

Illegal Fishing Activities of the Run Zeng Vessel in Indonesia

Regan Meganata Surakusumah^{1*}, Imamulhadi Imamulhadi², Davina Oktivana³

^{1,2,3}Universitas Padjadjaran, Indonesia

*Corresponding Author: regan21001@mail.unpad.ac.id

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Abstract

In the last four years, the number of illegal fishing cases in Indonesia has relatively increased. The government is still working hard to catch the perpetrators of fisheries crimes that roam Indonesian waters. The Ministry of Maritime Affairs and Fisheries (MMAF) reported that a Russian-flagged foreign fishing vessel named Run Zeng from China entered Indonesia's Exclusive Economic Zone (EEZ) to conduct illegal activities such as illegal, unreported and unregulated (IUU) fishing practices, the use of trawling, and the deactivation of the Automatic Identification System (AIS). International environmental law requires countries to comply with rights and obligations related to environmental protection at the global level, including the marine environment. This research aims to specifically highlight the analysis of the environmental aspects of international law against the illegal activities of the Run Zeng vessel in Indonesia. By using normative juridical research methodology, which emphasizes the analysis of library materials in the form of secondary data. The results of this study indicate that the Run Zeng ship has carried out various illegal activities that violate the provisions of international conventions and laws and regulations in Indonesia. In law enforcement, Indonesia has adequate legal instruments to handle cases of environmental pollution by foreign vessels through bilateral agreements and national laws. This case has implications for Indonesia's commitment to realizing sustainable development in the marine and fisheries management sector, especially SDGs 14 Life Below Water through the concept of blue economy as outlined in the five priority programs of the MMAF.

1. Introduction

Indonesia is located at the core of the coral reef triangle as the world's center of marine biodiversity as well as being the second largest fisheries producer in the world with a capture fisheries production value of 248.80 trillion and aquaculture of 257.34 trillion in 2022.¹ According to the National Research and Innovation Agency (BRIN), Indonesia's total water area is 6.4 million km² and based on the National Territorial Assets Statistics, Indonesia's Exclusive Economic Zone (EEZ) sea area reaches 5.9 million km². Both data show the potential for abundant marine resources in Indonesia's fisheries sector. High economic value marine fish caught by the government is estimated by the Ministry of Marine Affairs and Fisheries (KKP) to reach 12.54 million tons per year.² This potential causes the fisheries sector to have fantastic value in driving national economic growth.³ Therefore, the state has a role in

¹ Pusat Data, Statistik, dan Informasi Sekretariat Jenderal Kementerian Kelautan dan Perikanan. (2022). *Rilis Data Kelautan dan Perikanan Triwulan IV Tahun 2022*, h. 6.

² Aryani, C. (2021). Mendorong Lahirnya RUU Keamanan Laut dalam Penguatan Sistem Keamanan Laut Nasional. *Jurnal Pembangunan Hukum Indonesia*, 3(2), h. 155-173. <https://doi.org/10.14710/jphi.v3i2.155-173>.

³ Banjarani, D. R. (2020). Illegal Fishing dalam Kajian Hukum Nasional dan Hukum Internasional: Kaitannya dengan Kejahatan Transnasional. *Jurnal Kertha Patrika*, 42(2), h. 151. 10.24843/KP.2020.v42.i02.p04.

managing marine resources, especially the fisheries sector as a form of state control over natural resources as stated in Article 33 paragraph (3) of the 1945 Constitution.

The vast sea area has consequences for maritime security threats and risks, one of which is marine fisheries crime.⁴ Between 2021 and 2024, the CTF has arrested many vessels that committed fish theft in Indonesian waters. In 2024, there were 240 illegal fishing vessels that were successfully secured by the KKP, of which 210 vessels were from Indonesia and 30 vessels were from foreign countries.⁵ One of the perpetrators of illegal fishing by a foreign vessel captured by KPP named Run Zeng. Indonesia Ocean Justice Initiative (IOJI) also reported the finding of a foreign fishing vessel named Run Zeng 03 originating from China with a Russian flag that was successfully secured by the Directorate General of Marine Resources and Fisheries Monitoring of the Directorate General of PSDKP) KKP in the Arafura Sea area on May 19, 2024.⁶ The ship is suspected of committing criminal offenses including illegal fishing in Indonesian fisheries areas, transferring 55 Indonesian crew members suspected of being victims of human trafficking, transshipment of illegally caught fish and Indonesian AKP and fuel oil (BBM) in the middle of the sea.

Illegal fishing is a fishing crime that violates the provisions of the regulations using prohibited fishing gear, theft of fish by fishermen of other countries and manipulation of fishing licenses and penalties will be given based on applicable regulations.⁷ Such actions can threaten national security and stability, damage marine governance and disrupt sustainable fish management, such as ecological damage by foreign fishermen in the sovereign territory of the Negara Kesatuan Republik Indonesia.⁸ Ecological damage can be caused by the misuse of trawl fishing gear, which threatens Indonesia's marine biodiversity. Environmentally destructive fishing gear can destroy coral reefs and endanger surrounding marine life. Damage to coral reefs will negatively impact key spawning grounds for many fish species. Moreover, Indonesia is located in an area that hosts around 605 coral species or around 70% of the world's total coral species.⁹ The location is a center of marine biodiversity and the second largest fisheries producer in the world.

