



## The Disintegration of Indonesia and Chinese Foreign Politics Against Illegal Fishing in the Natuna Waters

Sri Lestari Vitta Ningsih

*Institut Agama Islam Negeri Kudus*

Email : [srilestari021156@gmail.com](mailto:srilestari021156@gmail.com)

### Abstract

Disintegration of Indonesia and Chinese Foreign Politics Against Illegal Fishing in the Natuna Waters. Natuna, an important phenomenon in this paper is regarding the policy strategy in dealing with illegal fishing cases in Natuna waters. This paper aims to solve related study problems first, How is the disintegration of foreign policy towards Illegal Fishing?, Second, What are the factors that influence Illegal Fishing policies in the Natuna Sea? and third What is the strategy carried out regarding the Illegal Fishing policy in the Natuna Sea?. In writing this journal. using qualitative research methods derived from journals, articles, e-books and relevant sources to describe them. The results of the research found that there was a policy related to illegal fishing carried out by the Chinese state which wanted to claim the Natuna waters with abundant sources of fish wealth. Various policies carried out by Indonesia and other countries, namely in the form of burning and sinking foreign vessels that violate fisheries regulations.

**Keywords:** Disintegration of Foreign Policy Policy, Indonesia and China, Illegal Fishing, Natuna Waters



### Intoduction

Indonesia is an archipelagic country that has full sovereign rights regarding waters from the seabed to the ground including the Natuna waters which are in the Exclusive Economic Zone (EEZ) which has been stipulated under the 1945 Constitution (UUD) article 33 paragraph 3. The Natuna Sea includes Administratively, it is part of the Riau Islands with an area of 2,009.04 km<sup>2</sup>. The Natuna Islands also have abundant natural resource wealth in the gas and oil sector which is estimated to reach 400,386,470 barrels of oil and 112,356,680,000 of natural gas. In the fishery sector, the Natuna Sea also has abundant fish wealth, with the highest utilization rate of fish revenue of 504,212.85 tons/year or the equivalent of 58.59% of the total potential of the Riau Islands Province in the fisheries sector (Ernandi, 2017). So that the Natuna Waters area is prone to illegal fishing by foreign vessels based on a statement from the Ministry of Maritime Affairs and Fisheries (DKP) (Almuzzami, 2018).

Regarding the Chinese map which claims that the Natuna Waters is its sovereign territory. This poses a threat to Indonesia regarding the calculations in the 1982 Indonesian EEZ (Exclusive Economic Zone) regarding the constituent basis. China's actions, which draw a nine-point dotted line and include the sea area in Natuna waters, which are part of the Exclusive Economic Zone (EEZ) in Indonesia's Riau Archipelago, have a detrimental effect on the Indonesian state. China's claim to Indonesia's EEZ within the Nine-Dash line of China is a form of China's arrogance that wants full control over the Natuna region which is located in the South China Sea. This disrupts the stability of Indonesia's security because the Natuna Sea is part of Indonesia's exclusive economic zone which will trigger a rift in the relationship between Indonesia and China. China (Deni & Sahri, 2017).

This paper aims to explain the disintegration of foreign policy policies that occurred in Natuna waters related to illegal fishing. With that there are several questions related to the focus of the study that will be studied in this journal 1. How is the disintegration of foreign policy against Illegal Fishing?, 2. What are the factors that influence Illegal Fishing policy in the Natuna Sea?, 3. What is the strategy related to Illegal Fishing policy in the Natuna Sea?

This paper is based on an argument that the disintegration of Indonesia's and China's foreign policy towards Illegal Fishing that occurred in the Natuna Sea caused many problems between countries in ASEAN and China. This is evidenced by the cooperation of several countries in dealing with problems in Natuna waters related to illegal fishing. On the other



hand, Natuna waters have abundant fish wealth. This has led to many foreign ships committing illegal fishing in the Natuna Sea, one of which is illegal fishermen from China.

### **Literature Review**

In a journal written by T. Muhammad Almuzzamil with the title "Policy of the Government of Indonesia in Overcoming Illegal Fishing in 2014-2015" discusses government policy in dealing with longstanding problems in the waters of the Natuna Sea. There are many ways that the government has done in tackling illegal fishing, including strengthening legislation on fisheries and strengthening laws related to criminal acts of illegal fishing, strengthening the bureaucratic structure through the Minister of Maritime Affairs and Fisheries and improving the quality of human resources in increasing knowledge and insight related to fisheries.

