

LATENT SECURITISATION OF ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING IN INDONESIA¹

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Abstrak

Tulisan ini bertujuan untuk menjelaskan sejauh mana dan cara seperti apa yang telah dilakukan Pemerintah Indonesia untuk melakukan sekuritisasi penangkapan ikan ilegal (IUU Fishing) di Indonesia sejak 2009 hingga saat ini, dengan menggunakan analisis wacana kritis. Melalui teori Sekuritisasi dari Copenhagen School, tulisan ini menjelaskan analisis tindak tutur dan tindakan luar biasa dari pemerintahan SBY, pemerintahan masa jabatan pertama dan masa jabatan kedua Jokowi. IUU fishing telah menjadi masalah global yang krusial, 30 persen kasus terjadi di Indonesia, hal tersebut menjadi ancaman serius bagi ekonomi dan sumber daya laut. Pada tahun 2009, Indonesia mengubah undang-undang perikanan dengan membuat aturan baru tentang hak untuk membakar dan menenggelamkan kapal asing ilegal. Namun, sekuritisasi tetap menjadi 'laten' karena kurangnya langkah-langkah luar biasa dan tindakan dukungan dari pemerintah. Pada tahun 2014, dalam masa jabatan pertama Jokowi, Indonesia telah melakukan tindakan luar biasa dengan menenggelamkan kapal asing ilegal. Selama masa jabatan kedua Jokowi, langkah-langkah itu hilang meskipun hukum masih ada. Dengan demikian, itu menjadi 'laten' lagi di 2019 hingga sekarang. Tulisan ini mengklaim bahwa Pemerintah Indonesia berhasil melakukan sekuritisasi masalah ini pada tahun 2014 setelah sekuritisasi laten yang terjadi pada tahun 2009. Namun, isu tersebut menjadi sekuritisasi 'laten' lagi pada tahun 2019 hingga sekarang.

Kata kunci:

Sekuritisasi, Sekuritisasi Laten, Penangkapan ikan ilegal, IUU Fishing, Copenhagen School, Indonesia

Abstract

This paper aims to explore and explain to what extent and in what ways the Indonesian Government has securitised the Illegal, Unreported and Unregulated (IUU) fishing in Indonesia since 2009, by utilising critical discourse analysis. Using the Securitisation theory from the Copenhagen School, this paper explains the analysis of the speech act and extraordinary measures from SBY's administration, Jokowi's first term and second term administration. While IUU fishing has been a severe global issue, 30 percent of the cases take place in Indonesia and it becomes a serious threat for the economy and maritime resources. In 2009, Indonesia amended the fisheries law by establishing the new article about the right to burn and sink illegal foreign vessels. However, the securitisation remained 'latent' as it lacks the extraordinary measures and supporting speech act from the government. In 2014, during Jokowi's first term, Indonesia had done extraordinary measures by regularly sinking the illegal foreign vessels. During Jokowi's second term, the measures were gone, although the law still exists. Thus, it became 'latent' again in 2019 up until present. This paper claims that the Indonesian Government successfully securitised the issue in 2014 after the latent securitisation that happened in 2009. However, it remained 'latent' again in 2019 up until now.

Keywords:

Securitisation, Latent Securitisation, IUU Fishing, Copenhagen School, Indonesia

¹ This paper is developed from author's master thesis in Global Security (2019), University of Glasgow, with the title "The Securitisation of Illegal, Unreported and Unregulated (IUU) Fishing Issue in Indonesia Before and After 2014".

INTRODUCTION

Illegal, Unreported, and Unregulated (IUU) fishing activities have been a vital problem in Indonesian maritime history. As the largest archipelagic country that is dominated by ocean, the Fisheries Management Areas of the Republic of Indonesia (WPP-NRI) is vast. Based on the Food and Agriculture Organization's (FAO) records in 2014, Indonesia ranked second as the biggest marine fisheries producer in the world with 6 million tonnes of production (Fitra, 2016). It has consistently ranked second after China up to 2016 (FAO, 2018). Because of that, Indonesian maritime sector considerably contributes to Indonesian economy. Thus, losing the maritime resources caused by IUU fishing actions, has severe effects on its social, politics, and economic condition.

Table 1. Major Marine Capture Producer Countries (2005-2016)

Country	Production (Tonnes)			% Variation		Variation, 2015 to 2016 (Tonnes)
	Average 2005-2014	2015	2016	2005- 2014 (average) To 2016	2015 to 2016	
China	13.189.273	15.314.000	15.246.234	15.6	-0.4	-67.766
Indonesia	5.074.932	6.216.777	6.109.783	20.4	-1.7	-106.994
United States of America	4.757.179	5.019.399	4.897.322	2.9	-2.4	-122.077
Russian Federation	3.601.031	4.172.073	4.466.503	24.0	7.1	294.430
Peru	6.438.839	4.786.551	3.774.887	-41.4	-21.1	-1.011.664
Excluding Anchoveta	989.918	1.016.631	919.847	-7.1	-9.5	-96.784

Source: The State of World Fisheries and Aquaculture 2018 (FAO, 2018).

By 2004, Indonesia has lost USD 2 billion each year due to IUU fishing (Perwita, 2004). While in 2016, Indonesian President, Joko Widodo (Jokowi) claimed that Indonesia lost USD 20 billion each year because of IUU fishing (Fitra, 2016). The data is different and changing every year since 2004, however, it is surely affecting the Indonesian economy. Not only affecting the economy, IUU fishing has also destroyed the maritime environment when some of the IUU fishers used improper way to fish which would destroy coral reefs. Moreover, IUU fishers also violated the law by crossing the border without legal documents. Thus, it also violated Indonesian sovereignty, showing the vulnerability of the maritime borders. Given those bad impacts, IUU fishing is not

just about maritime security, but also a part of economic security, environmental security, and national security.

