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Develop Education and Legal Research

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(Franciska Mifanyira Sutikno, Indah Dwi Miftachul Jannah)

The Optimization of Sharia Mutual Fund as an Investment Means to Promote
Financial Inclusion In Indonesia (Teguh Tresna Puja Asmara, Lastuti Abubakar)

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Sustainable Development Goals (SDGs) Principle Towards Sharia Business Unit
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(Intan Nur Indah, Haris Budiman, Bias Lintang Dialog)



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PREFACE

Regards,

Alhamdulillah, all praise and thanks for the presence of Allah SWT for His mercy and grace, which has given His strength, patience, fortitude, and protection to the editing team, so that the editing team can complete the Journal "UNIFIKASI: Jurnal Ilmu Hukum" which has been Nationally Accredited with number 21 / E / KPT / 2018. Prayers and greetings may remain poured over to the Prophet Muhammad SAW.

The Editorial Team is fully aware that in the preparation of this journal is not short of shortcomings and is still far from perfection, both regarding the subject matter and in its presentation, given the limited knowledge and ability of the editing team to have. Therefore the editorial team expects suggestions and criticisms that are constructive to improve this journal. Acknowledgments and editorial team awards convey to all parties who have helped the completion of this journal, both in the form of moral support and material support. The realization of this journal cannot be separated thanks to the help of various parties. On this occasion, please allow the author to express his deepest gratitude to:

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Finally, with all humility the editorial team apologized profusely if there were things that were not pleasing in writing this journal. We hope that what is presented in this journal can be useful, especially for us and generally for all parties.

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Editor

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The Participation of Indonesia in Regional Fisheries Management Organizations (RFMOs): The Legal and Globalization Perspectives

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Abstract : *The purpose of this research is to find out and analyse the participation of Indonesia in Regional Fisheries Management Organizations (RFMOs) viewed from the legal and globalization perspectives. The method used in this research was a normative juridical by employing secondary data sources which were analysed qualitatively. The results showed that there are 4 (four) RFMOs bordering Indonesian waters, namely IOCT, CCSBT, WPPC, and Inter-American Tropical Tuna Commission (IATTC). Currently, Indonesia has participated as a member of RFMOs with the reasons, firstly, to participate in conserving fish resources and secondly, if Indonesia is not a member of RFMOs, the fishery products can be embargoed and categorized as IUU fishing. In relation to law and globalization, developed countries have implemented their hegemony to dominate the high seas through legal instruments, namely international treaties and organizations. On the other hand, the participation of Indonesia in RFMO is merely to facilitate the citizens to be able to access fish resources in the high seas.*

Keywords: *Indonesia, RFMOs, law, globalization.*

Keikutsertaan Indonesia dalam *Regional Fisheries Management Organizations* (RFMOs): Perspektif Hukum dan Globalisasi

Tujuan penelitian ini untuk mengetahui dan menganalisis keikutsertaan Indonesia dalam *Regional Fisheries Management Organizations* (RFMOs) ditinjau dari perspektif hukum dan globalisasi. Metode penelitian yang digunakan adalah yuridis normatif, menggunakan sumber data sekunder dan analisis dilakukan secara kualitatif. Hasil penelitian yaitu terdapat 4 (empat) RFMOs yang berbatasan dengan perairan Indonesia yaitu, IOCT, CCSBT, WPPC, *Inter-American Tropical Tuna Commission* (IATTC). Saat ini Indonesia telah ikut serta menjadi anggota RFMOs dengan alasan, pertama, ikut melakukan konservasi sumber daya ikan dan kedua, jika tidak menjadi anggota RFMOs maka hasil tangkapan dapat diembargo dan dikategorikan sebagai IUU fishing. Dikaitkan dengan hukum dan globalisasi, negara maju telah menerapkan hegemoninya untuk menguasai laut lepas melalui instrumen hukum yaitu perjanjian internasional dan organisasi internasional. Di sisi lain keikutsertaan Indonesia dalam RFMO untuk memfasilitasi warga negaranya agar dapat mengakses sumberdaya ikan di laut lepas.

