

# Strategic policy of the Government of Indonesia In the Field of Maritime and Fisheries Affairs

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**Abstract-** The Law Number 45 Year 2009 on Fisheries and the Law Number 32 Year 2014 on the Marine deemed not able to provide a significant impact on the welfare of fishermen, this is because the implementation is not maximized also necessary strategic policy of the Indonesian government in marine and fisheries. This strategic policy intended to develop the business potential of marine and fisheries so that fishermen's welfare can be realized, and Indonesia is very abundant fisheries is expected to be the leading sectors of the national economy.

**Index Terms-** Strategic policy, the government of Indonesia, the field of marine and fisheries

## I. INTRODUCTION

Sea is one of the sources of wealth of a country, because it saves natural resources very much, be it fish, seaweed, rocks, coral, and others. One of the lucky country by the grace of the god associated with the marine area is Indonesia. Indonesia has a very big potential of the sea, became one of the island nation in the world, Indonesia is flanked by the Indian and the Pacific Ocean so that the number and species of fish in Indonesia are many and varied. Indonesia also often host the international meeting to discuss the issues in marine world. It is not directly a world recognition of the existence of marine resources owned by Indonesia, but on the other hand, Indonesia is also harmed by neighboring countries who often took advantage by stealing the fish in the sea area of Indonesia.

Indonesia was awarded the vast sea with a variety of fish resources in it. Indonesia is the largest archipelago in the world because it has an area of the sea and a large number of islands. Long Beach Indonesia reached 95 181 km (World Resources Institute, 1998)[1] with a sea area of 5.4 million km<sup>2</sup>, Indonesia dominate total territorial area of 7.1 million km<sup>2</sup>. This potential puts Indonesia as a country endowed with huge marine resources including biodiversity and non-living marine World (Satwika Ambara, 2014)[2]. This is certainly the main attraction for fishermen, fish entrepreneurs, and entrepreneurs in the field of marine resources to explore Indonesia's marine area that has such huge potential.

Especially for capture fisheries (Perikanan Tangkap in Indonesian), the potential of Indonesia is abundant so it can be expected to be the leading sectors of the national economy. The potential for it to be used optimally and sustainably, this task is a shared responsibility of government, communities, and

employers in order to increase incomes and state revenues that lead to the welfare of the people (David Setia Maradong, 2016)[3]. Indonesia has a fishery resource covering, fishing in public waters covering an area of 54 million hectares with a production potential of 0.9 million tons / year. Mariculture consisting of fish farming (include snapper, grouper, and gobia), cultivation of molluscs (oyster, pearl, and sea cucumbers), and the cultivation of seaweed, brackish water (ponds) are potential land development reached about 913 000 ha, and cultivation freshwater consists of public waters (lakes, reservoirs, rivers, and swamps), a freshwater pool, and mina rice in paddy fields, as well as marine biotechnology for the development of marine biotechnology industry such as industrial raw materials for food, industrial materials natural food, fish seed and shrimp and foodstuffs industry. The magnitude of the potential of marine and fisheries Indonesia reached 3,000 trillion per year, but that has been exploited only about 225 trillion or about 7.5% only (Satwika Ambara, 2014)[4]. Based on these data, the potential of marine and fisheries Indonesia has not maximized properly, so that the required national and regional policies to be implemented so that the potential of marine and fisheries a large Indonesian is used for the greatest prosperity of the people of Indonesia and not be exploited by fishermen or businessmen fish from other countries.

Opportunities for business development of marine and fisheries Indonesia still has good prospects. Marine and fisheries development can be used to boost economic recovery is estimated at US \$ 82 billion per year. Indonesia has the opportunity to become the world's largest producer of fishery products, due to the contribution of fisheries in 2004-2009 continued to rise. Besides, other potential began to be managed, such as non-renewable resources, in order to make a significant contribution to development. To optimize utilization of marine resources and fisheries and make this sector as the prime mover of national economic development, the necessary efforts to accelerate and breakthroughs in the development of marine and fisheries are supported by political and economic policies as well as the social climate conducive (Satwika Ambara, 2014)[5].

