

RESTORATIVE JUSTICE FOR SEIZED ILLEGAL FISHING VESSELS IN INDONESIA

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Abstract: Indonesia's maritime character makes fisheries central to national welfare, yet illegal fishing continues to cause ecological degradation, economic losses, and social harm. This study addresses how confiscated vessels can be legally and institutionally transformed into productive assets within Indonesia's legal framework. Using normative legal research with statutory, conceptual, and comparative approaches, the study analyzes Indonesian regulations on fisheries enforcement, criminal procedure, and state asset management, while also referring to selected practices in Fiji and Ghana. The findings show that Indonesia's current framework is fragmented: authority over confiscated vessels is dispersed across law enforcement agencies, the Ministry of Finance, and fisheries institutions, while no specific regulation governs post-seizure utilization after a final court decision. This institutional fragmentation creates legal uncertainty and prevents confiscated vessels from being systematically redirected toward public benefit. This study introduces a Restorative Maritime Justice framework as a normative model for post-seizure asset governance. Under this model, vessels with final legal status may be transferred through a clear asset-handover mechanism, assigned to a lead institution, utilized for limited public purposes, and monitored through an integrated accountability system. The study concludes that optimizing the use of confiscated vessels requires a legally integrated framework that shifts policy away from punitive destruction alone toward restorative utilization that remains lawful, transparent, safe, and socially beneficial.

Karakteristik maritim Indonesia menjadikan perikanan sebagai pusat kesejahteraan nasional, namun penangkapan ikan ilegal terus menyebabkan degradasi ekologis, kerugian ekonomi, dan kerusakan sosial. Studi ini membahas bagaimana kapal sitaan dapat secara legal dan institusional diubah menjadi aset produktif dalam kerangka hukum Indonesia. Dengan menggunakan penelitian hukum normatif dengan pendekatan hukum perundang-undangan, konseptual, dan komparatif, studi ini menganalisis peraturan Indonesia tentang penegakan hukum perikanan, prosedur pidana, dan pengelolaan aset negara, serta merujuk pada praktik-praktik terpilih di Fiji dan Ghana. Temuan menunjukkan bahwa kerangka kerja Indonesia saat ini terfragmentasi: kewenangan atas kapal sitaan tersebar di berbagai lembaga penegak hukum, Kementerian Keuangan, dan lembaga perikanan, sementara tidak ada peraturan khusus yang mengatur pemanfaatan pasca-penyitaan setelah keputusan pengadilan akhir. Fragmentasi institusional ini menciptakan ketidakpastian hukum dan mencegah kapal sitaan dialihkan secara sistematis untuk kepentingan publik. Studi ini memperkenalkan kerangka kerja Keadilan Maritim Restoratif sebagai model normatif untuk tata kelola aset pasca-penyitaan. Dalam model ini, kapal-kapal dengan status hukum final dapat dialihkan melalui mekanisme penyerahan aset yang jelas, ditugaskan kepada lembaga utama, digunakan untuk tujuan publik terbatas, dan dipantau

melalui sistem akuntabilitas terintegrasi. Studi ini menyimpulkan bahwa optimalisasi penggunaan kapal sitaan memerlukan kerangka kerja yang terintegrasi secara hukum yang menggeser kebijakan dari penghancuran yang bersifat menghukum semata menuju pemanfaatan restoratif yang tetap sah, transparan, aman, dan bermanfaat secara sosial.

Keywords: Restorative Justice; Illegal Fishing; Seized Vessels.

INTRODUCTION

Indonesia's maritime territory places fisheries at the center of national welfare and coastal livelihoods. At the same time, illegal, unreported, and unregulated (IUU) fishing continues to threaten ecological sustainability, state revenue, and the long-term security of marine resource governance (Rachman 2020; Temple et al. 2022). The burden of IUU fishing is not distributed evenly. Small-scale fishers bear the most direct losses because declining fish stocks raise operating costs, reduce catches, and widen inequality between traditional and industrial actors in coastal areas (Wahyuni and Setiawan 2020).

Indonesia has responded through firm enforcement measures, including arrest, confiscation, and, in certain cases, destruction or sinking of offending vessels under the fisheries regime. Although punitive action strengthens deterrence, it also raises a governance question: whether confiscated vessels should end their legal life as destroyed evidence or be transformed into productive state assets. This question becomes more important when viewed against the enforcement gap. Radar detection identified 11,030 illegal vessels in Indonesian waters during 2014–2017, yet only 363 were apprehended, indicating that enforcement success cannot be measured only by interception and punishment, but also by how the state manages post-seizure outcomes (Riza Farhan et al. 2018).

After confiscation, vessels enter a legally complex space that intersects criminal procedure, state asset governance, and fisheries administration. In practice, these domains are governed by different institutions and different administrative logics, creating uncertainty over transfer, use, supervision, and accountability after a vessel has obtained final legal status (Rahman and Satria 2020; Eddy and Zannah 2024). Previous studies largely focus on law enforcement, deterrence, or the legality of sinking foreign vessels, but limited attention has been given to post-seizure asset governance and its socio-economic potential for coastal communities (Eddy and Zannah 2024; Rahman and Satria 2020). This is the research gap addressed in this article.

Accordingly, this study asks: how can confiscated vessels from illegal fishing be optimized within Indonesia's legal system through a Restorative Maritime Justice approach? This study offers a novel integration between restorative justice theory and maritime asset governance. Rather than treating confiscated vessels solely as instruments of punishment, the study develops a normative model that links restoration, institutional accountability, and public benefit in post-seizure vessel management.