Previous research related to the illegal activities conducted by the Run Zeng vessel has provided foundational insights, though each study remains limited in scope and focus. One

⁴ Ali, I. M., Prakoso, L. Y., & Sianturi, D. (2021). Strategi Pertahanan Laut Dalam Menghadapi Ancaman Keamanan Maritim di Wilayah Laut Indonesia. *Jurnal Prodi Strategi Pertahanan Laut*, 6(2), h. 169-188. <https://jurnalprodi.idu.ac.id/index.php/SPL/article/view/636>.

⁵ Kementerian Kelautan dan Perikanan. KKP Tangkap 240 Kapal Pencuri Ikan Sepanjang 2024. Available from <https://kkp.go.id/news/news-detail/kkp-tangkap-240-kapal-pencuri-ikan-sepanjang-2024-mqwr.html>. (Diakses 21 Januari 2025).

⁶ Indonesia Ocean Justice Initiative. Penangkapan Kapal Run Zeng 03 dan Kejahatan Lintas Batas Negara Terorganisir dalam Sektor Perikanan Tangkap. Available from <https://oceanjusticeinitiative.org/siaran-pers-penangkapan-kapal-run-zeng-03-dan-kejahatan-lintas-batas-negara-terorganisir-dalam-sektor-perikanan-tangkap/>. (Diakses 20 Juni 2024).

⁷ Jamilah, A. and Disemadi, H. S. (2020). Penegakan Hukum Illegal Fishing dalam Perspektif UNCLOS 1982. *Mulawarman Law Review*, 5(1), h. 29-46. <https://doi.org/10.30872/mulrev.v5i1.311>.

⁸ Iswardhana, M. R., Wibawa, A., H. C. C. (2020). Strategi Keamanan Laut Pemerintah Indonesia untuk Menjaga Keamanan Maritim. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 7(2), h. 408-420. DOI: 10.31604/jips.v8i5.2021.1406-1428.

⁹ Report for Country Development Cooperation Strategy (CDCS): 2021-2025. *Indonesia Tropical Forest And Biodiversity Analysis* (FAA 118 & 119), p. 9-10.

study centers on the application of the right of innocent passage under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to the case of the stateless vessel Run Zeng 03, which was engaged in illegal fishing within Indonesian territorial waters.¹⁰ The study reveals how foreign vessels exploit regulatory weaknesses, particularly the lax maritime licensing framework, as legal loopholes to access Indonesia's maritime zones. However, enforcement proves difficult due to the protections afforded to innocent passage under international maritime law. Another study adopts a criminological perspective, classifying the Run Zeng vessel's activities in the Arafura Sea as transnational organized crime.¹¹ This research underscores that the consequences extend beyond economic losses, such as decreased state revenues and disruptions to domestic fisheries, to encompass significant ecological harm to Indonesia's marine environment. A further relevant study examines the policy of sinking illegal fishing vessels within Indonesian jurisdiction from the standpoint of international law. It assesses the effectiveness of this enforcement measure and concludes that such a policy has contributed positively to reducing the prevalence of illegal fishing, strengthening maritime security, and improving the livelihoods of local fishermen by eliminating unfair competition from foreign vessels¹².

While these studies provide important perspectives, ranging from legal doctrinal analysis to transnational criminal frameworks and state enforcement policy, they have yet to explore the issue of illegal fishing by the Run Zeng vessel through the lens of international environmental law. This constitutes the gap that the present research seeks to fill.

This article therefore aims to examine the illegal fishing practices of the Run Zeng vessel as violations of international environmental law, particularly those provisions addressing marine pollution and environmental degradation. It further seeks to identify Indonesia's legal instruments for addressing environmental harm caused by foreign vessels and to evaluate the broader implications of the Run Zeng case for Indonesia's commitment to achieving Sustainable Development Goal 14 (Life Below Water). The research will address three main questions: (1) How did the illegal fishing activities of the Run Zeng vessel occur within Indonesia's maritime jurisdiction? (2) How has the Indonesian state responded to the environmental degradation caused by foreign fishing vessels? (3) What are the implications of the Run Zeng case for Indonesia's legal and environmental commitments under the international sustainable development agenda?

¹⁰ Aprilianti, D. S. (2024). Penegakan Hak Lintas Damai di Indonesia terhadap Kapal Tidak Bernegara berdasarkan UNCLOS 1982: Studi Kasus Kapal Run Zeng 03. *Padjadjaran Law Review*, 12(2), h. 130. <https://doi.org/10.56895/plr.v12i2.1773>.

¹¹ Tampubolon, B. J., Putri, R. R. K. H., & Darmawan, A. F. (2024). Praktik Illegal Fishing di Perairan Indonesia Sebagai Transnational Organized Crime (Studi Kasus Kapal Run Zeng di Laut Arafura). *Jurnal Hukum Statuta*, 4(1), h. 59-60. <https://doi.org/10.35586/jhs.v4i1.9763>.

¹² Choירו, Urrifatul, Ulfa Qurni Lindasari, and Umar Al Faruq. 2024. "Begawan Abioso Dampak Peneggelaman Kapal Illegal Fishing Di Wilayah Indonesia Ditinjau Dari Perspektif Hukum" *Begawan Abioso*, 15(2), 51-59.. DOI: <https://doi.org/10.37893/abioso.v15i2.1000>.

