

THE 3RD INTERNATIONAL CONFERENCE ON LAW GOVERNANCE AND GLOBALIZATION (ICLGG)

Meeting ID: 935 8488 3367

Passcode: FHBEST

General Rundown

Wednesday, 3 November 2021

Time (local)	Activity/Session	Speakers
8.30 – 9.00	Opening Remark (Main Room)	1. Head of ICLGG 2. Dean of Faculty of Law, UNAIR
09.00-11.00	Parallel Session I Topic: <i>General Rule Of Law</i>	<i>Assoc. Professor Moh. Hisham B Moh Kamal</i> IIUM Malaysia
11.00 – 11.15	Break	
11.15 – 12.30	Parallel Session II Topic: <i>Environmental Law and Policy</i>	1. <i>Dr Siti Hafsyah Idris</i> UITM Malaysia 2. <i>Dr Michelle Lim</i> Macquarie Law School
12.30-13.00	BREAK	
13.00 – 15.00	Parallel Session III Topic: <i>Good Governance and Public Policy</i>	1. <i>Prof. Dr Shruti Bedi</i> Panjab University India 2. <i>Prof. Aleksandra Kavosci</i> Birmingham University UK
15.00 – 15.15	Break	
15.15 – 17.00	Plenary Session (Main Room)	<i>Assoc Prof. Maciej Nyka</i> Gdansk University Poland <i>Prof Allam Ahmed</i> Director of WASD <i>Dr Febrian S.H., M.S.</i> Sriwijaya University <i>Iman Prihandono PhD</i> Airlangga University
	Moderator	<i>Dr Intan Soeparna</i>

Thursday, 4 November 2021

Time (local)	Activity/Session	Speakers
09.15-12.00	Parallel Session IV Topic: Human Right and Justice Issue	<ol style="list-style-type: none"> 1. Sebastien Lafrance Crown Counsel at Public Prosecution Canada 2. Professor Therese MacDermott Macquarie Law School
12.00 – 13.00	BREAK	
13.00 – 15.00	Parallel Session V Topic: Intellectual Property Rights, Economic, Business and Global Trade Issues	<ol style="list-style-type: none"> 1. Dr Amir Khalil Birzeit University 2. Murshamul Kamariah Musa UNIZA Malaysia 3. Dr Rita Matulionyte Macquarie Law School
15.00 – 15.15	Break	
15.15 – 17.00	Parallel Session VI Topic: Medical and Public Health Law	Prof Joseph Tanega VUB Belgium
17.00 – 17.15	Closing Remark (Main Room)	Vice Dean

**RUNDOWN
PARALLEL SESSION**

WEDNESDAY, 3 NOVEMBER 2021

PARALLEL SESSION I: TOPIC: GENERAL RULE OF LAW

ROOM 1 ID: GRL_R1		
HOUR:		9.00 – 11.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER:		Assoc. Professor Moh. Hisham B Moh Kamal IUM Malaysia
MODERATOR:		Taufik Rachman PhD
NO	PRESENTER	TITLE
1	Wahyu Ernaningsih, Putu Samawati, and Suci Flambonita.	Implications of dual citizenship in mixed marriage on state administration problems
2	Taufik Rachman, Julianda Rosyadi	Gratification on Midwifery Referral Letter within Indonesian System
3	Wan Juli	An Overview of The Principles of Justice in Indonesian Income Tax Policy
4	Siti Rahmah, Husni Jalil, Iman Jauhari, Sri Walny Rahayu, M.Yakub Aiyub Kadir	Legal dilemma of land deed official (PPAT) in transferring land title in Indonesia (a study in Aceh province)
5	Tanti Kirana Utami	Implementation of the settlement of disputes over the termination of employment at companies in the Cianjur district during the covid 19 pandemic

ROOM 2 ID: GRL_R2		
HOUR:		9.00 – 11.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Dr Prawitra Thalib
NO	PRESENTER	TITLE
1	Prawitra Thalib, Faizal Kurniawan, Wisudanto, Mohamad Nur Kholiq	Validity of understanding wakf prediction according to law number 41 year 2004 concerning wakf (case study of Nazhir university airlangga)
2	Maria Silvya E Wangga	Penal policy for criminal responsibility of political parties in criminal act of corruption
3	Hjh Norhartijah binti Haji Puteh, Dr. Hjh Hanan binti PDSMDPSS, (Dr.) Ustaz Haji Awang Abdul Aziz,	The Convention on the Rights of the Child and Reservations by Brunei Darussalam
4	Bianka Renzanova Kusuma, Rouli Anita Valentina	The Legal Review of the 2018 Bilateral Investment Treaty between Indonesia and Singapore
5	HS.Tisnanta, FX.Sumarja, Sani Nur Asih, Fajar Bima Alfian	Protection of the Rights of Affected Communities for Land Procurement for Public Interest
6	Salsabila Siliwangi Surtiwa	State Consent Principle in Advisory Opinion on Pending Dispute: Chagos Archipelago

ROOM 3 ID: GRL_R3		
HOUR:		9.00 – 11.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Dr Aktieva Tri Tjitrawati
NO	PRESENTER	TITLE
1	Ken Bagus Setya Dharma and Aktieva Tri Tjitrawati	Hong Kong security law 2020: between state sovereignty and breach of international treaty
2	Nining Purnamawati	The Nature of Justice Collaborators as Witnesses in Case Disclosure Criminal Acts of Corruption
3	Lintang Yudhantaka, Yohanes Sogar Simamora, Ghansham Anand	The analysis of competence-competence doctrine in Indonesia arbitration law and Uncitral model law
4	Arum Anggraeni Maulida, Kartini Eliva Angel Tampubolon	The Legal Framework of the Implementation of the United Nation Security Council Resolution in Indonesia Law System
5	Riska Fitriani	The application of mediation in religious courts

ROOM 4 ID: GRL_R4		
HOUR:		9.00 – 11.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Neisa Angrum Adisti
NO	PRESENTER	TITLE
1	Agus Sekarmadji, Oemar Moechthar, Soelistyowati, Auralia Rizki Putri and Astari Cahyaningtyas Winantyo	Legal Analysis of Giving Residential Houses to Foreigners After the issuance of the Indonesian Omnibus Law
2	Sri Winarsi, Sri Hadjati, Nurul Ula Ulya, Xavier Nugraha, Raudhatul Jannah	The Implementation of the Utility Principle as a Basis for Judges' Consideration in Deciding State Administrative Cases
3	Muhammad Mutawalli	Legal Analysis of Appointment of Former Corruption Convicts as Commissioner of BUMN (Case Study of Appointment of Emir Moeis)
4	Neisa Angrum Adisti, Arfiana Novera, Dr. Iza Rumesten, Alfian Mardiyansyah	The construction of criminal law for contempt of court in indonesia
5	Muhammad Alif Salim	Credit restructuring amidst the covid-19 pandemic on "BCA" bank

PARALLEL SESSION II: TOPIC: ENVIRONMENTAL LAW AND POLICY

ROOM 1 ID: ENVIRONMENT_R1		
HOUR:		11.15 – 12.30
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Dr Siti Hafsyah Idris UITM Malaysia
MODERATOR		Franky Butar-Butar LL.M
NO	PRESENTER	TITLE

1	Edurado Saratoga Wrahatnalaa	The Comparative Study of Citizen Lawsuit Implementation for The Brantas Watershed Recovery with The River Gangga (India) and Riachuelo (Argentina)
2	Dr Steven Geroe	Regulatory Support for Bio-sequestration Projects in Australia: A Useful Model for Transition to Net-Zero Emissions?
3	Mochamad Umaryaji, Hendra Sukarman, Intan Muttoharoh, Prof. Hibnu Nugroho	Legal comparison about claims determination of protected forest areas with traditional evidence of land ownership
4	Fauzan Zikri, Ima Mulyama Zainuddin, Agus Dana Permana	Study of environmental policy on organic waste: case studies on traditional market in Bogor city
5	Achmad Romsan, Meria Utama, Irsan, Tuti Indah Sar, Azhar, Herwin, Marieska Verawaty	The right to a good and healthy environment: problem of legal claim as human rights

ROOM 2 ID: ENVIRONMENT R2

HOUR:		11.15 – 12.30
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Dr Michelle Lim Macquarie Law School
MODERATOR		Erni Agustin LL.M.
NO	PRESENTER	TITLE
1	Nabeela Siddiqui, Mohd Kamil Wakil	Agriculture-Water-Environment Nexus and the budding Transboundary Water Conflicts between India and Pakistan: Lessons of mutual learning from Europe
2	Iman Prihandono, Dewi S. Yuniarti	Expanding the Jurisdiction of the International Criminal Court to Prosecute Ecocide by Corporations: Urgency and Challenges
3	Haikal Arsalan, Dinda Silviana Putri, Cavita Ezra	Environmental Impact Assessment After The Job Creation Act: A Procedural Justice Perspective
4	David Tan	Is Sustainable Development Goals Really the Crème de la Crème Nexus to Enhance the Indonesian Environmental Law and Regulation?