Furthermore, in a journal entitled "The Role and Strategy of Indonesia with ASEAN in Efforts to Resolve the South China Sea Conflict" written by Aditya Haryo Wahyudi. This study discusses the existence of conflicts in the Natuna Sea carried out by China so that the Indonesian government plays a leadership role that seeks to emphasize ASEAN collectivity as a process in easing tensions that occur.

### **Method**

In this research, the writer uses descriptive research method. The procedure is carried out by using data collection techniques in the form of primary sources from relevant literature, namely from sources of books, journals and articles that are relevant to the title of the study under study. The research approach with qualitative analysis methods. This research based on literature study in understanding the phenomena that occur in the research subject

### **Discussion**

#### **Theoretical review**

In International Relations there are various disintegrations in foreign policy. Regarding Illegal Fishing that occurred in the Natuna Waters, the discussion regarding the phenomenon of disintegration in the Natuna Sea will be studied using the theory of foreign policy decision making where globalization, interdependence and independent variables are combined into a liberal paradigm in viewing a foreign policy policy (Hudianto, 2021). The theory has four determinants including (1) Environmental Decisions, namely the



characteristics possessed by the environment are able to influence the decisions taken by State leaders; (2) Psychological factors, namely in making decisions, a person's psychological condition will have an impact on the decisions taken: (3) International factors where this factor is influenced by the enemy regime and the arms race and prevention, and (4) Domestic factors where in carrying out aggressive actions the State encouraged to meet the necessary interests.

The perspective of international relations on Illegal Fishing by the Chinese State in Natuna Waters can disrupt regional security stability, especially Indonesia and international security because Natuna waters are a route for merchant ships to carry out international shipping (Deni & Sahri, 2017). Diplomatic relations between Indonesia and China had been stretched due to China's indecisive attitude in taking policies related to illegal fishing carried out in Natuna waters towards the Exclusive Economic Zone (EEZ) of Indonesian territory. The Chinese state considers that Indonesia has an abundant culture and fishery sector so that seen as actors who can be invited to work together.

The strategy carried out by Indonesia in dealing with the existence of Natuna sea claims by means of prevention and deterrence in the Natuna marine area. 3 of 2002 where national defense is based on the philosophy and way of life of the Indonesian people in ensuring and maintaining the establishment of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. One of Indonesia's goals is to maintain the Natuna Sea area which is part of Indonesia because it lies within the Exclusive Economic Zone (EEZ).

#### **Disintegration of Foreign Policy Policy towards Illegal Fishing**

Administratively, the Natuna waters are part of the Natuna Regency, Riau Archipelago Province. In determining the boundaries of the Indonesian archipelagic waters, it is determined by the outermost and foremost point of the Natuna sea, Indonesia has full rights over the sovereignty of the Natuna waters as the continental shelf and the basic reference point that lies within the Exclusive Economic Zone (EEZ). ). In accordance with the provisions of UNCLOS (United Nations Convention on the Law of the Sea) in 1982, it provides sovereign rights to carry out exploitation, exploration and conservation in accordance with international law. The maritime boundaries of the territorial sea between countries and opposite seas are regulated in UNCLOS (United Nations Convention on the



Law of the Sea) and their legal sources are recognized by the United Nations (Putranto & 1) Muhammad Zid, 2019).

The emergence of conflicts related to maritime boundaries that occurred in the South China Sea, one of which was the Illegal Fishing case, was the result of China's non-compliance with UNCLOS provisions which claimed the Natuna Sea based on the principle of water history. Claims made by China not only threaten Indonesia's territorial sovereignty but also Indonesia's interests in the Natuna Islands with various countries. Chinese fishermen have started fishing illegally in Indonesia's EEZ.

The process of Indonesia's foreign policy towards Illegal Fishing in Natuna waters can be described in two ways. First, the occurrence of law violations in the exclusive zone of Natuna waters, one of which is Illegal Fishing carried out by foreign fishermen from China and Vietnam. Second, using explosives, illegal logging and using tiger trawls. The existence of illegal fishing in Natuna waters is carried out by international agreements in the field of the law of the sea and the laws and regulations that have been stipulated. According to the Directorate of Water and Air Police, Barhakam Polri, there were 12 cases in Natuna waters, because they were relevant to the border area.

Indonesia takes part in defense diplomacy in the Natuna waters because these waters are the export and import trade routes carried out by Indonesia (Saragih, 2018). Indonesia in handling cases of Illegal Fishing in the Natuna Sea implements a maritime axis policy by securing Indonesia's maritime sovereignty. Indonesia is brave and firm in taking policies related to ship sinking for countries that carry out illegal fishing in Natuna waters even though it is felt that this will cause a conflict in Indonesia's relations with Southeast Asian countries. Significance Indonesia towards the international system is proven by Indonesia's participation and activeness in international organizations including ASEAN, IMO and IORA (Hananya & Azzahra, 2018).