IUU fishing issue is not unique to Indonesia. It has become a global issue that has terrible consequences for the affected countries. David A. Balton, the Deputy Assistant Secretary for Oceans and Fisheries of the U.S. Department of States, identified three main consequences of IUU fishing (OECD, 2004): (1) Reduced effectiveness of fisheries management; (2) Lost economic opportunities for legitimate fishers; and (3) Reduction in food security.

The consequences are affecting the country and it becomes a problematic issue. OECD (2004) stated that IUU fishing issue is a dynamic and multi-faceted problem with no single strategy that can reduce this issue, thus a concrete approach is needed at all levels: national, international, regional, and global. Some policies had been taken regionally, such as in European Union (EU) and the Association of Southeast Asian Nation (ASEAN). In 2010, one of the EU policies was a trade barrier that was given in the export and import sector, where they only allowed legal marine fisheries product only by the competent flag states to enter EU market (ec.europe.eu, 2010). In 2015, ASEAN implemented initiative through ASEAN Wildlife Enforcement Network (ASEAN-WEN) that involved police, customs, and environment organizations of ASEAN countries. It also addressed crucial issues through the Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF) as part of the multilateral partnership of six countries: Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor Leste (ASEAN, 2015).

In Indonesia, some policies and initiatives have been taken differently depending on the incumbent president and administration. In 2010, Indonesia set the priorities for 2010-2014 in community development and empowerment through programmes for small-scale fishers to address IUU fishing issue. Indonesia also prioritised a mitigation and adaptation strategy to climate change for the marine and fisheries sector, as well as to strengthen the systems to improve management and combat IUU fishing (FAO, 2020). These priorities seem to neglect the law that had been created in 2009.

In 2009, Indonesia amended the Fisheries Law No.45/2009. It was the second amendment after the first amendment in 2004. In this second amendment, Indonesia set an article to burn or sink illegal foreign fishing vessels. By setting a law to burn or sink these vessels, Indonesia showed its distinct effort to politicise the issue. However, not many vessels were sunken during SBY's administration in 2009-2014. It certainly shows

how weak the law enforcement was. Moreover, the ‘speech act’ in this period was weak, compared to the later administrations. Although the issue had been ‘politicised’ through some priority programmes and law amendment, there were not many “extraordinary” measures taken.

In 2014, with the new administration under President Jokowi, Indonesia had a vision to re-build Indonesia as a maritime country. Through his vision, the new Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti used the existing law, the Fisheries Law No.45/2009, as a law enforcement effort. By the end of 2018, at least 488 illegal vessels were sunken or exploded. This action received many comments from neighbouring countries and caught the attention of the Indonesian people, as such efforts were deemed to be too harsh. However, the measure was beyond normal (extraordinary) and reduced the illegal vessels number during Jokowi’s first term.

In 2019, Jokowi was re-elected as the president. However, he changed the Minister of Maritime Affairs and Fisheries. The new Minister, Edhy Prabowo, said that the policy of sinking illegal vessels was not a priority anymore (Hariyadi, 2017). At least, until this paper was written, there had been no efforts at all to sink illegal vessels. It seems that the policy of sinking illegal foreign vessels disappeared, although the law still exists. Thus, the securitisation of IUU fishing issue in Indonesia has become ‘latent’ again.

Regarding this issue, some previous research have been conducted. A research paper written by Amelia Rahmi and Melda Kamil Ariadno (2018) entitled “Sinking vessels as the country’s efforts in keeping the utilisation of sustainable fish resources” explained the whole issue from the law perspective by examining the legal doctrine used by Indonesia in implementing the legal rule. It is using the theory of jurisdiction to explain the legal regulation.

Another supporting research paper titled “The implementation of vessels-sinking policy as an effort to protect Indonesian fishery resources and territorial waters” written by Nurdin, Ikaningtyas and Rika Kurniaty (2017) also used a legal perspective in analysing the effectiveness of the sinking illegal vessels policy. It underlined how government lacked socialisation in 2009, because before Indonesia implemented the sinking foreign vessels policy, the regulation to sink the illegal foreign vessels had actually been in existence since 2009. It supports my argument in this paper, because a lack of socialisation is equal to a lack of “speech act” that I found in the SBY’s administration. While Ikaningtyas and Kurniaty use international law perspective, such as UNCLOS, to measure the effectiveness of this policy, this paper focuses more into the

securitisation process, rather than the effectiveness. From another perspective, a research of IUU fishing using a securitisation concept has been written by M. Rizqi Isnurhadi (2018) titled “Securitisation of Illegal, Unreported, Unregulated Fishing (IUUF) in Indonesian Water in Jokowi’s Era”. It used the same theory of securitisation (Copenhagen School) that I use in this paper. Compared to Isnurhadi’s research, my paper is combining and comparing three different administrations and explicitly introducing the concept of “Latent Securitisation”.

Another interesting study about securitisation can be found in a paper titled “Unilateral Policy to tackle the Australian Illegal Immigrant after the election in 2013” that was written by Fakhru Rizal Razak (2018). It explained about the securitisation process and mentioned about “resecuritisation” as the continuation of a securitisation, also as the next phase of the previous securitisation. Resecuritisation process could happen with and without de-securitisation process. In a case study, Razak reviewed re-securitisation as a securitisation that happened in the later administration in the same issue or context as the previous securitisation in different administration or actor. From his paper, I would say that resecuritisation is a different term with latent securitisation that I use, and resecuritisation would only take place if the previous process of securitisation is a success.

