THE EXPLOITATION OF FISH RESOURCES IN INDONESIA’S EXCLUSIVE ECONOMIC ZONE TO MAKE INDONESIA BECOME THE WORLD’S MARITIME AXIS

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Abstract
This article aimed to investigate the philosophical aspect of fish exploitation in Exclusive Economic Zone (i.e, ZEE) to make Indonesia become the World’s Maritime Axis. The result found that the basic philosophy of fish exploitation in Indonesia’s ZEE was to fulfill people needs on food, especially fish resources. It is one of natural sources in Indonesia marine territory. Therefore, the jurisdiction needed to be well protected, preserved, and managed. In terms of making Indonesia become the world’s maritime axis, the fishery resources should be well and sustainably exploited for the sake of as much as people welfare and prosperity.

Keywords
exploitation, indonesia’s exclusive economic zone, world’s maritime axis

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Introduction

The Republic of Indonesia is an archipelagic state which territorial borders and rights are all set under the law (Article 25 of the Constitution 1945). This country is known as an archipelagic state as it has thousands islands from spread out from Sabang to Merauke. Moreover, two third of its territory is waters while the rest one third is land. Hence, Indonesia is also recognized as a maritime country. Taking a look at its coastal line, Indonesia is categorized as a coastal state. In addition, Indonesia extensive maritime territory is huge to be exploited for the sake of national development. The development is directed to the exploitation of national marine resources and seabed as well as taking functional benefit on national marine territory, including Exclusive Economic Zone appropriately by concerning on the carrying capacity of marine resources along with its sustainability for the sake of people prosperity (Chairijah, 2005).

The ratification of a legal regime of Exclusive Economic Zone in International marine law makes Indonesia have more extensive fish resources (i.e., SDI) on its quantity and diversity and it is very potential for improving people prosperity and prosperity, especially the fishermen (Chairijah, 2005). Unfortunately, such huge resource on fishery is not yet capable to reach prosperity for all the people of Indonesia.

Since President Abdurrahman Wahid era, the projection of policy for national development relies on marine by exploiting the marine resources for Indonesian economy prosperity. To date, however, no correlation is found between huge marine resources beneath the extensive maritime territory and people prosperity. Indonesia is not yet capable to reach prosperity on its marine although its maritime territory has huge natural resources to be exploited for the sake of national development, given that the two third of Indonesia territory is waters.

The statistic data confirms that among other businesses, the biggest contribution to National Gross Domestic Product (20.41% or up to IDR 608.63 billions) comes from manufactures, the second rank goes to agriculture, forestry, and fishery (14.57% or up to IDR 434.48 billions). Among those three sectors, nevertheless, the contribution from fishery sector is only 3.25% (the Ministry of Maritime and Fishery, 2015). It shows that this sector is not yet capable to give optimal contribution to national gross domestic product. Historically, the affirmation on Indonesia as an archipelagic state is not apart from Indonesian’s long struggle on the concept of maritime territory since the establishment of Djuanda Declaration on 13rd December 1957. This declaration is known as Deklarasi Djuanda 1957, and it was the beginning of ideas about the concept of Wawasan Nusantara as a political and ideological concept with marine as the unifier of nation (Sherlock Halmes Lekipiouw, 2014). The conception of this archipelagic state is further accepted by United Nations Convention on the Law of the Sea (UNCLOS) 1982. In addition, it was set under Chapter IV UNCLOS 1982.

However, far before recognizing Indonesia as an archipelagic state, it was historically a big maritime state. The history began before 15th century. Between 15th - 19th century, spice pathway was a prime mover for economic, socio-cultural, political, defense and
security growth along the spice path from Maluku to Europe. At that moment, the position of spice pathway seemed to be similar to maritime axis; the drive wheel of for economic, socio-cultural, political, defense and security growth, as well as environmental and legal sectors (Tommy Hendra Purwaka, 2016).

Archipelagic ans coastal states have their own souvereignty on internal waters, territorial sea, archipelagic waters (especially for archipelagic states), and air space above their territorial sea, archipelagic marine, and inland waters, as well as the seabed, lands, and all the natural sources beneath them (Dikdik Mohammad Sodik, 2011).