#### **Factors Affecting Illegal Fishing Policy**

The various problems that occurred in the Natuna Waters were caused by unclear laws and regulations resulting in overlapping between state institutions, where these countries made their respective policies regarding areas to be carried out illegal fishing. The Chinese state often entered Indonesian territorial waters without permission from the party concerned and violated the provisions of the boundaries of the Exclusive Economic Zone in Indonesian Waters, namely the Natuna Sea which is used for illegal fishing. This clearly violates the



**PROCEEDING**  
THE 2<sup>nd</sup> INTERNATIONAL CONFERENCE  
SOCIOLOGY, UNIVERSITY OF MATARAM



regulations contained in article 7 which is regulated in the EEZ Law Number 5 of 1983 which states that anyone who carries out activities in Indonesian territorial waters must obtain approval from the Indonesian government. The Indonesian government will process Chinese vessels carrying out illegal fishing (Illegal Fishing) The China Sea Regional Security Agency obstructed the KKP team from patrol boats owned by the State (Damastuti et al., 2018).

In the case carried out by the State of China in the form of illegal fishing, it has been recorded that Indonesia has caught three times against the State of China which does not have an official permit. The flag of the Chinese ship escorted by the coast guard, namely Han Tan Cou 19038, is the last special case that China has carried out in Natuna waters. This has infuriated Indonesia and other ASEAN countries so that they have made policies related to illegal fishing by sinking ships.

The Chinese state does not agree if the Natuna Waters become one of Indonesia's territories and protested stating that the area is a traditional fishing ground zone. But in fact the claims made by the State of China are wrong and not true. Because in the 1982 UNCLOS article contained in Chapter IV article 51 paragraph (1) states without prejudice to the provisions of article 49, archipelagic countries must respect existing agreements with other countries and must recognize traditional fishing rights and other legitimate activities neighboring countries that directly side by side in certain areas within archipelagic waters. Terms and conditions for the exercise of such rights and activities including their nature, scope and area where the right to such activities apply, at the request of one of the countries concerned must be regulated by a bilateral agreement between them. Such rights may not be transferred or shared with third countries or nationals. country Where in the 1982 UNCLOS article does not recognize the Traditional Fishing Ground but knows the term Traditional Fishing Right (Ernandi, 2017).

China has implemented a moratorium where the policy is used to prevent fish stocks from running out in these waters. So many Chinese fishermen are not allowed to fish in these waters. As a result, many Chinese fishermen fled to Natuna waters illegally. In the period from 1 May to 16 September 2017, China's waters were closed with a moratorium period stretching from 35° N to 26° 30" N in the Yellow Sea and East China Sea areas and the waters of the Bohai Sea and Yellow Sea spanning 35° N in a period of 1 May - 1 September 2017 (Ardianto, 2017).



The existence of policies related to Illegal Fishing in Natuna Waters is also caused by several factors which are forms of cross-border crime committed by foreign countries. These factors include:

- a) Increasing sources of fish raw materials to meet unmet needs in foreign countries
- b) Operational funds for regional supervision, facilities and infrastructure are increasingly limited, resulting in illegal fishing.
- c) Traditional fishermen are not involved in maintaining the security of the country so that many fishermen from foreign countries are doing illegal fishing in Natuna waters
- d) Lack of communication between the ministries of maritime affairs and fisheries on fisheries policy (Mariane, 2020).

These factors have triggered various countries to carry out illegal fishing policies in Natuna waters, one of which is China. Illegal fishing activities are also carried out by foreign vessels that do not have permits in the Natuna Sea area, foreign vessels that violate the applicable laws and regulations as well as foreign vessels that fly flags on behalf of regional organizations but operate not in accordance with the provisions of international law Indonesia has the right to impose sanctions against ships carrying out illegal fishing by sinking and burning ships as stipulated in Law no. 45 article 76 A regarding changes to Law no. 31 of 2004 related to fisheries (Maarif, 2021).

