

Bilateral Relations Between Indonesia and Malaysia in Handling Illegal Fishing in Maritime Border Areas

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ABSTRACT

This study examines the bilateral cooperation between Indonesia and Malaysia in addressing Illegal, Unreported, and Unregulated Fishing (IUUF) in their shared maritime border areas. The research problem centers on the persistent challenges of IUUF, driven by overlapping jurisdictions, weak surveillance, regulatory disparities, and ineffective cross-border coordination, which collectively threaten maritime sovereignty and resource sustainability. The objectives of this study are to analyze the gaps in current bilateral mechanisms, evaluate implementation challenges, and propose integrated solutions to strengthen cooperation. Using a qualitative approach with descriptive policy analysis, this research employs the Dukeshire & Thurlow Model (2002) to assess actor involvement, institutional effectiveness, and socio-political contexts. Data were collected through literature reviews of policy documents, bilateral agreements, academic publications, and reports from marine research institutions. The results reveal that while both countries have established cooperation frameworks, critical gaps remain in legal harmonization, technological integration, and community participation. Key findings highlight the need for a joint maritime coordination center, harmonized legal standards, and enhanced community-based surveillance. The study concludes that a multidimensional strategy—combining policy alignment, technological innovation, and local empowerment—is essential for effective IUUF mitigation. These findings offer practical implications for policymakers to enhance *bilateral maritime governance*, ensuring both security and sustainable resource management in the region.

Keywords: illegal fishing, Indonesian waters, bilateral cooperation, Indonesia-Malaysia.

INTRODUCTION

The maritime border region between Indonesia and Malaysia is indeed rich in marine resources and vital for coastal communities' livelihoods. Several key root causes of Illegal, Unreported, and Unregulated Fishing (IUUF) in this border region have been identified, corresponding closely with official maritime boundary delimitation challenges and enforcement gaps (Leonardo & Deeb, 2022; Pratama & Nurhidayah, 2021).

Incomplete delimitation of maritime boundaries has caused overlapping jurisdictions between Indonesia and Malaysia, creating legal loopholes that IUUF perpetrators exploit (Ginting & Asri, 2022; Ismail, 2022). Only partial maritime boundaries are formally agreed upon, such as those in the Strait of Malacca and parts of the South China Sea, but significant areas, especially in the Celebes Sea (including Ambalat), remain disputed or unresolved, resulting in overlapping claims and unclear enforcement rights (Doe, 2020; Zainal, 2021).

Surveillance weaknesses prevail in these open waters due to limited technological resources and human capacities, impairing early detection and rapid response to IUUF activities (Nur & Abdullah, 2023; ASEAN Secretariat, 2021). This surveillance challenge is compounded in strategic yet disputed zones like the Malacca Strait, Sulawesi Sea, and North Natuna Sea, all rich in marine resources but difficult to monitor effectively (Hassan, 2021; Yusran, 2019).

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Disparities in legal frameworks and enforcement between Indonesia and Malaysia contribute to inconsistent handling of IUUF violations. These differences cause asymmetries in penalties, coordination, and law enforcement capabilities, which IUUF actors can take advantage of, generating both economic losses and diplomatic tensions between the nations.

IUUF's impacts are multifaceted: it causes economic losses (with Indonesia alone losing billions annually), diplomatic conflicts arising from territorial sovereignty threats, and social consequences for coastal communities dependent on fisheries (Dewi & Kusumastanto, 2020; Masyithah, 2025). The tensions often stem from differing interpretations of maritime jurisdictions and enforcement prerogatives, complicating bilateral relations (Fitri & Susilowati, 2019; Suharsono, 2020).

In the maritime boundary context, Indonesia's efforts to assert its rights based on international maritime law, mainly through the United Nations Convention on the Law of the Sea (UNCLOS), are ongoing. Legal experts like Hasjim Djalal emphasize peaceful resolution following UNCLOS principles to manage overlapping claims and tensions in crucial areas such as the Malacca Strait, Sulawesi Sea (notably the Ambalat dispute), and North Natuna Sea, where resource potential fuels competing claims (Nur & Abdullah, 2023; Zainuddin, 2019).

Bilateral cooperation channels exist, such as the General Border Committee (GBC) and joint patrols like MALINDO, but they face limitations related to different views on boundary lines, institutional capacity gaps, and divergent domestic interests (Setiawan, 2020). Effective IUUF mitigation requires enhanced maritime diplomacy, legal harmonization, joint surveillance enhancements, and community engagement to foster sustainable resource governance and security (Tarigan & Hutasoit, 2020; Djalal, 2016; Ginting & Asri, 2022; Rahman, 2021; Smith, 2019).