RESEARCH METHOD

This study uses a normative legal research method, which means it focuses on analyzing written laws and legal doctrines to clarify what the law means, how it should be interpreted, and how it should be developed in response to illegal fishing and the management of seized vessels (Aliyah, Wijaya, and Hadi 2024). In practice, the Restorative Maritime Justice approach is implemented through two complementary methodologies. The first is a statutory approach, which maps and analyzes the hierarchy of relevant legal rules, including fisheries laws, implementing regulations, and judicial considerations. This allows the study to identify the scope of state authority, procedural standards, and the legal consequences associated with illegal fishing, including the handling of seized vessels (Wahyuni 2020). The statutory analysis also clarifies the legal framework under which enforcement actions, such as the sinking of vessels, are authorized and evaluates the adequacy of existing laws in addressing IUU fishing.

The second methodology is a conceptual approach that operationalizes the idea of Restorative Maritime Justice. This involves identifying its core principles—restoration, accountability, proportionality, and community benefit—and using these principles as a framework to assess whether current law enforcement practices, such as sinking or destroying vessels, are achieving outcomes that go beyond deterrence. This conceptual lens evaluates the social and ecological implications of such practices, questioning whether they contribute to sustainable marine governance and support the well-being of coastal communities (Setiawan 2019). By focusing on restoration, accountability, and proportionality, this approach aims to ensure that law enforcement actions result in both legal compliance and broader positive impacts on marine ecosystems and local livelihoods.

The legal materials analyzed were classified into three categories. Primary legal materials included laws and implementing regulations relevant to fisheries law enforcement and the management of seized assets/vessels, as well as court decisions that provided interpretive guidance. Secondary legal materials include academic books, journal articles, policy studies, and previous research findings discussing illegal fishing, maritime sovereignty, law enforcement effectiveness, and restorative justice models. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references used to clarify terminology and ensure conceptual consistency (Siregar 2020).

Data were collected through a systematic literature review, which involved gathering, selecting, and organizing legal instruments and academic sources that specifically address the law enforcement of illegal fishing and the handling of seized vessels. The analysis was qualitative-descriptive and carried out through several concrete steps: (1) cataloging and classifying legal materials to identify regulatory norms and institutional mandates; (2) interpreting key provisions to clarify legal meanings, requirements, and permissible policy options; (3) evaluating norms to detect gaps, inconsistencies, or under-regulated issues in the management of vessels after seizure; and (4) conducting a conceptual analysis by linking the legal findings to the principles of Restorative Maritime Justice. This final step sought

to examine how law enforcement practices could be redesigned to incorporate restoration and deliver public benefits, ensuring that both ecological and social outcomes are addressed (Setiawan and Purnama 2021). The end result of this method is a set of normative recommendations—based on existing law and reinforced by doctrine—that propose fair, sustainable, transparent, and lawful options for managing seized vessels in a manner that supports coastal communities while maintaining deterrence against illegal fishing (Aliyah, Wijaya, and Hadi 2024).

RESULT AND DISCUSSIONS

Regulating Restorative Maritime Justice for Confiscated Fishing Vessels

The Restorative Maritime Justice concept for the management and utilization of vessels seized as the result of illegal fishing in Indonesia is regulated through various national regulations (Sebastian 2023). The process begins with the arrest of foreign or local vessels engaged in illegal fishing, which refers to Law Number 45 of 2009 concerning Fisheries, Articles 73–76, and the Minister of Maritime Affairs and Fisheries Regulation (Permen KP) Number 57 of 2020 concerning the Handling of Fisheries Crimes. After the arrest, a field inspection is carried out by fisheries supervisory officers and law enforcement officers, then the vessel is taken to a detention base or dock for evidence inventory and document verification (Eddy and Zannah 2024). In practice, confiscated vessels that meet legal criteria can be destroyed, auctioned, or utilized for education, research, and coastal community empowerment in accordance with the principles of restorative justice. The idea of productive use of confiscated vessels was initiated by the concept of Restorative Maritime Justice, which emphasizes the recovery of losses, the welfare of local fishermen, and the sustainability of marine resources (Maya Shafira, Muhammad Farid, and Aisyah Muda Cemerlang 2023).

In practice, the location of confiscated vessels is determined by authorized agencies, such as the Ministry of Maritime Affairs and Fisheries (KKP) and the Maritime Security Agency (Bakamla). Several strategic locations for confiscated vessels are located at the main piers of fishing ports in Bali and Banyumas, facilitating monitoring, maintenance, and utilization for maritime education and training (KKP 2024). The map of confiscated vessel locations shows the distribution of vessels in western and eastern Indonesia, with a concentration in ports with complete facilities for vessel maintenance and legal security. The placement of these confiscated vessels also takes into account accessibility for parties wishing to utilize them for research or coastal community empowerment programs.