PARALLEL SESSION III: TOPIC: GOOD GOVERNANCE AND PUBLIC POLICY

ROOM 1 ID: GOVERNANCE_R1

HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Prof. Dr Shruti Bedi Panjab University India
MODERATOR		A Indah Camelia LLM
NO	PRESENTER	TITLE
1	Taufik Rachman, Nur Basuki Minarno, Septa Aprilianto, Hanif Muzaki	Defining State Economy Loss due to Corruption within Indonesia law, Hurdle and Solution
2	Dina Sunyowati, A Indah Camelia	Toward Secure Regulation of Indonesia's Marine

		Scientific Research
3	Victor Juzuf Sedubun	The authority of the regional representative board to evaluate the design of regional regulations according to the constitution of the republic of Indonesia
4	M.Syamsurrijal, Achmad Nurmandi, Hasse Jubba, Mega Hidayati, Zuly Qodir, Tawakkal Baharuddin	Politicization of Sharia Regulation on Halal Tourism in Lombok West Nusa Tenggara Province – Indonesia
5	Iman Prihandono, Ekawestri Prajwalita Widiati	Political Oligarchy in the Exclusion of FABA and Slag from Hazardous Waste List Regulation in Indonesia

ROOM 2 ID: GOVERNANCE_R2		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Prof.Aleksandra Kavosci Birmingham University UK
MODERATOR		Wilda Prihartiningsih M.H.
NO	PRESENTER	TITLE
1	Wilda Prihatiningtyas, Zuhda Mila Fitriana, Yuniarti, Sri Winarsi, Ardhana Noventri	Optimization of Village Funds in Achieving SDGs: Lesson Learned from East Java
2	Ita Liani, Aris Prio Agus Santoso, Piere Briyan	Implementation of the emergency PPKM policy to worker welfare during the covid-19 pandemic
3	Enny Narwati	Determination of Fishing Rights Allocation as a Strategy for Sustainable Fisheries Management Realization in Indonesia
4	Albert Dicky Pratama, Muhammad Iqbal Baiquni, Seana Wijaya	The urgency of establishing a personal data protection commission to strengthen security and fulfillment of privacy rights in Indonesia to achieve good governance
5	Yudha Pramana, Anis Wahyu Hermawan, Henry Dianto Pardamean Sinaga	Income Tax Reconstruction on Construction Services to Support Development in Indonesia
6	Rr. Herini Siti Aisyah, Bambang Suheryadi Abd. Shomad, Tatiek Sri Djatmiati, Ahmad Munir	Optimization Of The Role Of Village Facilitators In Improving The Professionality Of Village Apparatus In Managing Village Funds In Indonesia

ROOM 3 ID: GOVERNANCE_R3		
HOUR		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Adhy Riadhy Arafah LL.M.
NO	PRESENTER	TITLE
1	Adhy Riadhy Arafah, Aktieva Tri Tjitrawaty	Covid-19 pandemic policy in Indonesia: how aviation industry survive in the beginning virus spread?
2	Fauziyah, Nofri Savira Putri	The Completion Alternative Of Agricultural Product Price Instability Through Warehouse Receipt System In Indonesia
3	Aditya Wirawan , Elvrida N. Sinaga	Digitalization and Big Data in Preventing Corruption in Education Sector: Towards Inclusive and Equitable Education
4	Yustinus Suhardi Ruman, Hudiarto Sukarman , Siswono Akuan Rokanta,	The potential for Developing Thematic Villages in Cisaat and Selajambe-Cibaraja, Sukabumi Regency
5	Amelia Sri Kusuma Dewi	interpretation of village-owned enterprises in law

		number 11 of 2020 concerning job creation
6	Sri Hadjati, Sri Winarsi, Xavier Nugraha, Rahajeng Dzakiyya Ikbar, Stefania Arshanty Felicia	Land Acquisition for Public Interest as an Alternative to Building a Food Estate in Indonesia: An Effort to Achieve Proportional Equity

ROOM 4 ID: GOVERNANCE_R4		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Indria Wahyuni PhD
NO	PRESENTER	TITLE
1	Cenuk Sayekti, Iman Prihandono	Regulating Sustainable Coffee: An Analysis of Smallholder Farmers Participation in Certifications
2	Daniel Dwi Setyoko, Sri Winarsi	Fulfillment of holiday benefits to state civil apparatus
3	Indria Wahyuni	A new perspective of central-local government relationship in oil legal framework: Lesson learned from oil management system heretofore
4	Rizky Amalia, Faizal Kurniawan, Hilda Yunita Sabrie, Wilda Prihatiningtyas Yosua Putra Iskandar	The Implementation of Sustainable Public Procurement towards Comprehensive Sustainable Development: Enhancing Indonesian Legal Framework
5	Mailinda Eka Yuniza, Ni Nengah Dhea Riska Putri Nandita, Gilda Talitha Putri, and Ni Putu Maetha Maharani.	Regulatory impact analysis as a mandatory legislative drafting method for achieving sustainable development goals in Indonesia
6	Sari Mutiara Aisyah	Current situation of the development of special economic zones in Indonesia: political institutions and capacity of the cluster

THURSDAY, 4 NOVEMBER 2021

PARALLEL SESSION IV: TOPIC: HUMAN RIGHTS AND JUSTICE

ROOM 1 ID:HR_R1		
HOUR:		9.15 – 12.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER I		Sebastien Lafrance Crown Counsel at Public Prosecution Canada
INVITED SPEAKER II		Professor Therese MacDermott Macquarie Law School
MODERATOR		Nilam Andaliakurniasari LL.M.
NO	PRESENTER	TITLE
1	Ayu Dian Ningtias	Legal Protection Of Personal Data In The Aspect Of Privacy Rights
2	Dian Fitri Sabrina	The Political Cartel of Presidential Candidacy through Threshold Brings Up a Single Candidate
3	Sharon G. Weenas	Overcoming Gender Inequality: International law & the United Nations Involvement in Afghanistan After Taliban's Takeover

4	Anis Wahyu Hermawan	Access to Justice in Synergizing Payment Obligations of Special Mining Business License Holders with Tax Compliance in Indonesia: A Sustainable Development Perspective
5	M. Yakub Aiyub Kadir	Human Trafficking of Rohingya in Aceh Province, Indonesia: A Contest of Crime and Humanitarian.
6	Nur Syarifah	Structural Victimization Prevention Model in the Implementation of Cassation Functions in Indonesia
7	Ririn Nurfaathirany Heri	Fulfillment of Children's Rights in Giving Criminal in cases of drugs
8	Dr. Nisar Mohammad Ahmad	The Roles of State in Resolving Business-Human Rights Issues: The Malaysian Experience
9	Surya Desismansyah Eka Putra, Siti Awaliyah, Sudirman	Beyond Human Rights: The Kartini's School and Its Perspective on Egalitarian Value-Based Education

PARALLEL SESSION V: TOPIC: INTELLECTUAL PROPERTY RIGHTS, ECONOMIC, BUSINESS AND GLOBAL TRADE ISSUES

ROOM 1 ID: ECONOMIC_R1		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Dr Amir Khalil Birzeit University
MODERATOR		Koesrianti PhD.
NO	PRESENTER	TITLE
1	Koesrianti	ASEAN's Governance of Trade in Services: Challenge for Indonesia
2	Ghansham Anand, Agus Yudha Hernoko, Agung Sujatmiko, Galang Fauzan Prawinda, Ananda Amalia Tasya and Mentari Putri Lijaya	Concept of Default and Enforcement of Contractual Rights to Support Easy Doing Business in Indonesia
3	Srining Widati, Achmad Ramli, Miranda Risang Ayu, Dadang Epi Sukarsa, and Lilis Mulyani	Strengthening of the Internationally Standardized Microorganism Depository Institution ahead of the Budapest Treaty Indonesia Accession
4	LEE, Soo-hyun	"Do No Significant Harm" as a Core Principle in Sustainable Finance Regulation and its Implications for the Singaporean Draft Taxonomy
5	Yusef Ali Yusef Yakubi, B. Basuki, Rudi Purwono, Indrianawati Usman	The impact of Digital Technology and Business Regulations on Financial Inclusion and Socio-Economic Development in Low-Income Countries

