foreign flag on the basis of sufficient initial evidence (<i>Bukti Permulaan yang Cukup</i>).

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Fisheries Court	Article 71 About the authority of the fisheries court to examine, prosecute, and decide criminal cases in fisheries sector.	The provision of Article 71 has been amended, deleting the time limit/deadline for the establishment of the first batch of the fisheries courts.
Investigation, Prosecution, and Examination in Trials of the Fisheries Court	Articles 72–83 About the legal basis, actors, timeline, and procedure of investigation, prosecution, and trial.	- Article 73 has been amended, regulating the role, authority, jurisdiction, and coordination of the fishery investigators (Civil Servant Investigator of Fishery, Investigator of Indonesian Navy Officers, and Investigator of the National Police of the Republic of Indonesia). - Two articles were inserted between Articles 73 and Article 74, namely Article 73A and Article 73B, on the duties of investigators and investigation procedures. - Article 75 has been amended, deleting the time limit/deadline for prosecution of fishery cases. - One paragraph was added to Article 76, namely paragraph (9), requiring that the public prosecutor shall file the case with the relevant chief of district court within 30 (thirty) days from the date of receipt of the file from the investigator is declared complete. - One division was inserted between Division Two and Division Three, namely Division Two A, on evidence, requiring that objects and/or tools that are utilized in and/or result from fishery criminal acts may be confiscated by the state or destroyed after obtaining approval from the chief of the district court. - One article was inserted between Article 78 and Article 79, namely Article 78A, on the requirements, and procedure, for appointment and dismissal of fishery courts registrars. - One article was inserted between Article 83 and Article 84, namely Article 83A, on sending vessel crew members (including foreigners) home.

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Penal Provisions	Articles 84–105 On sentencing, including imprisonment and fines.	- Article 85 has been amended, refining the wording, adding the term “sustainability of fish resources” so that any person who deliberately owns, controls, carries, and/or utilizes fish capture tools and/or fish capture aids that disturb and undermine the sustainability of fish resources in fishing vessels in the fishery management area of the Republic of Indonesia shall be sentenced to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah). - Article 93 has been amended, requiring that fishing vessels that fly a foreign flag and that conduct fish capture in EEZ without a SIPI shall be punishable with imprisonment of a maximum of 6 (six) years and a maximum fine in the amount of Rp. 20.000.000.000,00 (twenty billion rupiah). - One article was inserted between Article 94 and Article 95, namely Article 94A, requiring that any person who forges and/or utilizes a fake SIUP, SIPI, or SIKPI shall be punishable with a maximum imprisonment of 7 (seven) years and a maximum fine in the amount of Rp. 3,000,000,000.00 (three billion rupiahs). - Article 98 has been amended requiring that a captain who does not possess a sailing approval shall be punishable to a maximum imprisonment of 1 (one) year and a maximum fine in the amount of Rp. 200,000,000.00 (two hundred million rupiah). - Four articles were inserted between Article 100 and Article 101, namely Article 100A, Article 100B, Article 100C, and Article 100D. Article 100A, on certain criminal acts that involve officials, and adds 1/3 (one third) of the principal penalty to the total penalty. Article 100B, on certain criminal acts conducted by small-scale fishers and/or fish farmers, states that they shall be punishable with imprisonment for a maximum of 1 (one) year or a maximum fine in the amount of Rp. 250,000,000.00 (two hundred fifty million rupiah). Article 100C regulates that in the event of criminal acts as referred to in Article 7 paragraph (2) conducted by small-scale fishers and/or fish farmers shall be punishable with a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah). Article 100D regulates that in the event that the court decided the penalty in the form of a fine, the fine must be deposited with the state treasury as the non-tax state revenue of the ministry whose duties and responsibilities are concerned with fishery. - Article 105 has been removed.

Chapter	Selected Provisions from Law (UU) No. 31/2004	Summary of the Amended Provisions under Law (UU) No. 45/2009
Transitional Provisions	Articles 106–109 In case a fisheries court has not been established, a criminal case in the fishery sector that occurs outside of the jurisdictional area of a fishery court will still be examined, prosecuted, and decided by the relevant and authorized district court. <u>Note:</u> This law established the first batch of fisheries courts in Jakarta District Court, Medan District Court, Pontianak District Court, Bitung District Court, and Tual District Court. Later, by presidential decrees, fisheries courts were formed in Tanjungpinang District Court, Ranai District Court, Ambon District Court, Sorong District Court, and Merauke District Court.	No amendments
Closing Provisions	Articles 110–111 Effective since 6 October 2004.	- Article 110 has been amended, revoking provision for investigation and the provision of penalties in the form of a fine under Article 16 paragraph (1) of Law Number 5 of 1983 on the Indonesian Economic Exclusive Zone. - One article was inserted between Article 110 and Article 111, namely Article 110A, requiring that all of the government regulations (<i>Peraturan Pemerintah</i> or PP) mandated under this law shall be enacted, at the latest, within 1 (one) year of the promulgation of this law. - Effective since 29 October 2009.

Annex 3. Fisheries Management Plans in the Eleven Fisheries Management Areas

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
1.	571 Area: Strait of Malacca and Andaman Sea Provinces: Aceh, North Sumatra, Riau Ministerial Decree (Kepmen) No.75/2016 on Fisheries Management Plan of WPP 571	- To create and manage sustainable fisheries and habitats. - More than 5% of central government issued license vessels already comply to log book policy in 5 years time. - Reducing the destruction level of fisheries habitat (mangrove and coral reef) to 10% in 5 years time. - Increasing economic benefit for eliminating poverty and creating job opportunities. - Increasing fishers' revenue up to Provincial Minimum Wage (<i>Upah Minimum Provinsi</i>). - Minimizing conflicts between andon fishers and fishers in the destination area in 5 years time. - Making subsidized gas/petrol available for fishers accordingly in 5 years time. - Increasing active participation and compliance from stakeholders for eliminating IUU fishing. - Eliminating the use of illegal fishing gear in 5 years time. - Managing fish aggregating devices (FADs) according to the law in 5 years time	N/A
2.	572 Area: Western Indian Ocean of Sumatera (Samudera Hindia sebelah Barat Sumatera) and Sunda Strait Provinces: Aceh, North Sumatra, West Sumatra, Bengkulu, Lampung, Banten Ministerial Decree (Kepmen) No. 76/2016 on Fisheries Management Plan of WPP 572	- To create and manage sustainable fisheries and habitats. - Synchronizing fisheries management and conservancy resources between stakeholders in 5 years time. - Establishing fisheries resources allocation in 5 years time. - Reducing the destruction level of fisheries habitat (mangrove and coral reef) to 10% in 5 years time. - Increasing the benefit of sustainable fisheries for social welfare. - Increasing fishers' income up to Provincial Minimum Wage (<i>Upah Minimum Provinsi</i>). - Eliminating conflicts between andon fishers and fishers in the destination area in 5 years time. - Increasing active participation among stakeholders for IUU compliance. - Establishing an FMC in 5 years time. - More than 80% business actors conducting their business according to the law in 5 years time. - Increasing monitoring activities for IUU in 5 years time.	N/A

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
3.	573 Area: Southern Indian Ocean of Java (Samudera Hindia sebelah Selatan Jawa) to the southern Nusa Tenggara, Sawu Sea, and western Timor Sea Provinces: Banten, West Java, Central Java, Special Region of Yogyakarta, East Java, Bali, West Nusa Tenggara, East Nusa Tenggara Ministerial Decree (Kepmen) No. 77/2016 on Fisheries Management Plan of WPP 573	- To create and manage sustainable fisheries and habitats. - FADs are being managed according to the law. - More than 5% of government issued fishing vessels comply with the log book provision. - Increasing fishers' revenue up to Provincial Minimum Wage (<i>Upah Minimum Provinsi</i>). - Increasing the benefit of sustainable fisheries for social welfare. - Increasing fishers' revenue up to Provincial Minimum Wage (<i>Upah Minimum Provinsi</i>) in 5 years time. - Eliminating conflicts between andon fishers and fishers in the destination area in 5 years time. - Increasing active participation and compliance from stakeholders for responsible fisheries management. - Establishing an FMC in 5 years time.	N/A
4.	711 Area: Karimata Strait, Natuna Sea, and South China Sea Provinces: Riau, Riau Islands, Jambi, South Sumatra, Bangka-Belitung Islands, West Kalimantan, Central Kalimantan Ministerial Decree (Kepmen) No. 78/2016 on Fisheries Management Plan of WPP 711	- To create and manage sustainable fisheries and habitats. - Establishing the use and ways of correct fishing gear up to 50% in 5 years time. - Managing resources allocation in 5 years time. - Increasing economic benefit for eliminating poverty and creating job opportunities. - Reducing inequality between andon fishers and fishers in destination area in 5 years time. - Minimizing conflicts between andon fishers and fishers in destination area in 5 years time. - Increasing active participation among stakeholders for IUU compliance. - By establishing a WPP meeting twice annually. - Active participation from fisheries stakeholders for combatting IUU.	Has plan to revise Ministerial Regulation No. 36/2014 on Andon Fishers, according to Objectives 2

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
5.	712 Area: Java Sea Provinces: Lampung, Banten, DKI Jakarta, West Java, Central Java, East Java, Central Kalimantan, South Kalimantan. Ministerial Decree (Kepmen) No.79/2016 on Fisheries Management Plan of WPP 712	- To create and manage sustainable fisheries and habitats. - Data and statistics available on capture fisheries for fisheries resources in 5 years time. - Managing fisheries allocation resources in 5 years time. - Reducing the destruction level of fisheries habitats (mangrove and coral reef) from current status up to 10% in 5 years time. - Increasing economic benefit from sustainable fisheries for eliminating poverty and creating job opportunities. - Increasing vessel crew and transport earnings up to Provincial Minimum Wages (<i>Upah Minimum Provinsi</i>). - Making a Fisher Solar Packed Dealer (<i>Solar Packed Dealer Nelayan</i>), Fisher Petrol Station for Fishers (<i>Stasiun Pengisian Bahan Bakar Nelayan</i>), and Fisher Bunker Station (<i>Stasiun Pengisian Bahan Bakar Bunker</i>) available in every fish port accordingly. - Establishing FMC and coordinating forum between fisheries management actors who play a significant role. - Establishing an FMC in 5 years time. - Reducing illegal fishing up to 50% in 5 years time. - Organizing previously unmanaged fisheries auction in 5 years time.	N/A
6.	713 Area: Makassar Strait, Gulf of Bone, Flores Sea, and Bali Sea Provinces: East Kalimantan, South Kalimantan, East Java, Bali, West Nusa Tenggara, East Nusa Tenggara, South Sulawesi, Central Sulawesi, North Sulawesi, West Sulawesi Ministerial Decree (Kepmen) No.80/2016 on Fisheries Management Plan of WPP 713	- To create and manage sustainable fisheries and habitats. - Managing fisheries resources allocation in 5 years time. - Reducing the destruction level of fisheries habitat (mangrove and coral reef) from current status for 10% in 5 years time. - Increasing management and coordinating effort for economic advantages. - Local wisdom has a significant role in sustainable fisheries management in 5 years time. - Minimizing conflicts between andon fishers and fishers in the destination area in 5 years time. - Increasing active participation and compliance from fisheries stakeholders to eliminate IUU fishing. - Increasing monitoring on fisheries resources management in 5 years time. - Increasing law enforcement in fisheries management in 5 years time. - Establishing an FMC in 5 years time. - Organizing FADs management according to the law in 5 years time. - Increasing the use of correct fishing gear in 5 years time.	N/A

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
7.	714 Area: Gulf of Tolo and Banda Sea Provinces: East Nusa Tenggara, Southeast Sulawesi, Central Sulawesi, Maluku, North Maluku Ministerial Decree (Kepmen) No. 81/2016 on Fisheries Management Plan of WPP 714	- To create and manage sustainable fisheries and habitats. - Organizing and allocating fisheries resources in 5 years time. - Reducing the destruction fisheries habitats of coral and mangrove up to 10% from current status in 5 years time. - More than 5% of central government issued license for fishing vessels in fishing ports comply with the log book regulation. - Increasing fisheries coordination and management for economic growth. - Increasing active participation from stakeholders in terms of local wisdom for fisheries management in 5 years time. - Increasing active participation and stakeholder compliance in terms of IUU fishing. - Increase monitoring in fisheries management in 5 years time. - Increasing law enforcement in fisheries management in 5 years time. - Establishing an FMC in 5 years time.	N/A
8.	715 Area: Gulf of Tomini, Maluku Sea, Halmahera Sea, Seram Sea, and Gulf of Berau Provinces: North Sulawesi, Gorontalo, Central Sulawesi, Maluku, North Maluku, West Papua Ministerial Decree (Kepmen) No.82/2016 on Fisheries Management Plan of WPP 715	- To create and manage sustainable fisheries and habitats. - Establishing the use of correct fishing gear in 5 years time. - Small pelagis fish status would increase into sustainable. - Organizing and managing fisheries allocation in 5 years time. - Increasing social and zzzzeconomic benefit from sustainable fisheries. - Minimizing conflicts between andon fishers and fishers in the destination area. - Local wisdom has a significant role in sustainable fisheries management in 5 years time. - Meeting between WPP organizers and stakeholders twice annually. - Increasing active participation and compliance through collaborative management. - Establishing an FMC in 5 years time. - Increasing monitoring and fisheries management in 5 years time. - Increasing law enforcement in fisheries management in 5 years time.	N/A

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
9.	716 Area: Sulawesi Sea and northern area of Halmahera Island Provinces: East Kalimantan, North Kalimantan, Gorontalo, North Sulawesi Central Sulawesi, North Maluku) Ministerial Decree (Kepmen) No.83/2016 on Fisheries Management Plan of WPP 716	- To create and manage sustainable fisheries and habitats. - Caught fisheries data available for fisheries management purposes in 5 years time. - Establishing the use and ways of correct fishing gear for more than 50% in 5 years time. - Increasing economic and social benefit from sustainable fisheries for the public welfare. - Minimizing conflicts between andon fishers and fishers in the destination area in 5 years time. 5% of fishers able to manage their catch adequately in 5 years time. - Active participation and compliance from fisheries management stakeholders. - Managing FADs according to the law in 5 years time.	N/A
10.	717 Area: Gulf of Cendrawasih and Pacific Ocean Provinces: Papua, West Papua, North Maluku Ministerial Decree (Kepmen) No.84/2016 on Fisheries Management Plan of WPP 717	- To create and manage sustainable fisheries and habitats. - More than 5% of central government issued fishing vessels in port already comply with log book regulation in 5 years time. - Reducing destruction of fisheries habitat for up to 5% since current status in 5 years time. - Increasing economic benefit from sustainable fisheries for social welfare and job opportunities. - Local wisdom should play a significant role in fisheries management. - Increasing active participation and compliance from stakeholder to reduce IUU fishing. - Increasing monitoring in the fisheries management system in 5 years time. - Organizing FADs according to the law in 5 years time.	N/A

