

## Brokers and Illegal Fishing in Indonesia

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**Abstract:** Talaud waters are a border area between Indonesia and the Philippines that has the problem of illegal fishing. Using a network analysis approach with intensive field research for two years from 2014 to 2016, this research aims to determine the range of networks developed by actors involved in illegal fishing, and to identify strategies and tricks developed by actors to keep illegal fishing activities going. The strength of the illegal fishing network in the Indonesia-Philippines border region can not be separated from the role of brokers or intermediaries that exist in every network. Brokers have an important role to connect actors involved in illegal fishing. One of the findings of this research is the role of brokers is also carried out by state apparatus or parties related to the state apparatus. This study found a new type of brokerage configuration; uncertain representative and uncertain gatekeeper is a new typology developed by researchers. In Uncertain representative the role of broker is played by local fisherman who seems to be a Filipino fisherman, has two state identity, while in uncertain gatekeeper the role of broker which is played by the state apparatus is ambiguous position, on the one hand seen as a party outside the state system but in reality is the extension of the policymaker's own hands.

**Keywords :** illegal fishing, social networks, brokers, border areas.

## INTRODUCTION

As an archipelagic country rich of fish, illegal fishing is rife and a challenge for Indonesia. The very limited ability of marine surveillance and the extent of the waters encountered, making illegal fishing activities known as Illegal Unreported and Unregulated Fishing (IUU Fishing) is still a big problem for Indonesia. The rise of illegal fishing on the border of Indonesia - the Philippines is not free from the wide area coverage and geographical conditions that are difficult to reach makes it difficult security by the apparatus plus the limited facilities and facilities. The phenomenon of illegal fishing in the border region continues to occur with greater intensity and variety, not only foreign flagged vessels that illegally fishing and even Indonesian-flagged vessels also often do the same.

Illegal fishing conducted by foreign fishermen in the territorial waters of Indonesia has become a problem that has never seemed as serious about the Indonesian government for decades. The official release of the Ministry of Marine Affairs and Fisheries states that the most serious illegal fishing or illegal fishing activity is from the Philippines. The main mode is to use large ships and then switch with small ships of large

numbers, tramper ships, waiting on the border or the sea [1].

Even so it seems that various forms of business undertaken by the government to overcome the problem has not yielded optimal results. The phenomenon of illegal fishing in the border area is still ongoing, even activities that conflict with the rule of law finds new institutional and social interaction systems that are increasingly difficult to prevent or overcome. Fishermen and entrepreneurs involved in illegal fishing practices are able to perform various forms of cooperation with various parties for the sake of illegal fishing.

Such tendency indicates that on the one hand, illegal fishing activities are considered unlawful and very harmful to the country's foreign exchange earnings, but on the other hand these activities have filled the needs and stretching of the economy in the border areas. Illegal fishing activities in the border area are colored by a paradoxical situation, that is to institutionalize transactions of marine commodities that violate the law and harm the country's foreign exchange, but the illegal fishing activities are needed by the community. The paradoxical situation continues as

long as the illegal fishing activities are still profitable. Regulation, control system, placement of apparatus in vulnerable locations, as well as international and regional cooperation may shake up the paradoxical situation, but those involved in these transactions then develop safety tips or survival strategies so that illegal activities fishing keep running.

Although various ways have been attempted by the government in addressing the phenomenon of illegal fishing, but suspected illegal fishing practices are still ongoing, even with the intensity of an increasingly massive. This research focuses on social networking of illegal fishing in Indonesia - Philippines border region. The study included actors, dynamics, locations, and social networks related to illegal fishing activities.

#### REVIEW OF RELATED LITERATURE

Research with themes related to the issue of illegal fishing in Indonesia is now dominantly conducted in the perspective of law science, political science and international relations both conducted by foreign researchers and Indonesian researchers. The study of illegal fishing from the perspective of social network with the border region locus has never been done systematically and comprehensively. Some of the research results of the substance and locus are relevant and can be used as supporting literature materials such as research conducted by Osterblom, Constable, & Fukumi [2] which concluded that the phenomenon of illegal fishing that occurs especially in the Pacific Ocean region is a form of crime well-organized cross-country. This research seeks to provide the conceptualization of illegal fishing as part of an organized criminal network so that it is easier to identify the political priorities pursued by a State in addressing the phenomenon of illegal fishing.