ROOM 2 ID: ECONOMIC_R2		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Murshamul Kamariah Musa UNIZA Malaysia
MODERATOR		Dr Widhayani Dian Pawestri

NO	PRESENTER	TITLE
1	Ghansham Anand, Agus Yudha Hernoko, Agung Sujatmiko, Galang Fauzan Prawinda, Ananda Amalia Tasya and Mentari Lijaya	Concept of Default and Enforcement of Contractual Rights to Support Easy Doing Business in Indonesia
2	Ahmad Sabirin	Reporting delay of acquisition of companies in the post-merger notification system according to the law of business competition in Indonesia
3	Widhayani Dian Pawestri, Vincentius Sutanto, Kukuh Leksono Suminaring Aditya, Hilda Yunita Sabrie, and Qona'aha Noor Maajid	Critical Analysis of Investment Policy in Indonesia: Precautionary Principles in Online Single Submission Regulation
4	Ludevikus Limdianda, Agung Sujatmiko	Validity of banking credit agreements reviewed from the freedom of contract principle
5	Cindy Indudewi Hutomo, Agus Yudha Hernoko, Trisadini Prasastinah Usanti, and Zahry Vandawati Chumaida	Legal reform in the customer-bank fiduciary relationship in Indonesia
6	Ria Setyawati, L. Budi Kagramanto, Iman Prihandono, Agus Yudha Hernoko, and Hadi Subhan	Indonesian Merger Control: Twenty Years' Experience In Legal Limbo

ROOM 3 ID: ECONOMIC R3		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Dr Rita Matulionyte Macquarie Law School
MODERATOR		Dr Indira Retno Aryantie
NO	PRESENTER	TITLE
1	Merah Dhaka Satria, Rouli Anita Velentina	Bank Secrecy in Banking Mediation in Indonesia and Singapore: Financial Privacy vs Dispute Resolution
2	Indira Retno Aryatie	Model Structure of Good Corporate Governance in Waqaf
3	Widhayani Dian Pawestri, Putri Kinanthi Dhayaning Bumi	Disclosure Principle in Dark Pool Transactions: Comparison Study of Indonesia and The United States
4	Ria Setyawati, Iman Prihandono, Ari Prasetyo	Consumer protection in digitalized Indonesia
5	Silvy Cory	West Sumatra Participation in Global Value Chain

ROOM 4 ID:ECONOMIC R4		
HOUR:		13.00 – 15.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Jani Purnawanty LL.M.
NO	PRESENTER	TITLE
1	Aylinda Yuwono, Agustiono	Relationship between family influence, job satisfaction, and organizational commitment of non-family employees with HR practices as mediating variable
2	Ika Riswanti Putrantia	Principle of Technological Neutrality in Trade Facilitations: A Legal Perspective
3	Jani Purnawanty	Patent rights for the red and white covid-19 vaccine: how the country performs its obligation to fulfill people's health rights while securing economic opportunities for pharmaceutical industry

4	Ria Setyawati, Dian Purnama Anugerah, Agus Sudaryatno, Triyono Yulianto	Excessive pricing during a pandemic: is it anti-competitive behavior?
5	Safina Callistamalva Arindrajaya, Fransisca Medina Alisaputri, Dinar Aisyah Pratiwi, Rina Arum Prastyanti	Effectivity business licence as an effort to prevent fraud in electronic transaction in Indonesia

PARALLEL SESSION VI: TOPIC: MEDICAL AND PUBLIC HEALTH LAW

ROOM 1 ID: MEDICAL_R1		
HOUR:		15.15 – 17.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
INVITED SPEAKER		Prof Jossep Tanega Vrije Universiteit Brussels
MODERATOR		Dr Intan Soeparna
NO	PRESENTER	TITLE
1	A Indah Cameliaa, Koesrianti, Lina Hastuti	ASEAN regionalism to overcome covid-19 pandemic: the role of ASEAN socio-cultural community
2	Astutika, Prilian Cahyani, Muhammad Haikal Fikri , Antiek Firdausi Putri	Authority of health workers in telemedicine medical services: Indonesian perspective
3	Dr. Bhupinder Singh	agriculture- nutrition linkage for human healthcare: a conceptual legal framework of implications and pathways
4	Alfredo Risano, Ayu Dian Ningtias	Study of hermeneutic philosophy on the tree phrase in article 111 and article 114 of law number 35 year 2009 regarding narcotics
5	Maradona, Hilda Yunita Sabrie, Rizky Amalia, Katherine Abide Salim, Kadek Anda Gangga Putri	Basic Concept of Doctor's Liability Concerning the COVID-19 Vaccination

ROOM 2 ID: MEDICAL_R2		
HOUR:		15.15 – 17.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Hilda Yunita Sabrie M.H.
NO	PRESENTER	TITLE
1	Muhammad Falah Dawanis	The Application of Compulsory Licensing System for COVID-19 Vaccines in Developing Countries
2	Adhy Riadhy Arafah, Aktieva Tri Tjitrawaty	Covid-19 pandemic policy in Indonesia: how aviation industry survive in the beginning virus spread?
3	A Indah Camelia, Enny Narwati, Isna Kartika Sari	ASEAN health emergency mechanism: ASEAN people migration during covid-19 pandemic
4	Rr. Herini Siti Aisyah, M. Hadi Shubhan, L. Budi Kagramanto, Urip Santoso, Adi Priyono, Raissa Virgy Rianda, Rama Azalix Rianda, Ahmad Munir	Optimization of Primary Health Care in Indonesia: An Appraisal of the Social Insurance Administering Agency of Health
5	Hilda Yunita Sabrie, Faizal Kurniawan, Yuniarti, Ananda Amalia Tasya, Pamus Sukma Yudana	Management of Insurance Premiums (Health) During the Covid-19 Pandemic Associated With

		Insurance Claims by the Insured
6	Novianto Sanjaya, Isyrofah Amaliyah Achmad, Millah Aldillah Achmad	State Boundaries on Assessments Mala In Prohibita Against the Effects of the Sars-Cov19 Pandemic

ROOM 3 ID: MEDICAL_R3		
HOUR:		15.15 – 17.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Prilian Cahyani LL.M.
NO	PRESENTER	TITLE
1	Namira Stalina Izandra, Millenia Jihan Febriana, Hilda Yunita Sabrie, Maradona, Ananda Amalia Tasya	Legality Principles on OHS Management System (Occupational Safety and Health) for Online Transportation Drivers in the New Normal Era
2	Muhammad Gaidy Wiratama, Bambang Sugeng Ariadi Subagyo	standardization of consumer protection and dispute resolution ways for social security participants BPJS employment for Indonesian workers abroad
3	Zahry Vandawati Chumaida, Fiska Silvia Raden Roro, Trisadini Prasastinah Usanti	Prudential Principle in Professional Indemnity Insurance of Nurses
4	Cahya Agmelya Sayu, Sapta Aprillianto	A Criminological Review of Dextromethorphan Abuse By Adolescents
5	Vena Safira Adelita, Astutik	Medical services through online media in health law perspective
6	Carolina Kuntardjo, Agus Yudha Hernoko, Astutik, Ghansham Anand	Transparency principle to realize justice in health service
7	Prilian Cahyani, Didik Endro Purwoleksono	Coronavirus disease (covid-19) vaccination policy as a right or obligation: health law perspective