Besides having souvereignty on national waters, every coastal state has sovereign rights on their Exclusive Economic Zone (i.e., ZEE) as set under Chapet V UNCLOS 1982. Article 56 UNCLOS 1982 mentions that ZEE is marine zones that relates to the natural resources beneath. A Convention provides those sovereign rights to every coastal state to make them able to exploit and sustain their natural resouces both biological and non-biological ones, in particular to fish resources beneath their ZEE. In addition, they have an obligation to respect and protect other states’ rights and independence.

Well known that Indonesia’s ZEE is approximately 3 millions km². With such huge maritime territory, therefore, Indonesia should actually be able to explore and exploit its marine and prevent any troubles that may happen in ZEEI (Chairijah, 2005). However, many problems remained appeared in particularly to fish resources in ZEEI.

Act No. 31 Year 2004 about Fishery as amended by Act No. 45 Year 2009 about Fishery mentions that besides exploiting fish resources economically, the management of fishery aims to ensure the resource sustainability. Act No. 45 Year 2009 has mandated the importance of sustainable management on fishery. In fact, fish resources in fishery management territory of the Republic of Indonesia are partly overfishing. Overfishing essentially refers to excessive catches beyond the supply capacity, and thus, the level of maximum sustainable yield (i.e., MSY) may decrease (Akhmad Fauzi, 2010).

In addition, Illegal, Unregulated, and Unreported (IUU) Fishing is apparent in fishery management territory of the Republic of Indonesia (i.e., WPP-NRI), by both domestic and foreign vessels which may bring damages in terms of social, ecological/environmental, and economic sectors. The state loss due to IUU Fishing in Arafura waters approximately reaches IDR 11 – 17 billions (The Ministry of PPN/National Planning Board, Directorate of Maritime and Fishery, 2014).

The threat of IUU Fishing is triggered by the condition of global fishery sector, in which some states have decreasing supply of fish, fleet reduction due to restriction on fishing license while the demand of fish product is getting increase. On the other hand, the capacity to monitor Indonesia marine and fish resources is still low (Annual Performance Report of the Ministry of Maritime and Fishery, 2015).
Furthermore, Indonesia has very strategic geopolitical role as it is between two continents; Asia and Australia, as well as between two oceans; Pacific and Hindia. This condition makes Indonesia seen as the world’s maritime axis in terms of global supply chain system which connects Asia-Pacific to Australia (Annual Performance Report of the Ministry of Maritime and Fishery, 2015). Well known, it is a crucial pathway for global trade and it has huge wealth in energy and marine resources.

Catch fishery is considered as a superior sector in order to make Indonesia as the world’s maritime axis. President Joko Widodo, with this performance cabinet, has a vision to make Indonesia become the world’s maritime axis in order to rebuild the nation’s identity as an independent, developed, strong, and national-based maritime state.

To have a role as the world’s maritime axis, the government mentions in the pillars of Indonesia Maritime Policy in accordance to President Regulation No. 16 Year 2017 about Indonesia Maritime Policy. The first pillar mentions “Management of Marine and Human Resources.” The fourth pillar, furthermore, mentions “Marine Infrastructure and Economy as well as improving prosperity.” Based on those first and fourth pillars, Indonesia government may explore and exploit fish sources in ZEEI in order to manage marine resources through sustainable management and exploitation for the sake of people prosperity.

In addition, the opportunity to exploit fish resources in ZEE is along with certain obligations in order to give access to foreign vessels. UNCLOS 1982 sets some rules related to this issue which one of those, as mentioned in Article 62 subsection (2) UNCLOS, is an obligation for every coastal state to give access or license for foreign parties to exploit fish resources in their ZEE.

Providing access to foreign catch vessels, in some cases, evokes Illegal, Unregulated and Unreported (IUU) Fishing. In WPPNRI, It still seems to be a very serious threat for Indonesia marine and fishery development in the future. This issue brings out destructive effect on marine environment, the sustainability of fish resources in terms of economy aspect. Unfortunately, the capacity to monitor Marine and Fishery Resources (i.e., SDKP) in Indonesia is still less in addition to their open access policy in Indonesia ZEE (Annual Performance Report of the Ministry of Marine and Fishery, 2015).

