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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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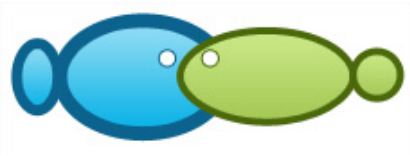
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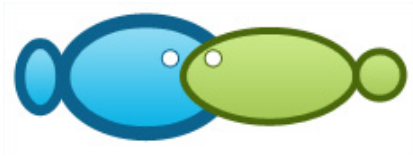


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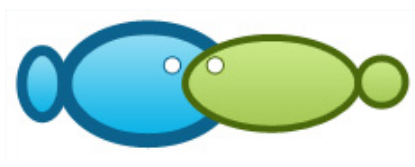
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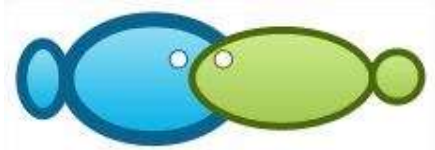
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Justification of the ship-sinking policy in the territorial jurisdiction of Indonesia

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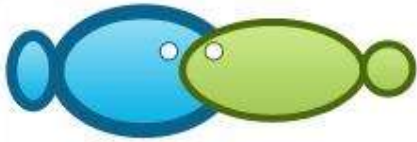
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Abstract. With the water areas covering an expanse of 35,908 square miles, Indonesia, one of the largest maritime countries in the world, has two serious problems: economic inequality and illegal, unreported, and unregulated (IUU) fishing. Considering 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



Biology of the endangered queen loach (*Botia dario*) collected from wild sources in Bangladesh

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Abstract. The study was conducted with the aim of evaluating the food and feeding habit of *Botia dario*, collected from wild sources of north-eastern Bangladesh from January to June 2019, by calculating the: Gastrosomatic Index (GaSI), Relative Gut Length (RGL), Gonadosomatic Index (GSI) and Hepatosomatic Index (HSI). Food and feeding habit were evaluated based on the gut content analysis followed by the percent of numerical method and the frequency of occurrence method. Observation of feeding habit of *Botia dario* revealed that it is a carni-omnivorous and bottom feeder fish having a preference for animal materials (89.06%) over plant materials (2.67%). By percent of numerical method, the main contributors to their diet were worms (46.40%), followed by fish particles (28.80%), crustaceans (5.60%), insects (5.33%), detritus (3.20%), molluscs (2.40%), algae (1.87%), plant parts (0.80%) and water mites (0.53%). By frequency of occurrence method, worms and fish particles had a similar contribution (94.44%) to *B. dario* diet, followed by insects (66.67%), crustaceans (55.56%), algae (38.49%), detritus (33.33%), molluscs (22.22%), plant parts (16.67%) and water mites (11.11%). Average RGL value of *B. dario* was 1.08 ± 0.16 which also demonstrates the carni-omnivorous nature of the species. Maximum GSI value was found in the month April (11.29 ± 1.53), and HSI value was lowest in April for both female (1.69 ± 0.77) and male (1.85 ± 0.18). The highest GSI value and lowest HSI values in April indicate that it is the spawning period for this species, because the liver has a weight loss during reproduction which may imply the mobilization of the hepatic reserve for the maturation of gonads. Moreover, the lower RGL (0.98 ± 0.03) and GaSI (0.91 ± 0.56) values in April indirectly confirmed that April is the spawning period for *B. dario*. The findings might be useful as baseline information on the biological characteristics of *B. dario*.

Key Words: food and feeding habit, GaSI, GSI, HSI, carni-omnivorous, biological characteristics.

Introduction. *Botia dario* (Hamilton 1822), also known as Queen loach or Bengal loach or Necktie loach, has yellow golden stripes on a black background. The species is one of the most active loaches living in South East Asian countries including Bangladesh, India, Bhutan and Nepal (Siddiqui 2007). It is one of those few Small Indigenous Species (SIS) having both edible as well as ornamental values (Dey et al 2015). In Bangladesh, it is regarded mainly as a table fish due to its excellent flesh quality (Hussain et al 2007) with remarkably higher amount of fat and minerals content (calcium, phosphorus etc.), as compared with large freshwater fishes (Hossain et al 1999). A moderate demand for this species originates among the aquarium fish hobbyists due to its brilliant color pattern (Gupta & Banerjee 2012). *B. dario* also started being exported to different countries (Gupta & Banerjee 2014). Although this fish species was previously abundant in the rivers, streams and beels (seasonal low-lying floodplain) throughout Bangladesh, serious declines in its populations and abundances have been recently reported (Hossain et al 2015). It is inferred that the natural population of *B. dario* declined by about 60% over the last 20 years (IUCN 2015) due to a number of factors like: habitat loss resulting from the use of insecticides in paddy fields, siltation of upland rivers, lifting of stones and sands from river beds and construction of flood control dams, ecological changes, over exploitation, destruction of breeding ground and lack of proper management (IUCN 2015;