No.	Fisheries Management Area and Ministerial Decree	Goals and Objectives	Notes
11.	718 Area: Aru Sea, Arafuru Sea, and eastern area of Timor Sea Provinces: Papua, West Papua, Maluku) Ministerial Decree (Kepmen) No.54/2014 on Fisheries Management Plan of WPP 718	- To create and manage sustainable fisheries and habitats. - Capture days for shrimp and demersal fish - Maintaining the sustainability of spawner shrimp stocks by around 20% from estimated February catches each year; - Shrimp fisher compliance on a Bycatch Reduction Device (BRD) in 3 years time. - Full data sharing on biological and environmental indicators, as well as on initiatives from shrimp and demersal fishing, among the three provinces within WPP 718. - Increased number of enumerators and data analyst for scientific data, minimum of 50 persons in 2 years - Reducing the pace of mangrove destruction from current status to 10% in 3 years time. - Reducing the destruction pace of coral reef and seagrass to 10% in 3 years time. - Increasing economic benefit from sustainable fisheries to secure job opportunities and eliminate poverty. - Reducing the numbers of foreign fishers in 30 GT trawl down to 1,000 persons (limited to skipper and head of then engine room/kepala kamar mesin). - Demersal fish and shrimp capture data, total capture numbers and data of fishers' numbers and their earnings should be reconfirmed for better fisheries management in 2 years time. - Increasing fishers' revenue up to the minimum wages of Maluku, Papua, and West Papua. - Increasing the utilization of fishing process facilities to 80% in 2 years time. - Increasing active participation and compliance from stakeholders for IUU fishing. - Establishing an FMC in 2 years time. - Reduce the numbers of vessels caught doing illegal fishing (including vessels < 30 GT) to 30% in 4 years time. - Eliminating vessels using pair trawls without SIPI (<i>Surat Ijin Penangkapan Ikan</i>) and/or vessels without SIPI using trawls and pair trawl in 2 years time. - Any indication of illegal transshipment down to 30% in 4 years time. - Any indication of illegal capture in territorial waters for vessels > 30 GT in 4 years time. - Transmitters are 100% placed in all fishing vessels (1,012) in 2015. - Patrolling days are increased into 180 days in 2015. - Held biannual joint operation to combat IUU fishing with active participation from agencies. - Held biannual coordination meetings with the fisheries industry and the public to combat IUU fishing. - An optimum fishing effort distribution in terms of licensing is reached in Provincial and regional level in 2 years time.	- The only decree on WPP management area from Sharif Sutardjo, the previous Minister of Marine Affairs and Fisheries before Susi Pudjiastuti - Interest group and partner organisation names (association and NGOs) specifically mentioned in the decree - Has technical, scientific, and compliance committees as part of the implementing unit in the WPP