Indonesia implements the obligation to give access or license to foreign parties to exploit fish resources in ZEE, as mandated by UNCLOS 1982, under Article 5 subsection (3) of Act No. 5 Year 1983 about Indonesia Exclusive Economic Zone (i.e., UU ZEE Indonesia). Moreover, providing access for vessel to catch and exploit fish resources in ZEEI is also apparent in Article 29 subsection (10 and (2), as well as Article 30 subsection (1) of Act No. 45 Year 2009 about Fishery. The problem is that providing such access seems to be an clue that Indonesia is unable to give prosperity for their people through fishery sector.
The analysis above shows that although Indonesia government has pushed their best to explore and exploit their fish resources, Indonesian people is not yet able to take benefit from it, as what has been mentioned in Article 33 subsection (3) of the Constitution 1945. To find the answer of that central problem, a legal issue to be discussed in this study is about the philosophy of fish exploitation in ZEEI in order to make Indonesia as the world’s maritime axis. This study aimed to find the philosophical foundation of fish exploitation in ZEEI in order to make Indonesia as the world’s maritime axis.

Result and Discussion

Philosophy of Fish Exploitation in ZEEI to Make Indonesia Become The World’s Maritime Axis

State Sovereignty and Jurisdiction over Sea and Fish Resources

The territory of a state is one fundamental element to define a state, as it is a determinant aspect to what extent the state may perform their sovereign rights (Ida Kurnia, 2018). In marine law, it is well known two waters territory; those under the sovereignty of a state and those under the jurisdiction of a state. What involves in jurisdictional territory is Exclusive Economic Zone, Continental shelf, and additional zone (jurisdictional territory is only recognized in waters, not land) (Ida Kurnia, 2018). Toward those three jurisdictional territories, sovereign rights apply.

Historically, ocean is well known having various strategic functions, including as food resources for human being, as pathway of trade, as means for conquest, and as battle place (Hasjim Djalal, 1978). In addition to media of transportation in international trade, the main function of oceans is to provide the biggest bio and non-bio natural resources. Thus, it is no wonder that, since 15th century, many states fought over each other to get license of exploring and exploiting the natural resources in marine territory (Dhiana Puspitawati, 2017).

Ocean is food sources for human being as the fish living in oceans are high-protein. Approximately 65 million ton of fish are catched every year. In addition, ocean also has an essential meaning for researches, given that two third of this earth consists of water (Boer Mauna, 2000). The interest of coastal states to supply fish for their people as well as preventing any colonialism by other developed and high-tech states in exploring and exploiting fish resources in high seas connected to their coasts makes them perform unilateral actions which refer to expansion of their jurisdictional territory for the sake of their people prosperity (Ida Kurnia, 2018).

The establishment of Exclusive Economic Zones (i.e, ZEE) was implicitly initiated by the proclamation of the United States President, Harry S. Truman. On 28th September 1945, President Truman proclaimed two issues including Continental Shelf and Coastal Fishery, and this proclamation was known as “Presidential Proclamation Concerning Costal Fisheries in Certain Areas of High Seas” (Chairul Anwar, 1989). A concern that triggered the government of United State took such action was that fishery was very
crucial resources for human in coastal side in addition to raw material resources for food industries in United States.

Although it was a kind of unilateral action, President Truman’s Proclamation on 28th September 1945 has brought changes in regulations and territorial sector. ** Territory** refers to the clarity of borders which measure constitutes the valuable resources for people, while the regulation of fishery resources consists of who, where, and how fishing could be done.

The proclamation by President Truman about fishery made some states of Latin America such as Chile, Ecuador, and Peru respond and propose their claim on 200 miles of marine zone by establishing the Declaration of Santiago on 18th August 1952 (Fransisco Orrego Vicuna, 1989). The concept of marine zone in that declaration contained some elements of exclusive economic zone which was for the first time introduced. Those elements set claims over all of natural resources and exclusive rights to do exploration, conservation, and exploitation in marine territory as far as 200 miles from coast (Chairul Anwar, 1995). The concept of exclusive economic zone was for the first time introduced by the representative of Kenya in Asian-African Legal Consultative Committee annual meeting in Lagos on January 1972 (Chairul Anwar, 1995).