Later after a securitisation is completed, an issue could still be securitised, or it could be de-securitised. The concept of de-securitisation is not getting as much attention as securitisation, and I will not explain about it specifically in this paper. It is still debatable and viewed from different perspectives among scholars. Buzan (1998) defined desecuritisation as “shifting issues out of emergency mode into normal bargaining processes of the political sphere” (Bechtle, 2019). It is a process towards a normal political condition without any emergency measures. In a master thesis titled “Securitization and Desecuritisation of Climate Change in the US under the Obama and Trump Administration”, Bechtle (2019) argued that the issues within the realm of “normal politics” do not require restrictive measure, thus this concept is still debatable, and each scholar has preference to justify de-securitisation process. Kurniawan (2018) proposed four components of desecuritisation, which are: desecuritising actors, the desecuritisation speech act, audience, and facilitating conditions. In the desecuritisation process, the actors involved are not limited to the state only, but also open for non-state actors.

In the context of IUU fishing in Indonesia, I think that the issue has never been de-securitised. This is supported by Waever’s process of de-securitisation, in which to de-

securitise an issue, it absolutely requires the de-existentialisation of threats (Bechtle, 2019). In Indonesia's case, the IUU fishing has been happening and it is still happening, thus it cannot be de-securitised for now. To differentiate between the concepts in the previous literatures, I create a brief figure below. I think Securitisation, Desecuritisation and Resecuritisation are three different processes, while the latent securitisation is under the Securitisation theory.



Figure 1. Securitisation, Desecuritisation and Resecuritisation
Source: author's compilation

Compared to the previous concept and theories such as desecuritisation and resecuritisation, latent Securitisation is a different term that is rarely used. Jarrod Hayes (2013: 17), in *Constructing National Security: U.S. Relations with India and China*, mentioned about Latent Securitisation as a securitisation process of a certain issue with history in the past. Whether "Latent Securitisation" has been discussed and analysed or not, this paper aims to introduce it as it is rarely used, and to give a perspective on how Indonesia securitised this issue from SBY's administration until present. Thus, this paper seeks to answer the question, to what extent and in what ways Indonesia has securitised IUU fishing issue? The current situation of Indonesia is relevant with the concept of latent securitisation, so it is the right time to introduce this concept and engage some more insightful discussion for further research. To understand to what extent Indonesia has securitised IUU fishing issue, this research is using securitisation spectrum from the perspective of Copenhagen School.

ANALYTICAL FRAMEWORK

Unlike a traditional threat that is easier to identify through the existing military threats, non-traditional threat is relatively more difficult to identify. As the concept of security is widening, Barry Buzan, Ole Wæver and Jaap de Wilde (1998) rejected the traditionalist view that security is restricted to one sector only: military. The dynamics of security is widening to other sectors, which also include political, economic, environmental, and

societal sector. This way of thinking is relevant with the IUU fishing issue as a non-traditional issue that is still considered as a threat to Indonesia.

Buzan, Wæver and de Wilde (1998) are popular as the theorists of Copenhagen School who have also contributed to the existing theory of “Securitisation”. Securitisation, a theory that is used for this paper, is a process of raising an issue to the degree of general consideration as an urgent matter (Buzan, et al. 1998: 24). “To securitise” means considering an issue to be a security issue. To securitise, Buzan et al. emphasised that the issue should be presented as an existential threat to a designated referent object, and it needs extraordinary measures and justifying actions outside the normal political procedure. Thus, the keyword is the existential threat, referent object and the extraordinary measure. Defining “Existential threat” relatively depends on the “referent object”. Buzan (1998: 2) explains that existential threats are conventionally defined in terms of the constituting principle, such as sovereignty or the state ideology. However, such threat (sovereignty or ideology) is a threat for a state. Thus, there is no universal definition of existential threat because it can only be understood in relations to the character of the referent object. In addition, Williams (2008: 6) defined threat in the security sphere, as a thing that if left unchecked could *threaten the survival* of a referent object in the near future.

As threat is threatening the survival of a referent object, referent object has a legitimate claim to survive. Referent object is the one who can say, “It has to survive; therefore, it is necessary to...” (Buzan et al, 1998). The referent object is not always a state. There are other referent objects in the security issue, such as sub-state actor, firms, humankind, or even individual (Peoples and Vaughan-Williams, 2010: 4). Then, to understand the referent object, it is necessary to understand the level of analysis of the issue. Barry Buzan (1998: 5-6) explained that there are five levels of analysis, which are: International System, International subsystems, units, sub-units, and individuals. However not all those levels can be securitised. There is other factor that should be considered as part of the securitisation process, which is: securitisation move.

Securitisation move is an attempt to securitise an issue by labelling the issue as a security issues through speech act, while speech act is defined as the act of ‘saying security’ (People and Vaughan-Williams, 2010: 76). As the pioneer of securitisation theory, Wæver claimed that the idea of securitisation draws heavily on the theory of language, that he called “speech act theory”. It is using the power of language to make the issue receive attention from the public. Thus, to make a securitisation move as a part

of the securitisation process, the speech act is necessary. To understand the whole process of securitisation, it is also necessary to know the Securitisation 'spectrum' that was introduced by Buzan. The spectrum explains that securitisation runs from non-politicised (not a political issue), then it becomes politicised (considered by the public as something important), then it is securitised (means that it is considered as a threat and extraordinary measure is needed) (Buzan, 1998: 23), as demonstrated in the figure below.