Kata Kunci: *Indonesia, RFMOs, hukum, globalisasi.*

INTRODUCTION

Freedom on the high seas as the doctrine of *mare liberum* has long been recognized and accommodated in the United Nations Convention on The Law of The Sea 1982 (UNCLOS). All countries have the right to utilize the high seas and have internationally recognized freedom as regulated in Article 87 of UNCLOS.¹ One of the regulated freedoms is the freedom to catch fish. In its development, fish populations that were believed to be unlimited were then considered to be threatened by the increasingly sophisticated fishing fleets and tools. This has led to the adoption of various international legal provisions that specifically regulate fisheries management and conservation, especially in the high seas with regard to straddling and highly migratory fish stocks as

¹ Garry R. Russa and Dirk C. Zeller, 2003, "From Mare Liberum to Mare Reservarum", *Marine Policy*, 2003, Vol 27 2003, p. 76.

well as the emergence of various sub-regional and regional fisheries management organizations based on the mandate of Article 61 and 64 of UNCLOS.² Indonesia is the largest archipelagic country in the world with a manageable sea area of 5.8 million km² which has a diversity of marine and fisheries resources. The Maximum Sustainable Yield (MSY) in Indonesian waters is 6.5 million tons per year, with the allowable catch amount of 5.2 million tons/year (80% of MSY).³ The geographical position of Indonesia also has a significant meaning in the context of the management, conservation and utilization of tuna resources. Considering the straddling and highly migratory fish of tuna, then to ensure the preservation of these resources, its management has been carried out through regional or international collaboration known as the Regional Fisheries Management Organization (RFMO).⁴

There are a number of sub-regional and regional fisheries organizations established in the high seas bordering Indonesian waters, including: the Indian Ocean Tuna Commission (IOTC), the Western and Central Pacific Fisheries Commission (WCPFC), and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).⁵ Countries that are not members of RFMO are prohibited from carrying out fishing practices in the area where RFMO is located. Thus, non-member countries carrying out fishing practices in that area may be subject to an embargo on their fishery products as they are considered illegal, unreported and unregulated (IUU) fishing.⁶

On July 1, 2005, CCSBT imposed an embargo sanction on Indonesia in the form of a ban on the export of southern Bluefin Tuna to CCSBT member countries.⁷ The imposition is motivated by Australian accusation stating that Indonesia has captured a lot of SBT and has never been reported. Indonesia is encouraged to become a member of CCSBT to support the conservation and sustainable use of SBT. On the basis of the preservation of fisheries resources, developed countries make effective political instruments to control the high seas by establishing various rules and organizations that can strengthen their hegemony in the high seas.⁸ For countries that have strict regulations or countries that have become members of RFMO, tuna fish entering their country must have clear documents and origins. The United States⁹ and the European Union¹⁰ have fairly strict requirements for tuna entering its territory, starting from its traceability, comprehensive fisheries stock assessments, the adoption of strict environmentally friendly fishing rules to transparent fisheries management. Globalization is a challenge for society as all aspects of life are related to all elements globally¹¹. Globalization has penetrated in almost all fields of people's lives, both in the fields of

² Melda kamil Ariadno, "Kepentingan Indonesia Dalam Pengelolaan Perikanan laut Lepas", *Jurnal Hukum Internasional*, LPHI, UI, Volume 2 Nomor 3 April 2005, p. 504.

³ Badan Perencanaan Pembangunan Nasional . 2014. Kajian Strategis Pengelolaan Perikanan Berkelanjutan, Jakarta : Bappenas, 2014, pp. 1

⁴ Irawati, "Implikasi Keanggotaan Indonesia Dalam RFMO Terhadap Pengembangan Hukum Perikanan Nasional", *Prosiding SNaPP2015 Sosial, Ekonomi, dan Humaniora*, UNISBA, 2015.

⁵ Indonesian Capture Fisheries Regulation in the High Seas tersedia di <http://kkji.kp3k.kkp.go.id/index.php/dokumen/finish/102-presentasi/944-indonesia-capture-fisheries-regulation-in-the-high-seas-gran-hyatt-19-mei-2009-bu-erni>

⁶ Usmawadi Amir, "Penegakan Hukum Laut Menurut UNCLOS 1982", (Studi kasus Volga case) *Jurnal Opinio Juris* Vol. 12 □ Januari—April 2013, Ditjen HPI Kemenlu, Jakarta.