The management of confiscated vessels must be supported by clear regulations and transparent mechanisms. Every stage of vessel utilization, from handover and modification to their use in productive activities, needs to be thoroughly regulated. Transparency in asset management is essential to prevent misuse and to ensure that the benefits of these assets reach the rightful parties. Moreover, clear regulations facilitate coordination between relevant agencies, such as the Ministry of Maritime Affairs and Fisheries, the police, and

other law enforcement bodies. With well-defined rules and systematic procedures in place, confiscated vessels can serve not only as a legal tool but also as a means of social empowerment for local communities. This approach reduces the potential for legal disputes and minimizes conflicts between stakeholders. A comprehensive mapping of existing regulations in Indonesia reveals overlapping provisions, highlighting the need for harmonization of fisheries laws, implementing regulations, and court decisions related to confiscated vessels. This mapping also helps identify legal loopholes that can be exploited to optimize vessel utilization in a fair and sustainable manner, ensuring that the management of these resources aligns with both legal and social objectives (Budianto 2020).

However, in current practice, there are several overlapping regulations that hinder the optimal utilization of confiscated vessels. For instance, the handling of Evidence and Confiscated State Goods is governed by Law Number 8 of 1981 concerning Criminal Procedure, with its implementing regulations falling under the authority of the Police and the Prosecutor's Office. Meanwhile, the utilization of state assets is regulated by Law Number 1 of 2004 concerning State Treasury, which is under the jurisdiction of the Ministry of Finance (Rahman and Satria 2020). In contrast, the management of fisheries facilities and the empowerment of fishermen is overseen by the Ministry of Maritime Affairs and Fisheries, as outlined in Law Number 45 of 2009 concerning Fisheries and related Ministerial Regulations (Prasetyo 2020). This division creates a situation where multiple institutions have differing perspectives and administrative mechanisms, resulting in confusion over who is responsible for transferring confiscated vessels, what standards should govern their use, and who holds primary responsibility for supervising vessel operations once they are utilized. The lack of clear delineation between these authorities hampers efficient and transparent asset management and increases the risk of mismanagement (Rahman and Satria 2020). Furthermore, there are no regulations specifically governing the transformation of confiscated vessels into instruments for empowering coastal communities, so their utilization remains ad hoc and not integrated into national policy. This condition indicates the need for harmonization of regulations, as well as the establishment of an integrated mechanism to ensure that the use of confiscated vessels truly supports the goals of maritime restorative justice (Eddy and Zannah 2024).

Currently, there is a legal vacuum regarding the utilization of vessels seized from illegal fishing in Indonesia. Although regulations regarding the capture and detention of vessels are stipulated in Law Number 45 of 2009 concerning Fisheries and its implementing regulations, there are no clear provisions regarding the transformation of confiscated vessels into productive, educational, or empowerment tools for coastal communities. This vacuum creates legal uncertainty regarding the responsible parties, utilization procedures, and operational oversight mechanisms for vessels after they have been confiscated. This situation demands a more comprehensive legal and policy solution

so that confiscated vessels can be utilized optimally, fairly, and sustainably (Eddy and Zannah 2024).

The proposed solution is the application of the concept of Restorative Maritime Justice, a legal approach that emphasizes the restoration of losses, justice for victims, and the sustainability of marine resources. This concept was developed in line with the principles of restorative justice that have been introduced in the context of Indonesian criminal law and maritime policy, including by the Ministry of Maritime Affairs and Fisheries (KKP, 2023) and the Coordinating Ministry for Maritime Affairs (Moertiono 2023). The substance of this concept includes the restoration of the rights of injured parties, the productive use of state assets, and the empowerment of coastal communities through education, training, and research. Thus, this concept focuses not only on legal aspects but also on social, economic, and environmental aspects.

The connection between Restorative Maritime Justice and the management of confiscated vessels lies in the potential to repurpose these vessels as tools for community empowerment and educational purposes. Instead of being relegated to idle evidence, confiscated vessels can be transformed into valuable assets for the community. For example, they can be utilized as navigation training centers, fisheries research laboratories, or platforms for local fishermen's empowerment programs. Such initiatives not only ensure that these vessels serve a productive purpose but also align with the principles of sustainable development by directly benefiting the community. This approach reflects the core tenets of Restorative Maritime Justice, as it promotes ecological sustainability while fostering social equity, turning enforcement actions into long-term solutions for coastal communities (Ismala Dewi 2016). By adopting this concept, confiscated vessel management can be carried out in an integrated, transparent manner, and in line with national and international laws regarding marine resource management (Maya Shafira, Muhammad Farid, and Aisyah Muda Cemerlang 2023).

The concept of Restorative Justice was first introduced by Albert Eglash in 1957 through his idea of "creative restitution," which later evolved into an approach emphasizing the restoration of losses and the involvement of all parties in resolving cases (Eglash 1957). This concept was further developed by thinkers such as Tony Marshall, who defined Restorative Justice as a resolution process aimed at restoring social, economic, and relational conditions between parties affected by a criminal act (Marshall 1996). In the maritime context, this principle evolved into the concept of Restorative Maritime Justice, which applies restorative justice to the management of marine resources and the handling of violations such as illegal fishing. This approach emphasizes that law enforcement must not only be repressive but also prioritize the restoration of ecological damage, the empowerment of coastal communities, and the productive use of confiscated assets (Rahman and Satria 2020).

In international law, several key instruments govern the enforcement of illegal fishing and the use of seized vessels. The 1982 United Nations Convention on the Law of

the Sea (UNCLOS) serves as the foundational framework for maritime jurisdiction, granting coastal states the right to prosecute violations within their Exclusive Economic Zones (EEZs). Additionally, the 1995 United Nations Fish Stocks Agreement (UNFSA) regulates the management of migratory fish stocks and obliges states to cooperate in preventing illegal fishing. Other international agreements under the Food and Agriculture Organization (FAO) further regulate compliance for fishing vessels on the high seas and aim to prevent transnational illegal fishing practices. These international instruments establish procedures for arresting foreign vessels, mechanisms for seizure, and the steps countries must take to avoid international disputes. By adhering to international law, the use of seized vessels not only strengthens Indonesia's legal position but also creates opportunities for enhanced cooperation between countries in maritime law enforcement (Rahman and Satria 2020).

