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Revisiting New Global Governance in Capture Fisheries: Lessons from Indonesia under COVID-19 Pressures

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COVID-19 suffers fishers all over the world, including those in Indonesia. While the pandemic triggered the state to provide relief for fishers, initial interviews and media tracing suggests that in Indonesia, the world's second largest producer of capture fish, the reaction was not enthusiastic. This paper explores the possible factors behind such reaction, taking the focus on how existing new global governance affected the perspectives of fishers. This paper explores the dimensions of governance that link the perspectives of problem solving at the global level and the way fishers operate. Through in-depth interviews of state apparatus and fishers, also tracing past studies of governance, the paper noted problems that current global governance offered to solve and describe the layers of convergence on "common problems" but not necessarily on "specific problems" that stakeholders try to solve nationally, locally or operationally under the umbrella of global governance. Bringing in the wicked problem discourse, this paper humbly suggests an improvement of country's horizontal governance while the regional and global governance seek to solve the specific problems faced by fishers and fisheries business as an inseparable part of new global governance for the sector.

Keywords: Capture fishery, COVID-19, governance, problem solving, Indonesia

Introduction

Governance at the trans-national level, i.e. global governance, is driven by a belief that certain kinds of cooperation, sharing of information or self-voluntary submission to a higher authority could either achieve certain common goals, or overcome problems that one state cannot possibly handle alone. Given sovereignty of states, global governance emerges to incorporate the principle of networking among peers in which trust have grown. While the old governance model focuses on negotiating comprehensive and legally binding agreements at

the government to government level and thus provide the non-state actors the paths to acceptable policies; the new governance model talks about multistakeholder participation, responsive regulation (Abbott & Snidal, 2013) as well as partnerships between state and non-state entities including businesses (Grainne de Burca et al., 2014). In short, new global governance is to enhance the manageability of challenges and to tap into opportunities at hand when global government is not possible, reaching out to broader stakeholders for responsive regulation and partnerships.

Global governance in the capture fishery sector is quite often tied to the “wicked problems” discourse (Jentoft & Chuenpagdee, 2009; Rittel & Melvin M Webber, 1973). It has been pointed out that wicked problems are not necessarily about the nature that challenges the system, such as that fish is mobile resources or that climate affects governance, but rather about the actual problem that the governing system tries to solve. They called a problem wicked when:

“...they are difficult to define and delineate from other and bigger problems and when they are not solved once and for all but tend to reappear. Wicked problems have no technical solution, it is not clear when they are solved, and they have no right or wrong solution that can be determined scientifically.... wicked problems must rely on the collective judgement of stakeholders involved in a process that is experiential, interactive and deliberative.”.

The study of Jentoft & Chuenpagdee (2009) guides this paper when upon seeing the devastating impact of the spread of COVID-19 pandemic we find the capture fishers were being less than excited to the announcement of the provision of the state relief. Further, national and regional dialogs among stakeholders in South East Asia in 2020 revealed the potential gaps in the global new governance that state relief has difficulty to bridge. Through in-depth interviews we find that larger-scale fishers in ASTUIN (Indonesian Tuna Association), who are mostly based in Java and Bali islands, said that none of the incentive is about them; it is about the smaller fishers. While such statement is not entirely accurate given that the state did declare incentives for the large fishers too, the small fishers did get a special attention from the state. The pandemic incentives for small fishers include conditional cash or in-kind transfers to subsidize credit interest and to provide stimulus funding for capital. Interestingly the small fishers still feel insecure,

raising concern about the pricing of their catch, illegal fishing, and the inconvenient subsistent livelihood.

We ask what are the factors behind such reaction? Knowing that Indonesia has been active participant of new governance in the fishery sector, positioned as the world's second largest producer of capture fish and is sited on the world's largest location of fish stocks that the world is hunger for, we wonder if factors affecting such reaction is shaped by the existing global governance. If wicked problem has been detected before in the sector, the circumstance of COVID-19 gives us the chance to assess how the new global governance troubles or helps fishers when facing shocks especially when the state offers assistance. This paper explores the dimensions of new global governance that link the perspectives of problem solving at the global level with the contexts and the way fishers operate.

This research contributes to the lacunae of discussion on factors behind businesses response to new global governance. Taking the context and the way capture fishers in Indonesia operate and interact with the state allow us to identify the diversity of perspectives on problem solving that new global governance fails to capture, not just amongst Indonesian fishers but also between these fishers and the fishers of other countries that operate in Indonesian waters and its Exclusive Economic Zones (EEZs).

Global Governance in Capture Fisheries, What's Overlooked

Global *governance* in the capture fisheries sector, both the old and new models, has been basically driven by three principles: 1) territorial-use rights, 2) sustainable fishery, also 3) business and human rights. In each principle, governance is directed towards specific goals that are expected to solve "common problems". Each principle is developed to overcome the limits of *government* in the sector and thus the common problem and proposed problem solving are abstracted to the global level to earn agreement from stakeholders.

First, governance in territorial-use rights is about access rights and resource sharing that recognize the importance of respecting territorial and geographic boundaries to allocate harvesting rights. Communities or individuals can define marine territories by distance as agreed by coastal countries or with coastal countries. Regulations on fishing techniques and gear, the use of technology to

monitor activities in the seas and to patrol exemplified the principles; ensuring respect to the higher goals of distributing wealth. When it comes to migratory species such as tuna, territorial-use rights are localized to allow certain flexibility of rules. The governance of this principle is an interplay between biology, market forces and the governing institutions (James E Wilen et al., 2020). In the territorial-use rights, diplomacy between states is employed at different segments: from establishing exploration and exploitation rights in territorial waters and in EEZs, to monitoring the activities and settling disputes about boundaries with neighboring countries.

Second, governance in sustainable fishery is about conservation of fish stocks to prevent declines and depletions given exponential rise of consumption. It is linked to biology of fish as well as techniques and technology to fish. While the Brundtland Report (WCED, 1987) mentioned that the root of sustainability is comprised of the environmental, the social and the economic concerns, what has become more well-known in the implementation of this principle is the consumer demand to restrict buying from non-sustainable sources. Certification standards emerged as means and tools to assure consumers of fulfilment of this principle. To date there are hundreds of certifications for fishery products. Three hundred of those are issued by an international non-profit organization the Marine Stewardship Council. Combating the crime of IUU Fishing is another practice that convinced developing countries to take part in becoming parties to this governance.