Toward the concept of exclusive economic zone, Conference of Marine Law I and II failed to define the borders of fishery zones. However, on the third conference, exclusive economic zone was set and became a regime which gave rights and jurisdiction for coastal states to do particular actions in exclusive economic zone.

Furthermore, Article 55 UNCLOS 1982 mentions that:

> Exclusive economic zone as waters territory out of and beside territorial sea applies a regime of specific law mentioned in this Chapter by considering the rights and jurisdiction of coastal states, the rights and independence of other states are all set under relevant regulation from this convention.

**Systematization on Fish Resources along with Its Management Territory**

Fish resources can be defined into both creature and juridical contexts. It literally derives from the word *fish* and *resources*. Fish, in terms of creature, is animals with swimming capability and they are categorized into nekton. Most fish are vertebrate, and some others are invertebrate or well known as *cartilaginous fish* (Aida Sartimbul, 2017). In juridical context, it is mentioned in Article 1 subsection (4) of Fishery Law 2009 that fish is any kinds of organism which entire or some cycle of their lives is in water. Furthermore, the juridical definition of fish resources is set under Article 1 subsection (2) of Fishery Law 2009 that is involves the potency of every kind of fish. The explanation of Article 1 subsection (10) of Act No. 16 Year 1992 about Animal, Fish, and Plant Quarantine defines that “fish is every water biota which some or entire cycle of their lives is in water, alive or dead, including their parts.” The biological resources and potency in waters territory have sense, function, and fundamental roles
for Indonesia. Fish resource is a potency of biological resource living in waters. It grows and plays as a national asset for politic, economy, and socio-culture.

As national assets, additionally, it needs optimal and sustainable exploration and exploitation by having such a regulation on its management territory (well known as WPP-RI) in order to ensure the sustainability of the sources along with their ecosystem.

WPP-RI is set under the Regulation of Minister of Marine and Fishery No. 1 Year 2009 about Indonesia Fishery Management Territory as amended by the Regulation of Minister of Marine and Fishery No. 18 Year 2014 about Indonesia Fishery Management Territory (i.e., WPP-RI). It is a fishery management territory for fishing, fish cultivation, conservation, research, and fish extensification including Indonesia marine territory that involves inland waters, archipelagic waters, territorial waters, additional zones, and ZEEI.

**Systematization of Fish Exploitation in ZEEI**

Indonesia Exclusive Economic Zone is one of WPP-RI, and the systematization of fish exploitation in ZEEI was initiated by proclaiming a declaration of Indonesia exclusive rights over their Exclusive Economic Zone in 21st March 1980. This was the early regulation applied to expand Indonesia jurisdiction over 200 miles waters territory from the sea baseline of Indonesia’s territorial waters. Koesnadi Hardjasoemantri conveyed that with such declaration on Indonesia Exclusive Economic Zone (i.e., ZEEI), Indonesia had expanded their jurisdictional territory of natural resources up to 2.7 millions km², out of 3.1 million km² in Indonesia waters.

The declaration aimed to improve the prosperity of Indonesian people by exploring and exploiting the entire natural resources in waters. Well known that about 90% of global catches is from ZEE. Thus, it needs appropriate, directed, and wise exploration and exploitation as well as conservation on fish resources.

A factor that triggered such declaration was due to the fact that many states had recognized the regime of ZEE at 200 miles as the part of new international law (Ida Kurnia, 2018). Furthermore, the concrete action by Indonesia for the sake of conservation and management of fish resources in ZEEI was by establishing Act No. 5 Year 1983 about Indonesia Exclusive Economic Zone (later known as UU ZEEI) to give strong foundation for implementing their sovereign rights, other rights, jurisdiction, and obligations in ZEE, as well as having legal assurance for Indonesia.

Moreover, Article 2 of ZEEI Law mentions that Indonesia Exclusive Economic Zone is:

Tracks out of and bordering on Indonesia territorial waters based on currently applied regulation about Indonesia waters that involves seabet along with land beneath and waters over the seabet with outermost border at 200 miles from Indonesia’s territorial water baseline.

