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Regulation of IUUF Overcoming in The Form of Interoperability through Control Center of Task Force 115

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Abstract: Abstract- As a maritime country with a sustainable potency of fish resources which is estimated 9.9 million tons a year, Indonesia becomes the source of illegal, unreported, unregulated fishing (IUUF). IUUF is prohibited in Indonesia because it contradicts provisions in United Nations Convention on The Law of the Sea of 1982, Indonesian Law Number 45 of 2009, and Indonesian Law Number 32 of 2014. But, during this time, IUUF overcoming is hampered by sectoral egos between domestic institutions in exchanging data and information about IUUF. Thus, solution for exchange of data and information can be built through an institution, that is the Control Center of Task Force 115 which has function to organize interoperability, with establish a platform that can accommodate facilities different between domestic institutions into an integrated data and information center. Then, the implementation of interoperability is outlined in a regulation through reconstruction of Ministerial Regulation Number 37/PERMEN-KP/2017. This solution need to be done in order to there is not overlapping authority between domestic institutions and ineffectiveness of the Control Center of Task Force 115 function as the organizer of exchanging surveillance data or information about the actor of IUUF that will or have entered Indonesian Sea.

Keywords: *IUUF; Interoperability*

INTRODUCTION

As a maritime country with a sea area of 5.8 million square kilometers, Indonesia has a sustainable potency of fish resources which is estimated 9.9 million tons a year Kementerian Kelautan dan Perikanan RI [9]. Sustainable potency is the optimal catch of a potency continuously without affects sustainability from that potency supply Cahyani, et all. [2], and from these potency of fish resources, the number of catches that allowed is 7.92 million tons a year or approximate 80% from the sustainable potency Kementerian Kelautan dan Perikanan RI [9]. Beside that, according to Indonesian Ministry of Marine Affairs and Fisheries (shortened to KKP RI), Indonesian Sea has approximately 8,500 species of fish (37% of fish species in the world) and some types of it has high economic value, such as tuna, shrimp, lobster, reef fish, various types of ornamental fish, and shellfish Kementerian Kelautan dan Perikanan RI [9].

But, with that promising marine potency, Indonesia becomes the source of illegal, unreported, unregulated fishing Ismail, et all [8]. Illegal, unreported, unregulated fishing (shortened to IUUF) generally refers to fishing activity that inconsistent or against regulations or conservation actions that apply in certain fisheries areas Ismail et all [8]. In 2015, there were 7.679 cases of IUUF Firdaus et all [6]. Then, in 2016, there were 12.856 cases of IUUF Firadus et all [6]. After that, in 2017, the number of cases that handled and monitored directly by The Task Force for Eradicating Illegal Fishing (shortened to Task Force 115) were 367 IUUF cases Adi and Hidayat [1] and 39 cases were handled with a multidoor system approach Kementerian Kelautan dan Perikanan RI [10]. Meanwhile, in 2018, there were 2.430 cases of IUUF Direktorat Jenderal Pengawasan Sumber Daya Kelautan dan Perikanan [4]. Afterward, in 2019, IUUF occurred as many as 2.183 cases Fajar [5]. Beside that, the former of Indonesian Minister of Marine Affairs and Fisheries at once Task Force 115 Commander in the period 2014 to 2019, named Susi Pudjiastuti, said that Task Force 115 from mid-2017 until November 2018 had handled 134 cases of illegal fishing Pregiawati [14], and on June 2019, 28 illegal fishing vessels had sunk by Indonesian Government, that were malaysia flagged vessel as many as 3 ships, Philippines 1 ship, Vietnam 23 ships, and Indonesia 1 ship Muhammad [13].

Article 33 paragraph (3) of the 1945 Basic Law of the Republic of Indonesia (shortened to UUD NRI 1945) which reads, "The earth and water and natural resources contained therein are controlled by the country and used for the greatest prosperity of the people", has ordered the country to control water and natural resources that contained therein for prosperity of the people of Indonesia. Beside that, Consideration of Indonesian Law Number 32 of 2014 about Marine (shortened to Indonesian Law Number 32 of 2014) confirms that sea as the largest part of the territory of Indonesia which has strategic positions and values from various aspects of life, is basic modal for national development. So, that basic modal must be guarded and protected, not only formally but also materially through a legal framework. This way need to be done in order to realize 3 pillars of Indonesia's marine and fisheries development, that are sovereignty, sustainability, and prosperity [18].