Third, governance in business and human rights which stems from the Guiding Principles on Business and Human Rights developed by John G. Ruggie. This Guiding Principle (GP) was then adopted by the United Nations Human Rights Council on 16 June 2011 as a set of standards that had since then guided states and non-state actors to develop policy template or advocacy tools for various sectors where human rights violation is prone to happen. The intent of this recognition is to push for state's responsibility to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication; to push for the independent corporate responsibility to respect human rights and avoid infringing on the rights of others and address adverse impacts with which companies are involved; and to push for greater

access by victims to effective remedy, both judicial and nonjudicial (Ruggie, 2014). The examples of human rights violation in this sector include torture, slavery, and human trafficking.

The three governance models recognize that the state plays an important part in providing framework for compliance, cooperation or partnership, in allocating quotas for fishing in certain territory, and in preventing human rights abuses, including by business, and to provide greater access by victims to effective remedy whenever human rights violation is found. The models also raised the need to outreach to non-state actors, particularly business, given the transnational economic transactions. In an ideal world these three principles are supposed to align to each other; assuming at least three things: that businesses are interested to comply to territorial boundaries that would grant them protection from their state; to extend the sustainability of the fishing ground for their own future good; and to avoid tainting their business with the issue of crimes such as torture, slavery, and human trafficking.

The reality has been that principles are translated differently across the world. While many has been written about the pluralism of (legal) concepts at the global levels which at the national levels may create incoherent regulations, expose the weaknesses of the global frameworks, and the orchestration deficit problem (Abbott & Snidal, 2013), little has been discussed about how fishers cope with the governance pressures to survive their business or economic activities. The discourse focuses on state's lack of competence or capacity to execute global governance. But it has been recognized that every global governance carries limitations: some may worsen the survivability of fishers in the market and some may help the fishers. Not all fishers have the resilience to survive, compete and adapt (Satumanatpan & Pollnac, 2020). After all, there are countries that suffer from overfishing in their territorial waters (Department of Fisheries, Ministry of Agriculture and Cooperatives, Thailand, 2019; Wolanski et al., 2020; Woody, 2019) but switching job is not an option and thus fishers have few choices but to cope in "their own ways". In short, we need to look beyond state-centric explanation.

Knowing that new global governance in the fishery sector is tied to economic interactions and transactions, this paper sees the pertinence of revisiting

the concept of problem and solutions in the global governance of capture fishery by bringing in attention to how the private sector, which in this case includes fishers and fisheries businesses, operate and interact with the national authorities and with their peers. The consideration is twofold. *One*, after World War II the principle of liberal international economic order is prominent and that the capture fishery is among the sector proud for being private-based and market-led. Even in its heyday of old governance, the capture fishery sector depends on the cooperation and partnership of the fishers and the industry. Quota to fish, monitoring of vessels, permits for vessels are expected to make fishers competitive. *Second*, liberalizing the sector according to demands from international economic order is (often) controversial. While in principle liberalization may open some opportunities to operate in new fishing grounds with incentives from the state, fishers and the industry must interact with local authorities and other fishers, both from their own nationalities and beyond. The capacity to adjust and to remain competitive becomes important to monitor here.

With this focus, we can explore the bridge between the environment, people, and the economy because the liberal market that the capture fishery sector lives in is embedded in the state-society relations; liberal market is driven by legitimate social purposes in pursuit of what society expects the state would do for its economy. Ruggie (1982) argues that policymakers seek purpose in its participation in the global order. This is why, as Ruggie further explained, a state would increase support for trade by compensating those who may be harmed by trade, mitigating the negative aspects of free trade instead of refusing it altogether. The means may include support for labor, providing equipment to protect the environment, or strengthening demand to help producers get better price for their products. Ruggie noted, however, that the international authority of global governance often focuses on power only, ignoring the dimension of social purpose; deciding on the form of international order but not its content (p. 382). It is about the state towards the marketplace, and not about the marketplace itself. While some called this “protectionism”, Ehrlich (2010) argues the opposite; namely that there are market players who believe in fair trade that trade should be somehow regulated or limited (whether by government or the market) to prevent harm to the society and business.

The COVID-19 pandemic represents a disruption, a deep shock in the liberal market, one that leads many businesses to bankruptcy and pushes economies into recession. When the fishers express less than enthusiastic reaction to what the state provides, this is a signal to revisit how the global governance works. Bringing in attention to how the private sectors respond to the authority and their peers helps to identify the factors affecting such reaction. State's stimulus to businesses amid COVID-19 is often an inseparable part of their respond but one needs to assess how the stimulus is connected to how businesses operate and to the global governance principles.

Research Method

The research started by noting actions from Indonesian state authorities about COVID-19 for the capture fishery sector and the stimulus packages announced following the declaration of the first COVID-19 infection. The study captures the first wave of COVID-19 pandemic in 2020. How the pandemic affect fishers and the reactions of fishers to the stimulus packages, both the larger-scale ones and the traditional small fishers, are traced from media news published between March 2 to August 17, 2020, that is the time between the first day that COVID-19 was announced as a pandemic in Indonesia and the first wave of the pandemic. The writer used keywords such as “harga ikan” (price of fish), “insentif perikanan” (fisheries incentive), “insentif nelayan” (incentive for fishers), “pandemi” (pandemic), and “COVID-19”. The total relevant national and local media news were 43 articles. The media news reveal government programs as well as the reaction pertaining to the pricing of fish and other difficulties to sustain operation and export during the pandemic.

The writer also did a series of in-depth interviews with fishers representatives. The sample is purposive, aiming at hearing the views of the association of fishers and the traditional fishers from different parts of Indonesia. We obtain the views of 2 (two) representatives from one association of fishers, the ASTUIN (Indonesian Tuna Association) whose members are tuna fishers from Java and Bali, and 2 (two) representatives of traditional small fishers groups: one from Kepulauan Riau and another from Maluku island. The COVID-19 pandemic hindered the researcher's ability to find other fishers to interview.

The search for factors affecting fishers' reaction to the state COVID-19 stimulus to the sector is done by doing purposive sampling of state authorities who can provide in-depth description of global governance in practice and how they understand business operation in the sector. We interview 15 (fifteen) state authorities in the sector namely officials from the Ministry of Foreign Affairs, the Ministry of Marine and Fishery, Coordinating Ministry of Maritime and Investment, Coordinating Ministry of Politics, Law and Security, the BP2MI (the Protection Agency for Indonesian Migrant Workers), and the local government officers from Central Indonesia. All interviews were done by google meet and zoom application between July 6 and August 13, 2020.