⁷ CCSBT, CASES CONCERNING THE CONVENTION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA, tersedia di http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/Announcements/Archive_Announcement7_2.pdf

⁸ Ahmad Solikhin, *Perikanan Indonesia Dalam Kepungan Organisasi Regional dan Internasional*, tersedia di <http://www.ikanbijak.blogspot>, Accessed 5 Juli 2019

⁹ Anastasia Telesetsky, U.S. Seafood Traceability as Food Law and the Future of Marine Fisheries, *Environmental Law* Vol. 47, No. 3 (Summer 2017), pp. 765-795

¹⁰ Klaus Froberg, EU Food Safety Standards, Traceability and Other Regulations: A Growing Trade Barrier to Developing Countries' Exports? Invited paper prepared for presentation at the International Association of Agricultural Economists Conference, Gold Coast, Australia, August 12-18, 2006.

¹¹ Anthon Fathanudien. "Pertanggungjawaban Terhadap Konsumen Atas Iklan-Iklan Yang Menyesatkan Di Era Globalisasi". *Jurnal Unifikasi*, ISSN 2354-5976 Vol. 2 No. 2 Juli 2015. 31-60.

politics, science and technology, culture, education as well as fisheries.¹² This scientific article analyzes the participation of Indonesia in Regional Fisheries Management Organizations (RFMOs) viewed from the legal and globalization perspectives.

RESEARCH METHODS

The method used in this research was juridical normative by employing secondary data sources, such as relevant legislations, including the United Nations Convention on The Law Of The Sea 1982, the Agreement For The Establishment Of The Indian Ocean Tuna Commission 1994, the Code of Conduct for Responsible Fisheries 1995, the Convention For The Conservation Of Southern Bluefin Tuna 1993 as well as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 2000. The data were then analyzed qualitatively.

RESULTS AND DISCUSSION

1. Regional Fisheries Management Organizations (RFMOs)

The issue of fisheries sustainability cannot be separated from the phenomenon of global fisheries crisis, where RFMO is considered as a breakthrough to overcome this problem. This is a mandate from various international provisions, especially UNCLOS 1982.¹³ The issue of management and utilization of fish resources by RFMO is stated in Article 61-67 of UNCLOS 1982 which is included in Chapter V concerning the Exclusive Economic Zone (EEZ). Besides, UNCLOS 1982 also mandates the cooperation of countries in the conservation and management of biological resources as stated in Article 118 which is included in Chapter VII concerning the high seas.

RFMO is an international organization engaged in the field of fisheries which consists of coastal countries having fish resources that need to be preserved. The members of RFMO are countries and organizations that have interests in fish resources. In general, its membership is a contracting party in nature where the member countries remain in the positive legal corridors if there are problems or disputes in the field of fisheries occurring in their territorial, but RFMO member countries have obligations that must be met towards the organization.¹⁴

There are at least 8 (eight) RFMOs in the world, including The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), The General Fisheries Commission for the Mediterranean (GFCM), The North East Atlantic Fisheries Commission (NEAFC), The North Pacific Fisheries Commission (NPFC), The Northwest Atlantic Fisheries Organization (NAFO), The South East Atlantic Fisheries Organization (SEAFO), The South Indian Ocean Fisheries Agreement (SIOFA), and The South Pacific Regional Fisheries Management Organization (SPRFMO).¹⁵

2. The Participation of Indonesia in RFMOs Viewed from the Legal and Globalization Aspects

According to Henry Kissinger, globalization is another name for the United States domination. The globalization of law is the design of the United States in order to make the law as a tool to control the economies of other countries.¹⁶ A change in values in people's lives is a result of

¹² Globalisation in Fisheries and Aquaculture Opportunities and Challenges, OECD, 2010.

¹³ Stefan Asmundsson, *Regional Fisheries Management Organisations (RFMOs): Who are they, what is their geographic coverage on the high seas and which ones should be considered as General RFMOs, Tuna RFMOs and Specialised RFMOs?* tersedia di <https://www.cbd.int/doc/meetings/mar/soiom-2016-01/other/soiom-2016-01-fao-19-en.pdf> Accessed 29 Juli 2019.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Felix Wilfred, *Tiada keselamatan di Luar Globalisasi*, dalam buku Adi Sulistiyono, *Op.cit.*, p. 25-26.

globalization causing various problems that need to be regulated by the rule of law as law making and law enforcement.¹⁷