#### **Policy Strategy in Handling Illegal Fishing in the Natuna Sea**

Illegal fishing carried out by the State of China in the Natuna Waters, Indonesia has the right to handling actions that violate international maritime law rules based on Indonesian legal policies, because the Natuna waters are in the Exclusive Economic Zone (EEZ). To tackle and eradicate cases of illegal fishing carried out by China Indonesia made policies in handling the case, including:

- a) Make rules related to the National Action Plan for the Prevention and Countermeasures of Illegal, Unreported and Unregulated Fishing (IUU Fishing) as stipulated in the Decree of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number KEP 50/MEN/2012



**PROCEEDING**  
THE 2<sup>nd</sup> INTERNATIONAL CONFERENCE  
SOCIOLOGY, UNIVERSITY OF MATARAM



- b) The government makes policies related to fisheries which are regulated in Law no. 45 of 2009 where the government has the right to sink and burn ships carrying out Illegal Fishing in the Natuna Sea
- c) The security of the Natuna waters area is further enhanced which is guarded by the Navy and Marine Police
- d) Criminal sanctions and fines are applied to perpetrators of illegal fishing in Natuna Waters
- e) Monitor fishing vessels using the VMS (Vessel Monitoring System) system.
- f) Through diplomacy between Indonesia and China by summoning the Chinese Ambassador through a protest note issued by Indonesia.
- g) Holding a Regional Convention between Indonesia and China
- h) Using the Port State Measures (PSM) system in managing the empowerment of the Natuna Sea port (Damastuti et al., 2018).

These countermeasures are contained in the IUU policies carried out in Indonesia. Indonesia is also making efforts through: International regulations that have been ratified, laws passed must be adapted to the crimes committed, re-recruitment of fisheries inspectors, taking an active role in international fisheries organizations such as ASEAN and RPOA-IUU, UPT capacity in the SDKP surveillance area established and developed as well as providing adequate infrastructure. In that case, the State of Indonesia can also boycott products originating from countries that are proven to steal fish illegally.

Table 1. Explanation of IUU (Illegal Fishing, Unreported, Unregulated)

Illegal Fishing	<ul style="list-style-type: none"><li>• Illegal fishing activities carried out by foreign national fishing vessels in the waters of the Exclusive Economic Zone (EEZ) of a country without having a license to fish from the country concerned and contrary to applicable laws and regulations.</li><li>• Carried out by fishing vessels flying the flag of a country that is a member of a regional fisheries management organization but operates in contravention of the conservation and management provisions adopted by the organization or relevant provisions of applicable international law.</li><li>• Committed by fishing vessels in violation of national law or international obligations, including by States in cooperation</li></ul>
-----------------	---





**PROCEEDING**  
 THE 2<sup>nd</sup> INTERNATIONAL CONFERENCE  
 SOCIOLOGY, UNIVERSITY OF MATARAM



	with relevant regional fisheries management organizations
Unregulated Fishing	<ul style="list-style-type: none"> <li>• Relevant regional fisheries management organizations carried out by stateless vessels, sta by those flying the flag of a country other than that organization, or by fishing entities, in a manner inconsistent with or contrary to the organization's conservation and management measures that.</li> <li>• The fishing is carried out for fish stocks for which no conservation or management measures are in place and where the fishing activity is carried out in a manner inconsistent with the State's responsibility for the conservation of marine resources under international law.</li> </ul>
Unreported Fishing	<ul style="list-style-type: none"> <li>• Fishing activity has never been reported or reported improperly to the competent authority, not in accordance with national laws and regulations</li> <li>• Arrest activities carried out in MEAs that are the competence of regional fisheries management organizations, but have never been reported or reported incorrectly, are not in accordance with the reporting procedures of that organization.</li> </ul>

Source Compiled from (Putranto & 1) Muhammad Zid, 2019)

Based on these data, illegal fishing actions carried out in international policies related to fisheries must be carried out through diplomatic actions with the efforts that have been stated in the Law of the Republic of Indonesia Number 31 of 2004 which was amended become Law No. 45 article 76 A related to fisheries. These efforts must be carried out with firm action taken by Indonesian maritime officials regarding illegal fishing.

The strategy taken has been proven in the arrest of foreign vessels carrying out Illegal Fishing in Indonesian waters including Natuna waters as many as 167 foreign vessels. PPNS fisheries carry out a professional process that will be processed according to the law that has been determined by Indonesia regarding cases of illegal fishing violations. The Ministry of Marine Affairs and Fisheries takes firm action against the perpetrators. who deliberately enters Indonesian waters without an official permit by burning and sinking ships (Sulaeman, 2021).