ROOM 4 ID: MEDICAL_R4		
HOUR:		15.15-17.00
LINK ZOOM:		Meeting ID: 935 8488 3367 Passcode: FHBEST
MODERATOR		Rizky Amalia M.H.
NO	PRESENTER	TITLE
1	Rizky Amalia, Sandra Firdausi Aprillia	Health Service Disparities: Repressive Problems and Solutions
2	Maradona, Hilda Yunita Sabrie, Martha Kurnia Kusumawardani, Ananda Amalia Tasya, Nabilla Fitra Larasati, Diana Wulan Ningrum	AEFI: Government or Health Worker Liability?
3	Andhitama Puniasila M.D	Comparative Analysis of Cadaveric Donation Laws for Anatomical Examination in Indonesia and Other Countries
4	Teuku Ahmad Dadok, Husni Jalil, Muhammad Ya'kub Aiyub Kadir, Mahdi Syahbandir	Centralisation and Legislation Dualism in Responding Covid-19 in Indonesia
5	Fachrizal Dwiyantra, Gianto Al Imron	Consumer Protection for PCC Drug Trafficking
6	Hanum Rahmaniar Helmi	Legal protection of covid-19 patients in Indonesia
7	Irsyad Dhahri Samad, Risma Niswaty	The Indonesian Restorative Justice Application during Covid-19 Pandemic

Determination of Fishing Rights Allocation as a Strategy for Sustainable Fisheries Management Realization in Indonesia

Enny Narwati

Faculty of Law, Airlangga University

Masitha Tismananda Kumala

Doctoral Program Faculty of Law, Airlangga University

Abstract

Purpose – The fisheries sector in Indonesia is an important sector. Sustainability of fisheries is still be a problem in the fisheries sector in Indonesia. Determination of the Total Allowable Catches (TAC's) in the Fisheries Management Area of Indonesia is one of the methods chosen by Indonesia to maintain fish stocks in the sea. On the other hand, the implementation of the TAC's system triggers injustice in fishing activities. This paper aims to find fisheries management policies that can realize sustainable fisheries management and justice in the fisheries sector.

Design / methodology / approach – This paper examines the implementation of TACs effectiveness that has been determined by the Indonesia and finds out what fisheries management policies can be determined by Indonesia as an effort to protect fishery resources. The research method used is empirical research. The study is carried out by identifying both problems and facts. All the problem and fact will be reviewed based on literature and legal rules so that all problems can be answered.

Findings – This paper finds that since it was first determined in 1985, the TACS system has been ineffective in its efforts to maintain the sustainability of fishery resources in Indonesia. TACS will also cause injustice in the Indonesian fishery sector if it is not accompanied by the determination of the allocation of capture rights. Indonesia can determine the allocation of fishing rights in the form of Individual Non Transferable Quotas (INTQs) as an effort to maintain the sustainability of fishery resources in Indonesia and prevent inequality in fishing and fish trade in Indonesia..

Research limitation / implication – This paper is limited to the management of capture fisheries resources in Indonesia and does not cover aquaculture resources. Further research is needed on all sub-sectors in the fisheries sector to realize sustainable fisheries management.

Originality / value – This paper criticizes something that is rarely written by other writers, namely the implementation of TACs. The implementation of TACs is considered as the right instrument to maintain the sustainability of fishery resources, but this paper finds something otherwise. This paper also produces fisheries management strategies that can be applied in Indonesia, which can achieve sustainable fisheries management and equity in the fisheries sector.

Keywords – Total allowable catches, catches quotas, catches right allocation, sustainable fisheries management.

Paper type – Research paper

Introduction

Indonesia is an archipelagic state with high potential for fishery resources. The estimated potential of fishery resources in 2017 is more than 12 million tons. The number of potential fishery resources in Indonesia has continued to increase from 1997 to 2017 (Maritime and Fisheries Affairs Ministry, 2018). Based on the Ministerial Decree of Maritime and Fisheries Affairs of the Republic Indonesia Number 50/Kepmen-KP/2017 concerning Potential Estimation, Total Allowable Catches and Utilization Rates of Fishery Resources in the Fisheries Management Area of Indonesia (MMFA Decree No. 50 of 2017), several species groups status are over-exploited in all WPPNRI. This condition is caused by several things,

including the high number of Illegal, Unreported and Unregulated Fishing (IUU fishing) crimes in Indonesian waters, the disproportionate number of fishing vessels in each Fisheries Management Area of Indonesia (FMAI), and weak supervision over fishing activities.

There were 556 fishing vessels that had been sunk due to the crime of IUU Fishing between October 2014 and 2019 (Idris, 2020). IUU Fishing is a serious problem in Indonesia because it has a big impact. Based on a study on the latest state losses due to IUU Fishing conducted by the Directorate General of Marine and Fishery Resources Supervision, it is estimated that every year Indonesia suffers a loss of more than 10 Trillion Rupiah each year due to IUU Fishing (Baskoro, 2014). Another impact of IUU Fishing is the reduced potential of fishery resources in Indonesian waters which in turn will have an impact on the export value of Indonesia's main fishery commodities. IUU Fishing not only has some impacts on the potential of fishery resources but also threat of environmental damage to Indonesian waters.

The disproportionate number of fishermen in each FMAI is also the cause of the over-exploited status of several species groups in all FMAI. Based on data from the Ministry of Maritime and Fisheries Affairs, FMAI located in eastern Indonesia has a higher estimate of fishery resources potential than FMAI in western Indonesia. On the other hand, the number of fishermen operating in the western of FMAI is higher than the number of fishermen in the eastern of FMAI. The disproportionate number of fishermen in each FMAI makes over-exploited status above several species groups in all FMAI (Hanafi, 2021).

The last caused of over-exploited status is the weak supervision of fishing activities. The supervision referred to here is related to data on the number of catches from each fishing vessel. The other caused of over-exploited status is transshipment of fish caught. The modus operandi is for fishing vessels to catch fish in Indonesian waters where the catch is transferred to a fish-carrying vessels for further transportation outside Indonesia. The problem of sustainability of fishery resources is a serious problem in the Indonesian fisheries sector. The Indonesian government has made efforts to maintain the sustainability of its fishery resources by determining the Total Allowable Catches (TACs). The authority to determine the TACs is regulated in Law Number 31 of 2004 concerning Fisheries (Law No. 31 of 2004) and Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 (Law No. 45 of 2009).

TACs is carried out to control the number of catches made by fishermen so that the sustainability of fishery resources is maintained. TACs is different from the allocation of fishing rights. The allocation of fishing rights is the number of catches of certain fish species that can be carried out by each fisherman or fishing vessel within a certain period of time and in a certain area. TACs is the total number of fish caught that can be carried out by all fishermen or fishing vessels without any allocation of fishing rights. Until several times the TACs was determined, the data showed that there were still several fish species with over-exploited status in all FMAI. This showed that Indonesia needs additional legal mechanisms to support TACs.

The absence of the allocation of fishing rights can increase the potential for inequity in fishing activities and businesses. The characteristic of TACs is who has the ability to catch large numbers of fish, then he is the one who will fulfill TACs. The ability to catch fish in large quantities is certainly owned by large vessels above 100 Gross Tons (GT). On the other hand, based on Article 98 of the Regulation of the Minister of Maritime and Fisheries Affairs of the Republic of Indonesia Number Per.58 / PERMEN-KP / 2020 concerning Capture Fisheries Business (Regulation of MMFA No. 58 of 2020), fishing vessels measuring up to 10 GT are granted permit to catch fish in waters up to 12 nm. Fishing vessels measuring >10 GT to 30 GT are given fishing grounds in waters above 4 nm to 12 nm. Fishing vessels measuring >30 GT to 100 GT are given fishing grounds in Archipelagic Waters, the Indonesian Exclusive Economic Zone (ZEEI), or the High Seas. Fishing vessels measuring >100 GT are given a fishing area in the ZEEI or the High Seas. Ships with sizes above 300 GT are given a fishing ground in the ZEEI at 150 nm and above or the High Seas. By looking at the above provisions, fishing vessels measuring 30 GT to 100 GT will be in the same sea zone as fishing vessels measuring > 100 GT. Such conditions can lead to inequity because the fishing capabilities between the vessels are not comparable. It can be said that fishing vessels of different sizes compete in the same sea zone to catch fish. Looking at the fleet of vessels used, of course the benefits that can be obtained between fishermen using small fishing vessels and companies that have vessels >100 GT are not comparable. It is necessary to create a system that not only guarantees the sustainability of fishery resources in Indonesian waters but also prevents inequity in fishing activities and fisheries business in Indonesia.