From a national legal perspective, vessels seized from illegal fishing are generally under the authority of law enforcement officials and can only be transferred or utilized after obtaining a legally binding court decision. Foreign vessels seized in Indonesian waters must undergo a process of proving the violation before they can be declared state property. Currently, the utilization of confiscated vessels remains limited because existing regulations emphasize the aspects of proof and punishment, rather than transforming confiscated vessels into productive assets. Several internal discussions within various ministries and institutions have touched on the need for policy updates regarding the utilization of confiscated vessels, including alternative uses for patrols, education, or coastal community empowerment. However, to date, there are no specific regulations that explicitly formulate the use of confiscated vessels based on a Restorative Maritime Justice approach. This gap demonstrates the need for policy reform so that confiscated vessels become not only evidence but also a tool of legal diplomacy and a means of economic empowerment for coastal communities (Musdamin, Fatmawati L, and Yusuf 2023).

Optimizing the use of confiscated vessels must also consider environmental sustainability. Every vessel to be reused needs to be inspected and modified to ensure safety and environmental friendliness, preventing negative impacts on marine ecosystems. Sustainable utilization helps protect fish stocks, coral reefs, and other natural habitats from further damage. Furthermore, using confiscated vessels for maritime patrols and surveillance can also increase the effectiveness of law enforcement against illegal fishing. This step simultaneously strengthens Indonesia's maritime sovereignty and emphasizes the state's commitment to supporting small-scale fishers. With the right strategy, confiscated vessels can become a multifunctional instrument for social, economic, and ecological development in coastal areas (Dewi 2020).

The Restorative Maritime Justice approach encourages the redistribution of benefits from confiscated vessels to the rightful owners. This includes providing access to traditional fishing groups to utilize vessels for productive activities. This empowerment not only increases fishermen's income but also strengthens the economic independence of coastal

communities. Furthermore, the restorative approach strengthens a sense of social justice, as communities previously harmed by illegal fishing practices can now benefit from legal action. This approach balances legal interests and community welfare, so that confiscated vessels are no longer merely damaged or sunk objects. A fair redistribution strategy also builds public trust in the government and the national legal system (Moertiono 2023).

In several countries, a Restorative Maritime Justice approach is being implemented by providing traditional fishing communities with access to utilize confiscated vessels as a means of increasing sustainable economic activity. For example, in South Pacific countries like Fiji and Vanuatu, vessels seized from fisheries violations are being transferred to local fishing cooperatives, allowing coastal communities to regain legal access to marine resources. This allows for increased independent fish production capacity, strengthened maritime security through community participation, and remediation of socio-economic losses caused by illegal fishing. This approach emphasizes that confiscated vessels serve not only as legal evidence but also as an instrument for coastal community empowerment and sustainable development.

Other examples can be found in West Africa, such as Ghana and Sierra Leone, where governments, international agencies, and local communities collaborate to utilize confiscated vessels. Small boats recovered from illegal fishing operations are used as community patrol boats, small-scale fishing gear, catch transportation, and maritime skills training centers for young people. This policy has been proven to increase the economic independence of fishermen, strengthen community-based monitoring mechanisms, and utilize confiscated vessels as a tool for socio-economic recovery and strengthening community-based marine governance (Moertiono 2023).

Therefore, regulations governing the use of vessels seized from illegal fishing need to encompass several crucial stages that must be clearly regulated, starting from the vessel's handover, through the modification process, and finally, its use in productive activities. The handover stage requires regulations that ensure the confiscated vessel has clear legal status (*inkracht*) before being transferred to a usable state asset. Regulations must also determine which institution is authorized to verify the vessel's condition, calculate its economic value, and determine to whom the vessel should be handed over, whether to the local government, a fishing cooperative, a maritime educational institution, or a supervisory agency. Furthermore, technical regulations are needed to govern the vessel modification process, including safety standards, operational feasibility, and adjustments to the needs of productive activities such as capture fisheries, marine transportation, or community-based patrols.

Furthermore, the use of confiscated vessels for productive activities requires regulations governing cooperation models or utilization schemes, such as grants, loans, operational cooperation, or community empowerment. These regulations must also define monitoring mechanisms, activity reporting, and vessel maintenance obligations by the recipient party. Without clear regulations, the risk of misuse, operational inefficiency, or

loss of state assets increases. Therefore, clarity is needed regarding the institutions responsible for monitoring, establishing periodic evaluations, and ensuring vessels are used for restorative purposes: strengthening the capacity of fishermen, improving the local economy, and supporting the sustainability of marine ecosystems. Comprehensive regulations not only provide legal certainty but also create transparency in the use of state assets that were previously considered evidence.

The implementation of Restorative Maritime Justice also emphasizes the importance of monitoring and evaluation. Every vessel utilized must be regularly monitored to ensure its intended use. Regular evaluations help identify operational challenges and potential misuse. Furthermore, effective monitoring can increase accountability and public trust in the management of confiscated vessels. With an evaluation system in place, the government can dynamically adjust policies based on community needs and the condition of marine resources. This approach ensures that confiscated vessels remain productive assets and benefit the community (Rofiana, Mohas, and Mega Jaya 2024).