Formerly prosperous fate of the fishermen, so that the offspring are required to become a fisherman, too. But today, prosperity is wishful thinking of the fishermen is difficult to achieve. The problems led to the triumph of the territorial waters of stops, such as (Ilmu Hewan, 2016)[6]:

1. Damage to the aquatic environment is getting worse.
2. The marine ecosystems are damaged.

3. The weather is hard to predict.
4. Much cheaper transportation than a ship.
5. Facilities and infrastructure for the fishermen inadequate.
6. Local fishing boat less sophisticated with foreign fishing vessels entering the waters of Indonesia.
7. Wages earned in accordance with the fishermen did not struggle.
8. People prefer to consume imported fish.

Indonesian fishery resources, is actually able to contribute to the welfare of Indonesian society if properly managed. Minister of Fisheries and Marine of the Republic of Indonesia, Susi Pudjiastuti, is someone who cares for the territorial waters of Indonesia firmly and have tangible results for its performance as a minister. On the other hand, fishery resources Indonesia increasingly alarming. The results have been unable to support marine life of the fishermen. Many Indonesian fishermen who chose to become migrant workers in South Korea (Ilmu Hewan, 2016)[7].

National regulation in the fishery has been in existence since the past 2009 years, with the enactment of the Law of the Republic of Indonesia Number 45 Year 2009 on the Amendment of the Law of the Republic of Indonesia Number 31 of 2004 on Fisheries, consideration of the release of these laws (Law of the Republic of Indonesia Number 45 Year 2009) this law came out with consideration of (1) that the waters which were under the sovereignty of the Unitary Republic of Indonesia and the Indonesian Exclusive Economic Zone and the high seas contain fish resources potential and as a commercial fish breeding was a blessing from God Almighty mandated to the nation Indonesia, which has a life philosophy of Pancasila and the Constitution of the Republic of Indonesia Year 1945, taking into account the existing carrying capacity and sustainability to be utilized as much as possible for the welfare and prosperity of the people of Indonesia; (2) utilization of fish resources yet provide improved living standards through sustainable and equitable fisheries management, surveillance and law enforcement system that is optimal; and (3) that Republic Act No. 31 of 2004 on Fisheries has not been fully able to anticipate technological developments and the needs of law in the management and utilization of fish resources (Law of the Republic of Indonesia Number 45 Year 2009)[8].

Increase the sustainability of fishery business as stipulated in Law Number 32 Year 2014 concerning the Marine, in Article 3, which mandates that the use of marine resources is done in a sustainable manner for the welfare of the present generation without compromising the interests of future generations, and in Article 59 directs so that utilization of marine resources is prioritizing the preservation of the sovereignty and laws of Indonesian waters, seabed and subsoil. From the regulatory side, the second this legislation (Law of the Republic of Indonesia Number 45 Year 2009 on Fisheries and the Law of the Republic of Indonesia Number 32 Year 2014 on Marine) is indeed intended to maximize the utilization of natural resources of Indonesia majoring in marine and fisheries, but in fact both these laws have not been able to provide significant impact on the welfare of fishermen, it is because in addition to its implementation is not maximized also required the Indonesian government strategic policy in the field of maritime affairs and

fisheries. This strategic policy intended to develop the business potential of marine and fisheries Indonesia so that the fishermen's welfare can be realized, and capture fisheries are very abundant Indonesia is expected to become the leading sectors of the national economy. Based on the explanation, the issues to be discussed in this paper is that what should be a strategic policy issued by the government in order to develop the potential of marine and fisheries in Indonesia? and how efforts should be made so that the implementation of these policies can be maximized in the community?

## II. RESEARCH METHODS

### Type of Research

Based on the objectives to be achieved in this research, the type of research is a type of normative legal research (Amiruddin and Zainal Asikin, 2013)[9] using the statute approach (Bambang Sunggono, 2012)[10] and conceptual approach (Peter Mahmud Marzuki, 2010)[11].

### Type of Legal Material

Data collection techniques in this study using research literature (Tukiran Taniredja and Hidayah, 2011)[12]. Legal materiel type that used in this research are primary and secondary legal material (Salim HS and Erlies Septiana Nurbani, 2013)[13].

### Data Analysis

After legal materials were collected, then conducted an analysis using qualitative, then presented descriptively (Soerjono Soekanto, 2012)[14].