The exploitation of fish resources in ZEEI for the sake of people prosperity is the mandate of the Constitution 1945. Therefore, the government has defined the policy as
mentioned in Act No. 5 Year 1983 about ZEEI. For further explanation of ZEEI Law, a specific rule to regulate biological resources in ZEEI was set under Governmental Regulation No. 15 Year 1984 about Biological Resource Management in Indonesia Exclusive Economic Zone.

Toward fish resources, the government manifests this issue in Act No. 9 Year 1985 about Fishery, which has been amended by Act No. 31 Year 2004 about Fishery, and once again amended by Act No. 45 Year 2009 about Fishery.

The Essence of Fish Resources along with Its Exploitation in ZEEI

Indonesia’s perspective and understanding on seeing, applying, and putting marine resources, especially fish resources, is the essential concept of fish resources in philosophical perspectives. In ontology of law, the essence of fish resources is to fulfill people's needs of fish. As one of natural resources in Indonesia’s jurisdictional and waters territory, it needs to have sustainable exploration, exploitation, and conservation for the sake of people prosperity.

In epistemology of law, the essence of fish resources relates to the aspect of exploitation. From this aspect, the marine resources may provide benefits for the state only if it is well managed. The exploitation of marine resources involves management. This aspect needs to be well conducted by considering the principle of fairness, sustainability, and equity on its benefits. In axiology of law, additionally, the essence of fish resources relates to values that involve the aspect of potency on natural resources. It is considered as potential and fundamental resources for national development and as economic resources to improve people welfare and prosperity.

Philosophically, fish resources in Indonesia’s jurisdiction and sovereign territory is seen as a gift/bless from God to be thankful for, protected, sustained, and exploited for as much as people welfare and prosperity. This philosophy is found in Act No. 45 Year 2009 about Fishery, as follow.

> That waters in the sovereignty of the Republic of Indonesia and Exclusive Economic Zone as well as high seas contain potential fish resources and place for fish cultivation is a gift from Almighty God as amended to the nation of Indonesia that has Pancasila and the Constitution 1945 as its philosophy of life by considering the supporting capacity on its sustainability to be utilized for as much as people welfare and prosperity.

Looking into Act No. 45 year 2009, it proposes that fish resource is a kind of economic potency for Indonesia. This resource is considered as national asset with huge and significant value. Hence, it needs regulations for comprehensive and sustainable exploitation as well as becoming the primary source for national development.

The exploitation of fish resources in ZEEI refers to implementing the mandate of Article 33 subsection (3) of the Constitution 1945, Article 56 subsection (1) jo Article 62 subsection (1) UNCLOS 1982 and ZEEI Law, as well as Fishery Law. The consideration of ZEE Law mentions that improving national prosperity by taking benefits from
existing natural resources entirely, both biological and non-biological ones, is the aim and purpose of Indonesia government. It involves the exploitation of fish resources in ZEEI. Furthermore, the consideration of Fishery Law also claims that the exploitation of fish resources in the sovereignty of Indonesia and ZEEI is for as much as people welfare and prosperity.

The essence of fish exploitation in ZEEI constitutes the implementation of exploiting natural resources as the mandate of people collectively based on Article 33 of the Constitution 1945, which mentions that “lands and waters and natural assets contained therein is governed by the state and utilized for as much as people welfare and prosperity.” This article contains three important issues, including: (1)“lands and waters and natural assets contained therein”, (2)”is governed by the state”, (3)”utilized for as much as people welfare and prosperity.”

Based on that article, it shows that the entire resources in lands, waters, and any other of them should be utilized for as much as people welfare and prosperity, not only for some particular parties (Jimly Asshiddiqie, 2016).

Based on Article 33 subsection (3) of the Constitution 1945, exploiting natural resources is for the sake of as much as people welfare and prosperity. Therefore, people prosperity is the primary measure for the state to determine the management, systematization, exploration, and exploitation of lands, waters, and any other natural assets contained therein, including fish in ZEEI.