State institutions authorized to evaluate the use of confiscated vessels encompass several agencies based on their respective duties and authorities. The Ministry of Maritime Affairs and Fisheries holds authority through regulations related to the supervision of marine resources and the management of proceeds from fisheries crimes. This role involves assessing the sustainability, social function, and feasibility of utilizing confiscated vessels for coastal community empowerment. The Indonesian Attorney General's Office, which has authority over evidence and confiscated state assets under regulations governing the implementation of criminal decisions, is responsible for ensuring that the legal status of vessels is confirmed (*inkracht*) before they can be transferred for use. On the other hand, the Ministry of Finance, specifically through the Directorate General of State Assets, holds authority over the management, assessment, and determination of the status of state assets, including confiscated vessels. The legal basis for the management of state-owned assets (BMN) provides the foundation for this institution's involvement in verifying the economic value, asset governance, and utilization mechanisms. Relevant regulations include Law Number 45 of 2009 concerning Fisheries, Law Number 8 of 1981 concerning Criminal Procedure, Law Number 1 of 2004 concerning State Treasury, as well as the Regulation of the Minister of Finance and the Regulation of the Minister of Maritime Affairs and Fisheries concerning the management of confiscated vessels (Halim and Faisal 2020).

In addition, the Maritime Security Agency can play a role in technical evaluations if vessels are allocated for surveillance duties, based on its authority in maritime security and safety patrols. Local governments, through the maritime affairs and fisheries agency, can also be involved if vessels are allocated for local fishermen, based on regional autonomy authority in small-scale fisheries management and coastal community empowerment. Therefore, evaluations should ideally be conducted through collaborative mechanisms between institutions, so that every aspect—legal, economic, technical, social, and

environmental—can be comprehensively assessed within the framework of each institution's authority. The underlying regulations include Law Number 45 of 2009 concerning Fisheries, Law Number 23 of 2014 concerning Regional Government, Government Regulation Number 20 of 2021 concerning the Maritime Security Agency, and the Minister of Maritime Affairs and Fisheries Regulation concerning the utilization of confiscated vessels.

Based on the explanation above, confiscated vessels from illegal fishing require more integrated regulation based on the principles of Restorative Maritime Justice. This approach positions confiscated vessels not merely as evidence, but as productive assets that can provide direct benefits to coastal communities, strengthen maritime oversight, and support the sustainability of marine resources. The theoretical basis used in the proposal—particularly regarding restorative justice, state asset management, and maritime governance—indicates that the use of confiscated vessels must be directed at remediating ecological and social losses caused by illegal fishing, rather than solely punishing perpetrators. This optimization can only be realized with cross-institutional regulatory harmonization, clarity on the asset handover process, technical modification standards, and evaluation mechanisms carried out by authorized institutions in accordance with their respective duties and legal basis. With a comprehensive approach, confiscated vessels can serve as an instrument for economic recovery, empowering coastal communities, and strengthening Indonesia's maritime sovereignty.

Optimizing Seized Vessels through Restorative Maritime Justice

The use of confiscated vessels must also be linked to the development of the capacity of coastal communities. This approach is in line with the principles of Restorative Maritime Justice, because it strengthens the ability of communities to recover and thrive after being impacted by illegal fishing (Oktarina and Yudiantara 2025). The result is a more independent, productive, and competitive coastal community.

Policies for utilizing confiscated vessels also need to integrate local economic aspects. Confiscated vessels can be used to develop joint ventures, such as water transportation services, aquaculture, or ecotourism. This initiative increases the income of coastal communities and creates new jobs. Furthermore, the resulting economic activity helps promote social welfare and reduces the gap between traditional fishers and large-scale fisheries operators. This approach makes confiscated vessels an asset that supports sustainable local economic development. With the right economic strategy, confiscated vessels can become a pillar of strengthening the coastal economy (Aliyah, Wijaya, and Hadi 2024).

The use of confiscated vessels must consider the principle of social justice. Vessels, once symbols of legal violations, can now be repurposed to improve the welfare of disadvantaged groups, particularly small-scale fishers. A distributive approach ensures that these assets are allocated to benefit directly affected coastal communities, balancing

punishment for perpetrators with benefits for victims. Thus, the Restorative Maritime Justice policy not only enforces the law but also corrects the social harm caused by illegal fishing. This approach strengthens the community's sense of justice and solidarity, promoting both legal compliance and social recovery. Illegal, Unreported, and Unregulated (IUU) fishing has been shown to undermine the sustainability of fisheries and marine ecosystems, complicating conservation efforts and threatening stock renewal and environmental integrity (Temple et al. 2022).

Confiscated vessels can also be utilized to support marine conservation programs and strengthen sustainable economies. Modified vessels can be used to patrol conservation areas, monitor ecosystems, and combat illegal fishing activities. This helps to protect marine biodiversity and prevent resource damage from illegal fishing practices. In this context, the concept of "Blue Justice" has emerged as a framework to assess how policies and resource use decisions impact small-scale fishing communities. Blue Justice emphasizes equitable access to marine resources and inclusive decision-making to prevent the marginalization of coastal communities within blue economy strategies (Reis-Filho, Hatje, and Barros 2024).