## III. RESULTS AND DISCUSSION

### A. The Government Strategic Policy in the Field of Maritime and Fisheries Affairs

As I have mentioned previously that the government's strategic policy is needed to develop the business potential of marine and fisheries Indonesia so that the fishermen's welfare can be realized, and capture fisheries are very abundant Indonesia is expected to become the leading sectors of the national economy. This is because the Law of the Republic of Indonesia Number 45 Year 2009 on Fisheries and the Law of the Republic of Indonesia Number 32 Year 2014 on Marine are still not able to answer the needs of Indonesia in the field of maritime affairs and fisheries. Based on these needs, then there are at least four important policy that the writer became government's strategic policy in the field of maritime and fisheries affairs, the four policies are :

#### 1. Eradication of Illegal Fishing

Minister of Maritime Affairs and Fisheries (Susi Pudjiastuti) states that the activities of illegal fishing (Illegal unreported unregulated / IUU fishing) has made Indonesian children born with a condition growing stunt. Children who are born malnourished due to rarely eat fish, for dozens of years those involved in illegal fishing in marine fish stealing Indonesia, and took him to their country. While the Indonesian public, who should enjoy the wealth of marine resources in the country have to bite the finger because the fish has gone stolen foreign vessels. 10 years of the last census showed one in three children born and growing Indonesia stunt. If the physical alone is growing stunt,

because food is lacking protein. 10 years earlier census, national fish consumption is low. Susi Pudjiastuti wants the quality of human resources in Indonesia can be improved. Therefore, any fish consumption should continue to rise in the future. One done to combat against ships perpetrators of IUU fishing. Because, with IUU fishing, the government has provided a foundation for increasing fish consumption. So in addition to Gross Domestic Product (Produk Domestik Bruto / PDB) fisheries had increased to 8.96%, but still well above the average Gross Domestic Product compared to other sectors is clearly much lead. When all slowing, so the only fisheries sector that relied (Sindonews Issue November 3, 2016)[15]. This is certainly a concern for all of us, for the management and utilization of fish sources is not the duty of the government alone, but the entire people of Indonesia, the next question is what has the government and we have made to safeguard and secure the Indonesian territory of the invading ships foreign illegal fishing.

Fisheries resources in Indonesia is still a source of wealth that provides immense potential to be developed for the prosperity of the Indonesian nation, both to meet the protein needs of its people, as well as for export in order to obtain funds for the nation's development efforts (Hasjim Djalal, 1979)[16], therefore this fishery resources already should be utilized as well as possible.

Fishing boats foreigners who have access rights to the exclusive economic zone of a coastal state must obey the laws coastal countries concerned, which may contain the obligations and requirements regarding various things, such as licensing, financial rewards, quotas, conservation measures, information, research, spotter, landing catches, cooperation agreements, etc. (Albert W. Koers, 1994)[17]. Susi Pudjiastuti mention, illegal fishing policy issuance has resulted. After almost two years of rolling, at least 10,000 foreign ships to escape from Indonesian waters. So far, Indonesia is too late to land resources and ignore the magnitude of Indonesia's marine resources. Consequently, other countries take for of Indonesia's marine wealth. "We forgot our oceans, while the neighboring countries take benefit from the richness of our seas". Therefore, the Minister Susi Pudjiastuti, since its inception has served as Minister of Marine and Fisheries, a breakthrough first is combating IUU fishing which has been detrimental to Indonesia is very large. Conceivably, a foreign fishing company caught fish about 3.5 million tonnes per year at sea Indonesia, if it costs \$ 1, the (loss) of \$ 3.5 billion. Though it was no shrimp, calamari that cost may not be Rp. 10,000 to Rp. 20,000, and there are a few companies like this. Susi Pudjiastuti said the number of foreign ex ship sunk in the fight against IUU fishing program is only about 286 units. However it turns out, the effect is greater for 10,000 other ships ran away for fear of being drowned. During 1.5 years drownings only 286 units. But who goes from the sea Indonesia more than 10 thousand ships. So deterrence effect occurs there. According to him, the eradication of illegal foreign vessels should be a national mission Indonesia. Therefore, IUU fishing has been entrenched for decades. "If it is not used as a national mission would have no problem. It can not, eventually we take ownership of this eradication of all fishing boats and drown us under the constitution and the Law (Sindonews Issue November 3, 2016)[18]. However, that should also be cautious is the existence of these illegal activities carried out by Indonesian citizens

themselves, several modes / types of activities illegal often do citizens of Indonesia, among others: fishing without permission, have permission but violating the provisions stipulated by law - undang relating to fisheries, forgery / manipulation of documents, transshipment at sea, do not turn on the transmitter, and destructive fishing using chemical, biological, explosives, equipment and / or means, and / or buildings that endanger conserve resources fish (Rohmin Dahuri, 2013)[19].