From the background described above, there are two legal issues that will be studied. First, how is the impact and effectiveness of determining TACs in ensuring the sustainability of fishery resources in Indonesia. Second, what fisheries management policies can be set by Indonesia as an effort to protect fishery resources and prevent inequity in the fisheries sector. Many experts had researched the protection of fishery resources in Indonesia. Existing research, many of which examine the technical protection of fish resources through supervision of fishery activities (Fikri, 2013). Another study examines the protection of endangered fishery resources through conservation, while in this paper the author examines the protection of traded fishery resources (Pramoda and Koeshendrayana, 2012). The author also examines the TACs system that has been implemented by Indonesia and its strengths and weaknesses to find a better legal mechanism than TACs that not only maintains the sustainability of fish resources but also prevents inequity in fishing activities in Indonesia.

This research is an empirical legal research that makes law an object of research and views law not only as a prescriptive and applied scientific discipline but also empirical or legal reality (Sonata, 2014). Using empirical research methods, a study will be conducted on the legal reality of the impact and effectiveness of fisheries management policies in Indonesia, especially regarding the determination of TACs by the Minister of Marine and Fisheries Affairs. The research was conducted by making the legal rules regarding the management of fishery resources as objects and looking at the fact whether the rules in question apply effectively in accordance with the purpose of the regulations.

Total Allowable Catches (TACs)

The main duty of fisheries management is to ensure that fishing does not exceed the population's ability to survive and does not threaten or damage the sustainability and productivity of the fish population being managed (Supriadi and Alimuddin, 2011). Fisheries that are not managed properly will lead to over-fishing which can lead to the extinction of a fishery resources. This is due to the assumption that fishery resources are shared property which then leads to open access to these resources (Monintja, 2005). TACs is expected to be a fishery management system that can prevent over-fishing and if there are already over-exploited species, TACs is expected to improve this condition.

TACs is the total amount of fishery resources that can be caught in FMAI while still paying attention to their sustainability so that accurate data and information are needed about the availability of fish resources that can be accounted for, both scientifically and factually for each fishing ground. The implementation of TACs must take into account international obligations in the field of fisheries as regulated in the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982). In other words, TACs is the total amount of catch that is allowed for a certain species, in a certain area, and in a certain period of time. Within a certain period of time the TACs will be reviewed and then a new TACs will be determined. TACs is used as a mechanism to control fishing activities and the amount of fish caught so that the sustainability of fishery resources can be maintained.

In 1985, the Minister of Agriculture determined TACs in Indonesia's EEZ through the Minister of Agriculture Decree Number 473a/Kpts/IK.250/6/1985 concerning Determination of TACs in the Indonesian Exclusive Economic Zone (the Minister of Agriculture Decree No. 473a of 1985). In 1999, the Minister of Agriculture determined TACs through the the Minister of Agriculture Decree Number 995/Kpts/IK210/9/99 concerning Fishery Resources Potential Estimation and TACs in Indonesian Waters (the Minister of Agriculture Decree No. 995/1999).

In 2011, the Minister of Maritime and Fisheries Affairs determined the estimation of fishery resources potential in each FMAI and utilization rates by issuing the the Minister of Marine and Fisheries Affairs Decree Number KEP.45/MEN/2011 (MMFA Decree No. KEP.45/MEN/2011) concerning Potential Estimation, TACs, and Utilization Rates in FMAI. MMFA Decree No. KEP.45/MEN/2011 did not determined TACs although the Minister was given the authority to determine TACs based on Article 7 paragraph 1 of Law no. 45 of 2009.

In 2016, the Minister of Marine and Fisheries Affairs determined TACs for certain fish species throughout FMAI by issuing the Minister of Marine and Fisheries Affairs of the Decree Number 47 / Kepmen-KP / 2016 concerning Potential Estimation, TACs, and Utilization Rates in FMAI (MMFA Decree No. 47 of 2016). In MMFA Decree No. 47 of 2016, the minister has determined TACs in each FMAI and also stipulates the utilization rate for each fish species in each FMAI. The utilization rate shows the status of each fish species in each FMAI moderate, fully-exploited, or over-exploited.

In 2017, the Minister of Marine and Fisheries Affairs issued the the Minister of Marine and Fisheries Affairs Decree Number 50/Kepmen-KP/2017 concerning Potential Estimation,

TACs, and Utilization Rates in FMAI (MMFA Decree No. 50 of 2017). There are several differences in utilization rates between 2016 and 2017 as shown in Table 1.

Species group	Utilization Rates in 2016	Utilization Rates in 2017
small pelagic fish	Over-exploited in 3 FMAI	Over-exploited in 3 FMAI
large pelagic fish	Over-exploited in 3 FMAI	Over-exploited in 3 FMAI
Demersal Fish	Over-exploited in 3 FMAI	Over-exploited in 0 FMAI
Reef fish	Over-exploited in 2 FMAI	Over-exploited in 6 FMAI
Penaeid Shrimp	Over-exploited in 8 FMAI	Over-exploited in 4 FMAI
Lobster	Over-exploited in 9 FMAI	Over-exploited in 6 FMAI
Crab	Over-exploited in 7 FMAI	Over-exploited in 4 FMAI
Small Crab	Over-exploited in 7 FMAI	Over-exploited in 2 FMAI
Squid	Over-exploited in 6 FMAI	Over-exploited in 9 FMAI

Tabel 1.

The Effectiveness of Total Allowable Catches (TACs) Determination and Application

Article 61 of UNCLOS 1982 requires coastal states to determine TACs in the Exclusive Economic Zone to ensure the sustainability of fishery resources. The determination of TACs has become the instrument chosen by many states in order to maintain the sustainability of their fishery resources, such as state members of the European Union (EU). The EU manages their fishery resources through the Common Fisheries Policy (CFP) which includes the determination of TACs. EU member states will divide the TACs that has been determined into several national catch quotas. From the national catch quotas will be distributed to each fisherman by each EU member state.

In May 2006, a temporary rule between the United States and Canada regarding TACs came into effect (Register, 2006). Another state that also implements TACs is Japan. In 1995, the Japanese government allocated 1,200 million yen for the assessment of fishery resources as a basis for implementing TACs (FAO, 2000). China is a highly dependent on marine resources state. Marine resources are a major source of China's food production, jobs, and economic activity. More than 50% of China's fishery resources are reported to be over-exploited. In March 2016, the Chinese Government made The National 13th Five Years Plan

for 2016-2020 which is a policy of the Chinese Government in its socio-economic development efforts. China's 13th Five Years Plan cut TACs in Chinese waters to less than 10 million tons in 2020, whereas in 2015 it was 13 million tons (Sarah, 2017). China's 13th Five Years Plan is the first Five Years Plan since 1978 that puts issues of social justice and environmental protection as top priorities (Cao *et al.*, 2017)

The application of TACs has become a national fishery management system that has been chosen by many fishery producing states such as Indonesia, China, United States, EU member states, Australia (AFMA), Philippines (FAO, 2000), and several other states. The TACs has been determined by Indonesia in 1985, 1999, 2016, and 2017. In Indonesia, the implementation of the TACs system has resulted in an increase in the total amount of fishery resources potential, but on the other hand, in 2017, data showed that there were some groups of species that over-exploited in each FMAI. In line with what happened in Indonesia, the ineffectiveness of implementing the TACs system was also realized by OCEANA. OCEANA considers that the TACs is ineffective and does not provide the expected results because the lack of supervision over the implementation. Another reason is TACs that has been determined by these states overrides the scientific advice given so that the implementation of TACs becomes ineffective. (OCEANA).

Another impact of the TACs implementation is causing inequity in the fisheries sector. This is because Indonesia has set TACs without being followed by the determination of the fishing rights allocation. Fishing vessels measuring 30 GT to 100 GT will be in the same zone as vessels over 100 GT. Fishing vessels measuring 30 GT, can get up to 4 tons of fish in one trip. Fishing vessels measuring >70 GT annually can produce a catch of 1000 to 2000 tons. It can be estimated how far the difference in fishing ability between fishing vessels measuring >30 GT to 100 GT and large vessels measuring over 100 GT.

Determination of the Fishing Rights Allocation in Indonesia

The allocation of fishing rights in the form of a fishing quota was first introduced by the Netherlands in 1976. In 1986 New Zealand had a catch quota regulation (Newell *et al.*, 2002). Individual fishing quota is one form of allocation of fishing rights. State that have regulations regarding individual fishing quotas are Australia, Canada, Iceland, Italy, Netherlands, and South Africa. Indonesia itself as of this writing does not have regulations yet regarding individual catch quotas. Fishing quotas are an increasing popular mechanism used for fisheries management (Olivier *et al.*, 2015). Fishing quotas are often discussed as an effective policy instrument to increase the profitability of the fishing industry, reduce industrial overcapacity, and promote sustainable fisheries management (Stage and Christiernsson, 2016).

