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Justification of the ship-sinking policy in the territorial jurisdiction of Indonesia

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Abstract

With the water areas covering an expanse of 35,908 square miles, Indonesia, one of the largest maritime countries in the world, has two serious problems: economic inequality and illegal, unreported, and unregulated (IUU) fishing. Considering fish products are marketable commodities in the international business, Indonesia's marine products often become the victim of IUU fishing, which is hugely detrimental to the economic aspects and law enforcement. Indonesia's decision to conduct ship-sinking policy has attracted objections from countries whose vessels have been arrested and detained with proof that they were involved in IUU fishing activity; consequently, their vessels will be diminished and/or sunk deliberately. Such procedures trigger potential conflicts related to Indonesia's reputation as a sovereign country, whether Indonesia should ease penalties that will harm its internal economy or must accommodate the opinion of foreign countries who perceive that policy to be disadvantageous. This paper adopts the writing style of normative law. A review of legal regulations accompanied by theories regarding jurisdiction is carried out to present descriptive-analytic products. The results found that Indonesia should not be bothered over ship-sinking policy protests because Indonesia had clear jurisdiction as the primary attribute in international law. Indonesia has the desire and ability to fully implement its jurisdictional principles since the legal instruments in Indonesia are complete and fully support that policy. The executed procedure is not solely a reactive policy but a ripe thought with goals to achieve. Notwithstanding, the principle of Indonesia's jurisdiction in ship-sinking policy is also supported by international recognition because illegal fishing is deemed as a crime. Therefore, Indonesia's decision to stop the practices of illegal fishing is in line with the jurisdiction and legal instruments recognized by the international community. © 2020, BIOFLUX SRL. All rights reserved.

Author keywords

IUU fishing; Jurisdiction; Justification; Protest; Ship-sinking policy

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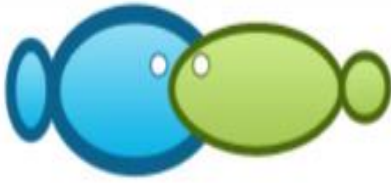
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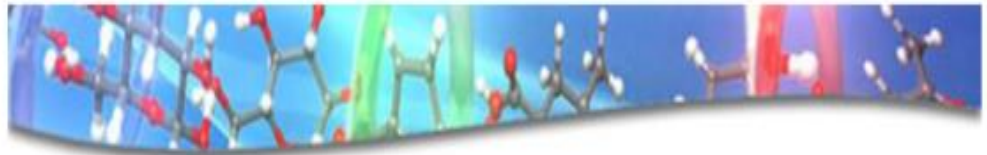
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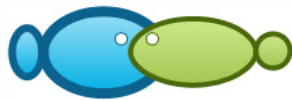


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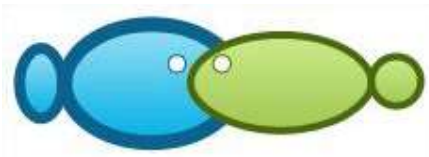
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Justification of the ship-sinking policy in the territorial jurisdiction of Indonesia

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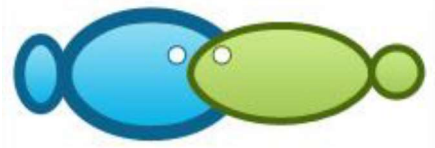
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Abstract. With the water areas covering an expanse of 35,908 square miles, Indonesia, one of the largest maritime countries in the world, has two serious problems: economic inequality and illegal, unreported, and unregulated (IUU) fishing. Considering fish products are marketable commodities in the international business, Indonesia's marine products often become the victim of IUU fishing, which is hugely detrimental to the economic aspects and law enforcement. Indonesia's decision to conduct ship-sinking policy has attracted objections from countries whose vessels have been arrested and detained with proof that they were involved in IUU fishing activity; consequently, their vessels will be diminished and/or sunk deliberately. Such procedures trigger potential conflicts related to Indonesia's reputation as a sovereign country, whether Indonesia should ease penalties that will harm its internal economy or must accommodate the opinion of foreign countries who perceive that policy to be disadvantageous. This paper adopts the writing style of normative law. A review of legal regulations accompanied by theories regarding jurisdiction is carried out to present descriptive-analytic products. The results found that Indonesia should not be bothered over ship-sinking policy protests because Indonesia had clear jurisdiction as the primary attribute in international law. Indonesia has the desire and ability to fully implement its jurisdictional principles since the legal instruments in Indonesia are complete and fully support that policy. The executed procedure is not solely a reactive policy but a ripe thought with goals to achieve. Notwithstanding, the principle of Indonesia's jurisdiction in ship-sinking policy is also supported by international recognition because illegal fishing is deemed as a crime. Therefore, Indonesia's decision to stop the practices of illegal fishing is in line with the jurisdiction and legal instruments recognized by the international community.