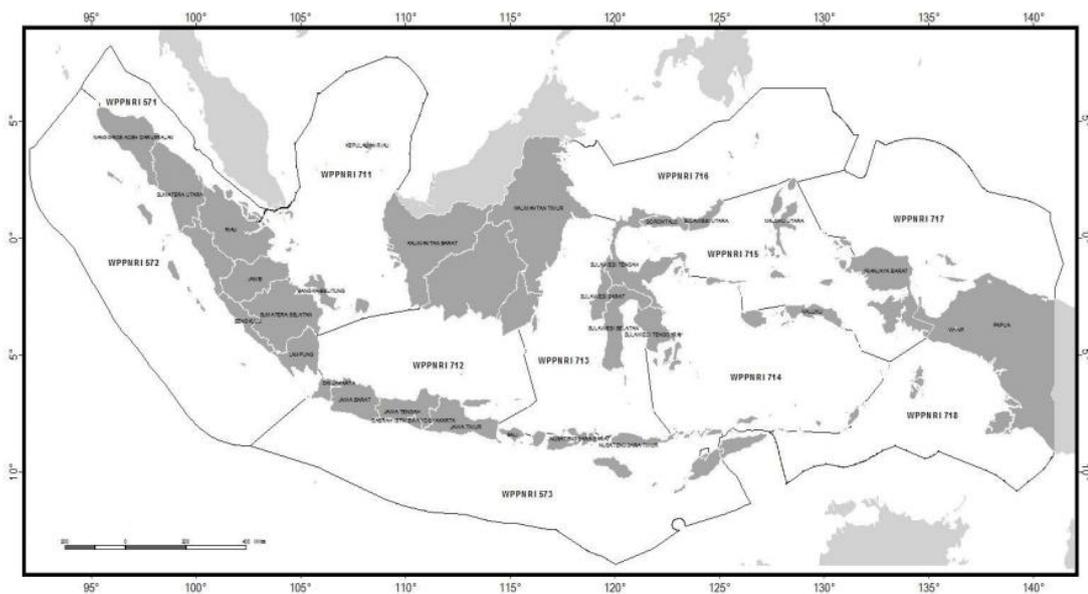
Data from the media news for this research helps capture the overall feel about state's expression to COVID-19 and the stimulus packages for fishers. The change to the pricing of fish from across areas in Indonesia is noted to highlight the shock and how fisheries businesses operate. From the in-depth interviews, we explore the implementation of the three mentioned global governance principles: territorial use-rights, sustainable fishery and business and human rights in the fishery sector. The finding is presented as a descriptive analysis of new global governance in practice, particularly how fishers (from various countries) interact at the practical levels, including with the states.

Indonesia's Governance in Capture Fisheries

Indonesia is world's largest archipelago, lying in between the Indian Ocean and the Pacific Ocean, with no less than 13,000 islands spanning three time zones. Indonesian territory, therefore, borders many countries. In the sea, it borders with India, Thailand, Malaysia, Singapore, Vietnam, China, Philippines, Papua New Guinea, Timor Leste, and Australia. As *per* Regulation from Minister of Marine and Fishery No. 01/MEN/2009, Indonesia is divided into eleven fishing grounds or Fishing Management Areas (*Wilayah Perikanan Laut Negara Republik Indonesia – WPPNRI*), which is number coded (see picture 1) and for every fishing ground there are multiple agencies involved in the governance, including the local governments. The coding of fishing ground adheres to the map coding of International Hydrographic Organization, International Maritime

Organization, Food and Agriculture Organization, the United Nations conventions, and boundary agreements with neighboring countries (Triyono et al., 2011). Every fishing ground has its own champion species. Larger and expensive tuna such as yellowfin is abundant in WPPNRI 572 and 573. Panaeid shrimp, lobster and crab are abundant in WPPNRI 571, 572, 712, 713, 714, 715. Squid and pelagic fish are abundant in WPPNRI 714, 715, 716, 717, 718. In WPPNRI 711 by Karimata Strait, Natuna Sea and South China Sea where illegal fishing is most often found, and the area is abundant with small pelagic fish, reef fish, small/blue crab, crab and squid. Between Bitung and General Santos in the Philippines, by WPPNRI 716, smaller pelagic fish are found.

Figure 1. Eleven Fishing Grounds in Indonesia according to Regulation of Minister of Marine and Fishery No. 18/PERMEN-KP/2014



As a country, Indonesia benefits from rich fish stock and a combined size of fishers. The Food and Agriculture Organization (FAO) in its 2020 report mentioned that in 2018 the top world producers of marine capture include China (15% of world total), Indonesia (8%), Peru (8%), The Russian Federation (6%), the United States of America (6%), India (4%) and Vietnam (4%). The world's largest importers on the other hand includes the European Union (34% of market value), the United States (14%) and Japan (9%). Interview with ASTUIN reveals that tuna fishers are flocking in WPPNRI 572 and 573 with a total vessel of

approximately 400 from 200 companies but in the past 5-7 years the size of vessels is getting smaller. The tuna fishers represent the larger-scale fishers in Indonesia. In other fishing grounds, the fishers are typically small and traditional fishers. Small fishers gather in groups to help them getting permit, assistance, and monitoring from the national government; they usually have vessels of less than 30 Gross-Tons or slightly larger. Before 2014, large foreign vessels that are tripled or more in size can be easily found in the Indonesian fishing grounds but since 2014 unless the vessel is registered as Indonesian vessel and of specified size then it cannot operate in the Indonesian fishing grounds.

Indonesia has been active in international arena for governing fisheries including to combat Illegal Unreported and Unregulated Fishing (IUU Fishing), namely as Member of the Indian Ocean Tuna Commission (IOTC) based on Presidential Regulation No. 9/2007, as Member of Commission for the Conservation of Southern Bluefin Tuna (CCSBT) based on Presidential Regulation No. 109/2007, member of Western and Central Pacific Fisheries Commission (WCPFC) based on Presidential Regulation No. 61/2013, and as cooperating non-member of the Inter-American Tropical Tuna Commission (IATTC) and International Commission for the Conservation of Atlantic Tunas (ICCAT) and by 2015 issued a national human rights certification framework for capture fishery. It becomes significant to explore why fishers in Indonesia are less than enthusiastic about the COVID-19 stimulus.