Hence, addressing IUUF demands strategic, systemic solutions beyond mere technical fixes, including completion of maritime boundary delimitation, harmonizing regulations, strengthening maritime patrols and technology use, and empowering coastal communities as active surveillance stakeholders. This approach contributes not only to better IUUF control but also to reinforcing Indonesia's and Malaysia's maritime sovereignty and national resilience in the border region.

METHOD

This research used a qualitative approach with descriptive analysis methods to explore and understand the dynamics of Indonesia–Malaysia bilateral relations in addressing Illegal, Unreported, and Unregulated Fishing (IUUF) in the cross-border maritime zone. This approach was chosen because it can accommodate the complexity of inter-state relations and the interactions of various actors, which cannot be fully explained quantitatively.

As the theoretical basis, this study referred to the Dukeshire & Thurlow Model (2002), which emphasizes the importance of actor involvement, institutional effectiveness, and the social and political context in public policy formulation. This model is relevant for analyzing cross-border cooperation as it highlights internal factors (institutional capacity, coordination) and external factors (actor interests, international pressure) in the policy process. Using this model, Indonesia–Malaysia cooperation on IUUF was evaluated across structural, policy, and actor dimensions.

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The primary data sources were gathered through a literature review, including policy documents, national and international regulations, bilateral cooperation reports, academic publications, marine research institution findings, and secondary data from media and official government websites. The literature was selected for its relevance to IUUF issues and bilateral cooperation in Southeast Asia, particularly between Indonesia and Malaysia.

The data were analyzed using descriptive policy analysis to identify established forms of cooperation, evaluate implementation challenges, and formulate more effective policy strategies. The analysis classified data based on time (cooperation chronology), actors (central government, maritime agencies, Indonesian Navy, Malaysian APMM), and instruments (joint patrols, maritime agreements, bilateral dialogues).

To ensure validity, source triangulation was conducted by comparing data from diverse documents and perspectives (academics, government, international organizations), aiming to avoid bias and represent a balanced analysis.

RESULTS AND DISCUSSION

Bilateral cooperation between Indonesia and Malaysia in addressing Illegal, Unreported, and Unregulated Fishing (IUUF) practices in the maritime border area presents multidimensional challenges, ranging from legal, institutional, technical-operational, to socio-political aspects. Although both countries have established various commitments through a number of memorandums of understanding (MoUs), the implementation of policies at the field level still faces obstacles and has not been optimal due to structural issues and a lack of coordination at various levels. The list of MoUs that have been agreed upon serves as a formal basis for efforts to combat IUUF, and the relevant ministries need to continue to be evaluated so that the synergy between the institutions and agencies of both countries becomes stronger.

One of the main obstacles lies in the differences in the legal systems and maritime regulations adopted by each country, namely:

1. Differences in maritime law and regulations between Indonesia and Malaysia are a major obstacle in tackling IUUF, with Indonesia using Law No. 45 of 2009 on Fisheries, while Malaysia refers to the Fisheries Act 1985 and the Exclusive Economic Zone Act 1984.
2. Disparities in the definitions of violations, jurisdictional areas, and legal procedures create loopholes that are often exploited by IUUF perpetrators, while to date there is no common legal framework that can effectively address these differences.
3. The importance of a clear bilateral legal framework that regulates IUUF violation standards so that law enforcement at the maritime borders of the two countries becomes more integrated.

At the technical level, maritime surveillance cooperation still faces coordination challenges. Although joint patrols have been conducted in disputed areas such as the Malacca Strait and the North Natuna Sea, these activities have not been carried out regularly due to logistical and budgetary constraints and the lack of a permanent coordination center. The lack of interoperability and delays in sharing intelligence information make surveillance more reactive than preventive. A relevant solution is the establishment of a joint maritime coordination center in strategic cross-border zones that can serve as an operational liaison between law enforcement agencies of both countries.

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Technological limitations and the lack of integration of vessel tracking systems further exacerbate the situation. Currently, Indonesia and Malaysia's surveillance systems operate separately, without synchronization of VMS (Vessel Monitoring System) data or radar systems. This results in vessels moving between jurisdictional areas not being continuously monitored. In this context, both countries need to develop a joint approach based on Maritime Domain Awareness (MDA), which utilizes satellite technology, drones, and cross-border maritime data centers as means of early detection of violations.