Annex 4. Laws and Regulations Reviewed

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
1.	1945 Constitution (UUD)	The 1945 Constitution of the Republic of Indonesia <i>Undang-Undang Dasar Negara Republik Indonesia Tahun 1945</i>	18 August 1945	All	Both
2.	Law (UU)	Law No. 4 PrP/1960 on Indonesia's Waters <i>Undang-Undang Nomor 4 Prp Tahun 1960 Tentang Perairan Indonesia</i>	18 February 1960	Jurisdictional Authority	Wild Capture
3.	Law (UU)	Law No. 5/1960 on Basic Regulations on Agrarian Principles <i>Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria</i>	24 September 1960	Management and Planning, Registration and Licenses	Both
4.	Law (UU)	Law No. 16/1964 on Fisheries Profit Sharing <i>Undang-Undang Republik Indonesia Nomor 16 Tahun 1964 tentang Bagi Hasil Perikanan</i>	23 September 1964	Jurisdictional Authority, Enforcement	Both
5.	Law (UU)	Law No. 1/1973 on the Indonesian Continental Shelf <i>Undang-Undang Nomor 1 Tahun 1973 Tentang: Landas Kontinen Indonesia</i>	6 January 1973	Jurisdictional Authority	Wild Capture
6.	Law (UU)	Law No. 5 Year 1983 on the Indonesia Exclusive Economic Zone <i>Undang-Undang Republik Indonesia Nomor 5 Tahun 1983 Tentang Zona Ekonomi Eksklusif Indonesia</i>	18 October 1983	Jurisdictional Authority, Management and Planning, Enforcement	Both
7.	Law (UU)	Law No. 9/1985 on Fisheries <i>Undang-Undang Nomor 9 Tahun 1985 Tentang Perikanan</i>	19 June 1985	All	Both
8.	Law (UU)	Law No. 17/1985 on the Ratification of the United Nations Convention on the Law of the Sea (United Nations Convention on the Law of the Sea) <i>Undang-Undang Republik Indonesia Nomor 17 Tahun 1985 Tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut)</i>	31 December 1985	International Agreements	Both
9.	Law (UU)	Law No. 5/1990 on the Conservation of Biological Natural Resources and its Ecosystem <i>Undang-Undang Republik Indonesia Nomor 5 Tahun 1990 Tentang Konservasi Sumber Daya Alam Hayati Dan Ekosistemnya</i>	10 August 1990	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, International Agreements	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
10.	Law (UU)	Law No. 21/1992 on Shipping <i>Undang-Undang Republik Indonesia Nomor 21 Tahun 1992 Tentang Pelayaran</i>	17 September 1992	Enforcement	Wild Capture
11.	Law (UU)	Law No. 16/1992 on Animal, Fish, and Plant Quarantine <i>Undang-Undang Republik Indonesia Nomor 16 Tahun 1992 tentang Karantina Hewan, Ikan dan Tumbuhan</i>	8 July 1992	Jurisdictional Authority, Management and Planning, Enforcement	Both
12.	Law (UU)	Law No. 6/1996 on Indonesian Waters <i>Undang-Undang Republik Indonesia Nomor 6 Tahun 1996 Tentang Perairan Indonesia</i>	8 August 1996	Jurisdictional Authority, Management and Planning, Enforcement, International Agreements	Both
13.	Law (UU)	Law No. 20/1997 on Non-Tax Revenues <i>Undang-Undang Republik Indonesia Nomor 20 Tahun 1997 Tentang Penerimaan Negara Bukan Pajak</i>	23 May 1997	Revenue	Both
14.	Law (UU)	Law No. 22/1999 on Regional Government <i>Undang-Undang Republik Indonesia Nomor 22 Tahun 1999 Tentang Pemerintahan Daerah Presiden Republik Indonesia</i>	7 May 1999	Jurisdictional Authority, Revenue	Both
15.	Law (UU)	Law No. 25/1999 on Financial Balance between Central and Regional Governments <i>Undang-Undang Republik Indonesia Nomor 25 Tahun 1999 Tentang Perimbangan Keuangan Antara Pemerintah Pusat Dan Daerah</i>	19 May 1999	Revenue	Both
16.	Law (UU)	Law No. 24/2000 on International Agreements <i>Undang-Undang Republik Indonesia Nomor 24 Tahun 2000 Tentang Perjanjian Internasional</i>	23 October 2000	International Agreements	Both
17.	Law (UU)	Law No. 2/2002 on the Police of the Republic of Indonesia <i>Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia</i>	8 January 2002	All	Both
18.	Law (UU)	Law No. 31/2004 on Fisheries <i>Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan</i>	6 October 2004	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
19.	Law (UU)	Law No. 16/2004 on the Public Prosecution Service of the Republic of Indonesia <i>Undang-Undang Republik Indonesia Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia</i>	26 July 2004	Jurisdictional Authority	Both
20.	Law (UU)	Law No. 25/2004 on the National Development Planning System <i>Undang-Undang Nomor 25 Tahun 2004 tentang Sistem Perencanaan Pembangunan Nasional</i>	5 October 2004	All	Both
21.	Law (UU)	Law No. 32/2004 on Regional Government <i>Undang-Undang Republik Indonesia Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah</i>	15 October 2004	Jurisdictional Authority	Both
22.	Law (UU)	Law No. 34/2004 on the Indonesian National Army <i>Undang-Undang Republik Indonesia Nomor 34 Tahun 2004 tentang Tentara Nasional Indonesia</i>	16 October 2004	Jurisdictional Authority, Management and Planning	Both
23.	Law (UU)	Law (UU) No. 17/2006 amending Law (UU) No. 10/1995 on Customs <i>Undang-Undang Republik Indonesia Nomor 17 Tahun 2006 Tentang Perubahan Atas Undang-Undang Nomor 10 Tahun 1995 Tentang Kepabeanan</i>	15 November 2006	Enforcement	Both
24.	Law (UU)	Law No. 27/2007 on Management of Coastal Areas and Small Islands <i>Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil</i>	17 July 2007	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses	Both
25.	Law (UU)	Law No. 26/2007 on Spatial Planning <i>Undang-Undang Nomor 26 Tahun 2007 Tentang Penataan Ruang</i>	26 November 2007	All	Both
26.	Law (UU)	Law No. 17/2008 on Shipping <i>Undang-Undang Republik Indonesia Nomor 17 Tahun 2008 tentang Pelayaran</i>	7 May 2008	All	Both
27.	Law (UU)	Law No. 21/2009 on Indonesian Ratification of Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks <i>Undang-Undang Nomor 21 Tahun 2009 tentang Persetujuan Pelaksanaan Ketentuan-Ketentuan Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut Tanggal 10 Desember 1982 Yang Berkaitan Dengan Konservasi Dan Pengelolaan Sediaan Ikan Yang Beruaya Terbatas Dan Sediaan Ikan Yang Beruaya Jauh</i>	18 June 2009	Jurisdictional Authority, Management and Planning, International Agreements	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
28.	Law (UU)	Law No. 45/2009 amending Law No. 31/2004 on Fisheries <i>Undang-Undang Nomor 45 Tahun 2009 Tentang Perubahan Atas UU Nomor 31/ 2004 Tentang Perikanan</i>	29 October 2009	All	Both
29.	Law (UU)	Law No. 32/2009 on Environmental Protection and Management <i>Undang-Undang Nomor.32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup</i>	3 October 2009	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, Revenue	Both
30.	Law (UU)	Law No. 1/2014 on Changes on the Law No. 27/2007 on Management of Coastal Areas and Small Islands <i>Undang-Undang Nomor 1 Tahun 2014 Tentang Perubahan Atas UU Nomor 27 Tahun 2007 Tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil</i>	15 January 2014	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, International Agreements	Both
31.	Law (UU)	Law No. 6/2014 on Villages <i>Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 tentang Desa</i>	15 January 2014	Jurisdictional Authority, Management and Planning, Enforcement, Revenue	Both
32.	Law (UU)	Law No. 23/2014 on Regional Government <i>Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah</i>	2 October 2014	Jurisdictional Authority, Registration and Licenses, Revenue, International Agreements	Both
33.	Law (UU)	Law No. 32/2014 concerning Marine Affairs <i>Undang-Undang Republik Indonesia Nomor 32 Tahun 2014 tentang Kelautan</i>	17 October 2014	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, International Agreements	Both
34.	Law (UU)	Law No. 7/2016 on Protection and Empowerment of Fishers, Aquaculturists, and Salt Farmers <i>Undang-Undang Nomor 7 Tahun 2016 Perlindungan dan Pemberdayaan Nelayan, Pembudi Daya Ikan, dan Petambak Garam</i>	14 April 2016	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses	Both
35.	Government Regulation (PP)	Government Regulation No. 8/1962 on Peaceful Passage of Foreign Vessels in Indonesian Waters <i>Peraturan Pemerintah Republik Indonesia Nomor 8 Tahun 1962 Tentang Lalu Lintas Laut Damai Kendaraan Air Asing Dalam Perairan Indonesia</i>	28 July 1962	Jurisdictional Authority	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
36.	Government Regulation (PP)	Government Regulation No. 15/1984 on Management of Natural Living Resources in Indonesia's Exclusive Economic Zone <i>Peraturan Pemerintah Nomor 15 Tahun 1984 tentang Pengelolaan Sumber Daya Alam Hayati di Zone Ekonomi Eksklusif Indonesia</i>	29 July 1984	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses	Both
37.	Government Regulation (PP)	Government Regulation No. 15/1990 on Fishery Business <i>Peraturan Pemerintah Republik Indonesia Nomor 15 Tahun 1990 tentang Usaha Perikanan</i>	28 May 1990	Registration and Licenses	Both
38.	Government Regulation (PP)	Government Regulation No. 46/1993 amending Government Regulation No. 15/1990 on Fisheries Business <i>Peraturan Pemerintah Republik Indonesia Nomor 46 Tahun 1993 tentang Perubahan atas Peraturan Pemerintah Nomor 15 Tahun 1990 tentang Usaha Perikanan</i>	5 August 1993	Revenue	Both
39.	Government Regulation (PP)	Government Regulation No. 25/2000 on the Powers of Central and Provincial Government <i>Peraturan Pemerintah Nomor 25/2000 tentang Kewenangan Pemerintah Dan Kewenangan Propinsi Sebagai Daerah Otonom</i>	6 May 2000	Jurisdictional Authority, Management and Planning,	Both
40.	Government Regulation (PP)	Government Regulation No. 141/2000 on the second amendment to Government Regulation No. 15/1990 on Fishery Business <i>Peraturan Pemerintah Republik Indonesia Nomor 141 Tahun 2000 tentang Perubahan Kedua Atas Peraturan Pemerintah Nomor 15 Tahun 1990 Tentang Usaha Perikanan</i>	21 December 2000	Registration and Licenses	Both
41.	Government Regulation (PP)	Government Regulation No. 142/2000 on Rates and Forms of Non-Tax Revenue Collectable by the Department of Marine Affairs and Fisheries <i>Peraturan Pemerintah Republik Indonesia Nomor 142 Tahun 2000 Tentang Tarif Atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Departemen Kelautan Dan Perikanan</i>	21 December 2000	Revenue	Both
42.	Government Regulation (PP)	Government Regulation No. 36/2002 on Rights and Responsibilities of Foreign Vessels in Peaceful Passage across Indonesian Waters <i>Peraturan Pemerintah Nomor 36/2002 tentang Hak Dan Kewajiban Kapal Asing Dalam Melaksanakan Lintas Damai Melalui Perairan Indonesia</i>	28 June 2002	Jurisdictional Authority	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
43.	Government Regulation (PP)	Government Regulation No. 62/2002 on Rates and Forms of Non-Tax State Revenue Collectable by the Department of Marine Affairs and Fisheries <i>Peraturan Pemerintah Republik Indonesia Nomor 62 Tahun 2002 tentang Tarif Atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Departemen Kelautan Dan Perikanan</i>	12 November 2002	Revenue	Both
44.	Government Regulation (PP)	Government Regulation No. 54/2002 on Fisheries Businesses <i>Peraturan Pemerintah Republik Indonesia Nomor 54 Tahun 2002 Tentang Usaha Perikanan</i>	7 October 2002	Jurisdictional Authority, Registration and Licenses, Revenue	Both
45.	Government Regulation (PP)	Government Regulation No. 19/2006 amending Government Regulation No. 62/2002 on Rates and Forms of Non-Tax State Revenue Collectable by the Department of Marine Affairs and Fisheries <i>Peraturan Pemerintah Republik Indonesia Nomor 19 Tahun 2006 Tentang Perubahan Atas Peraturan Pemerintah Nomor 62 Tahun 2002 Tentang Tarif Atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Departemen Kelautan Dan Perikanan</i>	30 May 2006	Revenue	Both
46.	Government Regulation (PP)	Government Regulation No. 60/2007 on Conservation of Fish Resources <i>Peraturan Pemerintah Republik Indonesia Nomor 60 Tahun 2007 Tentang Konservasi Sumber Daya Ikan</i>	16 November 2007	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, International Agreements	Both
47.	Government Regulation (PP)	Government Regulation No. 26/2008 on National Spatial Planning <i>Peraturan Pemerintah Nomor 26/2008 tentang Rencana Tata Ruang Wilayah Nasional</i>	10 March 2008	Management and Planning, Enforcement	Both
48.	Government Regulation (PP)	Government Regulation No. 62/2010 on Utilization of Outermost Small Islands <i>Peraturan Pemerintah Republik Indonesia Nomor 62 Tahun 2010 Tentang Pemanfaatan Pulau-Pulau Kecil Terluar</i>	24 August 2010	Registration and Licenses	Both
49.	Government Regulation (PP)	Government Regulation No. 64/2010 on Disaster Mitigation at Coastal Areas and Small Islands <i>Peraturan Pemerintah Republik Indonesia Nomor 64 Tahun 2010 Tentang Mitigasi Bencana Di Wilayah Pesisir Dan Pulau-Pulau Kecil</i>	30 August 2010	Jurisdictional Authority, Management and Planning	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
50.	Government Regulation (PP)	Regulation of the Minister of Marine and Fisheries of the Republic of Indonesia No. 57/2014 on the Second Amendment to MMAF Regulation No. 30/2012 on Wild Capture Fisheries Businesses within the Fisheries Management Area of the Republic of Indonesia <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 57/Permen-Kp/2014 Tentang Perubahan Kedua Atas Peraturan Menteri Kelautan Dan Perikanan Nomor Per.30/Men/2012 Tentang Usaha Perikanan Tangkap Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	12 November 2014	Registration and Licenses	Wild Capture
51.	Government Regulation (PP)	Government Regulation No. 75/2015 on Types and Tariffs of Non-Tax State Revenue Applied to the Ministry of Marine Affairs and Fisheries <i>Peraturan Pemerintah Republik Indonesia Nomor 75 Tahun 2015 tentang Jenis dan Tarif atas Jenis Penerimaan Negara Bukan Pajak yang Berlaku pada Kementerian Kelautan dan Perikanan</i>	6 November 2015	Revenue	Both
52.	Government Regulation (PP)	Government Regulation No. 81/2015 on Import and/or Delivery of Taxable Certain Strategic Goods that are Exempt from Imposition of Value Added Tax <i>Peraturan Pemerintah Republik Indonesia Nomor 81 Tahun 2015 tentang Impor dan/atau Penyerahan Barang Kena Pajak Tertentu yang Bersifat Strategis yang Dibebaskan dari Pengenaan Pajak Pertambahan Nilai</i>	9 January 2015	Jurisdictional Authority, Management and Planning	Both
53.	Government Regulation (PP)	Government Regulation No. 75/2015 on Rates and Forms of Non-Tax State Revenue Collectable by the Department of Marine Affairs and Fisheries <i>Peraturan Pemerintah Republik Indonesia Nomor 75 / 2015 tentang Jenis dan Tarif atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Departemen Kelautan Dan Perikanan</i>	7 October 2015	Revenue	Both
54.	Government Regulation (PP)	Government Regulation of the Republic of Indonesia No. 28/2017 on Fish Aquaculture <i>Peraturan Pemerintah Republik Indonesia Nomor 28 Tahun 2017 tentang Pembudidayaan Ikan</i>	24 July 2017	Jurisdictional Authority, Registration and Licenses	Both
55.	Presidential Regulation (Perpres)	Presidential Regulation No. 14/1959 on the Sea Transportation Council <i>Peraturan Presiden Republik Indonesia Nomor 14 Tahun 1959 tentang Dewan Angkatan Laut</i>	31 December 1959	Enforcement	Wild Capture
56.	Presidential Regulation (Perpres)	Presidential Regulation No. 19/1960 on the Maritime Council <i>Peraturan Presiden Republik Indonesia Nomor 19 Tahun 1960 tentang Susunan Dewan Maritim</i>	30 August 1960	Jurisdictional Authority, Enforcement	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
57.	Presidential Regulation (Perpres)	Presidential Regulation No. 81/2005 on the Marine Security Coordinating Body (<i>Bakorkamla</i>) <i>Peraturan Presiden Republik Indonesia Nomor 81 Tahun 2005 tentang Badan Koordinasi Keamanan Laut</i>	29 December 2005	Enforcement	
58.	Presidential Regulation (Perpres)	Presidential Regulation No. 9/2007 on Indonesian Ratification of Agreement for the Establishment of the Indian Ocean Tuna Commission <i>Peraturan Presiden Republik Indonesia Nomor 9 Tahun 2007 Tentang Pengesahan Agreement for the Establishment of the Indian Ocean Tuna Commission (Persetujuan Tentang Pembentukan Komisi Tuna Samudera Hindia)</i>	5 March 2007	Jurisdictional Authority, Management and Planning, International Agreements	Wild Capture
59.	Presidential Regulation (Perpres)	Presidential Regulation No. 109/2007 on Indonesian Ratification of the Convention for The Conservation of Southern Bluefin Tuna <i>Peraturan Presiden Republik Indonesia Nomor 109 Tahun 2007 Tentang Pengesahan Convention for the Conservation of Southern Bluefin Tuna (Konvensi Tentang Konservasi Tuna Sirip Biru Selatan)</i>	6 December 2007	Jurisdictional Authority, Management and Planning, International Agreements	Wild Capture
60.	Presidential Regulation (Perpres)	Presidential Regulation No. 47/2009 on the Establishment and Organization of National Ministries <i>Peraturan Presiden Republik Indonesia Nomor 47 Tahun 2009 Tentang Pembentukan Dan Organisasi Kementerian Negara</i>	3 November 2009	Jurisdictional Authority	Both
61.	Presidential Regulation (Perpres)	Presidential Regulation No. 73/2012 on the National Strategy for Mangrove Ecosystem Management <i>Peraturan Presiden Republik Indonesia Nomor 73 Tahun 2012 tentang Strategi Nasional Pengelolaan Ekosistem Mangrove</i>	27 August 2012	Jurisdictional Authority	Both
62.	Presidential Regulation (Perpres)	Presidential Regulation No. 178/2014 on the Marine Security Agency <i>Peraturan Presiden Republik Indonesia Nomor 178 Tahun 2014 tentang Badan Keamanan Laut</i>	9 December 2014	Jurisdictional Authority, Management and Planning, Enforcement	Both
63.	Presidential Regulation (Perpres)	Presidential Regulation No. 10/2015 on the Coordinating Ministry of Political, Legal, and Security Affairs <i>Peraturan Presiden Republik Indonesia Nomor 10 Tahun 2015 tentang Kementerian Koordinator Bidang Politik, Hukum dan Keamanan</i>	22 April 2015	Jurisdictional Authority, Management and Planning	Both
64.	Presidential Regulation (Perpres)	Presidential Regulation No. 115/2015 on the Task Force on Illegal Fishing <i>Peraturan Presiden Republik Indonesia Nomor 115 Tahun 2015 Tentang Satuan Tugas Pemberantasan Penangkapan Ikan Secara Ilegal (Illegal Fishing)</i>	9 October 2015	Jurisdictional Authority, Management and Planning, Enforcement	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
65.	Presidential Regulation (Perpres)	Presidential Regulation No. 44/2016 on Lists of Business Fields That Are Closed to Investment and Business Fields That Are Conditionally Open for Investment <i>Peraturan Presiden Republik Indonesia Nomor 44 Tahun 2016 Tentang Daftar Bidang Usaha Yang Tertutup Dan Bidang Usaha Yang Terbuka Dengan Persyaratan Di Bidang Penanaman Modal</i>	18 May 2016	Registration & Licenses	Both
66.	Presidential Regulation (Perpres)	Presidential Regulation No. 3/2017 on the Action Plan for the Acceleration of Development of the National Fisheries Industry <i>Peraturan Presiden Republik Indonesia Nomor 3 Tahun 2017 Tentang Rencana Aksi Percepatan Pembangunan Industri Perikanan Nasional</i>	13 January 2017	Jurisdictional Authority, Enforcement	Both
67.	Presidential Regulation (Perpres)	Presidential Regulation No. 10/2015 establishing the Coordinating Ministry for Maritime Affairs <i>Peraturan Presiden Republik Indonesia Nomor 10 Tahun 2015 tentang Kementerian Koordinator Bidang Kemaritiman</i>	23 January 2015	Jurisdictional Authority	Both
68.	Presidential Regulation (Perpres)	Presidential Regulation No. 16/2017 on Indonesian Marine Policy <i>Peraturan Presiden Republik Indonesia Nomor 16 Tahun 2017 Tentang Kebijakan Kelautan Indonesia</i>	23 February 2017	Management and Planning	Wild Capture
69.	Presidential Decree (Keppres)	Presidential Decree No. 8/1975 on Levies on Fishery Business and Fishery Production for Foreign and Domestic Investment Companies <i>Keputusan Presiden Nomor 8/1975 tentang Pungutan Pengusahaan Perikanan Dan Pungutan Hasil Perikanan Bagi Penanaman Modal Asing Dan Penanaman Modal Dalam Negeri Di Bidang Perikanan</i>	1 April 1975	Revenue	Both
70.	Presidential Decree (Keppres)	Presidential Decree No. 39/1980 on Elimination of Trawl Nets <i>Keputusan Presiden Republik Indonesia Nomor 39 Tahun 1980 Tentang Penghapusan Jaring Trawl</i>	1 July 1980	Jurisdictional Authority, Registration and Licenses, Revenue	Wild Capture
71.	Presidential Decree (Keppres)	Presidential Decree No. 9/1988 amending Presidential Decree No. 18/1984 on People's Nucleus Pond Project <i>Keputusan Presiden Republik Indonesia Nomor 9 Tahun 1988 tentang Perubahan Keputusan Presiden Nomor 18 Tahun 1984 tentang Proyek Tambak Inti Rakyat</i>	26 April 1988	Management and Planning	Aquaculture
72.	Presidential Decree (Keppres)	Presidential Decree No. 136/1999 establishing new Department for Marine Exploration <i>Keputusan Presiden Republik Indonesia Nomor 136 Tahun 1999 Tentang Kedudukan, Tugas, Fungsi, Susunan Organisasi Dan Tata Kerja Departemen</i>	10 November 1999	Jurisdictional Authority	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
73.	Presidential Decree (Keppres)	Presidential Decree No. 147/1999 amending the name of Department for Marine Exploration to include Fisheries <i>Keputusan Presiden Republik Indonesia Nomor 147/1999 tentang Perubahan atas Keputusan Presiden Nomor 136 Tahun 1999 Tentang Kedudukan, Tugas, Fungsi, Susunan Organisasi Dan Tata Kerja Departemen</i>	1 December 1999	Jurisdictional Authority	Both
74.	Presidential Decree (Keppres)	Presidential Decree No. 165/2000 on the Position, Tasks, Functions, Organizational Structure, and Working Procedures of Departments <i>Keputusan Presiden Republik Indonesia Nomor 165 Tahun 2000 Tentang Kedudukan, Tugas, Fungsi, Kewenangan, Susunan Organisasi, Dan Tata Kerja Departemen</i>	23 November 2000	Jurisdictional Authority	Both
75.	Presidential Instruction (Inpres)	Presidential Instruction No. 7/2016 on Acceleration of the Fisheries Industry <i>Instruksi Presiden Republik Indonesia Nomor 7 Tahun 2016 Tentang Percepatan Pembangunan Industri Perikanan Nasional</i>	22 August 2016	Management and Planning, Revenue	Both
76.	Ministerial Regulation (Permen)	Minister of Transportation Decree No. 14/1973 on the Sea and Coast Guard Unit (KPLP) <i>SK Menhub No.KM.14/U/plib-73 tentang Kesatuan Penjaga Laut dan Pantai (KPLP)</i>	30 January 1973	Enforcement	Wild Capture
77.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 4/2005 on Forms, Types, and Procedures of Issuance of Fish Quarantine Action Documents <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.04/MEN/2005 tentang Bentuk dan Jenis Serta Tata Cara Penerbitan Dokumen Tindakan Karantina Ikan</i>	21 February 2005	Registration and Licenses	Aquaculture
78.	Ministerial Regulation (Permen)	Minister of Marine Affairs and Fisheries Regulation No. 13/2005 on the Coordination Forum for Fisheries Crime Handling <i>Peraturan Menteri Kelautan Dan Perikanan Nomor Per.13/Men/2005 tentang Forum Koordinasi Penanganan Tindak Pidana Di Bidang Perikanan</i>	10 October 2005	Enforcement	Wild capture
79.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 15/2005 on Fish Capture and/or Fish Aquaculture in the Fisheries Management Area of the Republic of Indonesia for Non-Commercial Purposes <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.15/MEN/2005 tentang Penangkapan Ikan dan/atau Pembudidayaan Ikan di Wilayah Pengelolaan Perikanan Republik Indonesia yang Bukan Untuk Tujuan Komersial</i>	31 October 2005	Jurisdictional Authority	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
80.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 11/2006 amending Regulation of the Minister of Marine Affairs and Fisheries No. PER.13/MEN/2005 on the Coordination Forum for Handling Fisheries Crimes <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.11/MEN/2006 tentang Perubahan Peraturan Menteri Kelautan dan Perikanan Nomor PER.13/MEN/2005 tentang Forum Koordinasi Penanganan Tindak Pidana di Bidang Perikanan</i>	16 February 2006	Enforcement	Both
81.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 17/2006 on Capture Fisheries Business <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.17/MEN/2006 Tahun 2006 tentang Usaha Perikanan Tangkap</i>	27 July 2006	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses, Revenue	Wild Capture
82.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 30/2016 on the National Commission of Assessment of Fish Resources <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.30/PERMEN-KP/2016 tentang Komisi Nasional Pengkajian Sumber Daya Ikan</i>	26 August 2006	Jurisdictional Authority, Management and Planning	Wild Capture
83.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 21/2006 on Fish Quarantine Action in the Event of Transit <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.21/MEN/2006 tentang Tindakan Karantina Ikan Dalam Hal Transit</i>	2 November 2006	Management and Planning	Aquaculture
84.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 5/2007 on Vessel Monitoring System Requirements <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER 05/MEN/2007 tentang Penyelenggaraan Sistem Pemantauan Kapal Perikanan</i>	23 January 2007	Enforcement, Registration and Licenses	Wild Capture
85.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 9/2007 on Provisions on Imports of Carrying Media in the Form of Live Fish as Luggage into the Territory of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.09/MEN/2007 tentang Ketentuan Pemasukan Media Pembawa Berupa Ikan Hidup Sebagai Barang Bawaan Ke Dalam Wilayah Negara Republik Indonesia</i>	1 March 2007	Management and Planning	Aquaculture
86.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 12/2007 on Fish Aquaculture Business License <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.12/MEN/2007 tentang Perizinan Usaha Pembudidayaan Ikan</i>	8 May 2007	Jurisdictional Authority, Enforcement, Registration and Licenses	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
87.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 20/2007 on Quarantine Action for the Importing of Pest-Carrying and Quarantined-Fish-Disease-Carrying Media from Other Countries and from Overseas and from One Area to Another Area in the Territory of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.20/MEN/2007 tentang Tindakan Karantina Untuk Pemasukan Media Pembawa Hama dan Penyakit Ikan Karantina Dari Luar Negeri dan Dari Suatu Area ke Area Lain di Dalam Wilayah Negara Republik Indonesia</i>	15 November 2007	Management and Planning	Aquaculture
88.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 5/2008 on Capture Fisheries Business <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.05/Men/2008 tentang Usaha Perikanan Tangkap</i>	31 January 2008	Registration and Licenses	Wild Capture
89.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 7/2008 on Social Assistance Grants for Empowerment of Coastal Communities and Fish Aquaculturists <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.07/MEN/2008 tentang Bantuan Sosial Pemberdayaan Masyarakat Pesisir dan Pembudidaya Ikan</i>	3 March 2008	Jurisdictional Authority	Aquaculture
90.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 15/2008 on Procedures for Collection of Non-Tax State Revenues at the Department of Marine Affairs and Fisheries in the Field of Fish Aquaculture which Derive from Fisheries Levies <i>Peraturan Menteri Kelautan dan Perikanan Nomor PER.15/MEN/2008 tentang Tata Cara Pemungutan Penerimaan Negara Bukan Pajak Pada Departemen Kelautan dan Perikanan di Bidang Pembudidayaan Ikan yang Berasal dari Pungutan Perikanan</i>	11 September 2008	Revenue	Aquaculture
91.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 20/2008 on Coastal and Small Islands Management <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.20/Men/2008 Tentang Pemanfaatan Pulau-Pulau Kecil Dan Perairan Di Sekitarnya</i>	17 November 2008	Management and Planning, Registration and Licenses,	Both
92.	Ministerial Regulation (Permen)	Minister of Marine Affairs and Fisheries Regulation No. 1/2009 on the Indonesian Fishery Management Area <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.01/Men/2009 Tentang Wilayah Pengelolaan Perikanan Republik Indonesia</i>	21 January 2009	Management and Planning	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
93.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 5/2009 on the Scale of Business in the Field of Fish Aquaculture <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.05/MEN/2009 tentang Skala Usaha di Bidang Pembudidayaan Ikan</i>	25 February 2009	Management and Planning	Aquaculture
94.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 7/2009 on Organization and Work Procedures for Service Office for Production of Aquaculture Businesses <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.07/MEN/2009 tentang Organisasi dan Tata Kerja Balai Layanan Usaha Produksi Perikanan Budidaya</i>	13 March 2009	Jurisdictional Authority	Aquaculture
95.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 9/2009 on the Revocation of Ministerial Decree of Marine Affairs and Fisheries No. 4/2003 on the Requirements for the Release of Nener (Seeds of Milkfish) from the Territory of Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.09/MEN/2009 tentang Pencabutan Keputusan Menteri Kelautan dan Perikanan Nomor KEP.04/MEN/2003 tentang Persyaratan Pengeluaran Nener (Benih Bandeng) dari Wilayah Republik Indonesia</i>	8 April 2009	N/A	Aquaculture
96.	Ministerial Regulation (Permen)	Minister of Marine Affairs and Fisheries Regulation No. 13/2009 on the National Commission for the Study of Fishery Resources <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.13/Men/2009 Tentang Komisi Nasional Pengkajian Sumber Daya Ikan</i>	20 May 2009	Management and Planning	Wild Capture
97.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 15/2009 on Types of Fish and Territory of the Redistribution and Aquaculture-based Fish Capture <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.15/MEN/2009 tentang Jenis Ikan dan Wilayah Penebaran Kembali serta Penangkapan Ikan Berbasis Budidaya</i>	9 July 2009	Jurisdictional Authority, Management and Planning, Enforcement	Aquaculture
98.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 2/2010 on the Procurement and Distribution of Fish Feed <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.02/MEN/2010 tentang Pengadaan dan Peredaran Pakan Ikan</i>	8 February 2010	Management and Planning, Enforcement, Registration and Licenses	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
99.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 3/2010 on the Procedures for the Determination of Protection Status based on Fish Typology <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.03/MEN/2010 tentang Tata Cara Penetapan Status Perlindungan Jenis Ikan</i>	8 February 2010	Jurisdictional Authority, Management and Planning	Both
100.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 12/2010 on Minapolitan <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.12/MEN/2010 tentang Minapolitan</i>	14 May 2010	Jurisdictional Authority, Management and Planning	Aquaculture
101.	Ministerial Regulation (Permen)	Regulation of the Minister of Public Works No. 16/2011 on Guidelines of the Operation and Maintenance of Pond Irrigation Systems <i>Peraturan Menteri Pekerjaan Umum Nomor 16/PRT/M/2011 tentang Pedoman Operasi dan Pemeliharaan Jaringan Irigasi Tambak</i>	14 November 2010	Jurisdictional Authority, Management and Planning	Aquaculture
102.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 14/2011 on Capture Fisheries Business <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.14/Men/2011 Tentang Usaha Perikanan Tangkap</i>	6 June 2011	Registration and Licenses	Wild Capture
103.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 49/2011 amending Regulation of the Minister of Marine Affairs and Fisheries No. 14/2011 on Capture Fisheries Business <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.49/Men/2011 Tentang Perubahan Atas Peraturan Menteri Kelautan Dan Perikanan Nomor Per.14/Men/2011 Tentang Usaha Perikanan Tangkap</i>	5 December 2011	Registration and Licenses	Wild Capture
104.	Ministerial Regulation (Permen)	Regulation of the Minister of Public Works No. 16/2011 on Guidelines of the Operation and Maintenance of Pond Irrigation Systems <i>Peraturan Menteri Pekerjaan Umum Nomor 16/PRT/M/2011 tentang Pedoman Operasi dan Pemeliharaan Jaringan Irigasi Tambak</i>	23 November 2011	Jurisdictional Authority, Management and Planning	Aquaculture
105.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 8/2012 on Fisheries Ports <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.08/MEN/2012 tentang Kepelabuhanan Perikanan</i>	20 April 2012	Jurisdictional Authority, Registration and Licenses	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
106.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 12/2012 on Capture Fishing Business in the High Seas <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor PER.12/MEN/2012 tentang Usaha Perikanan Tangkap di Laut Lepas</i>	29 July 2012	Enforcement	Wild Capture
107.	Ministerial Regulation (Permen)	Regulation of the Minister of Public Works No. 13/2012 on Guidelines for the Management of Irrigation Assets <i>Peraturan Menteri Pekerjaan Umum Nomor 13/PRT/M/2012 tentang Pedoman Pengelolaan Aset Irigasi</i>	28 August 2012	Jurisdictional Authority, Management and Planning	Aquaculture
108.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 19/2012 on the Prohibition for Export of Eel Seeds (<i>Anguilla spp</i>) from the Territory of the Republic of Indonesia to Outside of the Territory of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Nomor 19/MEN/2012 tentang Larangan Pengeluaran Benih Sidat (Anguilla spp) dari Wilayah Negara Republik Indonesia ke Luar Wilayah Negara Republik Indonesia</i>	22 October 2012	N/A	Aquaculture
109.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 16/2012 on the National Commission for the Study of Fishery Resources <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.16/Men/2012 Tentang Komisi Nasional Pengkajian Sumber Daya Ikan</i>	3 September 2012	Management and Planning	Wild Capture
110.	Ministerial Regulation (Permen)	Regulation of the Minister of Trade No. 32/2012 on the Establishment of the Benchmark Price of Fish for Calculating Fishery Charges <i>Peraturan Menteri Perdagangan Nomor 32/M-DAG/PER/5/2012 Tahun 2012 Tentang Penetapan Harga Patokan Ikan Untuk Penghitungan Pungutan Hasil Perikanan</i>	12 May 2012	Revenue	Wild Capture
111.	Ministerial Regulation (Permen)	Regulation of the Minister of Finance No. 3/2013 on Procedures for Depositing Non-Tax State Revenue by the Revenue Treasurer <i>Peraturan Menteri Keuangan Republik Indonesia Nomor 3/PMK.02/2013 tentang Tata Cara Penyetoran Penerimaan Negara Bukan Pajak Oleh Bendahara Penerimaan</i>	2 January 2013	Revenue	
112.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 29/2012 on Guidelines for the Development of Capture Fisheries Management Plans <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor Per.29/Men/2012 Tentang Pedoman Penyusunan Rencana Pengelolaan Perikanan Di Bidang Penangkapan Ikan.</i>	7 January 2013	Management and Planning	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
113.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 30/2012 on Capture Fisheries Business in Indonesia's Fisheries Management Area <i>Peraturan Menteri Kelautan dan Perikanan Nomor 30/2012 tentang Usaha Perikanan Tangkap di Wilayah Pengelolaan Perikanan Negara Republik Indonesia.</i>	11 January 2013	Jurisdictional Authority, Registration and Licenses	Wild Capture
114.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 14/2013 amending Regulation of the Minister of Marine Affairs and Fisheries No. 4/2013 on Fish Medicine <i>Peraturan Menteri Kelautan dan Perikanan Nomor 14/MEN/2013 tentang Perubahan Atas Peraturan Menteri Kelautan dan Perikanan Nomor PER.04/MEN/2012 tentang Obat Ikan</i>	5 July 2013	Management and Planning, Enforcement, Registration and Licenses	Aquaculture
115.	Ministerial Regulation (Permen)	Minister of Marine Affairs and Fisheries Regulation No. 23/2013 on Fishing Vessel Registration and Marking <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 23/Permen-Kp/2013 Tentang Pendaftaran Dan Penandaan Kapal Perikanan</i>	2 September 2013	Registration and Licenses	Wild Capture
116.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 26/2013 amending Regulation of the Minister of Marine Affairs and Fisheries No. 30/2012 on Capture Fisheries Business in Indonesia's Fisheries Management Area <i>Peraturan Menteri Kelautan dan Perikanan Nomor 26/2013 tentang Perubahan atas Peraturan Menteri Kelautan dan Perikanan Nomor 30/2012 tentang Usaha Perikanan Tangkap di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	23 September 2013	Jurisdictional Authority, Registration and Licenses	Wild Capture
117.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 32/2013 on the Prohibition for Importation of Shrimp and Natural Feed from Countries and/or Transit Countries Exposed to Early Mortality Syndrome or Acute Hepatopancreatic Necrosis Disease <i>Peraturan Menteri Kelautan dan Perikanan Nomor 32/MEN/2013 tentang Larangan Pemasukan Udang dan Pakan Alami dari Negara dan/atau Negara Transit yang Terkena Wabah Early Mortality Syndrome atau Acute Hepatopancreatic Necrosis Disease</i>	20 December 2013	Jurisdictional Authority, Management and Planning, Enforcement	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
118.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 6/2014 on the Organization and Work Procedures of Technical Implementing Units of Fresh Water Fisheries Aquaculture, Brackish Water Fisheries Aquaculture, and Sea Fisheries Aquaculture <i>Peraturan Menteri Kelautan dan Perikanan Nomor 6/PERMEN-KP/2014 tentang Organisasi dan Tata Kerja Unit Pelaksana Teknis Perikanan Budidaya Air Tawar, Perikanan Budidaya Air Payau, dan Perikanan Budidaya Laut</i>	7 February 2014	Jurisdictional Authority, Management and Planning	Aquaculture
119.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 10/2014 on the Guidelines of the Implementation of the National Program for Cultivating an Independent Marine and Fisheries Society <i>Peraturan Menteri Kelautan dan Perikanan Nomor 10/PERMEN-KP/2014 tentang Pedoman Pelaksanaan Program Nasional Pemberdayaan Masyarakat Mandiri Kelautan dan Perikanan</i>	17 March 2014	N/A	Both
120.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 18/2014 on Fisheries Management Areas of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 18/PERMEN-KP/2014 Tahun 2014 Tentang Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	14 April 2014	Jurisdictional Authority	Both
121.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 17/2014 on Implementation of Fishery Inspectorate Duties <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 17/PERMEN-KP/2014 tentang Pelaksanaan Tugas Pengawas Perikanan</i>	21 April 2014	Jurisdictional Authority, Management and Planning, Enforcement	Both
122.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 22/2014 amending Regulation of the Minister of Marine Affairs and Fisheries No. 12/2014 on the Protection of Fishers, Aquaculturists, and Salt Farmers Affected by Natural Disasters <i>Peraturan Menteri Kelautan dan Perikanan Nomor 22/PERMEN-KP/2014 tentang Perubahan Atas Peraturan Menteri Kelautan dan Perikanan Nomor 12/PERMEN-KP/2014 tentang Perlindungan Nelayan, Pembudidaya Ikan, dan Petambak Garam Rakyat yang Terkena Bencana Alam</i>	3 June 2014	N/A	Both
123.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 25/2014 on New Types of Fish That Will Be Cultivated <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 25/PERMEN-KP/2014 tentang Jenis Ikan Baru yang akan Dibudidayakan</i>	17 June 2014	Management and Planning, Enforcement	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
124.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 36/2014 on Andon Fishing <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 36/PERMEN-KP/2014 tentang Andon Penangkapan Ikan</i>	22 August 2014	Jurisdictional Authority, Registration and Licenses	Both
125.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 49/2014 Fish Aquaculture Business <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 49/PERMEN-KP/2014 tentang Usaha Pembudidayaan Ikan</i>	17 October 2014	Management and Planning, Enforcement, Registration and Licenses	Aquaculture
126.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 56/2014 on Moratorium for Business Licensing of Capture Fishing in the Fishery Management Area of the Republic of Indonesia <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 56/PERMEN-KP/2014 Tentang Penghentian Sementara (Moratorium) Perizinan Usaha Perikanan Tangkap Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	3 November 2014	Registration and Licenses	Wild Capture
127.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 57/2014 regarding the second amendment to Minister of Marine Affairs and Fisheries Regulation No. 30/2012 on Capture Fisheries Business in Indonesia's Fisheries Management Area <i>Peraturan Menteri Kelautan dan Perikanan Nomor 57/Permen-kp/2014 tentang Perubahan atas Peraturan Menteri Kelautan dan Perikanan Nomor 30/2012 tentang Usaha Perikanan Tangkap di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	12 November 2014	Registration and Licenses	Wild Capture
128.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 3/2015 on Delegation of the Authority to Grant Business Licenses in the Field of Fish Aquaculture under the Framework of Implementation of the One Stop Integrated Services to the Head of Investment Coordinating Board <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 3/PERMEN-KP/2015 tentang Pendelegasian Wewenang Pemberian Izin Usaha di Bidang Pembudidayaan Ikan Dalam Rangka Pelaksanaan Pelayanan Terpadu Satu Pintu kepada Kepala Badan Koordinasi Penanaman Modal</i>	5 January 2015	Jurisdictional Authority, Registration and Licenses	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
129.	Ministerial Regulation (Permen)	Regulation of The Minister of Marine Affairs and Fisheries No. 2/2015 on Prohibition of Use of Hela Training Fishing Tool (Trawls) And Seine Nets in the Fisheries Management Area of the Republic of Indonesia <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 2/Permen-Kp/2015 Tentang Larangan Penggunaan Alat Penangkapan Ikan Pukat Hela (Trawls) Dan Pukat Tarik (Seine Nets) Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	9 January 2015	Enforcement	Wild Capture
130.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 4/2015 on Fishing Bans in the Fisheries Management Area of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 4/permen-kp/2015 tentang Larangan Penangkapan Ikan di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	15 January 2015	Registration and Licenses	Both
131.	Ministerial Regulation (Permen)	Regulation of the Minister of Village, Development of Underdeveloped Regions, and Transmigration of the Republic of Indonesia No. 1/2015 on the Guideline for Authority Based on Original Rights and Village-Scale Local Authority <i>Peraturan Menteri Desa, Pembangunan Daerah Tertinggal, Dan Transmigrasi Republik Indonesia Nomor 1 Tahun 2015 Tentang Pedoman Kewenangan Berdasarkan Hak Asal Usul Dan Kewenangan Lokal Berskala Desa</i>	30 January 2015	Jurisdictional Authority, Management and Planning, Revenue	Both
132.	Ministerial Regulation (Permen)	Regulation of The Minister of Marine Affairs and Fisheries No. 1/2015 on Wild Capture of Lobsters and Crabs (<i>Panurilus spp</i> , <i>Scylla spp</i> , and <i>Portunus pelagicus spp</i>) <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 1/PERMEN-KP/2015 Tentang Penangkapan Lobster (Panulirus spp.), Kepiting (Scylla spp.), dan Rajungan (Portunus pelagicus spp.)</i>	1 March 2015	Registration and Licenses, Revenue	Wild Capture
133.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 10/2015 amending Regulation of Regulation of the Minister of Marine Affairs and Fisheries No. 56/2014 on Moratorium for Business Licensing of Capture Fishing in the Fishery Management Area of the Republic of Indonesia <i>Peraturan Menteri Klautan Dan Perikanan Republik Indonesia Nomor 10/Permen-Kp/2015 Tentang Perubahan Atas Peraturan Menteri Kelautan Dan Perikanan Nomor 56/Permen-Kp/2014 Tentang Penghentian Sementara (Moratorium) Perizinan Usaha Perikanan Tangkap Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	24 April 2015	Registration and Licenses	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
134.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 12/2015 on General Guidelines for Ornamental Fish Cultivation Arowana Super Red (<i>Scleropages Formosus</i>)/Siluk <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 12/PERMEN-KP/2015 tentang Pedoman Umum Budidaya Ikan Hias Arowana Super Red (Scleropages Formosus)/Siluk</i>	12 May 2015	Management and Planning, Registration and Licenses	Aquaculture
135.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 17/2015 on Criteria and/or Conditions for Tax Incentives for Investment in Certain Business Fields and/or In Certain Areas in the Marine and Fisheries Sector <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia NOMOR 17/PERMEN-KP/2015 TAHUN 2015 Tentang Kriteria Dan/Atau Persyaratan Pemberian Fasilitas Pajak Penghasilan Untuk Penanaman Modal Di Bidang-Bidang Usaha Tertentu Dan/Atau Di Daerah-Daerah Tertentu Pada Sektor Kelautan Dan Perikanan</i>	2 July 2015	Revenue	Both
136.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 25/2015 on MMAF Strategic Plan 2015–2019 <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 25/Permen-Kp/2015 Tentang Rencana Strategis Kementerian Kelautan Dan Perikanan Tahun 2015–2019</i>	3 September 2015	Management and Planning	Both
137.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 35/2015 on Human Rights Certification of Fisheries Businesses <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 35/Permen-Kp/2015 Tentang Sistem Dan Sertifikasi Hak Asasi Manusia Pada Usaha Perikanan</i>	10 December 2015	Enforcement, Registration and Licenses	Both
138.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 36/2015 on Criteria and Grouping for Fishery Production Charges on Small- Medium- and Large-Scale Vessels <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 36/Permen-KP/2015 Tentang Kriteria Dan Pengelompokan Skala Kecil, Skala Menengah, Dan Skala Besar Dalam Pungutan Hasil Perikanan</i>	8 December 2015	Revenue	Both
139.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 38/2015 on Procedures for Collection of Non-Tax State Revenues at the Department of Marine Affairs and Fisheries that Derive from Fisheries Levies <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 38/Permen-Kp/2015 Tentang Tata Cara Pemungutan Penerimaan Negara Bukan Pajak Pada Kementerian Kelautan Dan Perikanan Yang Berasal Dari Pungutan Perikanan</i>	18 December 2015	Revenue	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
140.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 45/2015 amending Regulation of the Minister of Marine Affairs and Fisheries No. 25/2015 on MMAF Strategic Plan 2015–2019 <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 45/PERMEN-KP/2015 tentang Perubahan atas Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 25/PERMEN-KP/2015 tentang Rencana Strategis Kementerian Kelautan dan Perikanan Tahun 2015-2019</i>	20 January 2016	N/A	Both
141.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 9/2016 on the Scope of Government Affairs of Marine and Fisheries for 2016 as Delegated to the Governor as the Government's Representative for De-concentration and Delegation to Provincial Government or Regency/City Government for Assistance <i>Peraturan Menteri Kelautan Dan Perikanan Nomor 9/PERMEN-KP/2016 Tahun 2016 tentang Lingkup Urusan Pemerintah Bidang Kelautan dan Perikanan Tahun 2016 yang Dilimpahkan Kepada Gubernur sebagai Wakil Pemerintah dalam Rangka Dekonsentrasi dan Ditugaskan kepada Pemerintah Provinsi atau Pemerintah Kabupaten/Kota dalam Rangka Tugas Pembantuan</i>	8 June 2016	Jurisdictional Authority, Management and Planning, Enforcement	Both
142.	Ministerial Regulation (Permen)	Ministerial Regulation No. 18/2016 on Warranty Risk Protection for Fishers, Fish Farmers, and Salt Farmers <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 18/Permen-KP/2016 tentang Jaminan Perlindungan atas Risiko Kepada Nelayan, Pembudi Daya Ikan, dan Petambak Garam</i>	20 June 2016	Management and Planning Registration and Licenses	Both
143.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 26/2016 on Nomenclature, Functions, and Duties Applicable to Provincial and Regency Work Units Responsible for Governing Marine Affairs and Fisheries <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 26/Permen-Kp/2016 tentang Pedoman Nomenklatur Perangkat Daerah Dan Unit Kerja Pada Perangkat Daerah Provinsi Dan Kabupaten/Kota Yang Melaksanakan Urusan Pemerintahan Di Bidang Kelautan Dan Perikanan</i>	5 September 2016	Jurisdictional Authority, Management and Planning, Registration and Licenses	Both
144.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 35/2016 on Good Fish Hatchery Procedures <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 35/PERMEN-KP/2016 tentang Cara Pembenihan Ikan Yang Baik</i>	20 October 2016	Management and Planning, Registration and Licenses	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
145.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 46/2016 on the Procedures of Non-Tax State Revenue in the Ministry of Marine Affairs and Fisheries outside Fisheries Levies <i>Peraturan Menteri Kelautan dan Perikanan Nomor 46/PERMEN-KP/2016 tentang Tata Cara Pungutan Penerimaan Negara Bukan Pajak di Lingkungan Kementerian Kelautan dan Perikanan di Luar Pungutan Perikanan</i>	9 December 2016	Jurisdictional Authority, Management and Planning	Wild Capture
146.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 70/2016 on the General Guidelines for the Distribution of Government Aid at the Ministry of Marine Affairs and Fisheries <i>Peraturan Menteri Kelautan dan Perikanan Nomor 70/PERMEN-KP/2016 tentang Pedoman Umum Dalam Rangka Penyaluran Bantuan Pemerintah di Kementerian Kelautan dan Perikanan</i>	30 December 2016	Management and Planning, Enforcement	Both
147.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine and Fisheries No. 71/2016 on Fishing Lanes and the Placement of Fishing Gear within the Fisheries Management Area of the Republic of Indonesia <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 71/PERMEN-KP/2016 Tentang Jalur Penangkapan Ikan Dan Penempatan Alat Penangkapan Ikan Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	30 December 2016	N/A	Both
148.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine and Fisheries No. 75/2016 on General Guidelines for Rearing Tiger Shrimp (<i>Penaeus Monodon</i>) and Vaname Shrimp (<i>Litopenaeus Vannamei</i>) <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 75/PERMEN-KP/2016 tentang Pedoman Umum Pembesaran Udang Windu (Penaeus Monodon) dan Udang Vaname (Litopenaeus Vannamei)</i>	3 January 2017	Management and Planning	Aquaculture
149.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fishery No. 1/2017 on Fisheries Vessels' Seaworthiness Permits <i>(Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 1/PERMEN-KP/2017 tentang Surat Laik Operasi Kapal Perikanan)</i>	23 January 2017	Jurisdictional Authority, Management and Planning, Revenue	Both
150.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 2/2017 on Requirements and Mechanisms for Human Rights Certification for Fisheries <i>Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia NOMOR 2 /PERMEN-KP/2017 Tentang Persyaratan Dan Mekanisme Sertifikasi Hak Asasi Manusia Perikanan</i>	23 January 2017	Management and Planning, Enforcement, Registration and Licenses	Both