The Covid-19 Pressures and the Stimulus Packages

As soon as COVID-19 is announced as a global pandemic, the capture fishers around the world immediately felt the blow. The United Nations' Food and Agriculture Organization in its website (FAO, 2020) described the sector as highly dependent on international trade and therefore have suffered quite early in the development of the pandemic from the restrictions and closures of global markets. The fisheries sector also experienced logistical difficulties such as increased air freight costs and cancellation of flights, whereas the whole supply chains of fish and seafood products have been severely impacted by the closure of the food service sectors (e.g. hotels, restaurants, catering facilities, school and work canteens). The FAO mentioned quite rightly that as the consequence of

pandemic, fishers changed the species to catch in order to cater for domestic market. Unfortunately, such tactic does not help fishers much. Technically domestic markets have limits in demand and price. The ones giving higher and better price is usually abroad.

Immediately after the COVID-19 virus spread, stimulus packages are offered by the government of Indonesia to the fishers. The government allocates, from the central state budget, a 2020 stimulus packages of an approximately 695.2 billion Rupiah (estimated 46.34 million USD) and another 356.5 trillion Rupiah (estimated 23.76 million USD) from the proposed state budget of 2021, which are equal to 0.039% of total state budget. Indonesia is reported as one of Asia's countries providing the smallest COVID-19 fiscal response packages (Rajah & Grenvile, 2020). The funding is dedicated for assisting local government (Regulation of Ministry of Finance No. 105/2020) and tax exemption program (Regulation of Ministry of Finance No. 107/2020).

For market players, a national stimulus policy, as issued and documented by the Ministry of Finance, includes government guarantee for credit of capital for labor intensive corporations as long as the corporation is export-oriented with minimal 300 employees and not categorized as Micro Small Medium Enterprises (MSMEs) or State-Owned Enterprises (SOEs); exemption of income tax PPh. 21 for 1,189 sub-sectors, exemption of PPh 22 import tax for 721 sub-sectors, acceleration of paying return tax for 716 sub-sectors, tax credit deduction of 30% for 1,013 sub-sectors including for companies operating with KITE licensee (*Kemudahan Impor Tujuan Ekspor*) and in EEZs, and tax exemption of 0.5% for MSMEs. These interventions clearly prioritize retaining the capacity to export, to produce, and to retain workers. KITE licensee companies and companies operating in EEZs also receive the incentives of getting the COVID-19 health equipment for workers and reward if they allocate some of their production for helping the government in suppressing COVID-19 pandemic. Indeed, these stimuli are means-tested, applied with specific pre-requisites. Even for MSMEs the help is not automatic; there are specification of industries deserving incentives as written in the Rule of Minister of Finance No. 86/PMK.03/2020. To prevent COVID-19 infection, the Ministry of Transportation issued Regulation No.

25/2020 during Eid Mubarak celebration affecting fishers' schedule to fish. Fishers cut their days on the sea, just 3-4 days (Mardhia et al., 2020).

Based on interviews with government officials, the incentives were focused on retaining the strength of certain businesses in the sector. The logic was to provide incentives to continue exporting while protecting their workers from being laid off and from infection of COVID-19. On paper the coverage may sound large but in practice only a fraction of the fishers is eligible to get the incentives.

The day-to-day challenges, as officials from the Ministry of Marine & Fishery and Coordinating Ministry of Political, Legal and Human Rights revealed, are tough to cope with. During COVID-19, they cited increased aggressivity of fishery vessels from Vietnam to enter Indonesian water and to crash the patrol boats upon being caught red-handed. The practice of IUU Fishing in Indonesian water has increased too during the pandemic, both the ones done by foreign vessels and by Indonesian vessels (e.g. the use of potassium). Between October 2019 and July 2020, the Ministry of Marine and Fishery noted the IUU Fishing activities of 22 Vietnam vessels, 12 Malaysian vessels, 14 Philippines vessels, and 1 Taiwan vessel.

The response of the Indonesian government was to promote bilateral and multilateral cooperation such as to develop National Plan of Action to Prevent, Deter and Eliminate IUU Fishing with 8 countries (Australia, Indonesia, Thailand, Malaysia, Brunei Darussalam, Philippines, Timor Leste and Vietnam), to ratify Port State Measures Agreement with Australia and Thailand, to issue Module for Port Inspector training and Modul for Monitoring, Control and Surveillance training, and to develop Strategic Plan of Action to prevent IUU Fishing in the region. On human rights standard, efforts have been low-key if not slow following the changes of personnel inside the Ministry of Marine and Fishery but cross-ministerial dialogs on the issue continued. All suggest that even under COVID-19 shock, the tendency at the government side is to focus on continue aligning to global governance with "just enough support" for day-to-day challenges of fishers.

Fishers beyond state's stimulus package reveal that the domestic market could not absorb fish that usually caters the export market. The closing and reduced time to work in factories have resulted in full cold storages. The prices of

fish and seafood products in most ports in Indonesia has been down by 10% - 50% while in places with stable or upward price adjustment is just temporary. In general, there are less buyers following COVID-19 pandemic (see table 1). Some fishers and fish workers became construction workers or processing salted and dried fish to make ends meet (Baihaki & Muawanah, 2020). As the regional dialogue revealed, a similar fate was experienced by the Philippines, another archipelagic country of Southeast Asia near Indonesia. Following the cancellation of some domestic and international flights to and from Luzon, tuna exports via air routes through Manila was disrupted. This costs the livelihood and income of as many as 30,000 workers in the local tuna sector (Dao, 2020). Groups of small fishers revealed in the interview with author that containers of cold storage in Java are still full that those buyers refuse to buy more from fishers.