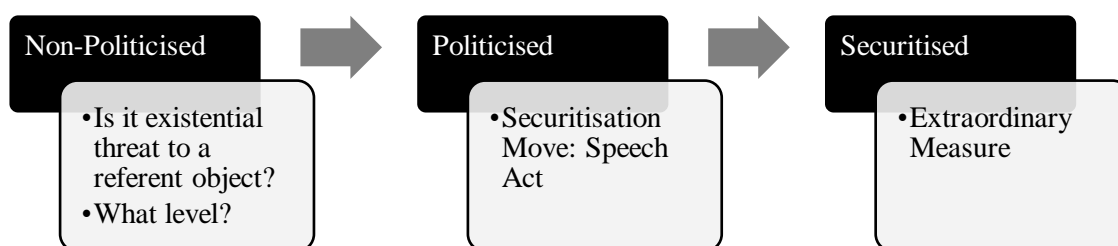


Figure 2. Securitisation spectrum and the conditions
Source: author's compilation extracted from Buzan (1998)

The securitisation process is not as simple as what Buzan has explained, thus some conditions are needed. For example, before securitising an issue, it should be qualified as an existential threat to a referent object in a particular level (national, regional or global). To determine whether something is a threat or not, a recent study claimed that a perception of other state/non-state actors will affect the whole decision-making process. The role of the subject in understanding the possible threat becomes a central factor in seeing something as a threat or not (Kartikasari, 2019: 181). Then, to politicise an issue and make it as a public attention, speech act is a mandatory condition. However, not everyone can give a speech act. Speech act works if it is said by someone powerful or in authority (in the level of the referent object is). It is also should be in the right context and according to certain pre-established conventions (Peoples and Vaughan-Williams, 2010: 77). Buzan called these as felicity conditions, which need to be fulfilled in order to be a successful speech act.

After being politicised, to securitise an issue, it requires an extraordinary measure as the final condition of the securitisation process. Extraordinary measure is any action that is taken in order to follow the speech act as an action to tackle the existential threat that is acted outside the normal politics. Thus, it is 'extraordinary'. Because it is beyond the normal politics. Without any extraordinary measure, the securitisation process is not complete. This is what I imply in this research as a 'latent securitisation'.

‘Latent’ is defined as present, but needing particular conditions to become active, obvious, or completely developed (Cambridge Dictionary, 2019). In biology, we use latent to refer to something that is lying dormant or hidden until conditions are suitable for further development or manifestation (Oxford Language, 2020). The term of “Latent Securitisation” is not yet used by many scholars, thus I hope this paper could trigger more discussions on the securitisation theory. However, Karyotis (2007: 276) used the term ‘latent’ in latent politicisation to indicate the process when an issue has become part of public debate and policy, but not yet developed and remains peripheral to political discourse. Thus, in this paper, I use the term “latent securitisation” as a process where there is public debate or securitisation move has been taken, but there is no extraordinary measure taken. Thus, it does not mean that the issue disappears but remains ‘dormant’ and could potentially be securitised if the conditions are fulfilled.

Through the Copenhagen School theory of securitisation, this paper explains to what extent and in what ways Indonesia has securitised the IUU fishing issue. Using the securitisation spectrum, this paper explains the securitisation process during the SBY’s administration and Jokowi’s second administration that remained ‘latent’. The latent securitisation has different meaning and purpose with desecuritisation. Although one of the outcomes of desecuritisation is ‘silencing’ (An issue disappears or fails to register in a security discourse) (Kurniawan, 2018), latent securitisation refers to an incomplete securitisation. In the case of IUU fishing in Indonesia, although the current government is silent, but it is not eliminating the law that has been amended since 2009. The problem still exists, the regulation still exists, but the action no longer exists. To desecuritize, Indonesia need to change the law, after ending the problem of IUU fishing issue. The theory of securitisation is applied to the case by analysing the “speech act” and observing to what extent the measures had been taken. While the speech act is not merely a speech, but also refers to the publication in official documents or legal regulations. Thus, this paper will closely analyse the actors, discourses, policies and impacts in each administration.

RESEARCH METHOD

The research of this paper uses critical discourse analysis as a method of analysis. Thus, the data that is needed for this type of analysis is discourses. The discourses as research data were collected from primary and secondary data. The primary data is the national law and official documents. Law is considered as primary data as it has a legal power,

while the official documents represent the official report and statement from the government or trusted organisation such as FAO. Then, the secondary data for this research are speeches and news articles that were published between 2009 to the present. This research also used the previous research and journal that is relevant to the issue and can make the research process easier.

The discourse analysis was chosen because the role of the “speech act” is very important in the process of analysis. Both the research method and theory are under social constructivist perspective. Fundamentally, social constructivist believes that human beings are social beings, and we as humans are constructed by the social realm, especially the words that is used to communicate socially. Under security studies, social constructivists are usually related to critical theory, especially Aberystwyth (Welsh), Copenhagen and Paris School, where knowledge is constructed. This perspective aligns with this research as securitisation can be considered as a constructive process, which is to construct an issue as a security issue and expect people to do something about it as a response.

To analyse the discourses of this research, it requires an analysis on how government attempt to construct the national awareness using speech act and extraordinary measures. Discourse analysis is the best method to use and relevant for this research. Jorgensen and Phillips (2002: 60-64) explains five common features that are relevant to my research: (1) The character of social and cultural practices and structures is partly linguistic-discursive; (2) Discourse is both constitutive and constituted; (3) Language use should be empirically analysed within its social context; (4) Discourse functions ideologically; and (5) Critical research.

Thus, the use of language in the speech act should be analysed within the social context. Indeed, critical discourse analysis does not understand itself as politically neutral, but as critical approach which is politically committed to social change (Jorgensen and Phillips, 2002: 64). In accordance with the research purpose, the analysis consists of three parts. First, explaining and analysing the data in 2009-2014, when it showed the latent securitisation. Second, comparing the data in 2014-2019 when the securitisation was completed during Jokowi’s first term. Third, this research explains the current condition in Indonesia, in which it indicates the appearance of latent securitisation again. The variables that are used in those three parts are: actors, discourse, policy, and implications. Using only those variables, this research will answer to what extent and what ways Indonesia has securitised IUU fishing issue.