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
151.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 6/2017 on Organization and Working Procedure for the Ministry of Marine Affairs and Fisheries <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 6/PERMEN-KP/2017 tentang Organisasi dan Tata Kerja Kementerian Kelautan dan Perikanan</i>	3 February 2017	Management and Planning, Registration and Licenses, Revenue	Both
152.	Ministerial Regulation (Permen)	Regulation of the Minister of Marine Affairs and Fisheries No. 34/2017 on Quarantine Action regarding the Importing of Biologically Prepared Fish Medicine into the Territory of the Republic of Indonesia <i>Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 34/PERMEN-KP/2017 tentang Tindakan Karantina terhadap Pemasukan Obat Ikan Jenis Sediaan Biologik ke dalam Wilayah Negara Republik Indonesia</i>	16 May 2017	Jurisdictional Authority, Management and Planning, Enforcement, Revenue	Aquaculture
153.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 561/1973 on Use of Bycatch <i>Keputusan Menteri Pertanian Nomor 561/Kpts/Um/11/1973 tentang Pemanfaatan Ikan Hasil Samping</i>	7 November 1973	Management and Planning, Registration and Licenses	Wild Capture
154.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 1/1975 on Managing the Sustainability of Indonesian Fisheries Resource Wealth <i>Keputusan Menteri Pertanian Nomor 123/KPTS/UM/3/1975 tentang Pembinaan Kelestarian Kekayaan Yang Terdapat Dalam Sumber Perikanan Indonesia</i>	1975	Management and Planning	Wild Capture
155.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 2/1975 Prohibiting Trawling in Waters Shallower than the 10 m Isobath Line around the Coasts of Irian Jaya <i>Keputusan Menteri Pertanian Nomor 02/KPTS/UM/1/1975</i>	1975	Management and Planning	Wild Capture
156.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 123/1975 on Rules on Purse Seine Mesh Size for Capture of Various Pelagic Fish Species <i>Keputusan Menteri Pertanian Nomor 123/KPTS/UM/3/1975 tentang Ketentuan Lebar Mata Jaring Purse Seine Untuk Penangkapan Ikan-Ikan Kembung, Layang, Selar, Lemburu Dan Ikan-Ikan Pelagis Lainnya</i>	1975	Management and Planning	Wild Capture
157.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 607/1976 on Fisheries Zoning <i>Keputusan Menteri Pertanian Nomor 607/Kpts/Um/9/1976 tentang Jalur-Jalur Penangkapan Ikan</i>	1976	Jurisdictional Authority, Management and Planning, Registration and Licenses	Wild Capture
158.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 608/1976 on Fisheries Zoning for State-Owned Enterprises <i>Keputusan Menteri Pertanian Nomor 608/Kpts/Um/9/1976 tentang Penetapan Jalur Penangkapan Bagi Kapal-Kapal Perusahaan-Perusahaan Perikanan Negara</i>	1976	Jurisdictional Authority, Management and Planning, Registration and Licenses	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
159.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 609/1976 on Catch Areas for Bottom Trawlers <i>Keputusan Menteri Pertanian Nomor 609/Kpts/Um/9/1976 tentang Daerah Penangkapan Kapal Trawl Dasar</i>	1976	Jurisdictional Authority, Management and Planning, Registration and Licenses	Wild Capture
160.	Ministerial Decree (Kepmen)	Ministry of Agriculture Decree No. 473/1985 on Total Allowable Catch (TAC) in the EEZ <i>Keputusan Menteri Pertanian Nomor 473/a/Kpts/IK.250/6/1985 tentang Jumlah tangkapan ikan yang diperbolehkan di ZEEI</i>	1985	Jurisdictional Authority, Management and Planning, Registration and Licenses	Wild Capture
161.	Ministerial Decree (Kepmen)	Minister of Agriculture Decree No. 995/1999 on Fisheries Resource Potential and Total Allowable Catch <i>Keputusan Menteri Pertanian Nomor 995/Kpts/IK.210/9/1999 tentang Potensi Sumber Daya Ikan dan Jumlah Tangkapan yang Diperbolehkan (JTB) di Wilayah Perikanan Republik Indonesia</i>	1999	Jurisdictional Authority, Management and Planning	Wild Capture
162.	Ministerial Decree (Kepmen)	Decree of the Minister of Agriculture No. 245/1990 on Quarantine Actions for Living Fish Exported from the Territory of the Republic of Indonesia <i>Keputusan Menteri Pertanian Republik Indonesia Nomor 245/KPTS/LB.730/4/90 Tahun 1990 tentang Tindakan Karantina Ikan Hidup yang Dikeluarkan dari Wilayah Negara Republik Indonesia</i>	11 April 1990	Management and Planning, Enforcement, Registration and Licenses, Revenue	Aquaculture
163.	Ministerial Decree (Kepmen)	Minister of Finance Decree No. 258/2003 on Implementing Guidelines for Collection, Banking, and Receipt of Non-Tax State Revenue Originating from Fishery Levies by the Department for Marine Affairs and Fisheries <i>Keputusan Menteri Keuangan Republik Indonesia Nomor: 258/Kmk.06/2003 tentang Tatacara Pelaksanaan Pengenaan Dan Penyetoran Penerimaan Negara Bukan Pajak Pada Departemen Kelautan Dan Perikanan Yang Berasal Dari Pungutan Perikanan</i>	6 June 2003	Revenue	Both
164.	Ministerial Decree (Kepmen)	Coordinating Minister of Politics and Security Decree No. 5/2003 on Task Force for Planning, Security Development, and Law Enforcement at Sea <i>Keputusan Menteri Koordinator Bidang Politik dan Keamanan, Nomor Kep.05/Menko/Polkam/2/2003 tentang Kelompok Kerja Perencanaan Pembangunan Keamanan dan Penegakan Hukum di Laut</i>	2003	Enforcement	Wild Capture
165.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 8/2004 on Procedures for Importation of New Types or Varieties of Fish into the Territory of the Republic of Indonesia <i>Keputusan Menteri Kelautan dan Perikanan Nomor KEP.08/MEN/2004 tentang Tata Cara Pemasukan Ikan Jenis atau Varietas Baru ke Dalam Wilayah Negara Republik Indonesia</i>	4 February 2004	Jurisdictional Authority, Management and Planning, Enforcement, Registration and Licenses	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
166.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 22/2004 on Guidelines for the Collection and Receipt of Non-Tax State Revenue originating from Fishery Revenues by the Department of Marine Affairs and Fisheries <i>Keputusan Menteri Kelautan dan Perikanan Nomor 22/2004 tentang Tatacara Pemungutan Penerimaan Negara Bukan Pajak Pada Departemen Kelautan Dan Perikanan Yang Berasal Dari Pungutan Perikanan</i>	9 June 2004	Revenue	Both
167.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 28/2004 on General Guidelines for Shrimp Aquaculture in Ponds <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor KEP. 28/ MEN/2004 tentang Pedoman Umum Budidaya Udang di Tambak</i>	23 July 2004	Enforcement	Aquaculture
168.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 15/2006 on General Guidelines for the Data Identification of Sea, Coastal Areas, and Small Islands <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor KEP.15/ MEN/2006 Tahun 2006 tentang Pedoman Umum Identifikasi Data Tata Ruang Laut, Pesisir, Dan Pulau-Pulau Kecil</i>	16 May 2006	Jurisdictional Authority	Both
169.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 31/2006 on Establishment of Empowerment Teams for Fisher Communities, Fish Cultivators, and Business Actors in the Field of Marine and Fisheries <i>Keputusan Menteri Menter Kelautan dan Perikanan Republik Indonesia Nomor KEP.31/MEN/2006 tentang Pembentukan Tim Pemberdayaan Masyarakat Nelayan, Pembudidaya Ikan dan Pelaku Usaha di Bidang Kelautan dan Perikanan</i>	28 September 2006	Enforcement, Revenue	Aquaculture
170.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 2/2007 on Methods of Good Fish Aquaculture Practices <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor KEP.02/ MEN/2007 tentang Cara Budidayakan yang Baik</i>	5 January 2007	N/A	Aquaculture
171.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine and Fisheries of the Republic of Indonesia No. 52/2014 on Fish Medicine Classification <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 52/KEPMEN-KP/2014 tentang Klasifikasi Obat Ikan</i>	17 September 2014	N/A	Aquaculture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
172.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine and Fisheries of the Republic of Indonesia No. 56/2014 on Determining the Locations for Import and Export of Pest and Quarantined Fish Disease Carrying Media <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 56/KEPMEN-KP/2014 tentang Penetapan Tempat Pemasukan dan Pengeluaran Media Pembawa Hama dan Penyakit Ikan Karantina</i>	6 October 2014	N/A	Aquaculture
173.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine and Fisheries of the Republic of Indonesia No. 80/2015 on Determination of Types of Fish Pests and Quarantined Fish Diseases, Typology, Carriers, and Distribution <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 80/KEPMEN-KP/2015 tentang Penetapan Jenis-Jenis Hama dan Penyakit Ikan Karantina, Golongan, Media Pembawa, dan Sebarannya</i>	10 August 2015	N/A	Aquaculture
174.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 107/2015 on the Fisheries Management Plan for Tuna, Skipjack, and Mackerel Tuna <i>Keputusan Menteri Kelautan dan Perikanan Nomor 107/KEPMEN-KP/2015 tentang Rencana Pengelolaan Perikanan Tuna, Cakalang dan Tongkol</i>	28 August 2015	Management and Planning	Wild Capture
175.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 17/2016 on Determination of Location of Integrated Marine and Fisheries Centers on Small Islands and Border Areas for 2016 <i>Keputusan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 17/KEPMEN-KP/2016 Tentang Penetapan Lokasi Pembangunan Sentra Kelautan Dan Perikanan Terpadu Di Pulau-Pulau Kecil Dan Kawasan Perbatasan Tahun 2016</i>	14 April 2016	Jurisdictional Authority	Both
176.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 47/2016 on Current Estimated Fish Stock <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 47/Kepmen-KP/2016 Tentang Estimasi Potensi, Jumlah Tangkapan Yang Diperbolehkan, dan Tingkat Pemanfaatan Sumber Daya Ikan di Wilayah Pengelolaan Perikanan Negara Republik Indonesia</i>	23 August 2016	Management and Planning	Wild Capture
177.	Ministerial Decree (Kepmen)	Decree of the Minister of Marine Affairs and Fisheries No. 86/2016 on Capture Fishery Vessel Productivity <i>Keputusan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 86/Kepmen-KP/2016 tentang Produktivitas Kapal Penangkap Ikan</i>	30 December 2016	Management and Planning	Wild Capture