Globalization has penetrated in various fields, including in the field of fisheries. Currently, there are approximately 11 RFMOs established, mainly in the Indian Ocean and the Pacific Ocean.¹⁸ Some of the reasons for the emergence of RFMOs include, first, the straddling and highly migratory fish stocks are decreasing so that there is a need for fish conservation and management in the high seas. Second, from the political aspect, it is used as a tool for developed countries to control or implement the fisheries hegemony in the high seas. Fishing procedures have been regulated and determined so that countries that are not members of the RFMOs are prohibited from fishing in the managed area. Developing countries, like Indonesia, which have high potential for fish resources, will inevitably participate in RFMOs. Currently, Indonesia has actively participated in 4 (four) RFMOs, namely:¹⁹

- a. *The Indian Ocean Tuna Commission (IOTC), which carries out tuna management in the Indian Ocean, with permanent member status since July 9, 2007. Indonesia is bound through Presidential Regulation (Perpres) No. 9 of 2007 concerning Ratification of the Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC)*
- b. *The Commission on the Conservation of Southern Bluefin Tuna (CCSBT), which carries out southern bluefin tuna management, with permanent member status since April 8, 2008. Indonesia is bound through Presidential Regulation No. 109 of 2007 concerning Ratification of the Convention for the Conservation of Southern Bluefin Tuna (CCSBT)*
- c. *The Western and Central Pacific Fisheries Commission (WCPFC), which carries out tuna management in the Western and Central Pacific Ocean, with non-permanent member status since 2004 and a permanent member status since August 2013.*
- d. *The Inter-American Tropical Tuna Commission (IATTC), which carries out tuna management in the Eastern Pacific Ocean, with cooperating non-member status since June 2013.*

Indonesia has ratified agreements in the field of fish management so that it has external and internal legal consequences.²⁰ The external legal consequences mean that the principle of *pacta sunt servanda* applies to all member countries. The agreement will give birth to rights and obligations both jointly and reciprocally between countries which have stated their agreement to be bound. Meanwhile, the internal legal consequences mean that Indonesia must implement the international agreement into its national law. There are at least seven important things that need to be considered by the Indonesian government in implementing the rules as outlined in the Convention for the establishment of RFMO. The Indonesian legislations that will be analyzed relating to the rules of the establishment of RFMO are: Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009, Law No. 21 of 2009 concerning the Ratification of the Agreement for the Implementation of the Provisions of the UNCLOS 1982, Ministerial Regulation No. Per.1/MEN/2009 concerning the Fisheries Management Area of the Republic of Indonesia, Ministerial Regulation No. Per.18/Men/2010 concerning Fishing Book Log, Ministerial Regulation No. Per.8/Men/2012 concerning Port Fisheries, Ministerial Regulation No. Per.12/Men/2012 concerning the High Seas Fishing Business, Ministerial Regulation No. Per.30/Men/2012 concerning the WPP-NRI Fishing Business, and Ministerial Decree No. Kep.45/Men/2011 concerning the Estimation of Potential Fish Resources in WPP-NRI.²¹

¹⁷ Abdul Manan, *Peranan Hukum Dalam Pembangunan Ekonomi*, Kencana, Jakarta, 2014, pp. 85.

¹⁸ Chomariyah, *Hukum Pengelolaan Konservasi Ikan, Pelaksanaan Pendekatan Kehati-hatian Oleh Indonesia*, Setara Press, Malang, 2014, pp.18

¹⁹ Kapal Indonesia Bebas IUU Fishing tersedia di <http://www.djpt.kkp.go.id> diakses pada tanggal 5 Januari 2016.

²⁰ I Wayan Parthiana, *Hukum Perjanjian Internasional Bag 1*, Mandar Maju, Bandung, 2002, pp. 144

²¹ Ahmad Solikhin dan Eko Sri Wiyono, *Politik Hukum pengelolaan Perikanan Tuna di Laut Lepas oleh RFMO*, Symposium Nasional Pengelolaan Perikanan Tuna Berkelanjutan, 2014 .

In the context of international society, international law is often used as an instrument to achieve an interest either directly or indirectly through international organizations.²² International law is used by developed countries for two things; First, to get involved in domestic policies of developing countries, and second, to take action in accordance with developed countries. International treaties are often used by developed countries to intervene in domestic problems occurred in developing countries. This intervention is inseparable from its national interests. The interests of developed countries itself vary greatly from economic interests, upholding humanity, and preserving environmental sustainability.²³

Through these international treaties, developed countries invite or even pressure developing countries to ratify international treaties and become members of RFMOs. The ways to suppress developing countries can be exemplified when Japan imposes an embargo sanction on Indonesian tuna exports on the grounds that Indonesia is not a member of CCSBT so that its fishery products are doubtful and can be categorized as IUU fishing. The regulation of IUU fishing occurring in the RFMO area is outlined in the IPOA on IUU Fishing stating that illegal fishing refers to activities that are: (a) carried out by national or foreign vessels in waters under the jurisdiction of a country, without permission from that country, or violating the country's laws and regulations; (b) organized by ships that fly their country's flags and are part of the relevant fisheries management organization, but violates the conservation and management procedures adopted by the organization and the country, or the relevant treaties of the applicable international law; or (c) violating national law or international obligations, including violation committed by countries cooperating in relevant fisheries management organizations.