DISCUSSION

As previously explained, the discussion and findings section consist of three parts or sub-sections. Each sub-section explains about the actors, discourses, policy, and implications in the three different administrations from 2009 up to present.

Latent Securitisation under SBY's Administration (2009-2014)

The securitisation of IUU fishing issue during President Susilo Bambang Yudhoyono (SBY) is unique. This administration was chosen for this research because Indonesia created the law of sinking the illegal vessels during this period. However, it was not the first fisheries law. Indonesia had established the first law about fisheries in 1985, called the Law No.9/1985. It was then amended in 2004 and became the Law No.31/2004 later. Both the Law No.9/1985 and No.31/2004 do not have any distinct “extraordinary measures” on how to act when an illegal vessel is caught.

The second amendment in 2009 with the Law No.45/2009 then specified about the action should be taken for such issue. In paragraph 4 of article 69 of the Law No.45/2009, it stated that:

In carrying out the functions as referred to in paragraph (1), the investigator and/or fisheries supervisors can take action specified in the form of burning and/or sinking flagged foreign vessels based on sufficient initial evidence.

To make clear, the paragraph 1 of article 69 of the Law No.45/2009 is cited as below:

The fisheries supervisory vessel has functions to carry out supervision and law enforcement of fisheries activities in the fisheries management areas of the Republic of Indonesia.

From the paragraph 4 article 69, the supervisory vessels are allowed to burn or sink the foreign vessels as a form of law enforcement of illegal fisheries activities in Indonesian water. This action is not against any international law, and Indonesia use the UN Convention on the Law of the Sea of 1982 to support the national law. As a sovereign state, Indonesia has every right to use, conserve, manage the maritime

resources and enforce the law in its ocean. The explanation chapter of the amendment Law No.45/2009 says:

The United Nations Convention on the Law of the Sea of 1982 which was ratified by Law Number 17 of 1985 concerning Ratification of the 1982 United Nations Convention on the Law of the Sea, places Indonesia in possession of sovereign rights to use, conserve, and manage the fish resources in Indonesia's Exclusive Economic Zone (EEZ) and the high seas which is carried out based on applicable international standards or requirements...

...on the other hand, there are several issues in fisheries development that need attention from all parties, including the government, the community and other parties related to fisheries development. These issues include symptoms of over-fishing, fish theft, and other illegal fishing activities that not only harming the state, but also threaten the activities of fishermen and fish-breeders, the industrial climate, and the national fisheries business. These problems must be resolved in earnest so that the law enforcement in the fisheries sector becomes very important and strategic to support fisheries development in a controlled and sustainable manner. The existence of legal certainty is a condition that is necessary for handling criminal offences in the field of fisheries...

Although the law has been created to encourage more distinct action to tackle IUU fishing, the extraordinary measure depends on a particular actor, because such extraordinary measure can only be taken by actor with extraordinary power. In this case, the law enforcement at the national level, the powerful actors are the President and the Minister. Their "speech act" also affects the policy because they are the decision makers.

At the president level, this research found that the vision and mission that the president offers during the campaign really affects the national priority, of what should become a priority issue and what is not. President Yudhoyono (SBY) vision during his administration during 2009-2014 is "*the realisation of a prosperous, democratic and just Indonesia*". By underlining the "prosperity" aspect in his vision, his main mission is the national development with the highest priority in the education sector (KPU,

2009). In regard to “national security” or sovereignty, it was not written at all in his vision or mission. He also stated his mission to increase the agricultural industry by improving the agriculture infrastructure. From this point, it is clear how SBY’s administration was more focused on the agriculture, which is very different with the next administration (see the next sub-section about Securitisation in Jokowi’s first term). In the economic sector, he had a mission to increase entrepreneurship and innovation by giving easier credit access to people to start their business. He also had concern towards sustainable development, which focused more into environmental security. His vision and mission can be found on the vision mission book that was created by KPU in 2009. This document shows us the absence of maritime issue. With no focus on maritime issue, it was somehow also affecting the implementation of the Law No.45/2009. Thus, although there was an established law about IUU fishing, the measure was unclear as it was not the priority.

During this research, one of the difficulties is to find commentaries about the process of how the law article was being politicised. How was the formulation process of the law that led to the sinking vessels policy? It was somehow difficult to find articles that can help this research to answer that question. To cover that research obstacle, this research also observed the “speech act” and statements at the Minister level.

In early 2009, the Minister of Maritime Affairs and Fisheries was Freddy Numberi. He said that Indonesia lost 30 trillion Rupiah every year due to illegal fishing (Tempo.co, 2009). Most of the case came from illegal fishers from Thailand and Vietnam. The solution of the case was by bringing the illegal fishers to the fishing court. However, due to the slow process, some cases were gone by the pre-trial lawsuit. In some cases, even when the government won the trial, the illegal fisher just needed to pay the fine and the case would be closed. There was no more punishment other than a fine, and there were probabilities that the illegal fishers would come back again. In the end of 2009, the Government changed the Minister into Fadel Muhammad. One of the speech acts that perhaps closely related to the maritime security is:

The President (SBY) asked to protect the natural resources for the benefit of Indonesian people. President said that Indonesia is a maritime country, so we need to take care of the maritime condition (Kompas.com, 2009).