## 2. Fishery Products Using One Price in Indonesia

Minister of Maritime Affairs and Fisheries (Susi Pudjiastuti) plans to build a fishing industry in the 12 outer islands in Indonesia. To make it happen, the Ministry of Maritime Affairs and Fisheries will cooperate with PT Perikanan Indonesia (Persero) and PT Perikanan Nusantara (Persero), as well as involving PT Pelni (Persero) and PT Garuda Indonesia (Persero) Tbk as the motor distribution of fishery products to the eastern part of Indonesia. The Ministry of Maritime and fishery Affairs will open the gate (gateway) for the fishing industry of eastern Indonesia to the Republic of Palau and Darwin, Australia, because it will also improve logistics costs become more rational. Susi Minister Pudjiastuti want to open the gateway to eastern Indonesia to Palau which is only 1/5 than Jakarta, as well as the southern gateway to Darwin and to Kenth which distance is also 1/5 or 1/7 of Jakarta. It will change more rational logistics. Fish can be directly sold to the international market fresh. Later, fishery products for the outer islands 12 will also be sent directly from Darwin or Palau. During this time, fishery products for the area in eastern Indonesia were sent from Java, thus making the cost becomes more expensive. Susi Pudjiastuti pointed out that if we take out of Darwin, in the supermarket Darwin just USD3-USD4. ATR flown by Garuda use only, the cost is only \$ 1. Susi Pudjiastuti hope, the plan had to be realized in the beginning of January 1, 2017. (Garuda) should start flying later Kupang-Darwin-Kent Timika, Merauke-Kent and will deduct 1/5 of economic cost, and provide an opportunity to get the price of eastern Indonesia the same one (Sindonews Issue November 3, 2016)[20]. Based on the reports, the policy on fishery products using a single price in Indonesia seems to be the most popular because of this policy that is in direct contact with many people, the main consumer of fish daily.

## 3. The Issuance of Regulations which Implementative

Sustainable potential Indonesian marine fish resources of 6.5 million tonnes per year spread in the territorial waters of Indonesia and the Indonesian Exclusive Economic Zone waters (Zona Ekonomi Eksklusif Indonesia / ZEEI) divided into nine major Indonesian territorial waters. Of all the potential of these resources, in order to maintain the sustainability of fish stocks total allowable catches (Jumlah Tangkapan yang diperbolehkan / JTB) amounted to 5.12 million tons per year. Volume and value of production for each of the main commodity aquaculture in 2010-2014 increased, consisting of: (1) The shrimp has increased on average per year by 14.03%; (2) the grouper has increased on average by 9.61% per year; (3) milkfish has increased on average per year by 10.45%; (4) Patin increased on average per year by 30.73%; (5) The tilapia has increased on average per year by 19.03%; (6) Goldfish experienced an increase in average per year amounted to 14.44%; (7) The catfish has increased on average

per year by 26.43%; (8) Gurame increased on average per year by 17.70%; and (9) Seaweed has increased an average of 27.72% per year. In the Medium Term Development Plan (Rencana Pembangunan Jangka Menengah / RPJMN) 2015-2019, the construction carried out by promoting the role of the marine economy and national marine development synergy with the target (David Setia Maradong, 2016)[21] :

1. Utilization of marine resources for the economic development and welfare of fishermen and coastal communities;
2. Establishing a Tol Marine efforts to improve services and increase connectivity sea transport sea;
3. Maintenance of preservation of the environment and marine resources; and
4. Achievement of Human Resources (SDM) and Science and Technology (Iptek) marine quality and increased insight and marine aquaculture, the establishment of the network infrastructure as the glue all the islands and the islands of Indonesia.

As the implementation of the objectives RPJMN, the Ministry of Maritime Affairs and Fisheries in the Strategic Plan 2015-2019 states that to achieve the success of Indonesia's development as reflected in the maritime (David Setia Maradong, 2016)[22] :

1. The optimal management of ocean space, conservation and marine biodiversity.
2. Increased corporate sustainability of fisheries and aquaculture.
3. Increased competitiveness and logistics systems the results of marine and fisheries.
4. Increased supervision of the management of marine resources and fisheries.
5. Increased human resource capacity, community development, and science and technology innovation of marine and fisheries.
6. The development of fish quarantine system, quality control, security, fisheries and fish biosafety.