In this research, illegal fishing is categorized as a form of non-traditional security threat. Illegal fishing is obviously seen as not threatening the physical survival of a country's people, but it will affect the identity and sovereignty of a country. Illegal fishing in the Pacific Ocean is a complex network involving industrial and state officials with the use of bribes as a means of intimidation. Massive factors of illegal fishing in the Pacific Ocean one of them due to the condition of "market vacuum", the depletion of fish stocks in the northern hemisphere. This vacuum condition is used by government officials to work with large-scale fishery business to fill the shortage of fish supply, cooperation between government officials and fisheries business is happening on the black market.

Telesetsky [3] developed a study conducted by Osterblom, Constable and Fukumi [2]. The illegal phenomenon of Fishing is actually a business carried out by a network of transnational crimes that occur because of the "facilities" of weak law enforcement and the existence of loopholes of regulations governing the

exploitation of marine resources. In general, this study concludes that the phenomenon of illegal fishing in large-scale massive occur almost in all waters due to weak state in the process of supervision and law enforcement, and exacerbated by the involvement of apparatus in the international network of fish theft.

The network of illegal fishing actors is very adaptive and diverse, it can not be separated from the support and cooperation that was built together with the fishery industry entrepreneurs with the government itself. the state's involvement in illegal fishing practices in Telesetsky's research is referred to as a criminal network involving the government. Coordination built between the central government and local governments actually perpetuates criminal networks of fish theft.

As is the case with DeVantier's [4] study, his research concludes that the high demand for exotic fish and marine aquarium markets is also seen as one of the dominant factors of illegal fishing in the Sulawesi Sea region. Sea water aquarium industry is a high value international business, the Philippines is a country that supplies 80% of world sea aquarium needs with an estimated export value of USD 10 million. Whereas marine ornamental fish are listed as Philippine export products are mostly derived from the territorial waters of Indonesia, especially the waters of Sulawesi. The high demand for marine ornamental fish provides more incentives for fishermen, a variety of ways done to get ornamental fish that generally live in the waters of coral reefs. Utilization of sodium cyanide become common thing done by fisherman-fisherman in Sulawesi Sea region, this is fair happened because the price at local fisherman level of freshwater ornamental fish valued US \$ 100 per kilogram.

DeVantier's research [4] was continued by Kramer and Simanjuntak [5] which concluded that the phenomenon of illegal fishing occurring especially in the Sulawesi Sea region is due to the increasing number of human population in the northern part of Sulawesi. This study sees the rising number of human populations as a consequence of high birth rates and migration from other regions. The interesting thing is that migration motives are carried out with rich marine resources destinations so that the phenomenon of overfishing in this region often occurs.

Pet-Soede and Erdmann [6] specifically highlighted the activities of illegal fishing by using explosives in the waters southwest of Sulawesi waters. Various explosive methods presented in detail, materials, locations and types of fish that are targeted presented in this study. This study explains the rational argument of illegal fishing activities by utilizing explosives. Mathematical calculations of operational costs incurred for fishing activities with explosives are much more "economical" and profitable than legal ones. This study underscores the importance of the role of

local governments and stakeholders in minimizing illegal fishing activities with explosives, researchers look at Bunaken (North Sulawesi) and Komodo areas as successful conservation sites.

### **Purpose of the Study**

In general, this study aims to determine the tricks developed by the perpetrators of illegal fishing to continue its activities. Every actor involved in illegal fishing activities has different values, norms and knowledge with each other. Each involved actor develops a profitable network and benefits in illegal fishing activities. Specifically the purpose of this study is as follows:

- To know the social institutions that are used as channels to build, maintain and develop illegal fishing;
- Knowing and understanding the values, norms and knowledge developed by each actor who acts as a broker in the practice of illegal fishing.

### **RESEARCH QUESTIONS**

Illegal fishing in the Indonesian - Philippine border region takes place with a wide variety of motives, each involved actors having different motivational backgrounds in conducting illegal fishing activities. Variations in fishing gear, fishing grounds and distribution channels of illegal fishing result in the dynamics of illegal fishing activities in the Indonesia-Philippines border region. Local fishermen are faced with difficult conditions because they have to live with various deficiencies in the border area and on the other hand have to compete with the fish thieves from other countries with much larger fishing gear. Social construction of every actor in the meaning of the concept of illegal fishing makes the phenomenon of fish theft in the border region is always growing with various dynamics.

Based on the problems described above, the main question of this research is as follows:

- What is the variety of illegal fishing network that takes place in Indonesia-Philippines border region?
- What is the pattern of brokerage that occurs within every kind of illegal fishing network and why the actors involved are able to survive and avoid legal snares?

### **METHODOLOGY**

Powell and Smith-Doer [7] offer two approaches that can be used to understand social networks, ie analytical or abstract approaches and prescriptive approaches or case studies. The analytical or abstract approach to social networks emphasizes abstract analysis on informal patterns within the organization and construction of an organizational environment, meaning that more attention to the normative and cultural aspects of the environment such as trust, professional rights, and legitimacy sources.