Worldwide, regulation of fishing quotas has proven to be a successful fisheries management tool (Milliken, 1994). The world's most popular individual fishing quota system is Individual Transferable Quotas (ITQs). ITQs are the allocation of fishing rights. ITQs divide the assigned TACs each year into smaller individual quotas. ITQs can generally be traded or in some cases leased. Ideally, ITQs are determined annually (Buck, 1995). ITQs are

designed to provide exclusive and transferable rights to a portion of the TACs. Typically, ITQs are in the form of a percentage of TACs. TACs can eliminate fishing competition among fishing actors (Sumaila, 2010). In some states, fishing quotas are defined differently from ITQs. The EU uses the term Transferable Fishing Concession (TFC). The African Union uses the term Wealth Based Fishing. United States uses the term Catch Share (WFFP, 2014).

In 2017 there was a discourse that the Government of Indonesia would determine the Fisheries Management Rights (FMR) over fishery resources in Indonesian waters. FMR is a limited privilege granted by the state to communities and/or community groups to manage, including utilizing fish resources for a long period of time. FMR has two types which are based on different things. First, FMR is based on territorial use rights in fishing. Territorial-based FMR is usually applied to fish species with limited movement (sedentary and demersal fish). Second, based on the quota (catch shares). FMR based on quotas is in the form of fishing right allocation (Bonzon *et al.*, 2013).

In 1986 New Zealand introduced ITQs. ITQs set by New Zealand can be transferred among New Zealand communities or companies. New Zealand defines ITQs as the fishing right in a certain amount and in a certain area each year. ITQs are given to fishing actors based on their catch history. ITQ is expressed in tons of fishing quotas and not as a percentage of the total TACs. ITQs are traded one for one. The quota can be sold in smaller quantities, and any amount may be leased and subleased (Kerr *et al.*, 2003).

In practice, when ITQs are determined, ITQs will be purchased by companies that have sophisticated fishing gear. In the end, the number of fishing boats decreased and unemployment increased. This is because the fishing quotas owned by small fishermen are sold to large companies (Acheson, 2015). The company prefers to bought fishing quotas from other fishermen rather than buying fish from them. Fishing quota that Indonesia should determined is different from ITQs concept. As the name implies, ITQs are transferable, either by trading or leasing. The fishing quota that Indonesia should determined is Individual Non Transferable Quotas (INTQs). INTQs are in principle the same as ITQs which provide a quota for each fisherman for a certain fish species and for a certain period of time. The difference between the two is that INTQs are non-transferable, either through buying or selling or leasing.

INTQs can be determined by dividing the TACs value by the total number of fishermen. Another way that can be done is to determine ITQs by dividing the TACs by the total number of fishing vessels. The second method has risks such as when the vessels are sold to another party, whether the fishing quota attached to the vessels also moves to the new owner. There will no problem arise when the new owner is also an Indonesian citizen, but it will be different things when the new owner is a foreign citizen or foreign company.

If the fishing quota applied, there will be a possibility that fishermen discard of their caught fish due to the contents of the fishing quotas regulation itself. In the European Union, as much as 40% of catches are discard back into the sea to meet quota requirements

(Hoppner, 2013). FAO noted several reasons that make fishermen discard their catches, including fish that are not the target species for catch, fish of inappropriate size, fish in damaged condition, fish of the wrong sex, poisonous or inedible fish, lack of space on board so that fish with high economic value will be prioritized (Clucas, 1997). FAO estimates that in the period from 1999 to 2001 from the total catches of 83,805,355 tonnes, 6,824,186 tonnes were discarded (Kelleher, 2005).

INTQs are “Non Transferable” so that fishing quotas cannot be transferred either by buying or selling or leasing. By not being able to transfer fishing rights, all rights holders will carry out fishing activities. The implementation of ITQs which has the effect of reducing the number of fishing vessels and increasing unemployment due to the transfer of fishing rights from small fishermen to fish management companies will not occur in the implementation of INTQs. INTQs will create working partnerships between small fishermen and fish product companies. Partnership development and empowerment of fishing communities is one of the strategic policies that can be taken to ensure business continuity in the fisheries sector (Asiati and Nawawi, 2016).

Determining INTQs will make fishing activities more controlled, the sustainability of fish resources is maintained, reduce the potential for inequity between corporations and fishermen and increase welfare of small scale fishermen. The existence of INTQs will create equity in fishing activities. Corporations are no longer competing with each other to exploit fishery resources because each corporation will get a fishing quota. Determining of INTQs will create legal certainty and proportionality in the fisheries business.

The determination of INTQs for each fisherman or fishing vessels is adjusted to the capacity and ability to catch fish of each fisherman or vessel. The distribution of the amount of INTQs for each fisherman or vessel is carried out based on the proportionality principle by providing equal opportunities. The provision of equal opportunities is the embodiment of the equality principle. Fishery management through the establishment of INTQs is an effort to realize sustainable fisheries management and good governance in the fisheries sector. Such fisheries management is not only based on the equitable principle, equality principle, proportionality principle, and the legal certainty principle. The desired results from the implementation of TACs and INTQs that have been determined will not be fulfilled if fishermen continue to catch fish even though they have fulfilled TACs and INTQs (Poos *et al.*, 2009).

Conclusion

The conclusion of this paper is that the application of TACs is not effective enough to overcome the problem of over-fishing that occurs in several FMAI. Determination of INTQs is required as an effort to ensure the sustainability of fishery resources in Indonesian waters. Another advantage of determining INTQs is that it can prevent inequity in fishing activities and can create working partnerships between fish processing corporations and small scale fishermen. The Indonesian government makes regulations for determining INTQs which are supported by discard ban regulation. Regulatory changes that have been made require to be

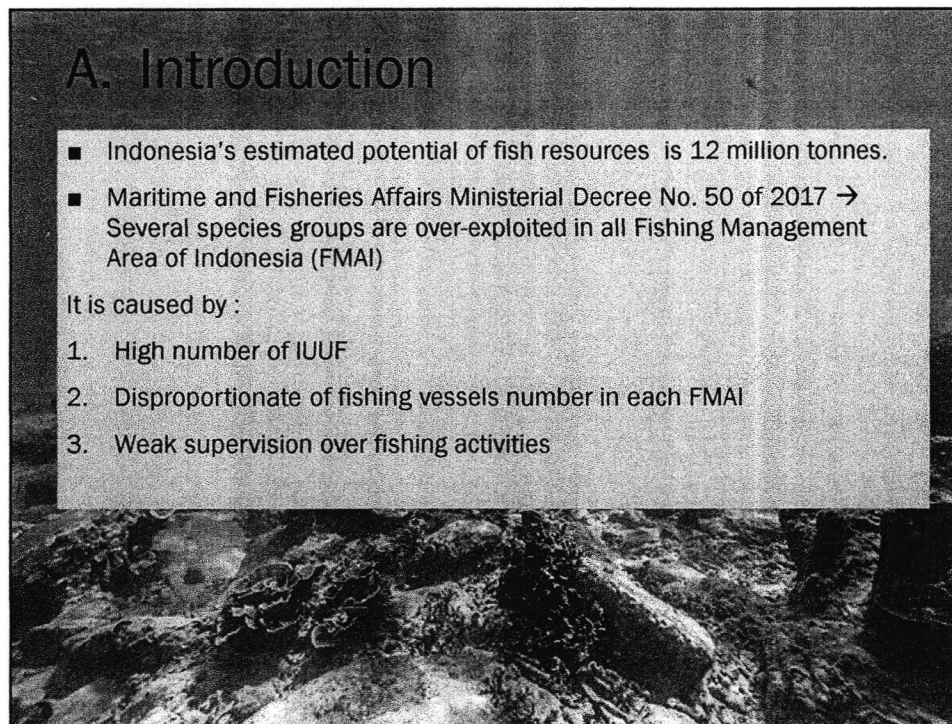
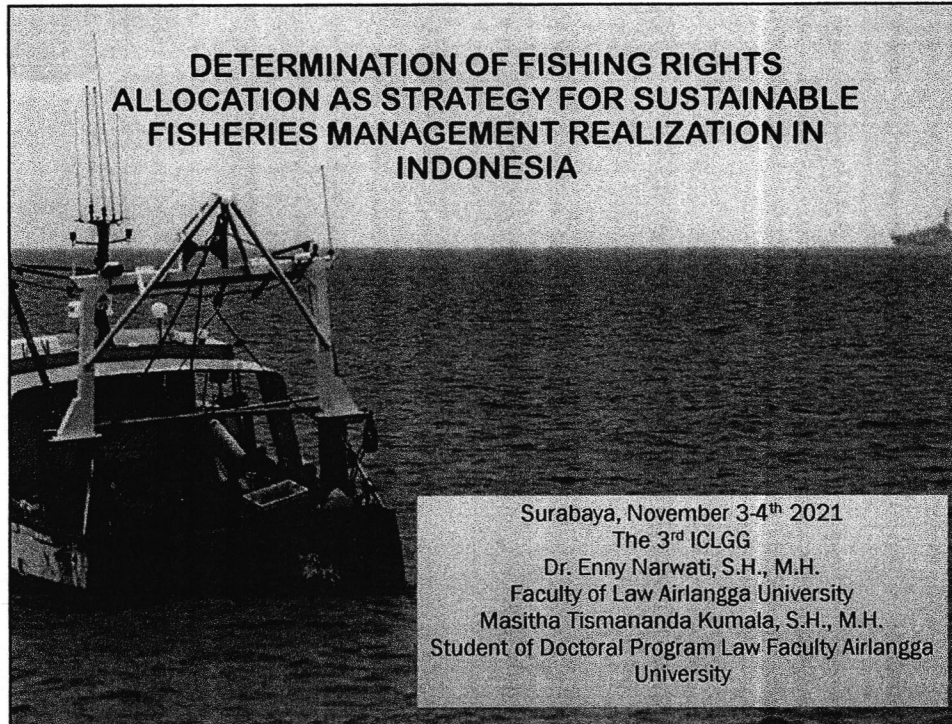
accompanied by good and serious supervision. Supervision of the implementation of the INTQs system so that the objectives of determining INTQs can actually be achieved