The aim of exploiting waters resources, especially fish in Indonesia fishery management territory, is for the sake of as much as people welfare and prosperity, as what Jeremy Bentham’s perspective called Utilitarianisme or Utilism that puts expendience as the main goal of law. Following Jeremy Bentham, expendience refers to happiness.

Therefore, how good or bad/fair or unfair a law depends on whether the law provides happiness for people or not. This happiness should be spread out to every individual. If not (and definitely not), it should be spread out to as much possible as individuals in a community (nation); the greatest happiness for the greatest number of people (Darji Darmodiharjo, 2008).

Looking into legal philosophy, fish resource is potential and significant on its essence, roles, and benefits as fundamental assets for national development, as well as becoming economy resources to improve people welfare and prosperity. Thus, this resource is very potential for national development and is considered as potential economy resource to make Indonesia become the world’s maritime axis.

The Concept of World’s Maritime Axis

World’s maritime axis is a vision that Indonesia wants to reach to become a sovereign, developed, independent, and strong maritime state that gives positive contributions to global security and peace as its national interest (Article 1 subsection [2] of President Regulation of the Republic of Indonesia No. 16 Year 2017 about Indonesia Marine
Policy. Indonesia’s vision to become a sovereign, developed, independent, and strong maritime state derives from the concept of Indonesia as an archipelagic state. It is the base to make Indonesia become world’s maritime axis (Damos Dumali Agusman, 2016). With Indonesia’s geographical constellation as an archipelagic state, an idea to make Indonesia become the world’s maritime axis is a very reasonable action (Ade Supandi, 2016). With waters territory up to 5.8 km² and 17,499 islands, Indonesia has rich natural resources with high variety and economy values.

The potency of fish resources is approximately US$ 71,935,651.400 per year. In addition, Indonesia coastal areas have huge reserves of oil and natural gas. Following BPPT, there are approximately 60 cavities of natural oil in Indonesia, and about 70% or 40 cavities in its waters territory may potentially produce 106.2 billion oil. Untapped oil reserves in offshore approximately reach 57.3 billion barrels which is more than half of it (approximately at 32.8 billion barrels) is in deep sea. Those entire natural resources in waters territory have high economy value that may become the foundation to consider Indonesia as the world’s maritime axis.

In addition to its natural resources, Indonesia marine territory has strategic value due to its location. Indonesia archipelago is in traffic lane of global trade that connects Asia to the other regions. Among nine choke points in the world, four of them are in Indonesia. Those are Malacca, Sunda, Lombok, and Ombai straits. The increasing commodity traffic lane through oceans makes Indonesia marine becomes more crowded. These two strategic values makes puts Indonesia into an important position that may influence both global and regional geopolitic.

With this very strategic geopolitical position (located between two continents [Asia and Australia] and two oceans [Hindia and Pacific]) and huge resources (including natural resource, human resource, and artificial ones [the entire masterpieces that human creates, not limited to science and technology, law and institution, public and commerce administration, network and national-international work mechanism]), Indonesia has capacity to play a role as the world’s maritime axis (Tommy Hendra Purwaka, 2016).

**Indonesia as World’s Maritime Axis: toward the Systematization of Exploiting Fish Resource**

Making Indonesia become world’s maritime axis is an idea of President Joko Widodo, given the marine policy that refers to Act No. 25 Year 2004 about Planning System of National Development (Gazette No. 104 Year 2004), which was further amended to Act No. 17 Year 2007 about Draft of National Long-Term Development 2005 – 2025 called **RPJP Nasional** (Gazette No. 33 Year 2007, additional gazette No. 4700). **RPJP National** was a draft of national development for 20 years from 2005 to 2025. It was further explained in Draft of National Moderate-Term Development (i.e., **RPJM National**) which period is 5 year long. **RPJM National I** was 2005-2009, **RPJM National II** was 2010-2014, **RPJM National III** was 2015-2019, and **RPJM National IV** would be 2020-2024.
In order to reach RPJPN III 2015 – 2019, 9 (nine) National Development Priority Agendas is made. Those nine agendas are called Nawa Cita. They aim to present the priority of resolution that leads Indonesia to be independent in politics, economy, and culture. Moreover, RPJMN III 2015-2019 is described in a certain national policies which one of those comes from the Ministry of Marine and Fishery (i.e., KKP) Year 2015 that has been mentioned in Regulation by the Minister of Marine and Fishery about Work Plan in the Ministry of Marine and Fishery during 2015. Article 3 subsection (1) mentions that the policy and priority to develop Indonesia’s marine and fishery during 2015 was focused on some issues, which one of those, as mentioned in item (d), referred to sustainable management of marine and fishery resources. Based on subsection (3), furthermore, one of marine and fishery development program in 2015, as mentioned in item (d), referred to resource management in oceans, coasts, and small islands.