2. Methods

This research uses a normative juridical method by focusing on the study of library materials in the form of secondary data, obtained through books, research results in the field of law, and related laws and regulations. Normative juridical writing tries to examine legal aspects such as positive law in Indonesia, international law and the opinions of experts in their fields in an effort to overcome the problems that occur. In addition, this research uses a statutory approach by examining the contents of the regulations with the problems to be analyzed into the object of research to serve as guidelines in solving the problems to be studied. After the data is obtained, it is then analyzed to obtain a comprehensive understanding of the aspects of international environmental law. By combining all data sources obtained, this research is able to present a comprehensive and in-depth analysis of the illegal fishing activities of the Run Zeng Ship based on aspects of international environmental law.

3. Results and Discussion

3.1. Violation of International Environmental Law by Run Zeng Vessel Activities

The rules of international environmental law mandate states to act responsibly towards the environment in their territory, including the environment in the territory of other states.¹³ In Philippe Sand's view, international environmental law contains provisions, mechanisms and enforcers as tools to protect the environment universally.¹⁴ International environmental law is a collection of agreements and guidelines that reflect the collective efforts of the world community in addressing environmental problems. This law can be relied upon to balance ecological and economic boundaries to prevent irreversible environmental damage. International environmental law also seeks to encourage sustainable development to address the environmental problems faced, so that a good quality of life can be realized without compromising the quality of life of future generations so that long-term environmental protection is maintained. Therefore, governments are currently aggressively discussing environmental sustainability universally through various international treaties and conventions.

The UNCLOS is an agreement of the international community to regulate all aspects of the law of the sea.¹⁵ These include coastal state sovereignty, sustainable utilization of marine resources, and protection of the marine environment. The state's obligation to the marine environment is set out in Article 192 of UNCLOS which reads, States have the obligation to protect and preserve the marine environment (Article 192 UNCLOS). This provision is the basis for the general obligation of all countries to always maintain and preserve the marine environment. Law enforcement by coastal states is regulated in Article 73 number (1) of UNCLOS which reads, the coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such

¹³ Boczek, B. A. (2005). *International Law A Dictionary*. Lanham, Maryland: Scorecrow Press Inc, p. 216.

¹⁴ Sand, P. (2003). *Principles of International Environmental Law, Second Edition*. United Kingdom: Cambridge University Press, p. 15.

¹⁵ Alfath, T. P., Salman R., and Sukardi S. (2020). Derivasi Konsep Negara Kepulauan Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. *Bina Hukum Lingkungan*,4(2), h. 233. <http://dx.doi.org/10.24970/bhl.v4i2.101>.

measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention (Article 73 UNCLOS). Under this provision, a foreign vessel that violates the provisions of the coastal state can be arrested. In addition to UNCLOS, there is the Code of Conduct for Responsible Fisheries (CCRF) which provides international guidelines for fisheries accountability.

The CCRF contains provisions for the protection of the marine environment in fisheries activities. Article 6.5 of the CCRF reads, "States and subregional and regional fisheries management organizations should apply a precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment, taking account of the best scientific evidence available. The absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species and non-target species and their environment (Article 6.5 Code of Conduct for Responsible Fisheries)." This provision explains that each country must ensure that its fisheries activities do not cause damage to marine ecosystems, including damage due to pollution. Furthermore, Article 8.4.2 of the CCRF reads, "States should prohibit dynamiting, poisoning and other comparable destructive fishing practices (Article 8.4.2 Code of Conduct for Responsible Fisheries)." This provision emphasizes that each country must prohibit fishing practices that are destructive or potentially damaging to the marine environment. This aims to ensure that a country's fishing must take into account the protection of the marine environment and the prevention of damage.

In addition to UNCLOS and CCRF, there are international conventions to deal with pollution of the marine environment from ships, namely International Convention for the Prevention of Pollution from Ships. The International Convention on the Prevention of Pollution from Ships, known as the Marine Pollution (MARPOL) is the main international convention covering the prevention of pollution of the marine environment by ships due to operations or accidents. The Convention aims to prevent and minimize pollution from ships, both accidental and from their operations. In Annex 1, New oil tankers are required to have double hulls and a replacement schedule with available vessels. The double hull on oil tankers contributes to mitigating the risk of marine environmental pollution caused by oil leaks.

The Run Zeng vessel case is one example of a crime in the fisheries sector that has the potential to cause adverse impacts on the marine environment. The vessel is an unregistered foreign fishing vessel that has not been licensed to operate in Indonesia's EEZ since January 12, 2024 using *trawl* (tiger trawl) as fishing gear with a size of 870 gross tonnage (GT). Based on the CTF report, the Run Zeng 03 vessel was able to enter Indonesian waters because it had turned off the trawl. Automatic Identification System (AIS). This is in accordance with the findings of the IOJI, which detected IUU fishing activities in WPP-NRI 718 because the AIS transmission of Run Zeng 03 could not be traced, while Run Zeng 05 could be traced in the Indonesian EEZ after departing from a Chinese port to eastern Indonesia. KKP had arrested the Run Zeng 03 in May 2024 in the Maluku region for illegal fishing. It was found that 12 crew members (AKP) on board the Run Zeng 03 were Indonesian nationals and 18 others were foreign nationals carrying 30 tons of mixed fish, smuggling and buying and selling illegal fuel

and trafficking in persons.¹⁶ The Run Zeng 05 ship was captured by Papua New Guinea law enforcement officials in June 2024.