**Conclusion**

Indonesia is an archipelagic country that has territorial boundaries which are included in the Exclusive Economic Zone (EEZ). The existence of the Natuna waters is a threat to Indonesia because China has claimed the Natuna waters and carried out illegal fishing. The existence of illegal fishing by the State of China has violated the provisions of article 56 of the International United Nations Convention on the Law of the Sea (UNCLOS) and Article 4 paragraph 1 of Law Number 5 of 1983 regarding the Indonesian Exclusive Economic Zone



**PROCEEDING**  
THE 2<sup>nd</sup> INTERNATIONAL CONFERENCE  
SOCIOLOGY, UNIVERSITY OF MATARAM



where the Natuna Islands are clearly a coastal country that is included in the Indonesian Exclusive Economic Zone which is 200 nautical miles away.

Various strategies carried out by the Indonesian government in cases of illegal fishing include making regulations related to the National Action Plan for Illegal Prevention and Control. Unreported and Unregulated Fishing (IUU Fishing) as stipulated based on the Decree of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number KEP 50/MEN/2012, the government makes policies related to fisheries regulated in Law No. 45 of 2009 where the government has the right to sink and burn ships that commit Illegal Fishing in the Natuna Sea and the security of the Natuna Waters area is further enhanced which is guarded by the Indonesian Navy and the Indonesian Maritime Police.



## Reference

- Almuzzami, T. M. (2018). KEBIJAKAN PEMERINTAH INDONESIA DALAM MENANGGULANGI ILLEGAL FISHING PADA TAHUN 2014-2015. *E-Conversion - Proposal for a Cluster of Excellence*.
- Ardianto, K. (2017). Ini Faktor Penyebab Maraknya “Illegal Fishing” di Wilayah Perairan RI. *Kompas.Com*. <https://amp.kompas.com/nasional/read/2017/04/18/19452311/ini-faktor-penyebab-maraknya-illegal-fishing-di-wilayah-perairan-ri>
- Damastuti, T. A., Hendrianti, R. C., Laras, R. O., & Agustina, R. (2018). Penyelesaian Sengketa Illegal Fishing Di Wilayah Laut Natuna Antara Indonesia Dengan China. *Reformasi Hukum : Cogito Ergo Sum*.
- Deni, F., & Sahri, L. (2017). UPAYA DIPLOMASI INDONESIA TERHADAP KLAIM CHINA ATAS ZONA EKONOMI EKSKLUSIF INDONESIA DI LAUT NATUNA. *Solid State Ionics*.
- Ernandi, S. (2017). Analisis Claim Nelayan Tiongkok Atas Traditional Fishing Ground Di Perairan Natuna. *JUSTITIA JURNAL HUKUM*. <https://doi.org/10.30651/justitia.v1i2.1166>
- Hananya, K. A., & Azzahra, F. S. (2018). Indonesia sebagai Kekuatan Menengah: Komparasi Respon Indonesia terhadap Illegal Fishing dan Laut Tiongkok Selatan. *Jurnal Hubungan Internasional*. <https://doi.org/10.20473/jhi.v10i2.7303>
- Hudianto, A. (2021). APPEASEMENT CHINA TERHADAP INDONESIA ATAS PERCOBAAN PENEGAKAN KLAIM DI ZEE NATUNA (KASUS DESEMBER 2019 - JANUARI 2020). *Jurnal Studi Diplomasi Dan Keamanan*. <https://doi.org/10.31315/jsdk.v13i1.4363>
- Maarif, S. D. (2021). Ancaman Illegal Fishing: Arti, Dampak dan Hukumnya di Indonesia. *Tirto.Id*. <https://tirto.id/ancaman-illegal-fishing-arti-dampak-dan-hukumnya-di-indonesia-gj1W>
- Mariane, I. (2020). ILLEGAL FISHING DI KAWASAN PERBATASAN LAUT TERITORIAL INDONESIA. *SUPREMASI HUKUM*. <https://doi.org/10.33592/jsh.v16i1.714>
- Putranto, G. N. D., & 1) Muhammad Zid, 1) Mieke Miarsyah. (2019). Konflik Batas Maritim,Illegal Fishing dan Upaya Penegakannya di Wilayah Laut Natuna antara Indonesia dan China. In *Perikanan dan kelautan*.
- Saragih, H. M. (2018). DIPLOMASI PERTAHANAN INDONESIA DALAM KONFLIK LAUT CHINA SELATAN. *Jurnal Ilmu Politik Dan Komunikasi*. <https://doi.org/10.34010/jipsi.v8i1.880>
- Sulaeman. (2021). Hasil Nyata KKP Jaga Laut Indonesia, Tangkap Pencuri Ikan Hingga Penjualan Pulau. *Liputan6.Com*. <https://m.liputan6.com/bisnis/read/4744935/hasil-nyata-kkp-jaga-laut-indonesia-tangkap-pencuri-ikan-hingga-penjualan-pulau>