Such policy is in line with the regulation of marine development as mentioned in Act No. 32 Year 2014 about Marine. Article 13 of Marine Law mentions that:

(1) Marine development program is the part of national development to make Indonesia independent, developed, strong, and national-based.

(2) As mentioned in subsection (1), marine development program is organized through initiation and implementation of policy in: a) marine resource management; b) human resource improvement; c) defence, security, legal assurance, and safety in sea; d) governance and organization; e) improvement on prosperity; f) marine economy; g) management on marine space and environmental conservation; and h) maritime culture.

Management on marine is set under Article 14 of Marine Law, as follow.

(1) Both central and local governments, under their authority, organize the management of marine for as much as people prosperity by exploring and exploiting marine resources using the principle of blue economy.

(2) Exploitation on marine resources, as mentioned in subsection (1), involves: a) fishery; b) energy and mineral; c) coastal and inland resources; and d) non-conventional resources.

The government policy to accelerate Indonesia effort to become world’s maritime axis is mentioned in President Regulation No. 16 Year 2017 about Indonesia Marine Policy. The dictum explains that”

a. Indonesia has extensive marine territory with abundant resources just so it needs to be optimally and sustainably managed.

b. Management of marine aims to reach Indonesia’s idea as world’s maritime axis through which Indonesia may give contribution for as much as people prosperity.
In addition, Article 1 of President Regulation No. 16 Year 2017 about Indonesia Marine Policy mentions that this President Regulation has some intentions within, as follow.

1) Indonesia marine policy is the general guidelines and the execution is through marine ministerial programs/projects that are all set for the sake of accelerating the implementation of world’s maritime axis.

2) World’s maritime axis is one of Indonesia’s ideas as an independent and strong maritime state that has capacity to give positive contribution to both global and regional security along with national interest.

Indonesia marine policy is mentioned in Chapter V that regulates the pillars of Indonesia Marine Policy set under Appendix I of President Regulation No. 16 Year 2017 about Indonesia Marine Policy, as follow.

a. Marine management and human resource development; marine policy aims to encourage optimal and sustainable exploration and exploitation of marine resources by implementing the principle of blue economy. The main program to implement a strategic management of marine resources involves sustainable exploitation and management on fishery resources.

b. Defense, security, legal assurance, and safety in oceans.

c. Marine Organization and Governance

d. Economy and infrastructure of marine as well as prosperity improvement; marine economy policy aims to make Indonesia marine as the basis of economy development. The potency of Indonesia marine in economy sector deals not only with national, but also international jurisdiction and waters territory, and it may apply international law for its management.

e. Waters space management and maritime environmental conservation.

f. Maritime culture

g. Maritime diplomacy.

Based on the pillars of Indonesia Marine Policy, the first pillar (i.e., Management of Marine Resources) and the fourth pillar (i.e., Marine Infrastructure and Economy, as well as prosperity improvement) can be seen as foundation to exploit fish resources in ZEEI in order to make Indonesia as world’s maritime axis.

In relation to fish resource exploitation in ZEEI, the essence of Indonesia as world’s maritime axis is by an optimal and sustainable exploration and exploitation of marine resources just so fulfilling people needs in fish. Well known, ZEEI contains extensive resources of fish. Approximately 90% variety of fish lives in ZEE. By utilizing sovereign rights on a mandate of optimal exploitation in ZEEI, one pillar to make Indonesia as the world’s maritime axis can be attained.
As an archipelagic state, coastal state, sovereign state, and maritime state that locates between two oceans—Hindia and Pacific—Indonesia needs to optimally exploit its waters territory in all aspects and takes it as power to make Indonesia as the world’s maritime axis, given its very strategic cross position.