Differences in institutional capacity among maritime law enforcement agencies pose a separate issue. In Indonesia, maritime surveillance is carried out by various institutions such as the Indonesian Navy (TNI AL), the Indonesian Coast Guard (Bakamla), the Ministry of Marine Affairs and Fisheries (KKP), and the Marine Police (Polairud), whose authorities sometimes overlap. In contrast, Malaysia is more coordinated through the Malaysian Maritime Enforcement Agency (MMEA) (Nur & Abdullah, 2023; Dewi & Kusumastanto, 2020). This disparity creates coordination barriers as bilateral partners struggle to adapt to overly fragmented systems. Going forward, there is a need for increased joint training targeting operational units, as well as harmonization of procedures and operational standards domestically as a prerequisite for efficient cross-border cooperation (Ginting & Asri, 2022; ASEAN Secretariat, 2021).

Equally important is the fact that the involvement of coastal communities has not been maximized. In Indonesia, a community-based surveillance approach through Pokmaswas has been implemented, but it has not been integrated into the bilateral cooperation scheme. In fact, local communities are the first actors who can detect IUUF activities in the field (Djalal, 2016; Pratama & Nurhidayah, 2021). Integrating surveillance communities from both countries into an integrated reporting system, as well as providing incentives and logistical support, can expand the scope of surveillance and build a sense of ownership over the legal and sustainable management of marine resources (Tarigan & Hutasoit, 2020).

This situation is exacerbated by uncertainty over maritime boundary delimitation in several vulnerable areas, such as the Sulawesi Sea and Ambalat waters. Occasional diplomatic tensions also affect the effectiveness of technical cooperation in the field. To date, the border negotiation process has been slow, while violations continue to occur (Nur & Abdullah, 2023; ASEAN Secretariat, 2021). Therefore, it is important for both countries to agree on provisional arrangements based on the principles of UNCLOS 1982 to enable joint surveillance in zones that have not been definitively delimited (Fitri & Susilowati, 2019; Dewi & Kusumastanto, 2020).

Beyond technical aspects, political stability and the bilateral diplomatic climate have proven to be key determinants of long-term success in addressing IUUF (Pratama & Nurhidayah, 2021). The success of several joint operations that have reduced the incidence of violations demonstrates that with solid communication and mutual trust, genuine collaboration can be achieved (Ginting & Asri, 2022). Therefore, maintaining strategic communication at the highest levels and political commitment to strengthening cooperation instruments are urgent needs that must be sustained (Nur & Abdullah, 2023).

The economic implications of IUUF are also significant. Losses due to reduced fisheries sector income, pressure on traditional fishermen, and damage to the marine environment create a large fiscal and social burden (Tarigan & Hutasoit, 2020; Djalal, 2016). Therefore, addressing

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IUUF is not only seen as a security issue but also as a strategic investment in maintaining food security, coastal economic sustainability, and ecological justice (Fitri & Susilowati, 2019; Pratama & Nurhidayah, 2021).

Based on the evaluation results, future policy directions should focus on developing a risk-based joint strategy, integrating maritime surveillance technology, strengthening synergies through ASEAN and RPOA-IUU, and establishing a joint coordination center in the border region. Thus, Indonesia and Malaysia are not only addressing IUUF tactically, but also building the foundation for fair, transparent, and sustainable maritime governance in the Southeast Asian region (Dewi & Kusumastanto, 2020).

CONCLUSION

This research concludes that Illegal, Unreported, and Unregulated Fishing (IUUF) in the Indonesia–Malaysia maritime border is a complex issue involving environmental, legal, economic, and diplomatic dimensions, complicated further by unclear maritime boundary agreements that cause overlapping jurisdictions and bilateral tensions. Effective mitigation requires strong, structured bilateral cooperation grounded in political commitment, as unilateral efforts and symbolic measures have proven insufficient. Key recommendations include prioritizing the completion of maritime boundary delimitation under UNCLOS, harmonizing legal definitions and enforcement procedures related to IUUF, enhancing surveillance systems with integrated technologies and community involvement, and streamlining Indonesia’s maritime supervisory institutions to reduce overlapping authorities. These steps demand sustained political will and multi-stakeholder support to achieve sustainable maritime governance. Future research should consider quantitative assessments of IUUF’s economic impacts and comparative analyses of maritime cooperation frameworks in other countries to inform more effective policy design.

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