Table 1. The impact of COVID-19 to Fishers and Fish Price Around Indonesia

Area	Price
Teluk Saleh, Sumbawa, West Nusa Tenggara (Mardhia et al., 2020)	Price reduction by 10%
TPI Desa Glondonggede, Kecamatan Tambakboyo, Tuban, East Java (Sudarsono, 2020)	Price reduction by 10%
Pelabuhan Perikanan Nusantara Kecamatan Brondong Kab Lamongan Jatim (Mubarok & Fajar, 2020)	Price reduction by 50%
TPI Karangsong Kabupaten Indramayu Jabar (Rofahan, 2020)	Price reduction by 30%
TPI Palabuhan Sukabumi (Sukabumi Update.com, 2020)	A slight increase of price after Eid-Mubarak; fishers are back to fishing but local buyers are declining.
Kecamatan Wanasalam, Kabupaten Lebak (Fachreinsyah, 2020)	Price reduction by 10%-20%. Usually send fish to Jakarta area (Muara Baru and Muara Angke) but now the market is quiet or closed.
Kecamatan Brondong Lamongan (Memontum.com, 2020)	Price reduction for blue crab and squid by 45%-50%.

Pasar Citra Niaga (Pasar Legi) Jombang (Supriyatno, 2020)	During the fasting month some fish are up in price by 10%, but this is not good for the fishers because consumers were unhappy.
TPI Padalarang, Cilacap Jateng (Cilacap, 2020)	It is actually the time of the year when the East Wind from Australia comes, so fish is coming nearer the shore. Unfortunately, price declines by 40% due to less demand and limited transportation out of town.
TPI Paotere Makassar (Antaraneews, 2020a)	Price declines by 15%-25% because there are time limits for market operation; fishers fear consumers won't buy with normal price and indeed consumers would rather switch to buying tofu and soybean cake instead.
Kab. Tuban, TPI Desa Glondonggede (Sudarsono, 2020)	Price declines by 10%
Desa Tambakrejo, Kab Malang (Erwin, 2020)	Price declines by 50%
Kec. Kalipucang, Kab. Pangandaran (Rachman, 2020)	Price is stagnant but buyers are scarce
Kab Kendal, Jateng, juga Nelayan Serdang Begadai di Sumut (CNN Indonesia, 2020)	Price declines by 50% in the midst of stormy season. Fishers ended up selling even less than that price to the middleman to ensure getting the money needed by the family. Fishers in North Sumatera cannot afford to fish due to stormy season. While crab and blue crabs is usually expensive commodity for export, now they can only be sold in the local auction market.
Kec. Muncar, district of Banyuwangi (Affandi, 2020)	Going to Eid Mubarak, the price of fish is crawling up by 10% simply because no one is fishing.
Tambaklorok, Semarang (Ardyansyah, 2020)	In Java it is entering the dry season with high waves, and thus fishers get only small amount of fish. Each small vessel can only go as far as 4 km from the coast. Consequently, fishermen is trapped in debt.
National level (Adi, 2020)	There are 718 units of fish processing business across Indonesia. National stock for sardines and mackarels are now 35,000 million cans which would be

	exported, sold online and to fulfil national program of social assistance. The challenge under COVID-19 is the increasing price of can, pasta sauce and thickening flour that are imported and thus limited in stock due to lockdowns of some countries.
Binongko, Labuan Bajo, NTT (Lewar, 2020)	Fishers chose to stop fishing due to the death threat of COVID-19.
Morotai Island, Maluku Utara (Ministry of Marine Affairs and Fisheries, 2020)	Vietnam stopped buying tuna loin. Consequently, the pricing of fish is reduced by 10%-30%. This is sad given that usually between February and April is tuna season and the size of tuna reaches 20 kg and beyond; by June fish would be scarce. Harta Samudera, a company doing export of tuna loin to Vietnam, still has 6 containers. On 6 April 2020 fishermen from Wasileo village in East Halmahera Island ended up burying the fish they brought to Morotai due to rejection from buyers.
TPI Prigi, Kab. Trenggalek (Rozik, 2020)	Demand has declined and thus price is reduced by 50%.
Pasar Arumbai, Kota Ambon (Antaraneews, 2020b)	Fresh fish of <i>cakalang</i> (skip-jack tuna) and <i>tahitu</i> is getting rare in Ambon.
Maluku (“Wabah Virus Corona Pengaruhi Ekspor Ikan Maluku,” 2020)	Price reduction of 10%. Destination of fish export is to Japan and China.

Note: - TPI = Fish Auction Market.

Source: various sources as mentioned or calculation of author.

COVID-19 reveals the vulnerability of capture fishers. While record has shown that Asia as a region, and Southeast Asia in particular, has exhibited a continuously increasing volume of production and value of the capture fishery sector, such mechanism of increasing production to catch up with demand turns out risky. Increasing demands grow hope that the cost of operation (from permit, fuel, labor, equipment, capacity building, and in some cases certification) will be paid off when buyers pay the products; but when the activity is paid on daily basis transaction instead of long-term agreement, the risk of loss becomes high.

The top ten global capture producers by 2018, in an order of scale, was China, Indonesia, Peru, India, Russian Federation, United States of America, Vietnam, Japan, Norway and Chile (FAO 2020, 12). The Philippines ranked 11,

Thailand ranked 12, Malaysia ranked 14. This happened parallel to the increase in global food fish consumption, which is an increase at an average annual rate of 3.1% from 1961 to 2017 or a rate almost twice that of annual world population growth (1.6%) for the same period (FAO 2020b, 3) and Asia having the largest deployment of motorized vessels in the world, that is 68% of the global total of vessels is in Asia although the size distribution is largely of less than 12 meters (FAO 2020, 42-44). For job creation, the capture fishery provided over 30 million jobs in Asia by 2018, which is nearly double the job created from the aquaculture fishery in Asia (FAO 2020, 37). All of these crumble like a tall house built on sand.