In addition, to optimize the utilization of marine resources, especially capture fisheries to remain sustainable, some policies have been issued, namely (David Setia Maradong, 2016)[23] :

1. Regulation of the Minister of Marine and Fisheries No. 10 Year 2015 concerning Amendment to the Regulation of the Minister of Marine and Fisheries No. 56 / Permen-KP / 2014 on Termination of Temporary (Moratorium) Licensing Business fisheries in Regional Fisheries Management (Wilayah Pengelolaan Perikanan / WPP) of the Republic of Indonesia;
2. Regulation of the Minister of Marine and Fisheries No. 04 Year 2015 concerning the Prohibition of Fishing in WPP 714 (Sea Netherlands);
3. Regulation of the Minister of Marine and Fisheries No. 02 Year 2015 on the Prohibition of the Use of Fishing trawler Hela (trawls) and trawl Pull (Seine Nets) in WPP Republic of Indonesia;
4. Regulation of the Minister of Marine and Fisheries No. 01 Year 2015 on Catching Lobster (*Panulirus* spp), crab (*Scylla* spp) and swimming crab (*Portunus pelagicus* spp);

5. Regulation of the Minister of Marine and Fisheries No. 57 Year 2014 concerning the Second Amendment to the Regulation of the Minister of Marine and Fisheries No. Per.30 / Men / 2012 on Business fisheries in WPP Republic of Indonesia;
6. Regulation of the Minister of Marine and Fisheries No. 56 of 2014 on Temporary Cessation (Moratorium) Licensing Business fisheries in WPP Republic of Indonesia;
7. Letter from the Minister of Marine and Fisheries No. B.622.MEN/KP/XI/2014 on Petition To All Governors and Regents / Mayors to manage resources in a sustainable manner; and
8. Local Government has issued regulations on the utilization of fishery resources that are environmentally friendly and sustainable.

Implementable rules was necessary as one step in the government's strategic policy to maximize all available resources in marine and fisheries.

#### 4. Changing Management and Building a Sustainable Fisheries

To realize a sustainable national fisheries catch, it must be ensured that the rate of arrests resources (stocks) fish does not exceed the sustainable production potential (maximum sustainable yield / MSY). MSY total Indonesian marine fish resources of 6.5 million tonnes per year. In 2010 the total marine fish production of 5.1 million tons. MSY total freshwater fish of 0.9 million tonnes per year and a barn used 0.5 million tons. The issue of distribution of fishermen and fishing vessels uneven. More than 90 percent of Indonesian fishing fleet is concentrated in the coastal waters and shallow seas such as the Malacca Strait, north coast, the Strait of Bali, and the southern coast of Sulawesi. There also has been largely excess catch. If the rate of fishing as it is now continued, the catch per vessel will decrease, fishermen are getting poorer, and even extinct fish resources such as fish Terubuk in the waterway and the flying fish on the south coast of Sulawesi. In contrast the number of Indonesian fishing vessels operating on the high seas, the deep sea, and border areas such as the Natuna Sea, South China Sea, the Sulawesi Sea, the Seram Sea, the Banda Sea, the Pacific Ocean, Arafura Sea and the Indian Ocean could be counted on the fingers. This is where foreign fishing vessels rampant and cost the state at least Rp 30 trillion per year. The rate of fishing in waters that have excess fishing should be reduced and simultaneously multiply modern fishing boat fleets to operate in waters that are still underfishing or that had been looted foreign fishermen. All this will help the economic development of fisheries-based regions (Ministry of Marine and Fisheries of the Republic of Indonesia, 2015)[24]. Keep in mind also that building a sustainable fishing program is very important and strategic for the long term and prospects for sustainability in the future.