This reason has serious consequences for Indonesia, because by not being a member, Indonesia will be deemed not to have goodwill to pay attention to tuna resource conservation in the region. With illegal conditions, the results of Indonesian tuna production will be classified as unreported. In this case, it can be said that developed countries have implemented their hegemony on the high seas which is a neo colonialization or colonialism in a subtle way.²⁴ According to Adi Sulistiyono²⁵, there has been a pull on the legal system in Indonesia that has affected the participation of Indonesia in becoming a member of RFMOs. This pull means that there is international law or politics that affects a country's participation in international treaties.²⁶ Concerning the establishment of RFMOs, developed countries use the preservation of fisheries resources in the high seas as a reason to realize their interests. For CCSBT, Indonesia is a country that has an important position as there is a SBT spawning ground in Indonesian territory. Furthermore, as one of the countries utilizing SBT for national interests, Indonesia is encouraged by CCSBT member countries to be able to support the SBT preservation and utilization efforts.²⁷

In order to create responsible and sustainable fisheries management, Indonesia shall play an active role in RFMO in which its management area is adjacent to Indonesian waters. The participation of Indonesia in RFMOs is the implementation of the mandate contained in Article 10 of Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009 which states that "the Government shall play an active role in the membership of regional and international agencies/institutions/organizations in the framework of cooperation in the regional and international fisheries management".

²² Hikmahanto Juwana, "Hukum Internasional Sebagai Instrumen Politik", *Jurnal Hukum Internasional*, LPHI UI, Volume 1 Nomor 1, 2003.p.

²³ *Ibid.*

²⁴ Ahmad Solikhin, *Neo Koloniasisasi di Laut Lepas*, Sinar Harapan 11 April 2005.

²⁵ Adi Sulistiyono dan Muhammad Rustamaji, *Hukum Ekonomi Sebagai Panglima*, Masmedia Buana Pustaka, Sidoarjo, 2009 pp.25

²⁶ *Ibid.* .25

²⁷ Naskah Penjelasan Pengesahan Convention for the Conservation of Southern Bluefin Tuna

As a member of RFMOs, Indonesia has the responsibility to participate in utilizing tuna resources responsibly and sustainably. This responsibility must be realized through the implementation of all management and conservation actions adopted by RFMOs, both by the government and business actors in the territory of Indonesia's national jurisdiction.²⁸

As the legal consequences of ratification seen from the internal aspect, after ratifying international treaties, the government must immediately develop or harmonize national laws concerning fisheries management in the high seas. Several efforts done by the Ministry of Maritime Affairs and Fisheries in assisting the eradication of IUU Fishing are the active role of Indonesia in the IUU Fishing Regional Plan of Action (RPOA) forum since 2011 which was followed up by the issuance of Ministerial Decree No. KEP/50/MEN/2012 on the National Action Plan to Prevent and Cope with IUU Fishing for 2012-2016. This Ministerial Decree is intended to be used as a reference for each organizational unit within KKP in an effort to prevent and cope with IUU Fishing practices in accordance with their respective duties and functions, and as a coordinating material with other ministries/agencies to prevent and cope with IUU Fishing practices.²⁹ Furthermore, the Ministry of Maritime Affairs and Fisheries has also carried out technical guidance and socialization related to the Conservation Management Measures (CMM) both for government officials at the central, regional, and business actors. This activity aims to socialize the regulations adopted by RFMOs so that Indonesian ships can be avoided from the possibility of conducting IUU Fishing.

There are advantages and disadvantages for Indonesia to become a member of RFMOs. If Indonesia is a member or a contracting party of an RFMO, in addition to having voting rights, Indonesia will get several advantages, including: Indonesia will save time and costs with the opportunity for research collaboration and fisheries data collection, the utilization of total allowable catch (TAC), conducting monitoring, controlling and surveillance (MCS), and law enforcement as well as management and conservation of fish resources that require a lot of experts; Indonesia will not be considered to conduct illegal fishing in the RFMO area; Indonesia will get a fishing quota and guarantee access to tuna marketing in international market. Meanwhile, the disadvantage, for example, is the membership fee of CCSBT is quite expensive compared to the fishery products.