Keywords: ship-sinking policy, protest, justification, jurisdiction, IUU fishing.

Introduction. The growing human population increases global fish consumption. According to FAO, if illegal fishing is not correctly managed, fish insecurity will happen in the next few years (Jaelani & Basuki 2014). Furthermore, 17% of the world's fisheries have experienced overfishing due to the increasing practice of illegal fishing in the last few decades (ITS 2016). Indonesia, as one of the world's largest archipelagic countries, has great potential to utilize marine resources in the most effective manner (Mahmudah 2015) yet also becomes the main target of illegal, unreported, and unregulated (IUU) fishing practices.

Although there are policies that regulate IUU fishing (Azhar et al 2019), the practice of those unlawful acts persists. Illegal fishing causes loss of the nation's income due to reduced fish supply as violators often do over-exploitation (Amir 2013). Illegal fishing enterprises, through its disobedience, have the potential harming national's revenues; therefore, member countries of the 2010 Paracas Declaration agreed to fight and tackle illegal fishing practices in the Asia Pacific Region. Illegal fishing is often carried out across countries, and Indonesia is often targeted due to its weak control encompassing vast waters. Violations related to illegal fishing constitute the unavailability of fishing license (SIPI) and fishing boat permit (SIKPI) and when the suspect is caught catching or transporting fish from Indonesian waters to a foreign area (Rohingati 2014). Despite whether or not the crime was committed in the area of Indonesia fisheries



Plankton abundance and community structure in reef manta ray (*Mobula alfredi*) feeding habitat in the Dampier Strait, Raja Ampat, West Papua, Indonesia

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Abstract. Reef manta rays (*Mobula alfredi*) are pelagic filter feeders, primarily feeding on zooplankton. Plankton plays an important role in marine food webs and can be used as a bioindicator to evaluate water quality and primary productivity. This study aimed to determine the community structure and abundance of zooplankton and phytoplankton at a *M. alfredi* feeding habitat in the Dampier Strait region of Raja Ampat, West Papua, Indonesia. Plankton samples were collected and environmental conditions were recorded during two sampling sessions, in March and in July 2017, respectively, from five *M. alfredi* feeding sites using a 20 μ m plankton tow net. Plankton richness was found to be higher in March (272 ind $L^{-1} \pm 342$) than in July (31 ind $L^{-1} \pm 11$), which may be due to seasonal variations in ocean current patterns in the Dampier Strait. Copepods (Phylum Arthropoda) were the dominant zooplankton found in samples in both sampling periods. Microplastics were also present in tows from both sampling periods, presenting a cause for concern regarding the large filter feeding species, including *M. alfredi*.

Key Words: zooplankton, phytoplankton, feeding habitat, environmental conditions.

Introduction. The Raja Ampat Regency of the West Papua Province in Indonesia has one of the highest diversities of marine species in the world, making it a top priority for marine biodiversity conservation and fisheries management (Becking et al 2015; Larsen et al 2018; Mangubhai et al 2012; Runtuboi et al 2018; Tuhumena et al 2019). In order to safeguard this diversity, a network of six regional marine conservation areas, Kawasan Konservasi Perairan Daerah, KKPD (Huffard et al 2012) was created in Raja Ampat in 2007 (Mangubhai et al 2012). KKPD Dampier Strait, located in the central region of Raja Ampat covers an area of 336,200 ha (UPTD KKP Kabupaten Raja Ampat 2009). The waters of the Dampier Strait are nutrient-rich with high levels of productivity and support a diverse range of marine species and an abundance of biota (Boli 2014; Mangubhai et al 2012; Setyawan et al 2018).

Mobula alfredi (reef manta ray) belongs to the Mobulidae family. It can reach disc widths of up to 5.0 m and are commonly sighted in coastal waters and tropical archipelagos, around inshore reefs, lagoons and atolls (Marshall et al 2009; White et al 2018). *M. alfredi* face a range of anthropogenic threats including targeted fishing, by-catch, entanglement and boat strike and are consequently listed as "vulnerable to extinction on the International Union for Conservation of Nature (IUCN) red list of threatened species, as population declines have been reported worldwide (Marshall et al 2018; Rohner et al 2013). In 2014, *M. alfredi* received full protection status in Indonesia, based on the Decree of the Minister of Marine Affairs and Fisheries of the Republic of