Based on United Nations Convention against Transnational Organized Crime (UNTOC), the activities of the Run Zeng could be considered a serious criminal offense. Under UNTOC, a serious criminal offense is defined as an act punishable by a minimum prison sentence of 4 years or more.¹⁷ This is in accordance with Article 93 paragraph (2) of Law Number 45 of 2009 Concerning Fisheries (Law No. 45/2009 concerning Fisheries) which reads, "Any person who owns and/or operates a foreign-flagged fishing vessel conducting fishing in the EEZ that does not have a SIPI as referred to in Article 27 paragraph (2), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp20,000,000,000.00 (twenty billion rupiah) (Law No. 45/2009 concerning Fisheries)." On the basis of these provisions, illegal fishing committed by foreign vessels can be considered as a serious criminal offense because it meets the criteria of the serious criminal act category in UNTOC with a criminal penalty of more than 4 years.

Based on the explanation above, to determine whether Indonesia has full (exclusive) jurisdiction over the Run Zeng based on the provisions of the Exclusive Economic Zone (EEZ) as stipulated in the United Nations Convention on the Law of the Sea (UNCLOS), it is necessary to analyze several legal and factual aspects.

1. Legal Background: UNCLOS and EEZ

UNCLOS, which was adopted in 1982 and entered into force in 1994, is an international convention that regulates the rights and obligations of states in the use of the sea. One of the key concepts in UNCLOS is the Exclusive Economic Zone (EEZ), which grants coastal states the exclusive right to manage natural resources in a sea zone extending up to 200 nautical miles from the baseline.

2. Jurisdiction in the EEZ

Within the EEZ, coastal states have the exclusive right to manage and utilize natural resources, both biological and non-biological. However, this jurisdiction is not fully exclusive in all aspects. The coastal state has the right to:

- a. Managing Natural Resources: The coastal state has the exclusive right to manage and utilize the natural resources in its EEZ.
- b. Scientific Research: The coastal state has the right to regulate and authorize scientific research in its EEZ.
- c. Surveillance and Law Enforcement: Coastal states have jurisdiction to conduct surveillance and law enforcement in their EEZs, particularly in relation to activities regulated under UNCLOS.

However, foreign vessels have the right to navigate and fly in the EEZ, as long as they comply with international laws and regulations. To determine whether Indonesia has full jurisdiction over the Run Zeng, it is necessary to know the location and activities of the vessel.

¹⁶ Mongabay. *Kasus Perdagangan Orang di Kapal Ikan Berbendera Rusia, Pemilik dari China Terungkap*. Available from <https://www.mongabay.co.id/2024/05/28/tppo-di-kapal-ikan-berbendera-rusia-pemilik-dari-cina-terungkap/>. (Diakses 20 Juni 2024).

¹⁷ Lihat Pasal 2 huruf b UNTOC, "Tindak pidana serius berarti tindakan yang berarti suatu tindak pidana yang dapat dihukum dengan maksimum penghilangan kemerdekaan paling kurang empat tahun atau sanksi yang lebih berat."

If the Run Zeng is located within Indonesia's EEZ and is conducting activities subject to Indonesia's jurisdiction under UNCLOS, then Indonesia has the right to exercise jurisdiction over the vessel in accordance with the provisions of UNCLOS and national law.

1. Vessel Location: If the Run Zeng vessel is located within Indonesia's EEZ, Indonesia has the right to exercise jurisdiction over the vessel in relation to activities regulated under UNCLOS, such as natural resource management and environmental monitoring.
2. Vessel Activity: If the Run Zeng is conducting activities subject to Indonesian jurisdiction, such as illegal fishing or unauthorized scientific research, then Indonesia may exercise legal jurisdiction over the vessel.
3. Obligations Under UNCLOS: Indonesia, as a coastal state, has an obligation to exercise jurisdiction and law enforcement in its EEZ in accordance with the provisions of UNCLOS.

The Run Zeng also violated provisions in international conventions that regulate and protect the sustainability of the marine environment. First, the Run Zeng clearly violated Article 73 of UNCLOS because the vessel's activities contradicted the regulations adopted by Indonesia as a coastal state. Law No. 45/2009 on Fisheries in Indonesia prohibits illegal fishing activities by unregistered and unlicensed foreign fishing vessels in the territorial waters of the Republic of Indonesia. Thus, the Run Zeng's actions are a form of fisheries violations in the territorial waters of the Republic of Indonesia as stated in Article 93 paragraph (2) of the Fisheries Law so that the government has the right to arrest the ship.

Second, the Run Zeng carried out illegal fishing using trawlers as fishing gear. According to Indonesian fisheries regulations, such gear is prohibited. The impact of trawl use can damage marine biota habitats such as coral reefs and seagrass beds, which will affect the decline in biodiversity and productivity of marine ecosystems. This gear can net and catch marine life species that should be protected. (bycatch). These activities have clearly violated Article 6.5 of the CCRF which must ensure that fisheries activities are prohibited from causing damage to marine ecosystems. The Run Zeng vessel has violated the protection of the marine environment and prevention of damage because it practiced IUU fishing using trawl as a prohibited fishing gear in Indonesian waters that can damage the marine ecosystem, as stated in Article 8.4.2 CCRF.