Meanwhile, the prescriptive approach views social networks as logical rules or as a means of mobilizing relationships between economic actors. Thus it is seen as a glue that unites individuals together into a coherent system. This approach is more pragmatic and is linked to an interdisciplinary approach. This approach tends to look at different motives in economic life.

So far, the publication of social network analysis introduces social network analysis as an attempt to develop, measure and test social network theories and approaches, purely through quantitative means, without reference to the value of a qualitative approach [8]. One of the weakest quantitative approaches in social network analysis is the bias of the complex nature and dynamics of the network itself, plus the many concepts that are difficult to quantify and measure like culture, social exchange, reciprocity and so on. On the other hand, regardless of individual subjectivity, from a qualitative perspective, quantitative methodologies provide only simple explanations of the structure of relationships, and do not go into deeper level explanations of the content of the relationship itself.

### **FINDINGS**

The involvement of state officials with local figures in the practice of illegal fishing in border areas certainly reminds Joel S. Migdal [9] concept of local strongmen concept in weak state analysis. Migdal sees, the fading of state power in order to regulate the government and the failure of domination and control over society is one of them because of the pull of forces outside the larger state. The interaction between border fishermen and fishery entrepreneurs is felt to have greater benefits than having to interact with the state, the state is seen as never present at the border, therefore the position of local strongmen is so dominant and at this point the country is seen as a weak state because its presence has never been felt by border fishermen.

In line with the idea of Migdal, the impact of the existence of strong local people on the border is the end of the process for the effectiveness and domination of the state over society, because the role of the state has been taken over by local strong people so that the state's position becomes weak and fails to exercise control over the border community. The state will find it difficult to implement its programs and policies, as local bureaucrats as a representation of the state at the local level are inferior to the local strong people. Local strong people have their own legitimacy in the eyes of border fishermen, social control is carried out by utilizing an important component that is believed to be a border survival strategy. The logic of survival strategy at this frontier gives space to local strongmen to legitimize its position at the boundaries of border communities, by fulfilling their basic needs and at the same time extending its power. This strong local man in turn occupies a position as a patron that is considered to

be a personal good for his (border fishermen) followers who are all-too-alive in the border regions of the country. At this point, strong local people have limited the capacity of state institutions to keep governments weaker in the eyes of border communities.

This research provides little modification of ideas related to the concept of local strongmen, in the Migdal perspective the emergence of strong local people is the result of construction outside the country and causes the state position to be weak, but based on this research local strongmen is a manifestation of the dark relationship between the state and market system. The state has a stake in reproducing, containing, giving birth and raising these powerful people at this local level. Its existence which is seen by Migdal as an obstacle to the capital system and capital flows, is quite the opposite. Medium-scale and large-scale fisheries entrepreneurs, especially those in the associational and industrial networks, are capable of accumulating significant amounts of capital, creating jobs for fishermen and increasing the welfare of fishermen, although once again in the perspective of the state the activity is seen as illegal.

From the perspective of Migdal, in the case of illegal fishing at the border, the state through its apparatus becomes an integrated part of the patronage network and various abuse of authority. Local strong people collaborate with local officials and supervisors to jointly master the economics resources (marine). In practice, from communal, associational, to local industrial networks of these strongmen relate to form strong nodes, work together, form a network of mutual benefits with one another. Their presence is very strategic, located on every level from sub-district, district / city, provincial to ministry / institution level at the central level.

The conspiracy between local strongmen and state officials further strengthens the bonding ties formed from the illegal fishing network. Migdal [10] states that these powerful local people succeeded in infiltrated into important government posts, in order to secure the allocation of resources to be managed in accordance with their own group rules rather than official state rules. In some cases, the conspiracy between a fishery entrepreneur and the state apparatus often becomes unclear. There are high officials who are actually representatives of the state who also play as fisheries entrepreneurs, many cases of extension of the hands of officers who also play directly in illegal fishing practices, not merely issuing permits or regulations alone.

This research is in line with the Nooteboom [11] perspective, where the state is seen as not only threatening illegal actors, but the state is actually involved and exploiting them. the state relies heavily on the perpetrators of networks of illegal activities. If

Migdal calls local strongmen then Nooteboom calls small villains for actors who try to enter the state network to launch various forms of illegal activity. State apparatus requires the accumulation of resources while these small criminals need access to information in order to enter into various forms of larger-scale illegality. Political motives are usually used by state actors in order to network with illegal actors. For example, the high political costs that a person uses to become head of a region should make the funds of entrepreneurs or business people, and if elected then various government projects will be handed over to the entrepreneur. At this point the concept of "common illegality" introduced by McLeod, Howard & Mulholland [12] came true.