No.	Type	Title	Effective Since	Relevant Themes	Wild Capture and/or Aquaculture
178.	Joint Decree	Joint Decree of the Ministers of Defense and Security, Transportation, Finance, Justice and the Attorney General (Kepmen): Kep/B/45/XII/1972, S.K. 901/M/1972, Kep.779/MK/III/12/1972, J.S. 8/72/1, dan Kep.085/J.A/12/1972 on the Creation of the Agency for the Coordination of Security at Sea and the Command for Joint Security Operations at Sea <i>Keputusan Bersama Menteri Pertahanan dan Keamanan/Panglima Angkatan Bersenjata, Menteri Perhubungan, Menteri Keuangan, Menteri Kehakiman, dan Jaksa Agung, Nomor : KEP/B/45/XII/1972; SK/901/M/1972; KEP.779/MK/III/12/1972; J.S.8/72/1; KEP-085/J.A/12/1972 tentang Pembentukan Badan Koordinasi Keamanan di Laut dan Komando Pelaksana Operasi Bersama Keamanan di Laut</i>	1972	Enforcement	Wild Capture
179.	Joint Decree	Charter Agreement between the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia with the Police of the Republic of Indonesia and the Indonesian National Army No. 121/DJPSDKP/VIII/2012; No. B/32/VIII/2012; No. PKB/14/VIII/2012 concerning the Operational Standard and Handling Procedure on the Investigation Level of Fishery Crime <i>Piagam Kesepakatan Bersama antara Kementerian Kelautan dan Perikanan Republik Indonesia dengan Kepolisian Negara Republik Indonesia dan Tentara Nasional Indonesia Angkatan Laut Nomor 121/DJPSDKP/VIII/2012; Nomor B/32/VIII/2012; Nomor PKB/14/VIII/2012 tentang Standar Operasional dan Prosedur Penanganan Tindak Pidana Perikanan pada Tingkat Penyidikan</i>	7 August 2012	Management and Planning, Enforcement	Both
180.	Other	Minister of Marine Affairs and Fisheries Administrative Circular No.600/2014 of 7 November 2014 on definition of small-scale fishers <i>Surat Edaran Menteri Kelautan dan Perikanan No. 0600/MEN-KP/XI/2014 tanggal 7 November 2014</i>	7 November 2014	Management and Planning, Registration and Licenses	Wild capture
181.	Other	Regulation of Chairman of Investment Coordinating Board No. 15/2015 on Guidelines and Procedures for Licensing and Non-Licensing of Investment <i>Peraturan Kepala Badan Koordinasi Penanaman Modal Nomor 15 tahun 2015 tentang Pedoman dan Tatacara Perizinan dan Nonperizinan Penanaman Modal</i>	8 October 2015	Enforcement, Registration and Licenses	Both
182.	Other	Director-General of Customs and Excise Decree No. 125/2018 on Marine Customs Command and Control Center <i>Keputusan Direktur Jenderal Bea dan Cukai Nomor KEP 125/BC/2018 tentang Pusat Komando dan Pengendalian Patroli Laut Direktorat Jenderal Bea dan Cukai</i>	28 May 2018	Enforcement	Both