One of the efforts to guard and protect Indonesian Sea materially based on the theory of authority that mentioned at Article 12 and Article 13 of Indonesian Law Number 30 of 2014 about Government Administration, can be done through policy reconstruction, that is ministerial regulation, as a form of implementing attribution from Indonesian Law Number 32 of 2014 and delegation from Presidential Regulation Number 115 of 2015 about Task Force for Eradicating Illegal Fishing (shortened to Presidential Regulation Number 115 of 2015). Supported also from terms of formal, whether it is from a data exchange system or surveillance information and structural that authority in one roof enforcement system Kementerian Kelautan dan Perikanan RI [10], that consisting of defense, security, law enforcement and safety in the Indonesian Sea in multidoor system Kharisma and Syafruddin [11].

So, one of the right strategy to overcome IUUF in Indonesia can be done through an integrated early warning system, that is interoperability Rusfandi [16]. According to IEEE Standard Computer Dictionary, technically, interoperability describes the ability of 2 or more systems to exchange data or information and can mutually use data or information that exchanged Direktorat Sistem Informasi, Perangkat Lunak dan Konten RI [3].

During this time, data and information collection about the actor of IUUF is regulated at Article 3 Letter b of Presidential Regulation Number 115 of 2015 and Chapter II Attachment of Indonesian Minister of Marine Affairs and Fisheries Regulation Number 37/PERMEN-KP/2017 about Operational Standards for Law Enforcement Procedures for Task Force 115 (shortened to Ministerial Regulation Number 37/PERMEN-KP/2017). If linked to definition of interoperability, collection of data and information through results of data and information exchanges between domestic institutions has been stated at Letter A Number 2 Section b in Chapter II Attachment of the Ministerial Regulation Number 37/PERMEN-KP/2017. But, according to the Former of the Naval Headquarters Command and Control Center Head, Lilik Abu Siswanto, "Exchange of information that occurs between institutions at this time is still constrained by sectoral egos. Supposing there is an exchange of information, it can happen because of personal relationship between leaders Rusfandi [16].

Thus, if exchange of data and information between domestic institutions is only based on personal relationship and statements in a regulation without specific arrangement about implementation or step of exchanging data and information, surely IUUF overcoming can not be done optimally. So, interoperability strategy need to be outlined in a regulation through the reconstruction of Ministerial Regulation Number 37/PERMEN-KP/2017. This solution need to be done as a basis as well as a step for stakeholders to exchange of surveillance data or information about the actor of IUUF that will or have entered Indonesian Sea.

METHOD

The research method in this paper is normative legal research method which learns law as a norm or rule that applies in society Ishaq [7]. Whereas, the approach in this research is statute approach that is used to study and analyze laws and regulations that related with IUUF Marzuki [12]. Thus, the output of this research is position paper that be given for KKP RI to facilitate the holding of Regulation of IUUF Overcoming in The Form of Interoperability through Control Center of Task Force 115.

RESULT AND DISCUSSION

According to Food Agriculture Organization (FAO) in a International Plan of Actions to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (IUUF) in 2001, IUUF is divided into 3 definitions Santosa [17]. First, illegal fishing, is an act that carried out by national or foreign vessel in the sea territory of a country's jurisdiction, without permission from that country or contra with law in that country Santosa [17]. This type of fishing violates the law, conservation, and governance that adopted by the country that became the flag of the vessel or generally violates national law or international duties or country duties as member of regional fisheries management organizations Santosa [17]. Second, unreported fishing is a fishing activity that have not been reported or has been reported, but in a way that is not true to authorities or contra with national law Santosa [17]. This activity is the same as the lack of reporting or incorrect reporting to regional fisheries management organizations Santosa [17]. Third, unregulated fishing, in broader terminology, this act includes fishing without nationality or vessel that flying the flag of a country which is not included in the regional fisheries management organization's member country (shortened to RFMOs) in that area of RFMOs Santosa [17].