Conclusion

The basic philosophy of fish exploitation in ZEEI is to fulfill people needs in fish. In case of making Indonesia as the world’s maritime axis, the exploitation of fish resources in ZEEI should be for the sake of as much as people welfare. In this case, welfare refers to marine and fish management for the sake of as much as people prosperity. As natural resources, fish in Indonesia waters and jurisdictional territory should be well protected, explored, and exploited. Such resources are very potential and important on its essence, roles, and advantages as the basic foundation for national development, in addition to economy resources to improve people welfare and prosperity.

Overall, a philosophy about fish exploitation in ZEEI to fulfill people needs of fish should be defined, of course, by taking fishery law as consideration.

References

Ade Supandi, Peran TNI AL Guna Mendukung Pembangunan Kekuatan Pertahanan Maritim Dalam Rangka Mewujudkan Visi Poros Maritim Dunia, Article on National Seminar and Call Paper “National Marine Policy Format in order to Make Indonesia as the World’s Maritime Axis”. Faculty of Law, Muhammadyah University, Malang, 7th December 2016.

Aida Sartimbul, dkk, 2017, Pengelolaan Sumber daya Perikanan Pelagis di Indonesia, UB Press.

Akhmad Fauzi, 2005, Kebijakan Perikanan dan Kelautan Isu, Sintesis dan Gagasan, Gramedia Pustaka Utama.

Barbara Kwiatkowska, 1989, The 200 mile Exclusive Economic Zone in the New Law of the Sea, Martinus Nijhoff Publishers.

Boer Mauna, 2000, Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global, Alumni.

Bruggink, J.J.H, 1999, Refleksi Tentang Hukum, Alih Bahasa B. Arief Sidarta, Citra Aditya Bakti.

Chairijah, Aspek Hukum Pemanfaatan Zona Ekonomi Eksklusif Dalam Rangka Peningkatan Pendapatan Nelayan Indonesia, Final Report, Research and Development Center of National Law, Development Body of National Law, Department of Law and Human Rights of the Republic of Indonesia, 2005.

Chairul Anwar, 1995, Zona Ekonomi Eksklusif Didalam Hukum Internasional, Sinar Grafika.
Darji Darmodiharjo dan Shidarta, 2008, *Pokok-pokok Filsafat Hukum (Apa dan Bagaimana Filsafat Hukum Indonesia)*, Gramedia Pustaka Utama.

Damos Dumali Agusman, *Reformating NKRI Menjadi Negara Kepulauan Sebagai Basis Untuk Poros Maritim Dunia*, Article in National Seminar and Call Paper “National Marine Policy Format in order to Make Indonesia as the World’s Maritime Axis”, Faculty of Law, Muhammadyah University, Malang 7th December 2016.

Dhiana Puspitawati, 2017, *Hukum Laut Internasional*, Kencana.

Dikdik Mohamad Sodik, 2011, *Hukum Laut Internasional dan Pengaturannya di Indonesia*, Refika Aditama.

Dina Sunyowati dan Enny Narwati, 2013, *Buku Ajar Hukum Laut*, Airlangga University Press.

Damos Dumali Agusman, *Reformating NKRI Menjadi Negara Kepulauan Sebagai Basis Untuk Poros Maritim Dunia*, Article in National Seminar and Call Paper “National Marine Policy Format in order to Make Indonesia as the World’s Maritime Axis”, Faculty of Law, Muhammadyah University, Malang 7th December 2016.

Ida Kurnia, 2018, *Aspek Nasional dan Internasional Pemanfaatan Surplus Perikanan di Zona Ekonomi Eksklusif Indonesia*, Sinar Grafika.

Jimly Assiddiqie, 2010, *Green Constitution Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia 1945*, Raja Grafindo Persada.

Tommy Hendra Purwaka, *Format Kebijakan Kelautan Nasional Untuk Mewujudkan Indonesia Sebagai Poros Maritim Dunia*, Article in National Seminar and Call Paper “National Marine Policy Format in order to Make Indonesia as the World’s Maritime Axis”, Faculty of Law, Muhammadyah University, 7th December 2016.