Annex 5. Government Institutions/Entities Involved in the Fisheries Sector

No.	Type	Institution	Legal Basis	Wild Capture and/ or Aquaculture
1.	Ministry	Coordinating Ministry for Political, Legal, and Security <i>Kementerian Koordinator Bidang Politik, Hukum, Dan Keamanan</i>	Presidential Regulation of the Republic of Indonesia No. 10/2015 on the Coordinating Ministry of Politics, Law, and Security	Both
2.	Ministry	Coordinating Ministry for Maritime Affairs <i>Kementerian Koordinator Bidang Kemaritiman</i>	Presidential Regulation of the Republic of Indonesia No. 10/2015 on Coordinating Ministry for Maritime Affairs	Both
3.	Ministry	Coordinating Ministry for Economic Affairs <i>Kementerian Koordinator Bidang Perekonomian</i>	Presidential Regulation of the Republic of Indonesia No. 8/2015 on the Coordinating Ministry for Economic Affairs	Both
4.	Ministry	Coordinating Ministry for Human Development and Culture <i>Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan</i>	Presidential Regulation of the Republic of Indonesia No. 9/2015 on the Coordinating Ministry for Human Development and Culture	Both
5.	Ministry	Ministry of Home Affairs of the Republic of Indonesia <i>Kementerian Dalam Negeri Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 11/2015 on the Ministry of Home Affairs	Both
6.	Ministry	Ministry of Foreign Affairs of the Republic of Indonesia <i>Kementerian Luar Negeri Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 56/2015 on the Ministry of Foreign Affairs	Both
7.	Ministry	Ministry of Finance of the Republic of Indonesia <i>Kementerian Keuangan Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 28/2015 on the Ministry of Finance	Both
8.	Ministry	Ministry of Transportation of the Republic of Indonesia <i>Kementerian Perhubungan Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 40/2015 on the Ministry of Transportation	Both
9.	Ministry	Ministry of Industry of the Republic of Indonesia <i>Kementerian Perindustrian Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 29/2015 on the Ministry of Industry	Both
10.	Ministry	Ministry of Trade of the Republic Indonesia <i>Kementerian Perdagangan Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 48/2015 on the Ministry of Trade	Both

No.	Type	Institution	Legal Basis	Wild Capture and/ or Aquaculture
11.	Ministry	Ministry of Energy and Mineral Resources of the Republic of Indonesia <i>Kementerian Energi Dan Sumber Daya Mineral Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 105/2016 Amending Presidential Regulation No. 68/2015 on the Ministry of Energy and Mineral Resources	Both
12.	Ministry	Ministry of Public Works and Housing of the Republic of Indonesia <i>Kementerian Pekerjaan Umum Dan Perumahan Rakyat Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 15/2015 on the Ministry of Public Works and Housing	Both
13.	Ministry	Ministry of State Owned Enterprises of the Republic of Indonesia <i>Kementerian Badan Usaha Milik Negara Republik Indonesia</i>	Law of the Republic Indonesia No. 19/2003 on State Owned Enterprises	Both
14.	Ministry	Ministry of Research, Technology, and Higher Education <i>Kementerian Riset, Teknologi, Dan Pendidikan Tinggi</i>	Presidential Regulation of the Republic of Indonesia No. 13/2015 on the Ministry of Research, Technology, and Higher Education	Both
15.	Ministry	Ministry of Marine Affairs and Fisheries <i>Kementerian Kelautan Dan Perikanan</i>	Regulation of the President of the Republic of Indonesia No. 63/2015 on the Ministry of Marine Affairs and Fisheries	Both
16.	Task Force	Indonesia Task Force for Illegal Fishing Eradication (Satgas 115) <i>Satuan Tugas Pemberantasan Penangkapan Ikan Secara Ilegal (Illegal Fishing)</i>	Regulation of the President of the Republic of Indonesia No. 115/2015 on Indonesia Task Force for Illegal Fishing Eradication (Satgas 115)	Wild Capture
17.	Ministry	Ministry of National Development Planning/ National Development Planning Agency of the Republic of Indonesia <i>Kementerian Perencanaan Pembangunan Nasional/ Badan Perencanaan Pembangunan Nasional Republik Indonesia Kementerian Ppn/Bappenas</i>	Presidential Regulation of the Republic of Indonesia No. 20/2016 Amending Presidential Regulation No. 66/2015 on the National Development Planning Agency	Both
18.	Governmental Agencies	Indonesian National Armed Forces <i>Tentara Nasional Indonesia</i>	Law of the Republic of Indonesia No. 34/2004 on the Indonesian National Armed Forces	Both
19.	Governmental Agencies	Indonesian Police Force <i>Kepolisian Republik Indonesia</i>	Law of the Republic of Indonesia No. 2/2002 on the State Police of the Republic of Indonesia	Both
20.	Governmental Agencies	Attorney General of the Republic of Indonesia <i>Kejaksaan Republik Indonesia</i>	Law No. 16/2004 of the Republic of Indonesia on the Attorney General of the Republic of Indonesia	Both

No.	Type	Institution	Legal Basis	Wild Capture and/ or Aquaculture
21.	Governmental Agencies	Provinces <i>Provinsi</i>	Law of the Republic of Indonesia No. 23/2014 on Local Government	Both
22.	Governmental Agencies	Regencies/Cities <i>Kabupaten/Kota</i>	Law of the Republic of Indonesia No. 23/2014 on Local Government	Both
23.	Institutional Agencies	The National Agency for Border Management of the Republic of Indonesia <i>Badan Nasional Pengelola Perbatasan Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 12/2010 on the National Agency for Border Management	Both
24.	Institutional Agencies	Marine Security Agency <i>Badan Keamanan Laut</i>	Presidential Regulation of the President of the Republic of Indonesia No. 178/2014 on the Marine Security Agency	Wild Capture
25.	Institutional Agencies	Investment Coordinating Board <i>Badan Koordinasi Penanaman Modal</i>	Regulation of the President of the Republic of Indonesia No. 90/2007 on the Capital Investment Coordinating Board	Both
26.	Institutional Agencies	National Agency for Food and Drug Control of the Republic of Indonesia <i>Badan Pengawas Obat Dan Makanan (Bpom) Republik Indonesia</i>	Regulation of the President of the Republic of Indonesia No. 80/2017 on the National Agency for Food and Drug Control	Both