Moreover, continued IUU fishing contributes to the depletion of fish stocks, habitat destruction, and social instability among coastal populations, highlighting the need for integrated governance responses that balance enforcement with social-ecological restoration. Repurposing confiscated vessels for these purposes could significantly contribute to both environmental and social restoration (Widjaja et al. 2023). This approach aligns with the concept of Restorative Maritime Justice, where confiscated vessels serve as multifunctional instruments that enforce the law, support the sustainability of marine resources, preserve the environment, and enhance oversight capacity (Moertiono 2023).

In relation to the Triple Helix theory, the management of confiscated vessels can involve collaboration between the government, industry, and local communities. The government is responsible for regulation, oversight, and legal facilitation; industry provides technology, training, and resources for vessel modification; and local communities, particularly fishermen, manage the vessels for productive activities, education, and conservation. This model aligns with the Blue Economy policy, which prioritizes the sustainable use of marine resources while strengthening local and national economies (Sari, Nurachmad, and Is Nursal 2021).

Community empowerment through confiscated vessels increases community participation in marine management. Fishermen and local community groups can be involved in decision-making regarding vessel use. This fosters a sense of ownership and responsibility for shared assets. Furthermore, active community participation enhances the effectiveness of monitoring and program sustainability. This approach fosters a positive legal culture in coastal communities. With high levels of involvement, confiscated vessels become a tool for inclusive and sustainable development.

Optimizing confiscated vessels must be supported by supporting infrastructure. Improvements to docks, ship maintenance facilities, and logistical access are essential to ensure optimal vessel operation. Adequate infrastructure increases vessel efficiency and extends the asset's lifespan. It also allows vessels to be used for various productive programs without compromising their legal function. With good infrastructure, confiscated vessels can provide long-term benefits to the community and government. This approach ensures the economic and social sustainability of these assets (Rikumahu 2024).

Capitalizing on confiscated vessels for social activities improves community welfare. Vessels can be used for aid distribution or marine health programs in coastal areas. These activities strengthen social ties and reduce inequalities in access to services. This approach demonstrates that confiscated vessels are not only economic assets but also tools for social empowerment. This aligns with restorative principles that prioritize community well-being. Thus, confiscated vessels become instruments for comprehensive development.

The use of confiscated vessels must take safety into account. Every vessel used must be equipped with safety systems and standard operating procedures. Security is crucial for optimal vessel function and safety for its users. Furthermore, monitoring of vessels in use helps prevent their re-use for illegal practices. This approach ensures that confiscated vessels continue to contribute positively to society. Vessel security is a prerequisite for the successful implementation of Restorative Maritime Justice (Laia 2025). Integrating seized vessels into maritime surveillance programs increases the effectiveness of law enforcement. Vessels can be used for routine patrols, monitoring conservation areas, and preventing illegal fishing practices. These activities help to effectively uphold maritime sovereignty. Furthermore, integrating seized vessels into the surveillance system supports strategic data and information collection. This approach creates synergy between law enforcement and community empowerment. Seized vessels become part of an integrated marine management system.

Regular evaluation and research of seized vessels improves program quality. Analysis of vessel use, social impacts, and economic benefits helps improve policies. Evaluation results are used to adjust strategies and optimize vessel utilization. This approach ensures that seized vessels remain relevant and beneficial to the community. With systematic evaluation, the implementation of Restorative Maritime Justice can be continuously improved. Confiscated vessels become assets that continue to grow and adapt to community needs.

Institutional capacity building supports the successful management of seized vessels. Government institutions and coastal communities must have adequate administrative, technical, and managerial capabilities. Strong institutional capacity ensures effective coordination and smooth program implementation. Furthermore, professional institutions are able to maximize the social and economic benefits of seized vessels. This approach emphasizes that the success of Restorative Maritime Justice depends on the

quality of institutions. Seized vessels serve as a symbol of productive inter-institutional cooperation.

Sustainable development theory holds that every development activity must meet three main pillars: economic, social, and environmental, in a balanced manner so as not to compromise the needs of future generations. In the context of utilizing confiscated vessels, this approach is increasingly relevant because transforming vessels from evidence into productive assets not only provides economic value for coastal communities but also strengthens social cohesion through community empowerment and supports environmental sustainability by increasing maritime surveillance capacity. The principle of sustainable development emphasizes that recovery efforts from illegal fishing are not sufficient through law enforcement alone, but must also ensure that marine resources remain sustainable, coastal communities receive long-term benefits, and the maritime management system operates fairly and inclusively. Thus, the utilization of confiscated vessels becomes a strategic instrument that integrates economic, social, and environmental objectives into a single policy that aligns with the sustainable development paradigm.

Optimizing the use of confiscated vessels plays a crucial role in achieving sustainable development. Proper utilization of confiscated vessels can safeguard marine resources, improve the well-being of coastal communities, and strengthen law enforcement against illegal fishing practices. This approach integrates ecological, social, and economic aspects in a balanced manner, aligning with the principles of Restorative Maritime Justice, which emphasize restitution, community empowerment, and the sustainability of marine resources. In this context, confiscated vessels no longer serve solely as evidence but become multifunctional instruments supporting conservation patrols, maritime education, training, and the productive activities of local fishermen (Moertiono 2023).