Thirdly, the Run Zeng vessel committed smuggling and illegal buying and selling of fuel as well as shutting down the marine ecosystem. AIS during the voyage. These activities are very dangerous because they can potentially pollute the marine environment.¹⁸ It is strongly suspected that the Run Zeng, which is illegally transporting fuel, does not meet safety standards in accordance with applicable regulations. If the vessel does not have adequate facilities to prevent oil spills, such as a double hull or emergency containment system, this could pose a high risk of oil spills into the sea with great potential to pollute the marine environment. This activity clearly violates the international convention on the Prevention of Pollution from Ships as stated in Annex 1.

The impact of turning off the AIS can make it difficult for the Indonesian government to track information on the ship's whereabouts. Ships that experience collisions without turning

¹⁸ O'Hara, P. D., Norma S. S., Lauren M., Kim P., Nicole L. B., Gregory O., Andrea N., Tunai M., Rosaline C. (2023). Automated identification system for ships data as a proxy for marine vessel related stressors. *Science of The Total Environment* 865(160987), p. 2-4. <https://doi.org/10.1016/j.scitotenv.2022.160987>.

on AIS will hamper the process of searching and handling oil spills into the sea. The longer the search and handling process, the more it will pollute the marine environment and damage the ecosystem in it. AIS deactivation is often abused by vessels that violate the law, such as IUU *fishing*, illegal fuel smuggling and pollution of the marine environment. This clearly violates the international convention on Maritime Safety Standards, namely Safety Of Life At Sea (SOLAS) in Chapter V regarding Safety of Navigation Regulation 19 which requires all passenger vessels regardless of size to be equipped with AIS when sailing in international waters.

In handling the Run Zeng ship case, it is necessary to carry out law enforcement measures against the Run Zeng ship, Indonesia as a coastal state needs to comply with the principle of due diligence required in Articles 192 and 294 of UNCLOS, as well as Article 73 of UNCLOS concerning law enforcement in the Exclusive Economic Zone (EEZ).

For example, with the Due Diligence Principle

- a. Notification: Indonesia needs to notify the vessel Run Zeng of the action to be taken.
- b. Information: Indonesia needs to request information from the Run Zeng in relation to the alleged actions.
- c. Evidence: Indonesia needs to gather sufficient evidence to support the allegations against the Run Zeng.

By adhering to the principle of due diligence and appropriate enforcement measures, Indonesia can effectively enforce the law against the Run Zeng vessel in accordance with international requirements.

International environmental law has a role to play in maintaining ecological and economic balance to prevent damage to the marine environment and achieve sustainable development. Several international legal instruments, such as UNCLOS, CCRF, MARPOL and SOLAS establish obligations to protect the marine environment, including pollution prevention and sustainable management of fisheries resources. The Run Zeng vessel case shows how the practice of illegal fishing, Fuel smuggling, and AIS deactivation as maritime law violations can damage marine ecosystems. The actions of these vessels that use illegal fishing gear, disable AIS, and transport fuel illegally can endanger the environment and violate both national and international regulations. Therefore, strict law enforcement is needed to prevent similar violations and ensure the sustainability of the marine environment at the international level.

Indonesia has jurisdiction over the Run Zeng if the vessel is within Indonesia's EEZ and conducting activities subject to Indonesian jurisdiction under UNCLOS. However, this jurisdiction is not fully exclusive in all aspects and must be exercised in accordance with the provisions of UNCLOS and other international law.

As such, law enforcement cooperation can be used to strengthen the prosecution of transnational crimes through the following mechanisms:

1. Information Exchange: Countries can share information on transnational crime, such as data on smuggler networks or human trafficking routes.
2. Coordination of Law Enforcement: Countries can coordinate law enforcement efforts to apprehend and prosecute perpetrators of transnational crimes.

3. Technical Assistance: Countries can provide technical assistance, such as training and equipment, to improve law enforcement capabilities in other countries.

Investigative Cooperation: Countries can cooperate in investigating transnational crimes, such as conducting joint investigations or sharing evidence.

3.2. Indonesian Legal Instruments in Handling Environmental Pollution Cases by Foreign Ships

Indonesia has a law that regulates environmental pollution, namely Law Number 32 of 2009 concerning Environmental Protection and Management (Law No. 32/2009). In this law, there is a strict prohibition against all forms of activities that cause environmental pollution. Article 69 explains the prohibition for anyone whose actions can cause pollution and damage to the environment, in this case marine pollution by foreign ships is also included in the prohibition of this provision. The act of intentionally exceeding sea water quality standards or standard criteria for environmental damage may be subject to the provisions of Article 98 which reads, "Any person who intentionally commits an act that results in the exceedance of....sea water quality standards, or standard criteria for environmental damage, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp3,000,000,000.00 (three billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah)." As for if the act is committed due to negligence, it can be subject to the provisions of Article 99 which reads, "Every person who due to his negligence results in the exceeding of the standard of living of the land...sea water quality standards, or standard criteria for environmental damage, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp3,000,000,000.00 (three billion rupiah)." On the basis of these provisions, the Run Zeng vessel that practiced IUU fishing using trawlers and smuggled illegal fuel purchase and sale has great potential to damage and pollute the marine environment so that these activities can violate the provisions in the Law No. 32/2009, namely Article 69, Article 98 and Article 99.