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- ² Law (UU) No. 12/2011, Article 45 and Article 48.
- ³ “Chapter III: Judicial System,” in *Indonesian Legal System* (ASEAN Law Association, 2005).
- ⁴ Law (UU) No. 48/2009, Article 20 (2), Article 22, and Article 24.
- ⁵ Simon Butt and Tim Lindsey, *The Constitution of Indonesia – A Contextual Analysis* (Hart Publishing, 2012).
- ⁶ Law (UU) No. 22/2004 on the Judicial Commission.
- ⁷ “Rekapitulasi Jumlah PPID Provinsi, Kabupaten dan Kota” (Ministry of Internal Affairs, 2018); *Indonesia Administrative Division* (PCGN information paper, 2015).
- ⁸ The difference between a Regency and a City lies in demography, size, and economy (generally, a Regency comprises a rural, larger area than a City). Regencies and Cities are roughly equivalent to American counties.
- ⁹ 2010 Indonesian Census.
- ¹⁰ This level also includes Districts (distrik) under Papuan special autonomy.
- ¹¹ Ibid.
- ¹² Law (UU) No. 23/2014 on Local Government.
- ¹³ Bernadinus Steni, *Review of the New Local Government Law* (Institut Penelitian Inovasi Bumi or Earth Innovation Institute, 2016).
- ¹⁴ Law (UU) No. 32/2004 on Regional Administration.
- ¹⁵ Bloomkamp et al., *Understanding Policymaking in Indonesia: In Search of a Policy Cycle*, p. 14.
- ¹⁶ The official website of the Ministry of Law and Human Rights (managed by Directorate General of Laws and Regulations), www.peraturan.go.id, stated the total number of 50,249 (accessed December 25, 2018).
- ¹⁷ Law (UU) No. 10/2004 on the Enactment of Laws; Law (UU) No. 12/2011 on Making Rules.
- ¹⁸ Ayomi Amindoni, “Government annuls 3,143 bylaws,” *Jakarta Post*, 13 June 2016.
- ¹⁹ “Kenali Mekanisme Penyelesaian Nonlitigasi Sengketa Norma Perundang-Undangan,” *Hukumonline.com*, 11 October 2018.
- ²⁰ Simon Butt and Tim Lindsey, *The Constitution of Indonesia – A Contextual Analysis* (Hart Publishing, 2012).
- ²¹ Alamo D. Laiman, Dewi Savitri Reni, Ronald Lengkong, and Sigit Ardiyanto, updated by Tom Kimbrough, *The Indonesian Legal System and Legal Research* (New York University School of Law, 2011).
- ²² Law (UU) No. 25/2004 on the National Development Planning System, Article 4.
- ²³ Ibid., Article 5.
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- ²⁹ Law (UU) No. 32/2014, Article 43 (1).
- ³⁰ Ibid., Article 59.
- ³¹ Presidential Decree (Keppres) No. 136/1999.
- ³² Presidential Decree (Keppres) No. 147/1999.
- ³³ Presidential Decree (Keppres) No. 165/2000.
- ³⁴ Presidential Decree (Keppres) No. 177/2000.

- ³⁵ Presidential Regulation (Perpres) No. 47/2009.
- ³⁶ The 1960 Law on Indonesian Waters was later revised in Law No. 6/1996 to include rights and obligations under UNCLOS, including in relation to right of peaceful free passage by foreign vessels.
- ³⁷ Concluded between the Government of the Republic of Indonesia and the Representatives of the National Federation of Fisheries Cooperatives of Japan and the Federation of Japanese Tuna Fishermen Cooperative Associations.
- ³⁸ Hasjim Djalal, "Implementation of Agreements with Foreigners," in *Law of the Sea: Problems of Conflict and Management of Fisheries in Southeast Asia*, F. T. Christy Jr., ed., Proceedings of the ICLARM/ISEAS Workshop on the Law of the Sea, held in Manila, Philippines, on 26–29 November 1978.
- ³⁹ Law (UU) No. 5/1983.
- ⁴⁰ Decrees (Kepmen) of the Minister of Agriculture Nos. 607/1976, 608/1976, and 609/1976.
- ⁴¹ Article 10(2) of Law (UU) No. 9/1985 defines small-scale fishers and fish farmers as "those whose businesses constitute livelihoods in order to meet daily needs."
- ⁴² Ministry for Agriculture Decree (Kepmen) No. 473/1985 on Total Allowable Catch in the EEZ.
- ⁴³ Government Regulation (PP) No. 5/1990 regulated business (*Izin Usaha Perikanan*) and fishing licenses (*Surat Izin Penangkapan Ikan*, SPI), as well as approvals for the use of foreign vessels (*Persetujuan Penggunaan Kapal Asing*, PPKA), with different categories of each for domestic and foreign operators.
- ⁴⁴ Minister of Agriculture Decree (Kepmen) No. 995/1999.
- ⁴⁵ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 1/2009, based on the recommendations of the National Commission for the Study of Fishery Resources. The previous nine WPPs were determined based on fish landing sites (i.e. ports). The shift to eleven WPPs also conformed with an international fishing area categorization, which, for statistical purposes, had been standardized by the FAO.
- ⁴⁶ Government Regulation (PP) No. 54/2002, Article 7(2).
- ⁴⁷ Ibid., Article 5(3).
- ⁴⁸ 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).
- ⁴⁹ Controversially, Minister of Marine Affairs and Fisheries Regulation No. 30/2012 introduced an exception to requirements to land fish domestically by permitting transshipment at sea for direct export by purse seiners over 1,000 GT. This was subsequently revoked by Regulation No. 26/2013 on the grounds that it violated the Fisheries Law as amended in 2009.
- ⁵⁰ The moratorium policy resulted in the evaluation of 1,132 ex-foreign vessels over 30 GT representing most, if not all, of the existing fleet of that caliber. According to the Minister of Marine Affairs and Fisheries, in a presentation on Priorities for Development of the Marine and Fisheries Sector dated 28 February 2018, 100% of vessels were found to be operating illegally, either without a license or in violation of licensing conditions. Although the moratorium has now expired, these cases are still the subject of legal proceedings, meaning that these vessels remain unable to operate. See also Susi Pudjiastuti, "*Prioritas Pembangunan Sektor Kelautan dan Perikanan*" (MMAF, 2018).
- ⁵¹ Law (UU) No. 32/2014.
- ⁵² Ibid., Article 43 (1).
- ⁵³ Ibid., Article 59.
- ⁵⁴ Presidential Regulation (Perpres) No. 16/2017.
- ⁵⁵ Minister of Marine Affairs and Fisheries Letter No. B-701/2016, dated 17 November 2017.
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- ⁵⁷ Law (UU) No. 4 Prp/1960 on Indonesia's Waters, Law (UU) No. 1/1973 on the Indonesian Continental Shelf, and Law (UU) No. 5/1983 on Indonesia's EEZ.
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- ⁵⁹ Hasjim Djalal, "Konsepsi Benua Maritim Indonesia," in *Jurnal Ketahanan Nasional* 1, no. 1 (1996), p. 47.

- ⁶⁰ Presidential Decree (Keppres) No. 136/1999.
- ⁶¹ Presidential Decree (Keppres) No. 147/1999.
- ⁶² *"Gerbang Mina Bahari Diluncurkan," Liputan 6*, 25 September 2003.
- ⁶³ Law (UU) No. 27/2007.
- ⁶⁴ Law (UU) No. 27/2007 on the Management of Coastal Areas and Small Islands, Article 4.
- ⁶⁵ The Action Plan is divided into five areas: (1) maritime boundaries, spatial planning, and diplomacy; (2) maritime industry and connectivity; (3) marine natural resource and service industries, and environmental management; (4) marine security and defense; and (5) maritime culture.
- ⁶⁶ Law (UU) No. 23/2014, Attachment Point I, letter Y.
- ⁶⁷ Law (UU) No. 7/2016.
- ⁶⁸ BAL, Article 13(1).
- ⁶⁹ *Ibid.*, Article 14(1).
- ⁷⁰ *Ibid.*, Articles 28, 29, and 30.
- ⁷¹ *Ibid.*, Part IX, Article 47.
- ⁷² S. Saad (2003), *"Politik Hukum Perikanan Indonesia"* Lembaga Sentra Pemberdayaan Masyarakat, Jakarta.
- ⁷³ BAL, Article 5, so long as customary law does not conflict with the national interest.
- ⁷⁴ *Ibid.*, Article 2(4).
- ⁷⁵ See also: E. McLeod, B. Szuster, and R. Salm, "Sasi and marine conservation in Raja Ampat, Indonesia," in *Coastal Management* 37, no. 6 (2009), pp. 656–76.
- ⁷⁶ Minister of Agriculture Decrees (Kepmen) Nos. 607/197 and 608/1976.
- ⁷⁷ Presidential Decree (Keppres) No. 39/1980.
- ⁷⁸ Law (UU) 9/1985 Article 10(2) and Law (UU) 31/2004 Article 26(2).
- ⁷⁹ Law (UU) 31/2004 Article 48(2).
- ⁸⁰ *Ibid.* Article 61.
- ⁸¹ Law (UU) No. 22/1999, clarifications; Law 32/2004, Article 18(6).
- ⁸² Law (UU) No. 45/1999, Article 1.
- ⁸³ Zoning Plan for Coastal Areas and Small Islands or *Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil* (RZWP3K) as mandated under Law 27/2007 on the Management of Coastal Areas and Small Islands.
- ⁸⁴ Law (UU) No. 27/2007, Article 9(3)(c).
- ⁸⁵ *Ibid.*, Article 16(1).
- ⁸⁶ Ruling of the Constitutional Court or *Mahkamah Konstitusi* MK No 3/PUU-VIII/2010.
- ⁸⁷ Law (UU) No. 1/2014, Article 21.
- ⁸⁸ Administrative Circular of the Minister of Marine Affairs and Fisheries (*Surat Edaran Menteri Kelautan dan Perikanan*) No. 600/2014 of 7 November 2014.
- ⁸⁹ Law (UU) No. 7/2016, Article 25(5).
- ⁹⁰ Administrative Circular of the Minister of Marine Affairs and Fisheries (*Surat Edaran Menteri Kelautan dan Perikanan*) No. 600/2014 of 7 November 2014.
- ⁹¹ Law (UU) No. 22/1999, Articles 3 and 10(3).
- ⁹² *Ibid.*, Article 10(2).
- ⁹³ Government Regulation (PP) No. 25/2000, Article 3(5)(2).
- ⁹⁴ Law (UU) No. 32/2004, Article 18.
- ⁹⁵ Law (UU) No. 45/2009, Article 1(7).
- ⁹⁶ *Ibid.*, Article 1(10).

- ⁹⁷ Ibid., Article 1(22).
- ⁹⁸ See Minister of Marine Affairs and Fisheries Regulation (Permen) No. 26/2016, Part Two on Assignments and Functions.
- ⁹⁹ Law (UU) No. 45/2009 on Fisheries, Article 1(7).
- ¹⁰⁰ Ibid., Article 2(k).
- ¹⁰¹ Elucidation on Article 2(k) of Law No. 45/2009 on Fisheries.
- ¹⁰² Ministerial Regulation No. 29/2012 on Guidelines for Fisheries Planning and Management on Capture Fishing, Article 1(5).
- ¹⁰³ Ibid., Article 14(1).
- ¹⁰⁴ Ibid., Article 14(2).
- ¹⁰⁵ Ibid., Article 14(4).
- ¹⁰⁶ Ibid., Article 14(6).
- ¹⁰⁷ Ministerial Regulation No. 26/2016 on Fisheries Apparatus Duties and Function, Article 14(2), letter a.
- ¹⁰⁸ The UUD states “Land, waters and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.”
- ¹⁰⁹ Later augmented by Ministerial Decree (Kepmen) No. 40/1974.
- ¹¹⁰ Minister of Agriculture Decrees (Kepmen) 1/1975, 2/1975, and 123/1975.
- ¹¹¹ Minister of Agriculture Decrees (Kepmen) 607/1976 and 608/1976.
- ¹¹² Law (UU) No. 5/1983 on Indonesia’s EEZ.
- ¹¹³ Government Regulation (PP) No. 15/1984, Articles 3 and 9.
- ¹¹⁴ Ibid., Article 4.
- ¹¹⁵ Law (UU) No. 31/2004.
- ¹¹⁶ The categories included nature reserves, wildlife reserves, biosphere reserves, nature conservation areas, national parks, great forest parks, and nature tourism parks.
- ¹¹⁷ In 2013, Indonesia also joined the Western and Central Pacific Fisheries Commission (Presidential Regulation (Perpres) No. 61/2013) and is a cooperating non-member of the Inter-American Tropical Tuna Commission (IATTC).
- ¹¹⁸ Regional fisheries management organizations.
- ¹¹⁹ National Commission for Fish Resource Assessment (Kajiskan), Minister of Marine Affairs and Fisheries Regulation (Permen) No. 13/2009.
- ¹²⁰ Presidential Regulation (Perpres) No. 16/2017 on Indonesia’s Marine Policy (*Kebijakan Kelautan Indonesia*, KKI).
- ¹²¹ 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.
- ¹²² Ibid., Annex. 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.
- ¹²³ 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.
- ¹²⁴ 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.
- ¹²⁵ 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.

- ¹²⁶ Ibid. Similar to SIUP and SIPI, SIKPI is also a single permit to merge SIKPI for fish capture and fish farming.
- ¹²⁷ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 49/2014 on Fish Farming Business, Article 12(4).
- ¹²⁸ 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.
- ¹²⁹ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 42/2015 on Fishing Vessel Monitoring System, Article 1(4) and Articles 15–17.
- ¹³⁰ Ministerial Regulation of Marine Affairs and Fisheries No. 1/2017 on Certificate of Operation Worthy for Fishing Vessel, Articles 3–14.
- ¹³¹ 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.
- ¹³² Minister of Transportation Regulation (Permen) No. 82/2014 on Sailing Permit (*Surat Persetujuan Berlayar*).
- ¹³³ Government Regulation (PP) No. 28/2017 on Fish Farming, Article 17.
- ¹³⁴ Ibid., Article 18.
- ¹³⁵ Law (UU) No. 45/2009 amending Law No. 31/2004 on Fisheries, Article 1(10).
- ¹³⁶ Ibid., Article 1(14) and Law (UU) No. 7/2016 on Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers, Article 1(7).
- ¹³⁷ Law (UU) No. 45/2009 amending Law No. 31/2004 on Fisheries, Article 1(15).
- ¹³⁸ “Limited Liability Company...is a legal entity formed as capital partnership, established under an agreement, conducting business activities with capital divided into shares and fulfilling the requirements set forth in this Law and its implementing regulations.” Law (UU) No. 40/2007 on Limited Liability Company, Article 1(1).
- ¹³⁹ SoE consists of *Perusahaan Umum* or *Perum* (literally as Public-Owned Companies) and Limited Liability Companies (PT). Both *Perum* and PT are legal entities formed as a corporation. Specifically for *Perum*, Law (UU) No. 19/2003 on State-Owned Enterprises, Article 35(2), mentions that *Perum* obtains its legal entity status after the promulgation of Government Regulation on its establishment.
- ¹⁴⁰ Similar to SoE, RoE consists of *Perusahaan Umum Daerah* or *Perumda* (literally as Regional-Owned Companies) and Limited Liability Companies (PT). Both *Perumda* and PT are also legal entities formed as a corporation. Like with *Perum*, Government Regulation No. 54/2017 on Regional-Owned Enterprises, Article 4(4), mentions that *Perumda* obtains its legal entity status after the promulgation of Local Regulation on its establishment.
- ¹⁴¹ Cooperatives obtain legal entity status through the status grant from the government (Law (UU) No. 25/1992 on Cooperatives, Article 9). The government referred to here is the Ministry of Law and Human Rights (Government Regulation No. 24/2018 on Electronically Integrated Business Licensing or known as Online Single Submission Regulation, Article 14(2)).
- ¹⁴² In addition to business or private legal entities, there are also public legal entities owned by the state with their public service obligations. One of example is a tertiary higher education institution. See Law (UU) No. 12/2012 on Higher Education, Article 65.
- ¹⁴³ An association is a legal entity, consisting a group of people, established to realize common needs along with social, religious, and humanitarian purposes and not to share profits with its members (Ministerial Regulation of Law and Human Rights No. 6/2014 on Legal Entity Status Granting on Associations, Article 1(1)).
- ¹⁴⁴ A foundation is a legal entity consisting of separate assets from its founders and is established to achieve certain objectives in the social, religious, and humanitarian fields without any obligation to have members (Law (UU) No. 16/2001 on Foundations as amended by Law No. 28/2004, Article 1(1)).
- ¹⁴⁵ Government Regulation (PP) No. 24/2018 on Electronically Integrated Business Licensing (OSS Regulation), Articles 15(2), 16(2), and 17(2).
- ¹⁴⁶ A civil partnership (*Maatschap*) is a group of people who usually have the same profession and wish to gather by using a common name. A civil partnership is a general form of firm and *Commanditaire*