Table 1. IUUF Data in Indonesia

Year	Number of Cases
2015	7.679
2016	12.856
2017	406
2018	2.430
2019	2.183

Source: The Results of Researcher Analysis

According to KKP RI, Indonesia's disadvantage due to IUUF is estimated to exceed 365 trillion rupiah a year, and that disadvantage rate reaches 25% from total potency of Indonesian fisheries [18]. Beside in the economic sector, other disadvantage that suffered by Indonesia due to IUUF, that are ecological crisis and degradation of the marine environment Siwu [18]. Normatively, IUUF contradicts the provisions at Article 56 paragraph (1) letters a and b of United Nations Convention on The Law of the Sea of 1982 (shortened to UNCLOS of 1982) which explains that in the exclusive economic zone, the coastal state has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, and jurisdiction to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment. Article 58 paragraph (3) of UNCLOS of 1982 also states that, "In exercising their rights and performing their duties under this Convention in the exclusive economic zone, states shall have due regard to the rights and duties of the coastal state and shall comply with the laws and regulations adopted by the coastal state in accordance with the provisions of this convention and other rules of international law in so far as they are not incompatible with this part." Thus, based on provisions in UNCLOS of 1982, every country that has activity in Indonesia's exclusive economic zone, must regard to the rights and duties of Indonesia as a coastal country by obeying the laws that set by Indonesia. This is also confirmed at Article 7 paragraph (3) of Indonesian Law Number 32 of 2014 which states that, "Unitary State of the Republic of Indonesia has: (a) Sovereignty in internal waters, archipelago waters and territorial sea; (b) Certain jurisdiction in contiguous zones; and (c) Sovereign rights in exclusive economic zones and continental shelf." Supported by the provisions at Article 27 of Indonesian Law Number 45 of 2009 about Amendment of Indonesian Law Number 31 of 2004 about Fishery (shortened to Indonesian Law Number 45 of 2009) which explains that everyone who owns and/or operates Indonesia-flagged fishing vessel in the Indonesia fishery management areas or foreign-flagged fishing vessel in Indonesia's exclusive economic zone, that are used for fishing, must have Fish Capture Permit (SIPI). Not only that, Article 28 of Indonesian Law Number 45 of 2009 explains that everyone who owns and or operates an Indonesia-flagged or foreign-flagged fish transport vessel that used to transport fish in the Indonesia fishery management areas,

must have fish transport permit (SIKPI). But, the duty to have SIKPI does not apply to small fishermen who do fishing to fulfill the daily needs of life using vessel with maximum size of 5 gross tonnage (GT).

Meanwhile, to support efforts to law enforcement enhancement toward IUUF in Indonesia, task force 115 were formed based on Presidential Regulation Number 115 of 2015. Organizational structure of the Task Force 115 according to Article 4 paragraph (1) of the Presidential Regulation Number 115 of 2015, consists of Indonesian Minister of Marine Affairs and Fisheries as Commander of the Task Force 115, Deputy Chief of Staff of the Indonesian Navy as Daily Executive Head, and Head of Coast Guard, Head of Security Maintenance Agency, National Police, and Attorney General of Indonesia as Deputy Chief of Daily Executive.

In Task Force 115, several institutions that are equipped with monitoring, control, and surveillance system facilities (shortened to MCS) to overcome IUUF in the Indonesian Sea, consists of KKP RI, Indonesian Navy, and Coast Guard [16]. Within the scope of Indonesian Navy Command and Control Center (called Puskodal TNI AL), the decision making that results command and control until action, entirely depend on Integrated Maritime Surveillance System (IMSS) that owned by Puskodal TNI AL [16]. In principle, in this system, all data and information that processed by Puskodal TNI AL are confidential, and will be open if given to other institutions that involved in joint operation [16].