References

- Acheson, James *et al.* (2015), "Individual Transferable Quota and Conservation : a Critical Assessment". *Ecology and Society*, Vol. 20. No. 4. pp 1-9.
- Arieza, Ulfa. (2017), "Tiap Tahun, 8% Dari Ikan Tangkap Dibuang ke Laut", *Okezone*, April 26th, Available at : <https://economy.okezone.com/read/2017/04/26/320/1676860/tiap-tahun-8-dari-ikan-tangkap-dibuang-ke-laut>
- Asiati, Devi and Nawawi. (2016) "Partnership in Fishery Sector : Strategies for Business and Employment Sustainability" *Jurnal Kependudukan Indonesia*, Vol 11 No. 2, pp. 103-118
- AFMA. "Total Allowable Catch Limits". Available at : <https://www.afma.gov.au/fisheries-services/catch-limits>
- Badan Pusat Statistik. (2020), "Jumlah Perusahaan Penangkapan Ikan Menurut Status Permodalan, 2000-2016". Available at : <https://www.bps.go.id/statictable/2009/10/05/1701/jumlah-perusahaan-penangkapan-ikan-menurut-status-permodalan-2000-2016.html>.
- Baskoro, Faisal Maliki. (2014). "Kerugian Akibat Illegal Fishing Capai Rp. 100 Triliun per Tahun", *Berita Satu*, April 17th, available at : <https://www.beritasatu.com/ekonomi/178619/ri-rugi-rp-100-t-per-tahun-akibat-pemancingan-ilegal>
- Bonzon, Kate *et.al.* (2010), "Catch Share Design Manual : Guide for Managers and Fishermen (2nd ed.)".
- Buck, Eugene H. (1995) September 25th, 1995. "Individual Transferable Quotas in Fishery Management". Available at : <http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/4515/fishery.pdf>
- Chasis, Sarah. (2017). "China's New Direction in Domestic Fisheries Management". May 15th Available at : <https://www.nrdc.org/experts/sarah-chasis/chinas-new-direction-domestic-fisheries-management>
- Clucas, Ivor. (1997), "A Study of the Options for Utilization Bycatch and Discard from Marine Capture Fisheries". *FAO Fisheries Circular*, No. 928 FIIU/C928, October.
- Cao, Ling, *et al.* (2017), "Opportunity for Marine fisheries Reform in China ", Proceedings of the National Academy of Sciences of the United States of America, Vol. 114 No. 3, January.
- FAO. (2014). "Fishery and Aquaculture Country Profiles The Republic of Indonesia", July, Available at : <http://www.fao.org/fishery/facp/IDN/en>
- _____. (2000). "Information on Fisheries Management in Japan", May Available at : <http://www.fao.org/fi/fcp/en/JPN/body.htm>
- _____. (2000). "Information on Fisheries Management in the Republic of the Philippines", May Available at : <http://www.fao.org/fi/fcp/en/PHL/body.htm>
- Fikri. (2013) "Pelaksanaan Perlindungan Terhadap Sumberdaya Perikanan Dalam Laut Teritorial dan Zona Ekonomi Eksklusif Indonesia di Provinsi Aceh". *Kanun Jurnal Ilmu Hukum*. No. 61. Desember, pp.415-435.
- Halim, Abdul *et al.* (2017), "Konsep Hak Pengelolaan Perikanan Sebagai Alat Pengelolaan Perikanan Berkelanjutan di Indonesia". *Jurnal Kebijakan Perikanan Indonesia*. Vol. 9 No. 1. Mei.

- Hanafi, Muhammad Zaini. (2021), "Penempatan Alat Penangkapan Ikan dan Alat Bantu Penangkapan Ikan di WPPNRI dan Laut Lepas Serta Penataan Andon Penangkap Ikan", Bincang Bahari, Kementerian Kelautan dan Perikanan, Juli 26th.
- Hoppner, Steffie. (2013), "Peraturan Kuota Penangkapan Ikan", *Deutsche Welle*, February 7th, Available at: <https://www.dw.com/id/peraturan-kuota-penangkapan-ikan/a-16583192>.
- Idris, Muhammad, (2020), "Selama jadi Menteri, Berapa Kapal China Ditenggelamkan Susi?", *KOMPAS*, January 6th, available at : <https://money.kompas.com/read/2020/01/06/160600226/selama-jadi-menteri-berapa-kapal-china-ditenggelamkan-susi?page=all>
- Jewarut, Sprianus, and Vicky Anggriawan. (2016), "*Jumlah Nelayan di Indonesia Terus Merosot*". *Jitu News*, May 2nd, Available at : <http://www.jitunews.com/read/37635/jumlah-nelayan-di-indonesia-terus-merosot>
- J.J. Poos, *et al.* (2009) "Individual Quotas, Fishing Effort Allocation, and Over-Quota Discarding in Mix Fisheries". *ICES Journal of Marine Science*. Vol. 67, October.
- Kelleher, Kieran. (2005), "Discards in the World's Marine Fisheries (An Update)". *FAO Fisheries Technical Paper*. No. 470.
- Kerr, Suzan, *et al.* (2003) "Evaluating the New Zealand Individual Transferable Quota Market For Fisheries Management", working paper, Motu Economic and Public Policy Research Trust, March.
- KKP News. (2016). "Pemberantasan Illegal Fshing Indonesia Diakui Dunia". March 11th Available at : <http://news.kkp.go.id/index.php/pemberantasan-illegal-fishing-indonesia-diakui-dunia/>
- Kementerian Kelautan dan Perikanan. (2018). "*Produktivitas Perikanan Indonesia*". *Forum Merdeka Barat 9 Kementerian Komunikasi dan Informatika*, January 19th
- Marzuki, Peter Mahmud. (2005). *Penelitian Hukum*, Kencana Prenada Media Grup, Jakarta
- _____. (2005). *Penelitian Hukum (Revision)*, Kencana Prenada Media Grup, Jakarta
- Milliken, William J. (1994), "Individual Transferable Fishing Quotas and Antitrust Law". *Ocean and Coastal Law Journal*. Vo. I. No. 1, pp. 35-57
- Monintja, Daniel R. (2005), "Some Comments on International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing". *Jurnal Hukum Internasional*. Vol. 2. No. 3.
- Newell, Richard G *et al.* (2002). "Fishing Quota Markets". *Resources for the Future*. Discussion Paper, August.
- Oceana. "Total Allowable Catches". Available at : <https://eu.oceana.org/en/total-allowable-catches-tacs>.
- Olivier, Thebaud *et al.* (2015), "Modeling catch-quota management in a multi-species fishery". *ICES Annual Science Conference*.
- Praditya, Ilyas Istianur. (2018). "Stok Ikan Melimpah, Sudahkah Nelayan dan Industri Menikmatinya ?". *Liputan 6*, January 13th, Available at : <https://www.liputan6.com/bisnis/read/3224886/stok-ikan-melimpah-sudahkah-nelayan-dan-industri-menikmatinya>.
- Pramoda, Radityo and Sonny Koeshendrajana, (2012), "Kebijakan Pengelolaan Konservasi Kelautan dan Perikanan", *Jurnal Borneo Administrator*, Vol. 8, No. 2, pp. 206-229.
- Pregiwati, Lilly Aprilya. (2018). "Tingkatkan Penerimaan Pajak Sektor Perikanan Melalui Kepatuhan Pelaku Usaha", September 24th, Available at : <https://kkp.go.id/artikel/6323-tingkatkan-penerimaan-pajak-sektor-perikanan-melalui-kepatuhan-pelaku-usaha>
- Register, Federal, (2006), "Rule by the National Oceanic and Atmospheric Administration", A pril 28th, Available at:

- <https://www.federalregister.gov/documents/2006/04/28/06-4059/fisheries-of-the-northeastern-united-states-northeast-multispecies-fishery-total-allowable-catches>
- Sari, Sri Mas. (2017). "Dominasi Kapal Kecil Harus Diantisipasi". November 19th, Available at : <http://industri.bisnis.com/read/20171119/99/710516/dominasi-kapal-kecil-harus-diantisipasi>.
- Setyawan, Koen. (2018). "Kema Melaut Sampai Jauh". *Yayasan Konservasi Alam Nusantara*, January, Available at : <https://www.nature.or.id/blog/nelayan-kema-melaut-sampai-jauh.xml>.
- Sonata, Depri Liber, (2014), "Metode Penelitian Hukum Normatif dan Empiris : Karakteristik Khas Dari Metode Meneliti Hukum", *Fiat Justisia Jurnal Ilmu Hukum*, Vol. 8, No. 01, 2014.
- Stage, Jesper and Anna Christiernsson, (2016), "*The Economic of the Swedish Individual Transferable Quota System : Experience and Policy Implications*", *Marine Policy*. Vol. 66. April.
- Sumaila, Rashid. (2010), "A Cautionary Note on Individual Transferable Quotas". *Ecology and Society*. Vol. 15 No. 3.
- Supriadi and Alimuddin. (2011). *Hukum Perikanan di Indonesia*, Sinar Grafika, Jakarta
- The Sorry Story of Goerges Bank. Available at : <https://www.amnh.org/explore/science-bulletins/bio/documentaries/will-the-fish-return/the-sorry-story-of-georges-bank>.
- World Forum of Fisher People (WFFP) , (2013), "*A Call for Government to Stop Supporting the Global Partnership for Oceans (GPO) and Right Based Fishing (RBF) Reform*", 20 Maret, Available at : http://worldfishers.org/wp-content/uploads/2015/11/WFFP-WFF-Call-on-Governments_GPO_200313.pdf.



■ Indonesia's efforts to maintain the sustainability of fish resources :

1. Combat IUU Fishing
2. Determine the Total Allowable Catches (TAC's)
Art. 7 par. 1 (b) and (c) Act No. 45 of 2009 →
Minister determine the potential and allocation of fish resources in the FMAI

TAC's : Total number of fish caught that can be carried out by all fishermen or fishing vessels in certain period without any allocation of fishing rights between them.

TAC's → who catch the large quantities of fish will met the TAC's



MMF Regulation No. 58 of 2020 : fishing vessels 30 GT – 100 GT will be in the same fishing zone with fishing vessels > 100 GT



Inequity in fishing business



It is necessary to create a system that not only maintain the sustainability of fish resources but also prevent / decrease the inequity in fishing business

Legal Issues

Impact and effectiveness of TAC's determination in ensuring the sustainability of fishery resources in Indonesia

What fisheries management policies can be determined by Indonesia to ensuring the sustainability of fishery resources and prevent inequity

B. Discussion

B. 1 The Effectiveness of TACs Determination and Application

- TACs = the number of fish resources that can be caught in FMAI while taking into account its sustainability.

TACs

- certain species
- certain fishing area
- certain fishing period

- ❑ TACs is expected to be fishery management system that can ensure the sustainability of fish resources
- ❑ State that determined TACs : EU member states, Japan, China, Canada, Australia, Philippines, NZ, etc

TAC's Determination in Indonesia

- Agriculture Ministerial Decree No. 473a of 1985 → TACs in EEZ
- Agriculture Ministerial Decree No. 995 of 1999 → TACs in FMAI
- Marine Affairs and Fisheries (MAF) Ministerial Decree No. 45 of 2011 : did not determine TACs, but estimated potential and exploitation level
- MAF Ministerial Decree No. 47 of 2016, determined : TACs, estimated potential, utilization level
- MAF Ministerial Decree No. 50 of 2017

Impact of TAC's implementation :

- a. Increase potential estimation of fish resources in 2016 to 2017
- b. The data showed that some species group is over exploited in each FMAI
- c. Inequity in fishing business because the TACs determined without allocation fishing rights for each fishing vessels

OCEANA : TACs became ineffective because determined based on unvalid data and ignore the scientific advise; and lack of supervision over the implementation

B.2 Determination of the Fishing Rights Allocation in Indonesia

- Fishing rights allocation in form of fishing quota
- First introduced by Netherland in 1976
- The World's most popular fishing quota system is Individual Transferable Quotas (ITQs)
- ITQs is an allocation of the TACs into individual quota, in the form percentage of TACs / tons of fishing catch
- ITQs can be traded or leased
- Ideally, ITQs determined annually
- ITQs can eliminate the competition between fishing vessels
- Indonesia had not yet determined the ITQs.

ITQ's Practice

In practice, when ITQ's determined, ITQ's were bought / leased by companies



The number of fishing vessels was decreased, and unemployment was increased

B.3 Individual Non Transferable Quotas (INTQs)

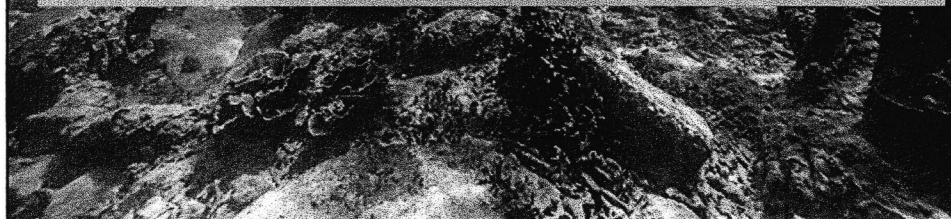
- The fishing quota model that should be determined by Indonesia
- Can not be transferred
- Can be determined with divided TACs to the total amount of fishing actor or fishing fleets.

The Importance of INTQs Determination

- Indonesia can determine INTQs.
- INTQs is individual fishing quota for each fishermen / fishing vessels for a certain fish species and for certain period of time.
- INTQs can not be transferable
- Can control the fishing activities
- Can prevent or decrease the overfishing issue
- Can prevent or solve the inequity in the fishing activities problem
- Can create the business partnership between companies and fishermen, include the small scale fishermen.

Monitoring of Indonesia's Government

- Monitor the amount of catches each fishing actor → Indonesia have the Fishing Log Book System.
- Monitor to prevent fish catch discard
- Ensure that there is no fish transshipment at the sea.
- Ensure that there is no INTQs transfer.



C. Conclusion and Recommendation

C.1 Conclusion

- The application of TACs is not effective enough to solve the overfishing problem that occur in all FMAI
- Determination of INTQs is required to maintain the sustainability of fish resources, prevent inequity in fishing activities, and create the business partnership between fishing actor

C.2 Recommendation

- Indonesia shall issue the INTQs determination regulation immediately which are supported by fish discards ban regulation.
- Indonesia's government shall monitor the implementation of TACs and INTQs seriously