- vennootschap* (CV). See Irma Devita, "*Maatschap (Persekutuan Perdata)*," IrmaDevita.com, 25 February 2013.
- ¹⁴⁷ A firm is a civil partnership consisting of active owners who use a common name to run their business. A firm is common form of *Commanditaire vennootschap* (CV) and consists of active owners only. See Irma Devita, "*Firma sebagai alternatif bentuk usaha*," IrmaDevita.com, 25 February 2013.
- ¹⁴⁸ *Commanditaire vennootschap* (CV) translates to a limited partnership in English. CV is a business entity that associates capital of two or more persons divided into two types of owners (active owner and passive owner). See Rajil Munir, "*Pengertian CV, Unsur-unsur, Ciri-ciri, Tujuan, serta Kelebihan serta Kekurangannya*," Teropong, 8 August 2017.
- ¹⁴⁹ Government Regulation (PP) No. 24/2018 on Electroncially Integrated Business Licensing (OSS Regulation), Article 1(8).
- ¹⁵⁰ *Ibid.*, Article 1(9).
- ¹⁵¹ *Ibid.*, Annex. 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.
- ¹⁵² *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.
- ¹⁵³ *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.
- ¹⁵⁴ *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.
- ¹⁵⁵ *Ibid.* Similar to SIUP and SIPI, SIKPI is also a single permit to merge SIKPI for fish capture and fish farming.
- ¹⁵⁶ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 49/2014 on Fish Farming Business, Article 12(4).
- ¹⁵⁷ 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.
- ¹⁵⁸ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 42/2015 on Fishing Vessel Monitoring System, Article 1(4) and Articles 15–17.
- ¹⁵⁹ Ministerial Regulation of Marine Affairs and Fisheries No. 1/2017 on Certificate of Operation Worthy for Fishing Vessel, Articles 3–14.
- ¹⁶⁰ Government Regulation (PP) No. 24/2018 on Electroncially 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. 392/2017 on Registration and Nationality of Vessels.
- ¹⁶¹ Minister of Transportation Regulation (Permen) No. 82/2014 on Sailing Permit (*Surat Persetujuan Berlayar*).
- ¹⁶² Government Regulation (PP) No. 28/2017 on Fish Farming, Article 17.
- ¹⁶³ *Ibid.*, Article 18.
- ¹⁶⁴ Law No. 23/2014 on Local Government (issued by Minister), Annex Y, Row 2.
- ¹⁶⁵ According to Government Regulation (PP) No. 24/2018 on OSS Regulation, Annex J, Row 73, this permit merged 34 old permits including *Surat Tanda Kebangsaan*, Vessel Measurement Letter and Vessel Registration Certificate.
- ¹⁶⁶ According to Minister of Transportation Regulation (Permen) No. 82/2014, Articles 1(2), 2(1), and 3.
- ¹⁶⁷ A SIUP for vessels > 10 GT and up to 30 GT still needs to be obtained through application to provincial government. See Law No. 23/2014 on Local Government, Annex Y, Row 2, and Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Fish Capture Business within Fisheries Management Area in Indonesia, Article 14(3), as amended by Minister of Marine Affairs and Fisheries Regulation (Permen) No. 57/2014.

- ¹⁶⁸ Administrative Circular of the Minister of Marine Affairs and Fisheries (*Surat Edaran Menteri Kelautan dan Perikanan*) No. 600/2014 of 7 November 2014.
- ¹⁶⁹ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 30/2012 on Fish Capture Business within Fisheries Management Area in Indonesia, Annexes IV-VII.
- ¹⁷⁰ Land, waters, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.
- ¹⁷¹ Minister of Agriculture Decree (Kepmen) No. 561/1973 (as later augmented by Decree No. 40/1974) was the first regulation to oblige all enterprises engaged in shrimp fishing to make use of all their bycatch. However, because of a lack of demand for these fish species in eastern Indonesia and because of the high cost of processing and transportation, the regulation could not be effectively implemented. Minister of Agriculture Decrees (Kepmen) Nos. 1/1975, 2/1975, and 123/1975 restricted trawling activities, for the first time, in Irian Jaya waters to preserve fish stocks, and limited the mesh size of purse seine nets due to concerns over a decrease in stocks of mackerel, flying fish, carangidae, sardinella, and other similar species. Minister of Agriculture Decrees (Kepmen) Nos. 607/1976 and 608/1976 were the first attempts to regulate vessel size and gear type across different fisheries zones. Minister of Agriculture Decree (Kepmen) No. 609/1976 was the first regulation to restrict trawler operations to four specific zones. Violation of these restrictions could lead to withdrawal of fishing permits.
- ¹⁷² Law (UU) No. 5/1983 on Indonesia's EEZ.
- ¹⁷³ Government Regulation (PP) No. 15/1984, Article 7.
- ¹⁷⁴ Law (UU) No. 9/1985, Article 9(1).
- ¹⁷⁵ *Ibid.*, Articles 10(1) and 10(2).
- ¹⁷⁶ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 17/2006.
- ¹⁷⁷ "[Permen Usaha Perikanan Tangkap No.30/2012: Melanggar Uu Perikanan](#)," KIARA, 30 April 2013.
- ¹⁷⁸ Administrative Circular of the Minister of Marine Affairs and Fisheries (*Surat Edaran Menteri Kelautan dan Perikanan*) No. 600/2014 of 7 November 2014.
- ¹⁷⁹ Concluded between the Government of the Republic of Indonesia and the Representatives of the National Federation of Fisheries Cooperatives of Japan and the Federation of Japanese Tuna Fishermen Cooperative Associations.
- ¹⁸⁰ H. Djalal, "Implementation of Agreements with Foreigners," in *Law of the Sea: Problems of Conflict and Management of Fisheries in Southeast Asia*, ed. F. T. Christy Jr. (International Centre for Living Aquatic Resources Management (ICLARM) Conference Proceedings, No. 2, 1978).
- ¹⁸¹ Laws (UU) Nos. 1/1967 and 6/1968.
- ¹⁸² Hasjim Djalal, "[Implementation of Agreements with Foreigners](#)," in *Law of the Sea: Problems of Conflict and Management of Fisheries in Southeast Asia*, F. T. Christy Jr., ed., Proceedings of the ICLARM/ISEAS Workshop on the Law of the Sea, held in Manila, Philippines, on 26–29 November 1978.
- ¹⁸³ Law (UU) No. 9/1985.
- ¹⁸⁴ *Ibid.*, clarifications to Article 9(2).
- ¹⁸⁵ Agreement to Use a Foreign Vessel or *Persetujuan Penggunaan Kapal Asing*.
- ¹⁸⁶ Government Regulation (PP) No. 5/1990, Article 5.
- ¹⁸⁷ See, for example, Government Regulation (PP) No. 54/2002, Article 3(2).
- ¹⁸⁸ Government Regulation (PP) No. 54/2002, Article 7(2).
- ¹⁸⁹ In the form of a Foreign Investment Fisheries Allocation (*Alokasi Penangkapan Ikan Penanaman Modal*).
- ¹⁹⁰ Government Regulation (PP) No. 54/2002, Article 5(3).
- ¹⁹¹ Minister of Marine Affairs and Fisheries Regulations (Permen) Nos. 17/2006 and 5/2008 on Capture Fishery Businesses.
- ¹⁹² Minister of Marine Affairs and Fisheries Regulations (Permen) No. 30/2012 on Capture Fishery.
- ¹⁹³ "[FAQ Kebijakan Perikanan Di Indonesia](#)," MMAF, 1 December 2017.
- ¹⁹⁴ See also Pudjiastuti, *Prioritas Pembangunan Sektor Kelautan dan Perikanan* (MMAF, 2018).
- ¹⁹⁵ Presidential Regulation (Perpres) No. 44/2016, Appendix III, Table C, No. 124.

- ¹⁹⁶ “*Dorong Geliat Usaha Perikanan, KKP Kawal Proses Perizinan Kapal*,” (MMAF online news, 5 September 2018).
- ¹⁹⁷ Sri Mas Sari, “*Izin kapal ikan eks-asing: Kemenhub persilahkan, KKP ngotot tak izinkan*,” *Bisnis Indonesia*, 20 February 2017.
- ¹⁹⁸ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 35/2015, Chapter 8, Articles 5 and 6.
- ¹⁹⁹ *Ibid.*, Article 9.
- ²⁰⁰ *Ibid.*, Articles 10, 11, and 12.
- ²⁰¹ *Ibid.*, Article 14.
- ²⁰² For example: Government Regulation (PP) No. 62/2002, PP No. 75/2015, and the drafted amendment for PP 75/2015 in 28 June 2018.
- ²⁰³ For example: Minister of Marine Affairs and Fisheries Decrees (Kepmen) Nos. 45/2001, 26/2003, and 22/2004; and Minister of Marine Affairs and Fisheries Regulation (Permen) Nos. 36/2015, 38/2015, and 46/2016.
- ²⁰⁴ For example: Minister of Marine Affairs and Fisheries Decrees (Kepmen) Nos. 61/2014 and 86/2016; related case study: Abdul Kohar Mudzakir, *Kajian Yuridis Dan Sejarah Terhadap Pengelolaan Pungutan Perikanan Di Zeei, Staf Pengajar Pusat Studi Pemanfaatan Sumberdaya Perikanan, FPIK, UNDIP, Jurnal Saintek Perikanan* (2011).
- ²⁰⁵ Regulation of the Minister of Marine Affairs and Fisheries No. 36/2015 on Criteria and Grouping for Fishery Production Charges on Small- Medium- and Large-Scale Vessels, and Regulation of the Minister of Marine Affairs and Fisheries No. 38/2015 on Procedures for Collection of Non-Tax State Revenues at the Department of Marine Affairs and Fisheries which Derive from Fisheries Levies.
- ²⁰⁶ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 11/2016.
- ²⁰⁷ Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 22/2004, which is the implementing regulation of the preceding Government Regulation (PP) No. 62/2002, Article 15, Clause 2.
- ²⁰⁸ See Article 5, Ministerial Regulation No. 38/2015/
- ²⁰⁹ See Article 6, Ministerial Regulation No. 38/2015/
- ²¹⁰ See Article 7, Ministerial Regulation No. 38/2015/
- ²¹¹ See Article 9, Ministerial Regulation No. 38/2015
- ²¹² 5%, 10% and 25% for small-, medium- and large- category vessels as stipulated under Ministerial Regulation 38/2015.
- ²¹³ The calculation of vessel productivity is calculated by dividing the total annual catch per vessel by the gross tonnage of the vessel, and now is regulated under Ministerial Decree 86/2016 on Capture Fishery Vessel Productivity. The Regulation also states that the determination of vessel productivity should take into consideration (1) vessel size; (2) the material from which the vessel is constructed; (3) engine power; (4) fishing gear type; (5) number of fishing trips a year; (6) average catch per trip; and, (7) fishing grounds.
- ²¹⁴ The benchmark price of fish is currently set by Minister of Trade Regulation No. 32/M-DAG/PER/5/2012 and which reaffirms prices established under Minister of Trade Regulation No. 13/M-DAG/PER/5/2011.
- ²¹⁵ Based on four financial reports of the central government for the years 2013, 2014, 2015, and 2016 under Non-Tax Revenue, Natural Resource Revenue (*Penerimaan Sumber Daya Alam*), Fisheries Income (*Penerimaan Perikanan*).
- ²¹⁶ Using and exchange rate of 15,075 IDR/USD as of 3 October 2018.
- ²¹⁷ Government Regulation (PP) No. 62/2002, Article 8.
- ²¹⁸ Government Regulation (PP) No. 19/2006, Clarifications to Article 1(6).
- ²¹⁹ Presidential Decree (Keppres) No. 8/1975 was an implementing regulation under Laws (UU) Nos. 11/1970 and 12/1970 concerning foreign and domestic capital investments, respectively.
- ²²⁰ Government Regulation (PP) No. 5/1990, Article 20.
- ²²¹ *Ibid.*, Article 22.
- ²²² *Ibid.*, Article 21.
- ²²³ *Ibid.*, Article 18.
- ²²⁴ Law (UU) No. 20/1997.

- ²²⁵ Government Regulation (PP) No. 142/2000, Article 4(2).
- ²²⁶ Ibid., Article 5(2).
- ²²⁷ Ibid., Article 3(5)(2).
- ²²⁸ Minister of Finance Decree (Kepmen) No. 316/2001, Article 3.
- ²²⁹ Ibid., Article 5(4).
- ²³⁰ Ibid., Articles 6, 7, and 8.
- ²³¹ Government Regulation (PP) No. 62/2001, Articles 6(1) and 6(2).
- ²³² Minister of Marine Affairs and Fisheries Decree (Kepmen) No. 22/2004, Article 6(3).
- ²³³ Minister of Finance Decree (Kepmen) No. 316/2001, Articles 48 and 49.
- ²³⁴ Ibid., Article 50.
- ²³⁵ Government Regulation (PP) No. 19/2006 as the implementing regulation of Law (UU) No. 31/2004. Article 51.
- ²³⁶ Government Regulation (PP) No. 19/2006, Article 2.
- ²³⁷ Ibid., Article 4.
- ²³⁸ Ibid., Articles 6 and 8.
- ²³⁹ Erlangga Djumena, ed. *"Di laut kita kalah,"* Kompas.com, 5 June 2012.
- ²⁴⁰ *"Menteri Susi Ungkap Alasan Larangan Bongkar Muat Ikan di Tengah Laut,"* Detik.com, Finance section, 18 December 2014.
- ²⁴¹ Minister of Marine Affairs and Fisheries Regulation (Permen) No. 15/2008.
- ²⁴² Ibid., Article 2.