Indonesia also has regulations that regulate sanctions for pollution and damage to the marine environment, namely Law Number 45 of 2009 concerning Fisheries (Fisheries Law). The provisions of Article 85 of the Fisheries Law read, "Any person who intentionally owns, controls, carries, and/or uses fishing gear and/or fishing aids that interfere with and damage the sustainability of fish resources on fishing vessels in the fisheries management area of the Republic of Indonesia as referred to in Article 9 shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp2,000,000,000.00 (two billion rupiah) (Article 85 of the Fisheries Law)." These provisions emphasize all parties, including foreign parties, to participate in maintaining and preserving the environment of fish resources and the protection of the marine environment in Indonesia. The fishing gear (API) used by the Run Zeng vessel, namely trawl, contradicts the Fisheries Law because it prohibits the use of APIs that can damage the marine environmental ecosystem.

Furthermore, provisions regarding the prevention and control of marine pollution originating from ship operations are regulated in Law No. 17/2008 on Shipping. In Article 227 there is an obligation for each crew member to prevent and overcome environmental pollution originating from the ship.

The KKP found alleged violations of seawater utilization other than for energy purposes in Tarakan City, North Kalimantan, carried out by PT PRI. Investigation and Evidentiary Process carried out:

1. Supervision: KKP conducts supervision of seawater utilization activities by PT PRI.
2. Analysis: The results of the surveillance are analyzed to determine if there are any violations of the applicable regulations.
3. Administrative Sanctions: If violations are found, PT PRI is potentially subject to administrative sanctions based on PP 85 of 2021 and KP Regulation 31 of 2021.

When viewed from the case, the Run Zeng Ship entering Indonesian waters to conduct illegal fishing with prohibited API is prone to causing damage to the marine environment. Because ships carrying fuel illegally have the potential to cause marine pollution, especially if they are not accompanied by adequate equipment to deal with oil spills. If the vessel is found not to be equipped with adequate facilities, then there is a new violation because it contradicts the provisions of Article 228 which requires vessels of certain types and sizes to have adequate facilities. On this basis, the Run Zeng ship has clearly not fulfilled the prevention and control measures for environmental pollution originating from ships and ignored the provision of adequate facilities as stated in Article 227 and Article 228 of the Law on Shipping.

Previously, there had been bilateral agreements that became legal instruments for Indonesia in handling cases of environmental pollution by foreign vessels. For example, in the handling of the Run Zeng case, cooperation between the KKP's Marine Resources and Fisheries Monitoring (PSDKP) in coordination with the Australian Maritime Border Command (MBC) was an important factor in assisting the arrest of the ship. The MBC has provided information on the whereabouts of the Run Zeng ship which was in the Australian EEZ and went back to the Indonesian EEZ. Indonesia conducted bilateral cooperation with Australia and Papua New Guinea in the context of cross-border law enforcement operations against the Run Zeng. The form of this cooperation is the exchange of data and information regarding the existence of the ship. The government in this case has implemented the contents of the bilateral cooperation agreement with Australia.

Legal instruments of bilateral agreements in the maritime sector have been established between Indonesia and Australia through Lombok Treaty 2006 in the form of a cooperative relationship to tackle illegal fishing, explosives and other dangerous materials and other types of crimes if deemed necessary by both parties. The geographical proximity of the two countries has strengthened their mutual commitment to work together to maintain their maritime security, as well as to eradicate illegal fishing between the two countries as outlined in Australia Foreign Policy White Paper 2017.¹⁹ There are also Joint Declaration on Maritime Cooperation Between Indonesia and Australia pada tahun 2017 yang confirmed their commitment to realizing sustainable use of marine resources, security and stability in both regions. The realization of cooperation to deal with IUU fishing is listed in Plan of Action for the Implementation of Joint Declaration on Maritime Cooperation, the main point of which mentions cooperation on eradicating IUU fishing, increasing information exchange between

¹⁹ Fricila, C., Heryadi, D., & Ma'arif, D. (2022). Kerjasama Indonesia-Australia Dalam Menanggulangi Illegal, Unreported, Unregulated Fishing Di Laut Timor Australia Tahun 2017-2021. *Global Political Studies Journal*, 6(2), h. 97. DOI: 10.34010/gpsjournal.v6i2.

the two countries, strengthening dialogue and consultation between relevant government agencies and officials as well as exploration in training and capacity building between maritime enforcement agencies between the two countries, so as to resolve crimes in the fisheries sector.²⁰ In addition, the existence of Joint Coordinated Patrols has become a routine agenda for both countries by conducting joint patrol operations between the Marine Security Agency (BAKAMLA) from the Indonesian KKP through the Director General of PSDKP with the Australian Border Force through the MBC and the Australian Border Force Australian Fisheries Management Authority (AFMA).

The Indonesian government also has various bilateral agreements with other countries as legal instruments to prevent such illicit acts. First, cooperation with Thailand in The Agreement of IUU Fishing Between Indonesia and Thailand regarding the eradication of IUU fishing cases in the Malacca Strait. This was done due to the lack of government supervision in the area.²¹ Second, Indonesia also builds cooperation with the Philippines through two forms, namely Memorandum of Understanding Between Government Republic of Indonesia– Republic of Philippines on Marine and Fisheries Cooperation, The bilateral agreements include a memorandum of understanding in the marine and fisheries sector and a joint venture agreement that requires the Philippines to operate fish processing facilities in Indonesia. Based on the explanation that has been described, Indonesia has an adequate legal basis in preventing and taking action against perpetrators of marine environmental pollution, including foreign vessels operating in Indonesian waters, both from various laws and regulations and bilateral agreements. The government is expected to be able to ensure that the law enforcement of these regulations can actually be implemented.