Although he mentioned about “taking care of the maritime condition”, surprisingly most of the policy during Fadel’s period were about export and import. Although it slightly helped the maritime economic sector, it did not reduce the IUU fishing activities. This can be seen from one of many IUU fishing cases during his period. For example, in 2010 when a Vietnam illegal fisher was caught fishing in Indonesian territory, the government confiscated the vessel and sent the fisherman back home to Vietnam (JPNN, 2010). Minister Fadel said that it was the new policy of the government, to take the vessel and send the fisherman home. Through such action, in 2010, it showed that the government did not use the law that was established in 2009 and maintained the opportunity for those illegal fishers to come back to Indonesian water.

In 2011, the government changed the Minister again. The new Minister is Cicip Sutardjo. During his period, once he said that Indonesia needs a distinct law to tackle IUU fishing issue (Djumena, 2012). It showed us that the law was very weak, and the government could not implement what they had amended in 2009. Once again, the law was there, existed (and still existing). However, there was no law enforcement as an extraordinary measure.

During SBY’s administration, with the changes of the minister every two years, the Government was not strong enough to handle maritime security issue, especially IUU fishing activities in Indonesian water. There were many criticisms on how weak Indonesia at that moment and Indonesia needed real distinct respond to the IUU fishing activities. For example, Abdul Syafi, a fisherman from Aceh demanded the Government to stop the illegal fishing in the Aceh waters, because he said he witnessed these illegal fishing happened in front of him and could not do anything. He was worried if it kept going on, it would threaten the local fisherman like him (Nahaba, 2013).

The weakness in tackling IUU fishing issue might be caused by the other priorities during SBY’s administration. For example, in 2006 Indonesia started to use its navy in maritime peacekeeping operation in Lebanon as an effort of naval diplomacy (Sirmareza, 2017). There are different political agenda and vision in each administration. For example, in SBY’s administration, while IUU fishing was not a priority, there was another priority in peacekeeping operations. Another reason was the strength of Indonesian navy in tackling maritime issue. Perwita (2004: 43) claimed that in 2004, Indonesian navy was weaker than Thailand, and far behind South Korea and

Taiwan. Indonesia had maritime security deficit, thus there are many sub-sectors in maritime, not just IUU fishing that need to be securitised.

It cannot be said that the securitisation process of IUU fishing was a total failure during SBY's administration because some Ministers had concerns towards the maritime issue, although it was not followed by actions. During this administration, the law to burn or sink the illegal vessels was also established. So, this showed that there was an effort to politicise this issue. However, the regulation was not followed by consistent extraordinary measures. Without any following law enforcement or "extraordinary measure", this securitisation process remained 'latent'.

Securitisation of IUU Fishing Issue under Jokowi's First Administration (2014-2019)

In 2014, Joko Widodo (Jokowi) succeeded SBY as the President of Republic Indonesia. He chose new ministers for his new administration. For the Minister of Maritime Affairs and Fisheries, he chose Susi Pudjiastuti to deliver his vision and mission for the next five years. He had a vision to make Indonesia as a sovereign and independent state. More specifically, his main mission is (DetikNews, 2014):

To achieve national security that is able to maintain territorial sovereignty, sustain economic independence by securing maritime resources, and reflect the identity of Indonesia as an archipelagic country.

From this mission, it is clear how he would like to achieve national security through protecting the maritime resources that Indonesia has. As Indonesia also has a great maritime history, once again, he would like to rebuild the image of the great archipelagic maritime country. This mission was clearly delivered during his campaign, far before he was elected. In the later years, he showed that it was not just a campaign, it was not just a "speech act", but also followed by an "extraordinary measure". At the ministerial level, the mission initially could be found on the first speech of Minister Susi Pudjiastuti during her inauguration day as the minister on 29th October. She said:

I receive this job because I think my 33 years of experiences in fisheries and 10 years of experiences in aviation can help Indonesia to be better. We should be the host in our own country, building our own pride. With the ocean 70% or 5 times bigger than Thailand, and even thousands time bigger than Malaysia, unfortunately our exports are down below them. This will be our target!

From her speech, she sought to build an identity of a maritime country, make Indonesian maritime sector great again, and boost the maritime economy. This is also coherent with what she said during an interview, that she wanted to make all fishermen in Indonesia prosperous (Taufan 2, youtube). With the inauguration on 29th October, Minister Pudjiastuti began her job. Startlingly, in November, there were already many news and public debate about her new policy of “sink the vessels”. This is also in line with the President’s “speech act”. For example, one of his speech in front of the National Resilience Institute (Lenhamnas) participants in Jakarta on 18th November 2014, President Jokowi said (BBC, 2014):

... Enough with that! Do not catch them. Sink them directly!

Following his speech, later in November and December 2014, some actions of sinking vessels were publicised by the media and had become a national and regional concern. In the next speech in the National Development Planning Forum in December 2014, Jokowi said (Asril, 2014):

Two months ago, I ordered directly, for the vessels that still dare to enter our waters illegally and violate the law, I ordered to immediately sink them! However, the order was up to three times until finally we sank them

During his speech, Jokowi emphasised how Indonesia has suffered from illegal fishing every year. With 5,000 to 6,000 fishing vessels every year in Indonesia, 90% of them are illegal (Asril, 2014). Additionally, Indonesia lost 300 trillion rupiah every year and only got 300 billion rupiah every year from the marine fisheries sector. By then, it was not only the maritime economy that became the focus of Indonesia, but also

maritime security, especially IUU fishing. The most famous tagline from Minister Susi was, “Sink! Sink! Sink!”

This policy to sink illegal foreign vessels had caught public attention nationally and regionally. To answer some pros and cons regarding this policy, Jokowi expressed his objective, by saying (Detik.com, 2014):

The most important thing is that we have to convey them firmly to not ever steal our fish anymore. Those are our maritime resources, our precious natural resources.