Strong knot between fishermen, entrepreneurs and the state in the practice of illegal fishing certainly involves the brokers / brokers who are able to bridge / connect different interests between them. This study offers the development of a broker typology in the study of network analysts, previously developed by Gould and Fernandez [13]. In the illegal fishing practices of industrial networks, the involvement of officials is very dominant. The role of brokers that are usually played by external parties outside the institution, was also played by the apparatus itself. Agents who used to take care of the licensing of ships, apparently owned by the apparatus it self.

The rise of illegal fishing on the border of the country certainly needs to be addressed more seriously by the state, although in this study concluded that the state in certain portions involved in illegal fishing practices. Regional economic theory and various concepts of regional security are often associated with illegal economic acts that are rife in the country's border region.

The relationship between brokers and illegal fishing in Indonesia with the political and economic aspects has been discussed in detail. The success of illegal fishing in Indonesia will increase fish production, thus increasing fish protein intake for the population. Several studies show the relationship between protein intake and protein metabolism in the body, so as to improve the nutritional status of the community [14-16, 1].

## CONCLUSIONS

The problem of illegal fishing is caused by the lack of security and supervision by related parties. This thesis is not entirely true, as seen from the statistics released by the marine ministry the number of officers who conduct surveillance and security is actually good enough. Seeing this phenomenon of course we become wondering why precisely when the security and supervision of the better precisely cases of illegal fishing increased flowering the last decade. That means there are other factors that are quite determinant in

influencing illegal fishing. The rise of illegal fishing case amid the increasing number of supervisory officers was due to the involvement of the officials themselves in the network of illegal fishing.

Involvement of the apparatus itself certainly can not be generalized to all parties who have authority related to fishery management, but if viewed institutionally then we will get picture if the highest official officer involved in illegal fishing practice hence officer under it institutionally will support and involved in the activity . Security apparatus and officials at both central and regional levels, based on this research, they actually act as agents / brokers who facilitate the smoothness of fishing business illegally. This condition is certainly very sad, contrary to the spirit of the government that seeks to combat illegal fishing and make Indonesia as the maritime axis of the world, but instead its own officials involved in illegal fishing and even role as a broker.

Brokers play an important role in facilitating trade and full interaction with gaps in the border region. The position of the broker in some cases often has a negative connotation, but for the border community the role of the broker is so important. Brokers are highly respected and upheld because roles are united with certain social status. Talaud people, especially those who work as fishermen, still adhere to local culture and are strongly tied to traditional leaders / rumbumbanua and to religious leaders (pastors / elders) who in the perspective of Migdal is called local strongmen. The relationship that exists between the local strongmen and the border fishermen in turn reinforces the patrimonialistic culture. Customary figures as well as religious figures (pastors / elders) as well as Chinese descent entrepreneurs are in the highest strata in the social relations of border fishermen. In the understanding of border fishermen, they are the parties who are able to provide "life" in the midst of the difficulty of living on the border and the minimal role of the state in providing basic rights for citizens living on the border.

The conspiracy between local strong men and officials and with state apparatus in illegal fishing practices can not be escaped by competition among themselves. However, in both competition and conspiracy among powerful local and state people, their motive remains for the collection of as much capital as possible for them and their groups, while the border community, especially the fishermen, remains in a vortex of poverty and has always been a commodity for the state and the ruler.

We are sure that illegal fishing in indonesia can be suppressed it will have positive impact on various such as political, economic, and health aspects.

### Limitations

Another difficulty felt by the author during the search for data is when to collect data in the outer islands of Talaud Islands. The considerable distance with the district capital and limited marine transportation means a lot of time and cost. Time to Miangas Island, Nanusa and Karatung can be reached approximately 20 hours by ship from the Capital of the Province and about 6 hours from the Capital District using Speedboat. Meanwhile, to get to the Philippines must ride Pumpboat/Fuso illegally.

In interviews with informants of Filipino fishermen felt by the author less intensive due to language constraints that are not mastered by the author. Related informants who allegedly and proven to be involved in illegal fishing activities displayed in a blurred identity.

### RECOMMENDATIONS FOR FURTHER STUDY

- this study recommends research related to illegal fishing in other border areas;
- this study recommends further research with other variables related to illegal fishing;
- this study recommends further research to address the problem of poverty, because poverty in the community of fishermen is the beginning of illegal fishing.

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