Confiscated Ships as a Medium for Social Innovation

The legal basis for the use of confiscated vessels as a medium for social innovation is contained in Law No. 45 of 2009 concerning Fisheries, particularly Articles 69–76, which regulate specific measures for handling fisheries crimes and managing vessel evidence. Furthermore, Minister of Maritime Affairs and Fisheries Regulation No. 56/2021 provides detailed guidelines regarding the status, management, and utilization of confiscated vessels for non-commercial purposes and community empowerment. In the context of social innovation, a broader legal basis also refers to Law No. 23 of 2014 concerning Regional Government, which authorizes coastal areas to innovate in managing fishery resources. Based on this foundation, the use of confiscated vessels as a means of social innovation is not only legally valid but also aligns with the mandate of community economic empowerment.

A concrete example is seen in the fishermen's empowerment program in NTT and Maluku, where confiscated vessels from illegal fishing cases are loaned to local fishermen's groups for small-scale fishing activities, training in seafood handling, and logistical

transportation in coastal villages. In some areas, confiscated vessels are even modified into cold storage vessels to maintain the quality of fish before being sold, something that local communities previously lacked. This program encourages social innovation as initially unproductive vessels are transformed into empowerment assets and create new value in the community (Ismala Dewi 2016).

The use of confiscated vessels to create jobs is supported by Law No. 7 of 2016 concerning the Protection and Empowerment of Fishermen, which emphasizes the importance of production facilities for fishermen, including vessels. This law also emphasizes the government's role in providing access to fishing equipment and business assistance. Another relevant regulation is Presidential Regulation No. 27 of 2021 concerning the Ministry of Maritime Affairs and Fisheries, which tasks the Ministry of Maritime Affairs and Fisheries (KKP) with managing fisheries assets to improve the economy of coastal communities. Consequently, the use of confiscated vessels serves as a legal instrument to create jobs based on state assets.

A concrete example can be seen in Batam and Belitung Regencies, where several confiscated vessels were donated to labor-intensive fisheries programs. Fishermen were provided with jobs as crew members, mechanical technicians, catch processors, and even marine educational tour guides. The resulting economic activities included not only fishing but also loading and unloading, ship repair services, seafood processing, and logistics sales. All of these activities significantly employed local workers and increased the incomes of coastal communities (Maya Shafira, Muhammad Farid, and Aisyah Muda Cemerlang 2023).

The legal framework for regional collaboration is regulated by Law No. 23 of 2014 concerning Regional Government, which encourages inter-regional cooperation through the Inter-Regional Cooperation (KAD) mechanism. In the maritime sector, Law No. 32 of 2014 concerning Maritime Affairs emphasizes the importance of synergy between the central and regional governments in managing marine resources. Technically, Minister of Home Affairs Regulation No. 22 of 2020 concerning Procedures for Regional Cooperation allows for the utilization of confiscated vessels across districts or provinces for strategic programs. A concrete example is seen in the collaboration between North Sulawesi and Gorontalo Provinces, where confiscated vessels from the PSDKP are used as a means of distributing fisheries logistics and conducting joint patrols in border waters. These vessels are also used for cross-community fisheries training programs, creating harmonization of marine resource utilization policies. This collaboration strengthens social and economic networks between coastal regions (Maya Shafira, Muhammad Farid, and Aisyah Muda Cemerlang 2023).

The empowerment of women in the utilization of confiscated vessels has a strong legal basis through Law No. 7 of 1984 concerning the Ratification of CEDAW, which requires the state to provide equal access for women in the economic sector. Furthermore, Law No. 7 of 2016 affirms that female fishers have the right to production facilities and

support for fisheries businesses. At the technical level, Ministerial Regulation No. 48/2014 concerning Guidelines for the Protection of Small-Scale Fishermen includes inclusive protection for female fishers.

A concrete example can be seen in the Women Coastal Seafarers program in Flores, where confiscated vessels are utilized for marine product transportation and seaweed farming by women's groups. They use the vessels for raw material distribution, processed product marketing, and marine-based creative economy training. This increases income and strengthens women's positions in the coastal economy (Musdamin, Fatmawati L, and Yusuf 2023).

The legal basis for ecotourism development is Law No. 10 of 2009 concerning Tourism, which emphasizes sustainability and empowerment of local communities. Furthermore, Law No. 32 of 2014 concerning Maritime Affairs provides a strong foundation for the use of marine space for educational and conservation tourism. Confiscated vessels can be used for special interest tourism such as marine education tours, coastal heritage tours, or mangrove exploration. A concrete example is the use of a confiscated vessel in East Lombok as an educational tour vessel for coral reef viewing, turtle conservation, and marine ecosystem mapping activities. This program involves coastal youth as tour guides, thereby opening new business opportunities and raising conservation awareness.

The legal basis for fisheries food security is stipulated in Law No. 18 of 2012 concerning Food and Law No. 45 of 2009 concerning Fisheries, which emphasize the importance of sustainable national fish production. Supported by Government Regulation No. 27 of 2021 concerning the Implementation of the Maritime Affairs and Fisheries Sector, confiscated vessels can be used as production facilities to maintain fish availability for the community.

A concrete example emerged from a program in Southeast Sulawesi, where confiscated vessels were used to develop small-scale fisheries and cage farming. The vessels assisted in the distribution of fish seeds, feed, and logistics, thereby maintaining a stable supply of animal protein in coastal areas (Musdamin, Fatmawati L, and Yusuf 2023). The legal basis for fisheries law education can be found in Law No. 32 of 2014 concerning Maritime Affairs and Law No. 45 of 2009 concerning Fisheries, which mandate the government to conduct legal outreach to prevent illegal fishing. Furthermore, Ministerial Regulation No. 48/2020 concerning Marine Resources Supervision emphasizes the importance of public education as part of preventing violations.