3.3. Implications of the RZ Ship Case for Indonesia's Commitment to Achieve the 14th Sustainable Development Goal

Sustainable Development Goals (SDGs) is a global plan designed by the United Nations (UN) to realize sustainable development, as a guide to create a better future for all countries. The SDGs were adopted by the UN in 2015 as a global instruction to the entire world to ensure that by 2030 (called the 2030 Agenda) all human beings can enjoy peace and prosperity. There are 17 global goals that emphasize development by balancing social, economic and environmental sustainability. The existence of the IUU fishing case committed by the Run Zeng vessel, this can have implications for Indonesia's commitment to achieving sustainable development goals, one of which is the 14th SDGs: Life Below Water.

SDGs 14 It aims to conserve and sustainably utilize marine, oceanic, and maritime resources through the protection of marine ecosystems, reduction of plastic pollution, and tackling harmful fishing practices. Currently, there are fishing gears that are often used to damage marine habitats (coral reefs and seagrass beds) such as fish bombs and trawling. Not only does overfishing destroy the balance of nature, it also triggers a rapid decline in fish populations, even risking extinction. According to Sustainable Development Goals Report

²⁰ Lindley, J., Sarah P., and Erika T. (2019). Illegal Fishing and Australian Security. *Australian Journal of International Affairs*, 73(1), p. 82–99. <https://doi.org/10.1080/10357718.2018.1548561>.

²¹ Rikzan, A. dan Susiatiningsih, H. (2018). Kerjasama Indonesia dan Thailand dalam menangani kasus illegal, unreported, and unregulated (IUU) fishing di Indonesia. *Journal of International Relations Diponegoro*, 4(4), h. 635–645. <https://doi.org/10.14710/jirud.v4i4.21880>.

2023, more than a third of the world's fish stocks are overfished and every 1 in 5 fish caught comes from the practice of overfishing IUU fishing.²²

Table 1. Illegal fishing cases in Indonesia based on data from the Ministry of

Years	Number of Foreign Fishing Vessels	Number of Indonesian Fishing Vessels	Total Vessels
2024	30 Unit	210 Unit	240 Unit
2023	17 Unit	252 Unit	169 Unit
2022	18 Unit	79 Unit	97 Unit
2021	53 Unit	114 Unit	167 Unit

Maritime Affairs and Fisheries

Source: official website of the Ministry of Maritime Affairs and Fisheries.

The number of illegal fishing cases tends to increase every year based on Table 1. Although in 2022 there was a decrease, illegal activities still occur frequently in Indonesia, and even spiked in 2024. Coordination between law enforcement agencies is a sector that needs attention and improvement.²³ This is in line with Human Rights Manager Destructive Fishing Watch (DFW) Indonesia's overlapping authority between maritime guarding authorities has led to a lack of optimality in investigating, following up and preventing marine crimes, resulting in the rampant practice of illegal fishing by foreign vessels. The number of cases illegal fishing With the case data of the last 4 years, the Run Zeng case can play a role in causing ecosystem damage in Indonesian waters and pollution of the marine environment.

According to Sustainable Development Report 2024, SDG Index Rank Indonesia ranks 78 out of 166 countries with a score of 69.43. In the last 5 years, Indonesia has shown considerable progress in improving the SDGs index score nationally, precisely in 2019 by ranking 102nd. Despite these achievements, Indonesia still faces many challenges, including illegal fishing, damage to marine ecosystems and marine pollution. In Report SDGs 14: Life Below Water, Indonesia still has significant challenges with a stagnant trend in the marine and fisheries sector. The results show that efforts to achieve the targets set in SDGs 14 are still unfulfilled and the underwater life of Indonesia still requires more intensive attention and action. The Head of the Marine and Fisheries Human Resources Development and Extension Agency revealed that the challenges include overfishing, IUU fishing, habitat destruction, marine pollution, and the impact of climate change.²⁴ Therefore, it is necessary to protect the environment and sustainability of marine resources through programs as an appropriate step to prevent overexploitation that can cause an alarming level of degradation of the marine environment.

²² United Nations. *Goals 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development*. Available from <https://sdgs.un.org/goals/goal14>. (Diakses 3 Februari 2025).

²³ Ambanaga, S. A. F. dan Agussalim B. (2023). Perspektif Hukum Laut Internasional: Illegal Fishing Di Kepulauan Natuna. *MANDUB: Jurnal Politik, Sosial, Hukum dan Humaniora* 1(4), h.118. <https://doi.org/10.59059/mandub.v1i4.590>.

²⁴ Kementerian Kelautan dan Perikanan. *KKP Tekankan Pentingnya Kolaborasi Capai SDG 14*. Available from <https://kkp.go.id/news/news-detail/kkp-tekanan-pentingnya-kolaborasi-capai-sdg-14.html>. (Diakses 3 Februari 2025).