Indonesia needs to be a member of RFMOs considering that Indonesia is a country with the highest tuna potential in the world. It is proved by the fact that total tuna production in Indonesia reaches 613.575 tons per year and a value of Rp. 6.3 trillion per year. Supported by its geographical location that includes two oceans, namely the Indian Ocean and the Pacific Ocean, Indonesia has become an important country for global tuna fisheries both in terms of resources, habitat and trade.³⁰ The involvement of Indonesia in RFMO does not only aim at self-image program as a country that is responsible for realizing sustainable fisheries globally, but it also aims at facilitating the citizens to access fish resources in the high seas as fish resources in Indonesian waters are decreasing. Another benefit of this involvement is that Indonesia gets some facilities, such as expert assistance in conducting fish resource assessments that require a lot of funds. Yet, the government must pay attention to conservation by referring to the general principles set out in the United Nation agreement on the types of straddling and highly migratory fish.³¹

The state is a subject of international law that differs from other subjects of international law as it has sovereignty. Sovereignty means the highest authority.³² Undeniably, the concept of sovereignty is a terminology that has never stopped being debated in the theory of international law

²⁸ *Kapal Perikanan Indonesia Bebas IUU Fishing List d RFMOs, Ditjen Perikanan Tangkap, tersedia di kkp.go.id. Diakses pada tanggal 4 Juli 2019.*

²⁹ *Ibid.*

³⁰ *Keuntungan Indonesia Bergabung Dengan RFMOs tersedia di <http://www.industri.kontan.co.id/news/keuntungan-indonesia-bergabung-dengan-rfmos> diakses Accessed 14 Januari 2015*

³¹ Supriyadi dan Alimuddin, *Hukum Perikanan Di Indonesia*, Sinar Grafika, Jakarta, 2011, pp. 83.

³² Mochtar Kusumaatmadja dan Etty R. Agoes, *Pengantar Hukum Internasional*, Alumni, Bandung, 2003, pp. 15

and international relations.³³ If the background knowledge of sovereignty departs from the classical teachings of Jean Bodin, the ownership of the highest authority by the state can be in conflict with international law as a rule governing relations between nations.³⁴ In this case, international law becomes invalid as the state has the highest authority and does not recognize the existence of a higher power than the state power itself. In the era of globalization, state sovereignty is increasingly blurred. The state voluntarily reduces its sovereignty by following international treaties. International treaties are basically a political instrument of globalization. Here, developed countries will negotiate Articles benefitting their interests and then attract developing countries to participate.

CONCLUSION

From the analysis, it can be concluded that RFMOs is a regional fisheries management organization in the high seas aiming to manage and conserve the Highly Migratory Fish Stocks and Straddling Fish Stocks. In addition, RFMOs can also be used as a tool for developed countries to control the high seas by making rules for fishing in the high seas. The participation of Indonesia in RFMOs is influenced by laws and globalization which develops in the field of fisheries, such as, when Indonesia is not yet a member of RFMO, there is a pressure from developed countries by imposing an embargo sanction on Indonesian tuna exports as Indonesian fishery products are categorized in IUU Fishing practices. On the other hand, there are various advantages for Indonesia of being RFMO member, including saving time and costs with the opportunity for research collaboration and fisheries data collection, utilizing total allowable catch (TAC), conducting monitoring, controlling and surveillance (MCS), law enforcement, management and conservation of fish resources that require a lot of experts as well as getting a fishing quota and guarantee access to tuna marketing in international market.

SUGGESTION

Based on the description, the researcher suggests that as a member of RFMOs, the government shall always update the Indonesian tuna fisheries data, especially in the Indian Ocean, which includes the amount of tuna production, the number of fishing gear, the number of ships, and the potential for fishing. Besides, the government shall strengthen the Indonesian tuna fishing fleet and improve the quality of human resources of tuna fisheries (entrepreneurs, government and tuna fishermen).

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³⁴ F.X. Adji Samekto, *Negara Dalam Dimensi Hukum Internasional*, Citra Aditya Bhakti, Bandung, 2009, pp. 50.

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