The Layers of Interactions in Capture Fisheries Global Governance

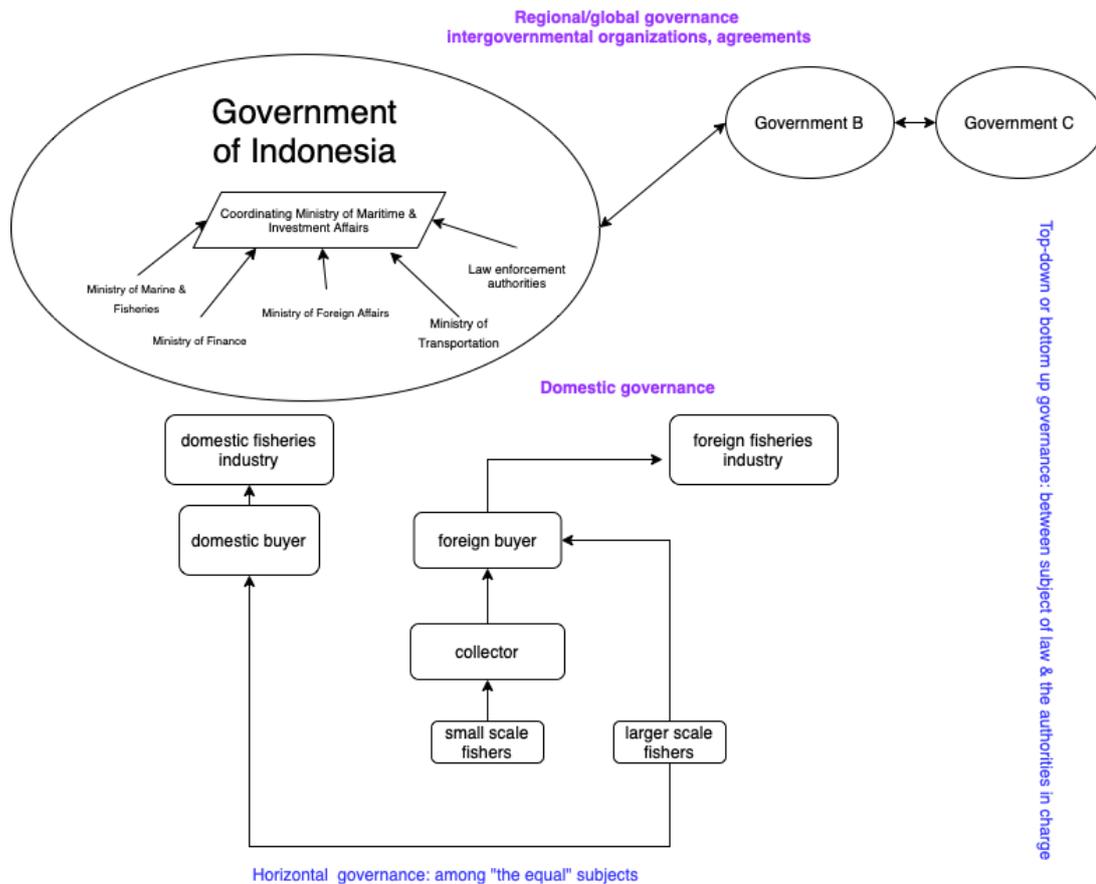
What have escaped our attention on global governance of capture fishery? We often hear about global value chain, about cold chain in logistics, and about tracing sustainability practices, but are we looking at the problem thoroughly? The wicked problem discourse taught us about the need to look closer into the perspectives of stakeholders when seeing problems, because the problem may not be presented objectively. Problems may be understood differently from one person to the next, conditioning on the extent to which the person in question is affected by it (Jentoft & Chuenpagdee 2009, 554). We are called to be cautious to the various scales (of problem) at operative level. Governance is not just top-down or bottom-up but also horizontal. And this is what we discover from fishers in Indonesia. And Indonesia may not be the only one experiencing such challenge.

Global governance in capture fisheries includes layers of interactions, some between equal subjects or peers of the same authorities and responsibilities, some between the authority and the subject of laws. The interaction between equals is named here as horizontal governance. The interaction between the authority and subject of laws is either top-down or bottom-up governance. See Figure 2 for the illustration of fisheries governance that include these layers of interactions in the Indonesian context.

There are two layers of horizontal governance: among the ministries within the Indonesian government and among the business (small and larger scale fishers). The relations among these subjects are tailored by laws, norms and by

practices. Among the ministries, the numerous ministries and agencies affecting the effectiveness of capture fisheries governance in Indonesia showed that horizontal governance matter to how the global governance is perceived and implemented on the ground. By rules and norms, these ministries should report and are coordinated by the Coordinating Ministry of Maritime and Investment Affairs, but in reality, there are multiple lines of reporting. Only the Ministry of Marine and Fisheries and the Ministry of Transportation report to the Coordinating Ministry of Maritime and Investment Affairs. The Ministry of Foreign Affairs and the law enforcement authorities (which include coast guards and navy) reports to the Coordinating Ministry of Politics, Law and Human Rights. The Ministry of Finance receives order from the President and not from the Coordinating Ministers. Thus, programs and incentives that the Ministry of Finance issued to fishers are not necessarily a reflection from the horizontal coordination let alone agreements among the ministries dealing with fisheries or the relevant aspects of fisheries.

Fishers cope with this multiplicity by way of their direct or indirect dealing with buyers. The small-scale fishers rely a lot on collectors of their catch to maintain operation; not just because they are used to it from generation to generation, but they are dependent on debts from the collectors. In time of difficult seasonal circumstances, small-scale fishers often borrow money from the collectors for daily expenses in their families. The larger scale fishers focus on maintaining their network with foreign buyers. These are what keep their businesses afloat. Consequently, the governance from the top (namely the government) is perceived from the viewpoints of practicality for the business.



In-depth interviews with Indonesian government officials of various ministries and agencies confirmed that Indonesia may have big and rich seas but the resources to tap into the resources or to monitor the exploitation of those resources is weak.

First, the vessels are limited in number and less than able in terms of size to patrol safely in areas where waves are high and the foreign vessel intruders are triple or more in size than the patrol vessels. Worse, in certain fishing ground there is disputed border problem with the neighboring countries. For example, Vietnam, where the status quo has been for the Indonesian patrol to monitor Vietnamese vessels operating in the disputed water and to expel vessels of other countries, e.g. China, from the disputed area. A senior official from the Coordinating Ministry of Politics, Law and Human Rights, interviewed on 3 August 2020, remarked:

A disagreement remains between Indonesia and Vietnam on the border of EEZ for exploration. Vietnam refers to a single line for both the EEZ and continental shelf while Indonesia refers to a double line thus the continent land is an area beyond

150 miles. Therefore, the Coordinating Ministry of Politics, Law and Human Rights issued a circular in 2017 or 2018 to monitor the area more closely and expel any vessels from the disputed area and to deploy the coastguard for enhancing the sense of peace in the area. The same policy is applied between Indonesia and Malaysia.

Unfortunately, as our informant revealed, the vessels of the third country are way bigger and well-equipped that they can afford ignoring the Indonesia's patrol.