While it was President’s Jokowi’s justification for doing such policy, additionally Minister Susi warned all the neighbouring countries through their ambassadors. During an interview, she said that she had warned the ambassadors, (Fajar, 2014):

To all illegal foreign vessels, please do not fish in Indonesia anymore. I have talked like this in front of the ambassadors. They said, if there are still illegal vessels, please process it by the law.

From the actions of sinking the vessels from 2014 to 2018, Indonesia successfully sank 488 vessels. Knowing this achievement, the previous government also claimed that during SBY’s term, they sank the vessels, but did not publish and record it just like what the Government did in Jokowi’s first term.

By gathering data from different sources, this research tries to count how many vessel were sunken each year from 2009 to 2018:

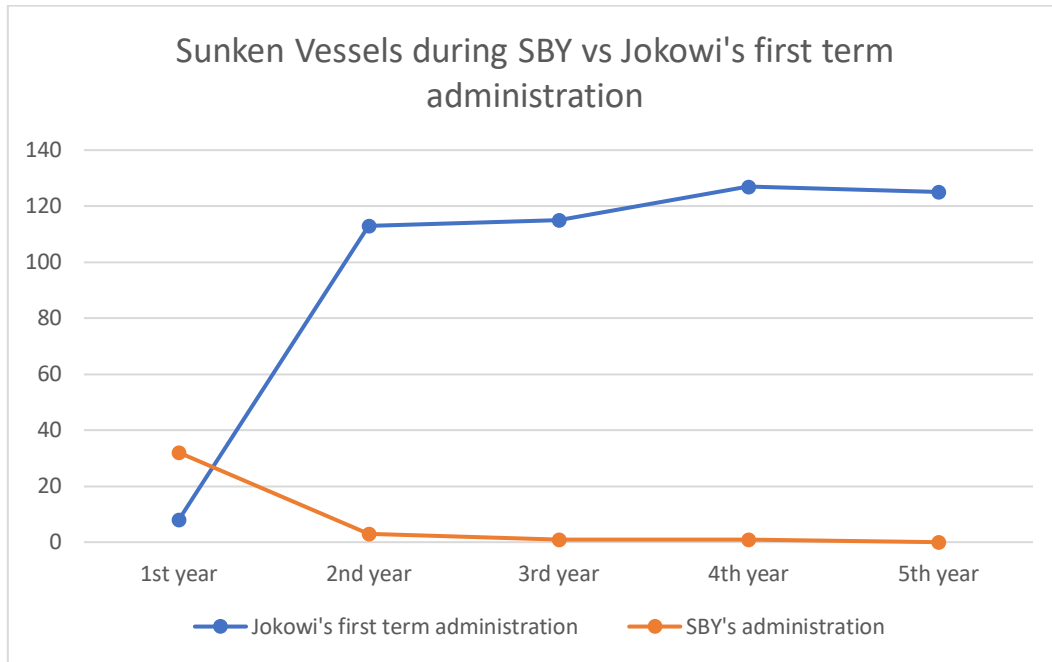


Figure 3. Sunken Vessels in SBY's administration vs Jokowi's first term administration
Sources: beritatagar.id; finance.detik.com; tuindra.com

Although SBY's administration claimed that they had also sunken at least 32 illegal vessels in 2009, but cases from the following years continued to be low in number. The documentation and publication of this law enforcement was also difficult to track, compared to Jokowi's first term that is easier to track because the government used the media to blow up the policy and announced the achievement annually. From this figure, the gap is so big that it is not comparable. This period during Minister Susi is also interesting to be observed as she was massively criticized, nationally and regionally. However, the government showed its consistency and its willingness to enforce the law regardless the criticisms. The administration under Jokowi also showed how Indonesia as a sovereign state, has every right to use the law to punish illegal fishers.

The first criticisms came from the neighbouring countries, such as Thailand and Vietnam. Published in Bangkok Post on 5th January 2015, the Government of Thailand said that Indonesia's policy to burn and sink illegal vessels is unfriendly, polluting, and non-diplomatic (Jakarta Greater, 2015). In August 2015, the spokesperson from the Vietnam Ministry of Foreign Affairs, Le Hai Binh, also sent diplomatic note and stated that Vietnam was concerned and disappointed with the Indonesian Government because Indonesia exploded some illegal vessels from Vietnam. Vietnam asked the Indonesian Government to consider the strategic cooperation between them, and stop exploding

illegal vessels (Muhaimin, 2015). Not just the neighbouring countries, the Chinese Government also criticised Indonesia after China's illegal vessels were exploded. China said that it was important to maintain the fisheries cooperation between Indonesia and China, and the China's government was not happy with Indonesia's action to sink the illegal vessels (Radityo, 2015).

The other criticism came from a member of the House of Representatives (DPR RI) Commission VI, Bambang Harjo who underlined how the policy was destroying bilateral relations with neighbouring countries and harming the ocean (Bisnis.com, 2015). Even until January 2018, there was still debate between Pudjiastuti and the Coordinator Minister for Maritime Affairs of Indonesia, Luhut Pandjaitan, who had asked Pudjiastuti to stop the policy and stop exploding the illegal foreign vessels starting in 2018 (Billy, 2018). Luhut said that it was better to give the illegal foreign vessels to local fishermen. Luhut also said that he wanted Pudjiastuti to focus on other missions and policies, such as boosting the fisheries industries instead of exploding illegal foreign vessels.

Answering the critics, one of Minister Susi's speech to answer them, is (KKPL, 2016):

The main point, I am saying that I will do the law enforcement strictly, to the illegal fishing, including executing the Law No.45 in 2009, which is sinking the illegal vessels. So, I already announced this. I am saying excuse me to everyone (neighbouring country and illegal fishers). I am announcing it, that if you steal our fish, you know what the punishment is.