A concrete example is the Ministry of Maritime Affairs and Fisheries (KKP) and the Ministry of Marine Affairs and Fisheries' Resources Development Program (PSDKP) in Natuna, which uses confiscated vessels as mobile platforms to educate about maritime boundaries, prohibitions on illegal fishing gear, and provide training on maritime safety. These vessels are also equipped with navigation and tracking technology to introduce

surveillance technology to fishermen. This initiative increases legal literacy and maritime safety awareness (Aliyah, Wijaya, and Hadi 2024).

The legal basis for marine education and research is contained in Law No. 31 of 2009 concerning Meteorology, Climatology, and Geophysics and Law No. 12 of 2012 concerning Higher Education, which permit the use of state assets for educational and research purposes. In the marine sector, Law No. 32 of 2014 provides space for the use of vessels for research on marine resources and ecosystems.

A concrete example can be found in the collaboration between the Maritime Polytechnic-KKP and Hasanuddin University, which utilizes confiscated vessels as mini research vessels for water quality measurements, coral reef mapping, and training in environmentally friendly fishing practices. This enhances academic capacity while providing direct benefits to coastal communities. Therefore, the management of confiscated vessels must consider operational and legal risks. Each vessel must have clear safety protocols and oversight mechanisms. This prevents misuse and ensures the safety of the fishermen operating the vessels. Legal risks must also be minimized through strict regulations and standard procedures. This approach maintains the integrity of the program and assets. With proper risk mitigation, confiscated vessels can be optimally utilized (Wuwungan 2024).

A sustainable training policy is crucial for managing confiscated vessels. Coastal communities must be provided with technical, management, and operational safety knowledge. Ongoing training enhances fishermen's ability to manage vessels optimally and safely (Guru 2023). Furthermore, training also encourages innovation in utilizing vessels for productive activities. This approach aligns with the principles of Restorative Maritime Justice, as it empowers affected communities. The result is increased capacity and independence for coastal communities.

This approach also emphasizes inter-agency collaboration. The government, law enforcement, non-governmental organizations, and local communities must work together to manage confiscated vessels. This collaboration ensures effective coordination and appropriate resource allocation. Synergy between stakeholders enhances the success of empowerment and oversight programs. With effective cooperation, confiscated vessels can be optimally utilized. This also minimizes conflicts of interest and enhances public trust.

The use of confiscated vessels has the potential to improve local economic well-being. Vessels can be used for water transportation, fishing, or logistics services in coastal areas. This activity creates new jobs and increases fishermen's incomes. Furthermore, sustainable economic activity helps reduce poverty in coastal areas. Confiscated vessels become productive assets that support local economic development. This approach emphasizes that law and economics can go hand in hand. The application of Restorative Maritime Justice principles encourages strengthening legal governance. Confiscated vessels that are managed transparently and accountably serve as examples of good legal practices. This increases public compliance with the law and strengthens the national legal system.

Transparency and accountability prevent misuse of assets and increase public trust. With good governance, confiscated vessels become a vehicle for social and economic recovery. A strong legal approach also ensures program sustainability (Ismala Dewi 2016).

CONCLUSION

Optimizing the use of confiscated vessels from illegal fishing crimes through a Restorative Maritime Justice approach demonstrates that state assets, initially evidence of legal violations, can be reconstructed into productive and sustainable empowerment tools. Confiscated vessels are not only restored to their function but also directed to strengthen the capacity of coastal communities through skills training, increased access to production facilities, support for economic activities, and the function of monitoring water areas. This approach provides holistic benefits—social, economic, and ecological—while simultaneously redressing community losses caused by illegal fishing practices. Successful implementation depends on inter-agency coordination, clear regulations, and the application of environmental sustainability principles to ensure safe vessel use and avoid new ecological impacts. Thus, the redistribution of benefits from confiscated vessels to coastal communities strengthens economic independence, enhances the capacity of traditional fishermen, and realizes social justice in marine resource management.

The utilization of confiscated vessels also reflects the principles of social justice and sustainability by allocating assets for the benefit of communities most impacted by illegal fishing practices. When communities are directly involved in the management, operation, and maintenance of vessels, a sense of ownership, collective responsibility, and greater utilization effectiveness emerge. The use of vessels for marine conservation, ecosystem monitoring, water transportation, environmentally friendly fishing, and ecotourism development has a tangible economic impact and opens up new livelihood diversification for coastal communities. The success of this program requires transparent governance, clear accountability mechanisms, and collaboration between the central government, local governments, law enforcement agencies, academics, and local communities to ensure the benefits of confiscated vessels are distributed fairly and sustainably. Regular evaluation and research are essential components to ensure the effectiveness and sustainability of the confiscated vessel utilization program. Through measurable analysis of vessel usage patterns, levels of social utility, economic impacts, and contributions to strengthening marine ecosystems, the government can refine strategies and adapt policies to the dynamics of community needs. Regular evaluations also help prevent misuse of state assets, increase transparency, and ensure that vessels remain in safe operational condition. With ongoing monitoring, the confiscated vessel utilization program can develop adaptively and relevantly, making long-term contributions to improving the welfare of coastal communities and preserving marine resources. [W]

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