All government officials interviewed mentioned the era under Minister Susi Pudjiastuti, the first female Minister of Marine and Fisheries in 2014-2019 who also own fisheries business, as a breakthrough to counter this problem of patrol and safety from intruders. Susi Pudjiastuti enforced a policy of confiscating foreign vessels and selectively sink the vessels and boats that are legally proven to be involved in IUU fishing. The aim was to create a deterrent effect for IUU fishing and other illegal activities across Indonesia's territories while conserving fish stocks. She was assisted by a cross-sectoral national task force to combat IUU fishing called "*Satgas 115*." Such policy, however, was discontinued by the two Ministers who replaced Susi.

Second, the frontline areas of the seas are poorly equipped with refueling sources. Local fishers as well as patrols complained about the difficulty of sustaining operation in areas that are actually rich with fish and yet to be overfished. This was raised by informants who are fishers from Riau islands who operate in fishing ground 711. Informants who are fishers from Maluku Island who operate in fishing ground 715 shared a similar concern where their boats are small while the distance to fish is far in deep water.

Third, the national budget to support capture fishery is relatively small compared to the allocation for other ministries. As per state budget 2020, the Ministry of Marine and Fisheries are not among the top 10 ministries with the largest allocation (Ardyansyah, 2020). In 2021 the dedicated budget for the Ministry is reduced by approximately Rp. 0.54 trillion (DPR RI, 2021). Further, the allocated state budget is split into several national priority programs and thus several agencies (see table 2), leaving the local offices of the Ministry of Marine and Fisheries which technically is burdened with the day-to-day detection of fisheries legal violation, with meager budget for monitoring and capacity building.

As one of the official from the local Ministry of Marine and Fisheries shared in the interview, of the 356 days in a year, the “normal” monitoring budget for a provincial marine and fishery agency is 45 days and the COVID-19 pandemic cut the budget to only approximately 20 days in a year. Based on our interviews, the local officials take the position of waiting to support national programs.

Table 2. National programs relevant to fisheries sector

No	National program	Ministries involved and the appropriated state budget
1.	<i>Program Ketahanan Pangan Nasional 2020 and 2021</i> (the national food resilience program) aimed at enhancing the production of food through building infrastructure and embed the use of technology. Specifically for fisheries sector, the program is for fish production, where the aim is to reach 8 million ton production of fish, and to provide insurance subsidy for 120,000 (small and poor) fishers.	Ministry of General Development and People’s Housing (PUPR): Rp. 26.7 trillion; Ministry of Marine and Fisheries: Rp. 713.63 billion; Ministry of Agriculture: Rp. 4.94 trillion.
2.	<i>Program Transfer ke Daerah dan Dana Desa</i> (Transfer to the provinces/districts and villages) aimed at improving the role of local government in recovering from the pandemic. The program for fisheries sector include rehabilitating ports in several fish landing sites.	Ministry of Village and Local government: Rp. 10.2 trillion for food security and to improve the prosperity of farmers/fishers
	Fuel subsidy to targeted group. The program of fuel subsidy for fishers started in 2014 where every year the Ministry of Marine and Fisheries determine the number of eligible beneficiaries. Every beneficiary would receive a card mentioning the boats, owner of the boats, and quota of diesel fuel per boat.	Rp. 1,000 per liter of fuel (diesel fuel)
4.	<i>Dana Desa</i> (village fund) to support the economic activities of villagers include an allocation for creating boat anchors (a total target of 5,371 units in 2020).	Ministry of Village

Sources: (Kementerian Keuangan RI, 2020, 2021)

Fourth, the state expects income tax from reported catch, but the catch permit is carried by the vessels instead of being turned in to the coastal agencies and thus the catch becomes unreported. Local fishers also complained about the hike of income tax rate that they chose not to fish in the national fishing grounds to avoid the tax, all while envying the foreign vessels operating in their fishing

grounds for not doing proper reporting of their catch. The three fishers interviewed here testified of the poorly monitored fishing methods by the foreign vessels. A local authority from the Ministry of Marine and Fisheries testified about businesses doing misrepresenting the size of the vessel just to get cheaper permit. Such maladministration is confirmed by fishers interviewed for this study, saying that it is quite challenging not to violate the law given that the law is making businesses difficult:

It takes a long time to get permit, and we need to bring the bigger boats/vessels to Jakarta for proof while it is impossible to do so for a lengthy time. We need to eat; we need to use the boat to fish.” (Fisher from Maluku island, interview 7 July 2020)

Fifth, capacity building is scarce and not thorough due to limited resources. To combat border violation, for example, the national authority distributes *only* hard-copy maps to fishers while fishers need radar instead to recognize the boundaries allowed by law. Small fishers also testified not having the capacity to adjust their equipment to catch up with the foreign competitors. They lack capital to do so, but they also believe that their catching method is more sustainable for the environment.

The wicked problem discourse implied that stakeholders should not conclude those phenomena as problem of poor governance or problem of small fishers. Indonesia and neighboring countries have both small fishers and larger fishers. These fishers testify care to the three principles of global governance but there is a gap in how these stakeholders benefit from what they have supported.

Governance of the capture fisheries is a collective effort. As mentioned, the relevant stakeholders discussed are not just Indonesians; they are also foreign nationals who are familiar and tap into the creaks of governance to benefit for themselves. We also noted the distrust of business to the government vice-versa. The businesses (local and foreign) would not mind evading the cost of responsibilities whenever possible and the state would rather impose stringent (often suffocating) rules and tax to businesses to finance its operational costs. Government officials also point to tragedy of Benjina where hundreds of fishers from neighboring countries were trafficked and slaved by neighboring nationals in Indonesian waters.

Existing global governance do not solve problems for segments of capture fishery sector. *First*, the fact that territorial use-rights is enacted does not help countries lacking fishing grounds. In fact, given that areas at the outskirts of Indonesia are overfished, and this is confirmed by our interviews with fishers from Vietnam and Philippines, it is tempting for neighboring fishers to fish in the weakly monitored territory of Indonesia. Some third countries even deploy their military patrol to escort their fishers. *Second*, on sustainable fishery, in reality the principle is only applied to stakeholders operating inside country's own territory; when fishers operate in other countries' territory there is operationally no means to declare the unsustainability of their fishery practice unless they are caught red handed by the coastal state. *Last*, about commitment on human rights. Our interviews revealed that human rights remain a challenging issue to enforce. Fishers are assumed as competent in articulating their skills and needs, just like in any workplace in land while the working environment are of course different. A fish worker that we interviewed testified working for several nationals, and he compared the challenges to adjust his articulation of needs by how other nationals respond. When the captain is bossy and tough, he either follows the lead, get punished, or resigned. It is in the exploration stage that fish workers may experience less than decent treatment. And as Allison et al. (2012) said, governance of human rights is built on the assumption that fisherfolk themselves as rights holders (whether individual or communal) will have every incentive to participate in this process. And it becomes clear as COVID-19 pandemic swept fishing communities that fishers and their family are highly vulnerable to demands for their products or labor. Without routine and sufficient demand, capture fishers easily collapse.