Her speech demonstrated how she had the power to enforce the law, and she was not afraid to execute the policy regardless the criticisms that came from inside or outside the nations. This effort could be seen as an extraordinary measure, as the policy was beyond the normal politics. As part of her extraordinary measure to securitise IUU fishing issue, in 2015 Jokowi has also established the Presidential Regulation No.115 on the Task Force to eradicate illegal fishing. The high achievement of illegal vessels number that had been sunken was because of this task force. One ministry cannot execute this alone, and cooperation between institutions are needed, including the cooperation between the ministry and the navy in creating this special task force. Overall, Jokowi's first term administration showed their best effort to securitise IUU fishing through the extraordinary

measures of using the law, powerful “speech acts”, sinking the vessels, and creating the IUU fishing special task force. The number of sunken vessels also shows us how this securitisation efforts were a successful securitisation compared to the previous administration.

Latent Securitisation under Jokowi’s Second Term Administration (2019 – Present)

With Jokowi’s re-election as the President of Indonesia for the second time, people are still expecting better policy and achievement in the Maritime sector. Surprisingly, there was no sunken illegal vessels until early 2020 when people were questioning what happened with the sinking illegal vessel policy.

In the second term of his administration, Jokowi chose Edhy Prabowo as the new Minister of Maritime Affairs and Fisheries. Tracing back to Jokowi’s second term vision and mission, Jokowi’s vision is to “Achieve a developed Indonesia that is sovereign, independent and has a *gotong royong* personality” (KPU, 2019). While he has 9 missions to realise his vision, his main mission is to “increase the quality of Indonesian human resources”. Just like his vision, most of his missions are directed to increase the economic sector to be a ‘developed’ country, also to increase the human resources quality because one of Indonesia’s strength is the number of its population. From Jokowi’s vision and mission, he has no more concern in the maritime sector akin to his previous administration. Vision and mission are strong enough to indicate the direction of a government administration. As Jokowi’s main mission is to increase the quality of human resources, we all can witness the launching of pre-employment card program. Pre-Employment Card is a training expense aid for Indonesian people who want to have or improve their skills (pekerja.go.id, 2020).

It is not to blame if every administration has a different focus or priority, because there is always something that urgently needs to be prioritised. That is why the government has many ministries to help its job in different focuses. For the maritime issues, it is then the job of the Ministry of Fisheries and Marine Affairs. During Minister Edhy’s speech on his inauguration as the new minister, he said that the focus of the Ministry is to improve the relations between the Government and the fishermen (Ambari, 2019). Once again, it is showing that the priority is not going to the maritime security, the concern is going to the maritime society, the human resources. Regarding the sinking illegal foreign vessels, Minister Edhy chose to not sink the illegal vessels, but handing the caught illegal vessels to the local fishermen (Safitri, 2019). Until January 2020, at

least there are 10 illegal vessels that were caught by Indonesian government, but they were not sunken. The government chose to hand the vessels to some schools or fishermen so it would be useful. Moreover, rather than focusing on sinking the illegal vessels, Minister Edhy is focusing the ministry in increasing the society's welfare, especially the fishermen. His decision shows how the 'extraordinary measure' is gone and become an ordinary measure. Thus, the securitisation of IUU fishing in the on-going Jokowi's second term of administration remains 'latent'.

Unlike the previous sub-section that is showing a comparative figure of the sunken vessel, the current administration cannot be compared as the total number of sunken vessels is zero. However, a 'latent' securitisation does not indicate that it is completely gone or de-securitised. As previously explained, latent means it is existing, but lying dormant or hidden, not yet developed. There is a possibility to resurrect this policy and complete the securitisation process in Jokowi's second term of administration. However, it is going back to the priority of the government. If Indonesia thinks that IUU fishing is not an important issue, then the current action to not fully-securitise the issue is its choice as a sovereign state. However, Indonesia still could improve this by continuing the previous policy or distinctly changing the law into a better version and propose a more distinct punishment than previous years.

CONCLUSION

To what extent and what ways, the Indonesian Government has securitised Illegal, Unreported, and Unregulated (IUU) fishing issue in Indonesia? It has been politicised in 2009 by the amendment of the Fisheries Law No.45/2009 with the new article to sink or burn illegal foreign vessels. Although there are some sunken illegal foreign vessels in 2009, it remained low in the later years. It is also not the focus of the government and there seemed to be no extraordinary measures during SBY's administration. Using the Securitisation spectrum from Copenhagen School, this paper would like to introduce a new concept of "Latent Securitisation" where there is no extraordinary measure, but it has been well-politicised (for example, by establishing a new law). With the law, it is a justification to have an extraordinary measure. However, during SBY's administration, the measure remains 'ordinary' and there is no strong "speech act" from the government to support the law. Thus, the IUU fishing issue in SBY's administration is latent.

It is then used by the next administration to resurrect the power that had been lying dormant for securitising IUU fishing issue. Jokowi's first term used the law to justify its

actions to sink illegal foreign vessels. During Jokowi's first term, Indonesia also created the task force that is responsible in tackling IUU fishing issue. With this newly established task force, figure shows that the number of sunken vessels increased, and the issue became a priority and caught the attention of people nationally, regionally, and globally. From the speech acts that were delivered by President Jokowi and Minister Pudjiastuti, it also supported the action and distinctly showing how Indonesia is securitising this issue.

While it has successfully securitised IUU fishing issue during Jokowi's first term administration, this securitisation becomes 'latent' again now. The changing vision, mission and minister is absolutely shifting the priority and Indonesia's perspective on how to tackle IUU fishing issue. While the law is still existing, this paper concludes that we are facing a latent securitisation again towards IUU fishing issue.

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