Each fishing vessel must be equipped with a fish storage facilities are refrigerated to maintain quality of the fish arrive at fish landing sites. Fishermen should be trained and counseled to practice ways of good fish handling during on board. Fishermen throughout the country should be guaranteed to land a catch of fish in fish landing sites or fishing ports. In addition to meeting sanitary and hygienic standards, the fishing port should also be equipped with ice plants, cold storage, fish processing plants,

refrigerated fish transport cars, cooperative seller of fishing gear, fuel, rice, and supplies at sea, as well as fish bona fide purchaser. Third, rehabilitation of coastal ecosystems that have been damaged and control pollution of the marine conservation areas and mengembahgkan. In addition, the enrichment of the stock (stock enhancement) and restocking with species suited to do in the territorial waters of the excess catch. Although it is a maritime nation and the world's largest archipelago, Indonesia only has the Ministry of Marine and Fisheries under President Abdurrahman Wahid. Ministry of Maritime and Fisheries (KKP) dealing with capture fisheries, aquaculture, fishery product processing industry, the biotechnology industry waters, construction of small islands, salt production, utilization of valuable objects from the sinking ship, as well as the development of natural resources nonconventional in coastal areas and oceans. Since the presence of the CTF appears some progress. Fisheries production, which in 1999 the new 3.5 million tons (ranking seventh world), in 2010 reached 10.5 million tons and Indonesia became the third largest fishery producer after China (55 million tons) and India (14 million tons). In 2010, the contribution of fish protein in total animal protein intake of the people of Indonesia barn 50 percent, now 62 percent. The value of fisheries exports also increased from 1.5 billion US dollars (1999) to 3 billion US dollars (2010). Similarly, the contribution of marine and fishery sector to gross domestic product, has now reached 3.2 per cent from 1.9 per cent in 1999. However, much work is unfinished. Until now the majority of fishermen, especially fishermen labor, still live in poverty puddle. Ironically, the fish stocks in some sea areas such as the Strait of Malacca, Java Sea, the southern coast of Sulawesi, Bali Strait and Arafura already overfished saturated (fully-exploi-ted) or excess fishing (overfishing). Coastal ecosystems such as estuaries, mangroves, coral reefs and seagrass beds are broken, either as a result of exploitation, conversion (reclamation), as well as pollution. In fact, coastal ecosystems are the breeding, care, feeding, or self-aggrandizement almost all types of fish and marine life. Concern is the onslaught of imported fish craze in the last three years. Previously we only imported fish meal, salmon, and some fish products which can not be produced in Indonesia and the value was not significant (less than 50 million US dollars) per year. Now the imported commodities including those in Indonesia such as bloating, overpasses, anchovies, mackerels, and malalogis with a value of more than 200 million dollars per year. In fact, the potential of Indonesian fishery production in the world, 65 million tons per year, and only used 10.5 million tons (16 percent) (Ministry of Marine and Fisheries of the Republic of Indonesia, 2015)[25]. Fish stocks have been overfished saturated must be overcome by proper government, because if this is done fishing continuously in these areas, it is unlikely that the future prospects for sustainable fisheries program will not be realized.

## **B. Policy Implementation in the Community**

Implementation of the four government policies that are classified as strategic policy that must be done by the government should be implemented well in the community, it is for people to participate actively in taking part of the strategic policies of the government. To measure whether the government's strategic policy has been implemented well, then

there is a level indicators that must be met. According to the authors there are at least two government efforts should be done to implementation of the policy can be maximized in the community.

### **1. Consistency in Implementing Policies**

Any measures taken by the government, should be consistent in implementing it, do not have a policy that is run is not optimal, or if policies are run at national level but the local governments do not fully support, synergy between the central government and local governments need to be improved so that the similarity of mission in implement a national policy that is considered strategic to the public, it should be noted that the implementation of these policies can be maximized in the community.

### **2. Sustainable Policy Orientation**

Regarding policy orientation sustained in question is a policy that if it had changed government policy that already exists if it has the prospects and progress both should continue, not to change the regime, the policy was changed, even the policies of long-term to a standstill due to the policy that will be implemented by the new government, this must be rethought because a policy is not a strategy to get instant imaging nature, the policy is a long thought process up to the point where the policy should be better implemented.

Based on the above two attempts, according to the author of four strategic policies that have been implemented by the current government has been implemented well, it can be seen from the policies that have been issued a positive impact as follows (David Setia Maradong, 2016)[26]:

1. In some areas, an increasing number of fishing trips of 2-3 trips / week to 7 trips / week (reduction in distance fishing ground of the 4-mile to 2 miles). Besides production in the ocean fishing port rose 5.16% and in the fishing port rose 11.48%;
2. Productivity increase for the size of vessel <10 GT (1.9%), 10 - <30 GT (40.6%), and 30-100 GT (52.4%);
3. Saving Fuel (Bahan Bakar Minyak / BBM) National by 36%;
4. Gross Domestic Product (Produk Domestik Bruto / PDB) reached 8.64% Fisheries (first quarter 2015) that the economies of scale of Rp.67,08 trillion;
5. Indonesia gets fisheries products duty-free to the United States;
6. The value of exports reached USD906,77 million in the first quarter of 2015;
7. Obtaining the support of friendly countries and the International CSO technical assistance for capacity building, institutional, and human resources and marine fisheries; and
8. Will do Indonesia Joint Declaration - Republica Democratica de Timor Leste - Papua New Guinea - Australia - Fiji to combat Illegal Fishing.