The discourse on the role of private sector is enlightening here. The government as the representation of new global governance use the logic of supporting the market mechanism but it has difficulty being thorough to respond to coping mechanisms of fishers in market. What has been overlooked globally is the mechanism for states to channel domestic support that'd allow participants of the governance to have win-win solution. Notice the following layers of "common problems" and "specific problems" that stakeholders try to solve nationally, locally or operationally under the umbrella of global governance (table

2). The common problem may converge in some aspects of problem solution, but the ones colored yellow shows divergence of problem solution. The global governance principles have not responded to such yellow-columns problem, or has no clear solution for the problem, and the problem is left to the affected and relevant parties to solve.

Table 3. Layers of Common Problems and Specific Problems in Capture Fishery Given New Global Governance Principles

Common Problems			Solution for the following levels		
Global	National	Local	Global	National	Local
Territorial-use rights Principle					
Disrespect to territorial boundaries	Monitoring permit	Small vessels, no radar, misuse of flags	Territorial-use rights	Dispute settlement	Provide map, self-help among small fishers
Overfishing in some areas	Monitoring catch	Switch job	Territorial-use rights	Allow for undown in some areas	Fish in non-territorial water
Some wish to fish in other countries' waters	Diplomatic agenda is stagnant	The locals cannot compete with the incoming foreign vessels	Territorial-use rights	Taxing the incoming foreign vessels, but the national vessels choose to under-report size of vessel	Only fish in nearby shore at the expense of not getting bigger & expensive fish
Destruction of fish & fishing environment	Poor resource to measure, prevent, combat	Switch job	Territorial-use rights	Territorial-use rights	Work with foreign vessels at any cost
Unregulated fishing equipment or technique	Adaptability of regulations and monitoring	Fishing equipment is not recognized as sustainable	Territorial-use rights	Territorial-use rights	Work with foreign vessels at any cost

		le globally; switching equipment is costly			
IUU Fishing	Adaptability of regulations and monitoring	Small operational budget, not enough fuel to catch criminals	Territorial-use rights	Territorial-use rights, deploy coast guard to accompany fishermen vessel do illegal activities in foreign waters	Not reporting catch, not using legal equipment whenever possible
Declining fish stock	Adaptability of regulations and monitoring	Competing with bigger vessels	Territorial-use rights	Bilateral or multilateral negotiation	Sneaking when patrol is absent
Sustainable Fishery Principle					
Consumer demand for traceability	Multiple knot of governability	Cost of doing certification	Certification	Unclear	Unclear
Business and Human Rights Principle					
Slavery	Awareness raising, capacity to enforce	Awareness, Skill of recruiter, poverty	Conventions	Human Rights Standard that is yet fully implemented	Unclear
Human Trafficking	Awareness raising, capacity to enforce	Awareness, skill of recruiter, poverty	Conventions	Human Rights Standard that is yet fully implemented	Unclear

Torture	Awareness raising, capacity to enforce	Awareness, skill of recruiter, poverty	Conventions	Human Rights Standard that is yet fully implemented	Unclear
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This is to say that the limit to new global governance is serious. What is quite certain here is that there is the element of market mechanism that has not been reconciled by the three global governance principles. The governance of these three principles has yet to solve the market-generated problems from the competition arising from territorial-use rights, sustainability fishery, and human rights certification. Given the nature of the contention between countries, immediate drafting of agreements and negotiations among governments become pressingly inevitable. Judging by the findings of this study, there is a sense of urgency within the Ministry of Foreign Affairs to do so but the limit of horizontal governance in Indonesia has kept the process slow. There have been some indications that the Coordinating Ministry of Maritime and Investment Affairs is geared to synchronize perspectives among ministries working on fisheries sector thus improving the horizontal governance, but the proof remains to be seen.

This study shed lights on the tendency to overlook what the private sectors face on day-to-day operations in the oceans. The global governance discourse and dialogues may increase the items of agreements on common issues, but they are not necessarily about facilitating the private sectors, the larger and smaller ones, to transition into the global governance standards. The issue of territorial disputes, moreover, remain untouched by the global governance dialogues that involve the private sectors. The fishers are expected to follow the global development and bear the consequences for not keeping pace with the global discourse.

In terms of incentives or stimulus from the national government, especially under deep shock such as COVID-19, we learn from Indonesia that the stimulus may only affect the supply side or demand side in insignificant manner if the governance of the fisheries sector remain fragmented. The fishers care about their livelihood, the change, adaptability and resilience; not the temporary numb shot from the state amid shocks. Therefore, bringing back the private sector role in the

global governance discourse of capture fisheries would be imperative as an inseparable part of new global governance for capture fishery sector. If states cannot assure the non-state stakeholders of the benefit for integrating self to global governance, then who will?

Conclusion

This paper identifies the wicked problem in capture fishery of Indonesia as fishers relate with state and fishers of other countries. Clearly there are limits to using global governance principles in solving the national and local problems as faced by state and especially by fishers. The new global governance principles may be important to bring states and certain businesses to the same table but if the fishers in a country as important as Indonesia could not solve their daily problems under the global governance, what can we say about the global governance of the sector? Knowing that the states participating in global governance seek to comply to global standards, the COVID-19 shocks remind us to consider what states could do more to get buy-ins from their own fishers who suffer from the global governance that is supposed to pacify them.

The limit to new global governance is serious. The divergence of problem solution at national and local levels from the principles of global governance shows that policy discourse on new global governance should shift from state compliance to global principles, or state's bringing in their fishers to the global standards, to states' bridging to market survival and winning. If a country sitting on the rich area of fish suffer badly under the new global governance principles, it is only appropriate to revisit the layers of new global governance designs and implementation.

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