Whereas, Coast Guard (this institution is called Bakamla in Indonesia) uses bakamla integrated information system (shortened to BIIS) that has function to find ship anomaly data by observing and finding behavior ships analysis manually, and monalisa system that has entered "behavior ships analysis" into data base program automatically [16]. But, coast guard ship anomaly data that should be analyzed and evaluated previously by Implementing Team, Control Center Team, and Special Staff Assistant of Task Force 115, in fact, it is often used directly by Directorate of Operation without going through the process of analyzing data and information [16]. So, this condition that causes the role of anomalous data that produced by coast guard early warning system does not be able to provide adequate early warning data or information to support the efforts of IUUF overcoming [16].

Meanwhile, within the scope of KKP RI, Marine and Fisheries Resource Supervision Control Center (shortened to Pusdal PSDKP) uses vessel monitoring system, RadarSat, and BIIS that owned by Coast Guard, which can provide data and information in detecting and analyzing IUUF that occur in the Indonesian Sea [16].

But, at Article 4 of the Presidential Regulation Number 115 of 2015, it has been explained that these three institutions are included in the organizational structure of Task Force 115. Beside that, Chapter II Attachment of Ministerial Regulation Number 37/PERMEN-KP/2017 has established a control center for Task Force 115 that has duty to collect information through information technology that one of which comes from results of data and information exchange between domestic institutions, especially for institutions that are equipped with MCS facilities. Thus, to increase the usability of data and information that produced by the early warning systems of each institutions in supporting the provision of information about IUUF actor more quickly, completely, and accurately, required interoperability, in the form of data and information center that can become a media for all relevant institutions to make themselves as a provider at once user of that data and information [16].

According to the head of Puskodal TNI AL, to maintain neutrality between all institutions of data providers and users, the data and information center does not have to be built from one of institutions that involved, because it will certainly be constrained by sectoral egos problem [16]. So, data and information center can be built by an institution, that is the Control Center of Task Force 115 as a special unit under the Operation Director of Task Force 115, which functioned to organize interoperability by build a platform that can accommodate facilities different between institutions into an integrated data and information center without eliminating diversity (heterogeneity) of the systems and facilities of each institutions [16]. This solution need to be done in order to there is not overlapping authority between domestic institutions and ineffectiveness of the Control Center of Task Force 115 function as the organizer of exchanging surveillance data or information about the actor of IUUF that will or have entered Indonesian Sea.

Materially, step that can be taken in initiating interoperability, that is reconstructing Ministerial Regulation Number 37/PERMEN-KP/2017 based on Indonesian Minister of Marine Affairs and Fisheries Regulation Number PER.25/MEN/2012 about Formation of Statutory Regulation in The Ministry of Marine

Affairs and Fisheries and Indonesian Minister of Marine Affairs and Fisheries Regulation Number 49/PERMEN-KP/2017 about Amendment to Indonesian Minister of Marine Affairs and Fisheries Regulation Number PER.25/MEN/2012. Thus, output from this reconstruction is Ministerial Regulation Number 37/PERMEN-KP/2017 that has been updated, which also regulates interoperability as a solution in data and information exchange between domestic institutions through the Control Center of Task Force 115, in order to overcome IUUF in Indonesia.

CONCLUSION

Based on the previous description, it can be concluded that IUUF is a prohibited act in Indonesia because it is contra with the provisions of UNCLOS of 1982, Indonesian Law Number 45 of 2009, and Indonesian Law Number 32 of 2014. Beside that, to support efforts to law enforcement enhancement toward IUUF in Indonesia, Task Force 115 was formed based on Presidential Regulation Number 115 of 2015. But, during this time, the performance of several institutions that equipped with MCS facilities in Task Force 115, it has been constrained by sectoral egos in the data and information exchange between domestic institutions about IUUF that occurred in Indonesia. So, the data and information exchange center can be built through the Control Center of Task Force 115 which is used to organize interoperability by build a platform that can accommodate facilities different between institutions into an integrated data and information center. Then, the implementation of interoperability is outlined in a regulation through reconstruction of Ministerial Regulation Number 37/PERMEN-KP/2017.

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