## **IV. CONCLUSION**

Based on the presentation and discussion of research results, it can be concluded that the Law of the Republic of

Indonesia Number 45 Year 2009 on Fisheries and the Law of the Republic of Indonesia Number 32 Year 2014 on Marine are still not able to answer the needs of Indonesia in the field of maritime and fisheries affairs. Based on these needs, then there are at least four important policy into government's strategic policy in the field of maritime and fisheries affairs, the four policies are (1) Eradication of Illegal Fishing, (2) Fishery Products Using One Price in Indonesia, (3) The issuance of Regulations which implementative, and (4) Changing Management and Building a Sustainable Fisheries. There are two government efforts should be done to implementation of the policy can be maximized in society, namely (1) Consistency in implementing the policy, and (2) The Policy Sustainable orientation.

#### REFERENCES

- [1] World Resources Institute, 1998, dalam Satwika Ambara, 2014, Potensi Kelautan dan Perikanan Indonesia, accessed at <http://kmip.faperta.ugm.ac.id/potensi-kelautan-dan-perikanan-indonesia/>
- [2] Satwika Ambara, 2014, Ibid.
- [3] David Setia Maradong, 2016, Potensi Besar Perikanan Tangkap Indonesia, accessed at <http://setkab.go.id/potensi-besar-perikanan-tangkap-indonesia/>
- [4] Satwika Ambara, 2014, Op.Cit.
- [5] Ibid.
- [6] Ilmu Hewan, 2016, Pengertian dan Definisi Sumber Daya Perikanan, accessed at <https://www.ilmuhewan.com/pengertian-dan-definisi-sumber-daya-perikanan/>
- [7] Ibid.
- [8] See consideration a, b, and c the Law of the Republic of Indonesia Number 45 Year 2009.
- [9] Amiruddin and Zainal Asikin, 2013, Pengantar Metode Penelitian Hukum, Jakarta: Rajawali Pers.
- [10] Bambang Sunggono, 2012, Metodologi Penelitian Hukum, Jakarta: Rajawali Pers, 2012.
- [11] Peter Mahmud Marzuki, 2010, Penelitian Hukum, Jakarta: Kencana Prenada Media Group.
- [12] Tukiran Taniredja and Hidayati Mustafidah, 2011, Penelitian Kuantitatif, Sebuah Pengantar, Bandung: Alfabeta.
- [13] Salim HS. and Erlies Septiana Nurbani, 2013, Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi, Jakarta: Rajawali Pers.
- [14] Soerjono Soekanto, 2012, Pengantar Penelitian Hukum, Cetakan Ke-3, Jakarta: UI-Press.
- [15] Sindonews Issue November 3, 2016, Susi Sebut Illegal Fishing Bikin Anak Indonesia Kurang Gizi.
- [16] Hasjim Djalal, 1979, Perjuangan Indonesia di Bidang Hukum Laut, Bandung: Binacipta.
- [17] Albert W. Koers, 1994, Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut, Yogyakarta: Gadjah Mada University Press.
- [18] Sindonews Issue November 3, 2016, Menteri Susi Berhasil Bikin 10.000 Kapal Asing Kabur dari Republik Indonesia.
- [19] Rohmin Dahuri, 2013, Aspek Hukum Penanganan Tindak Pidana Perikanan. Paper on Diklat Teknis Penanganan Tindak Pidana Perikanan Angkatan II, Pusdiklat Kejagung RI.
- [20] Sindonews Issue November 3, 2016, Susi Dorong Produk Perikanan Satu Harga di Indonesia Timur.
- [21] David Setia Maradong, 2016, Op.Cit.
- [22] Ibid.
- [23] Ibid.
- [24] Ministry of Marine and Fisheries of the Republic of Indonesia, 2015, Perikanan Indonesia, Jakarta.
- [25] Ibid.
- [26] David Setia Maradong, 2016, Op.Cit.

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