KKP has designed five priority programs *blue economy* to realize development that utilizes marine resources sustainably for economic growth while maintaining the sustainability of the marine ecosystem. The program includes 1) expanding marine conservation areas to protect the ocean and its resources, 2) quota-based measured fishing and 3) sustainable development of marine, coastal and inland aquaculture to reduce pressure and fisheries activities that are not environmentally friendly, 4) supervision and control of coastal areas and small islands, and 5) cleaning up plastic waste at sea through a fishermen's participation movement to preserve the marine area.²⁵ This effort is a form of government commitment to sustainable development, especially SDG 14, by involving various elements such as government, academics, practitioners, industry and local communities.

The existence of Presidential Regulation No. 59/2017 on the Implementation of Achieving the Sustainable Development Goals is evidence of Indonesia's commitment to play an active role in achieving the SDGs. In fact, sustainable development has been included in the National Medium-Term Development Plan (RPJMN) 2025-2029, as the 2nd Asa Cita as well as National Priority 2 which aims to strengthen the national defense and security system and promote national independence through blue economy. This confirms the Indonesian government's commitment to sustainable marine and fisheries management by ensuring that life underwater must always be preserved and protected. The health of the marine ecosystem will encourage the prevention of marine environmental degradation and climate change in Indonesia.

Within Indonesia's sustainable development framework, the case of illegal fishing The Run Zeng vessel has the potential to cause pollution and damage to the marine environment. This can be a consideration for changes to the provisions of UNCLOS, the Fisheries Law, and Law No. 32/2009 because they do not discuss sources of marine environmental pollution from fisheries activities. Based on the provisions of UNCLOS, there are 6 sources of pollution of the marine environment contained in Articles 207 to 212, including those from land, seabed activities, activities in the Area carried out by ships, due to discharge, pollution from ships and the atmosphere. These provisions do not mention IUU fishing as a source of marine environmental pollution. Likewise, the Fisheries Law and Environmental Law do not mention fishing as a source of marine environmental pollution. The Fisheries Law only mentions environmental pollution of fish resources and pollution due to human actions, while the Law No. 32/2009 only describes environmental pollution as human actions by introducing a substance/element into the environment to change the quality standards from those that have been determined. Therefore, revisions to the provisions of UNCLOS, Fisheries Law, and Law No. 32/2009 are the right steps to strengthen the legal basis and effective policy implementation to realize sustainable fisheries and marine management (SDGs 14) in Indonesia.

The Run Zeng ship case is a warning for the Indonesian government to keep its commitments in the marine and fisheries sector related to SDGs 14, in accordance with the 2030 agenda targets, it is necessary to increase the economic benefits of sustainable use of

²⁵ Kementerian Kelautan dan Perikanan. *KKP Dukung Target Nasional Keanekaragaman Hayati Lewat Ekonomi Biru*. Available from <https://kkp.go.id/news/news-detail/kkp-dukung-target-nasional-keanekaragaman-hayati-lewat-ekonomi-biru-oV3.html>. (Diakses 3 Februari 2025).

marine resources for small island states and least developed countries. This can be achieved through good fisheries management, improved scientific knowledge, research capacity building and transfer of marine technology. In addition, governments also need to improve the conservation and sustainable use of the ocean and its resources by implementing international laws enshrined in UNCLOS and related bilateral agreements.

Based on the above, it is necessary to implement a blue economy program based on strong legal instruments, such as Presidential Regulations or relevant laws. For example, Presidential Regulation No. 16/2017 on Indonesia's Ocean Policy can serve as a legal basis for the development of the blue economy program. However, legal revisions alone may not be enough to address the Run Zeng vessel case. Effective implementation and harmonization of regulations are also crucial to ensure that the existing legal framework can be effectively applied.

Real Needs:

- a. Effective Implementation: Effective implementation of existing regulations is essential to address the Run Zeng vessel case.
- b. Harmonization of Regulations: Harmonization of regulations between different agencies and countries is also crucial to ensure that the existing legal framework can be effectively applied.

In the case of the Run Zeng vessel, it is necessary to conduct a comprehensive analysis to determine whether legal revision, effective implementation, or harmonization of regulations is most appropriate to address the case.

4. Conclusions

The case of the Run Zeng vessel conducting illegal activities in Indonesian waters clearly violates various provisions of international conventions and Indonesian laws and regulations. These activities include the practice of IUU fishing, the use of trawl as fishing gear, and disabling AIS. The impact of these activities is very detrimental to the Indonesian state, both economically and environmentally. Indonesia already has various legal instruments to deal with cases of environmental pollution by foreign vessels, both at the level of national legislation including the Environmental Law, Fisheries Law, and Shipping Law, as well as at the bilateral level including various agreements such as Lombok Treaty 2006, Joint Declaration on Maritime Cooperation Between Indonesia and Australia 2017, Plan of Action for the Implementation of Joint Declaration on Maritime Cooperation Between Indonesia and Australia, The Agreement of IUU Fishing Between Indonesia and Thailand, dan MOU Between Government Republic of Indonesia – Republic of Philippines on Marine and Fisheries Cooperation. With the increase in illegal fishing cases in the last 4 years, the Run Zeng case could have implications for Indonesia's commitment to achieving the 14th Sustainable Development Goals: Life Below Water through Presidential Regulation No. 59/2017 on the Implementation of Achieving Sustainable Development Goals and the National Medium-Term Development Plan (RPJMN) 2024-2029. As the government's commitment to realize SDGs 14, Indonesia has included the blue economy in its vision-mission as National Priority 2 and KKP has designed 5 blue economy priority programs to realize sustainable fisheries and marine management in Indonesia.

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