

Inter-Sectoral Conflicts Of Maritime Institutions In Activities Controlling Of Foreign Illegal Fishing In Morotai Island Marine

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Abstract: This research aims to describe and understand in detail the inter-sectoral conflicts of maritime institutions, namely, Indonesian National Armed Forces (TNI AL), Directorate of Marine Police (Ditpolair), and Marine Resources and Fisheries Supervisory Work Unit (PSDKP Satker), in activities controlling of foreign illegal fishing in Morotai Island marine. Method used to analyze the issue is case study approach in Naval Base on Morotai and Ternate, North Maluku and Ternate Ditpolair, and Satker PSDKP on Ternate and Morotai. Data collecting, using observation techniques, interviews, and literature reviews. Data analysis using qualitative method approach. The results indicated that conflict of inter-sectoral maritime institutions in activities controlling of foreign illegal fishing in Morotai Island marine caused by violation of the Joint Agreement Charter (PKB), lack of coordination with local government, and sectoral ego of inter-sectoral institutions.

Index Terms: Marine resources and fisheries, sectoral ego, joint agreement charter

1 INTRODUCTION

Indonesian political statements as a maritime country are contained in Unitary State Constitution of Republic of Indonesia (UUD 1945). In article 25A of these constitution states that Unitary State of Republic of Indonesia is an archipelago country characterized by archipelago whose territorial boundaries and rights are established by law. The struggle of Indonesian delegation in recognition of archipelagic state concept was made in international forum through Juanda Declaration on December 13, 1957, until Indonesian government ratified United Nations Conventions on Law of the Sea (UNCLOS) in 1982 through Law No. 17, 1985 (Wahyono Suroto Kusumoprojo, 2009) [1]. Furthermore, article no. 2 on paragraph 1 of Law no. 6, 1996 on Indonesia water sea stated that Republic of Indonesia is an archipelagic country. The presence of Law no. 32, 2014 on Marine, still provides opportunities on approximately 34 laws and regulations have been established by the government, each of which has a relationship with marine sector. Orientation of existing legislation seems overlapping, partial and more concerned with sectoral ego of agencies. Many maritime laws and regulations are still sectoral, and some legislation does not contain clear maritime aspects. For example, the marine security agency was given such a large task and function by Law no. 32, 2014, but in reality, not able to enforce it because has a number of limitations, especially in infrastructure. So, in fact, Indonesian sea is still managed by quite a lot of government institutions, but has not shown a harmonious policy direction. Utilization of maritime resources, for example, policy products and legislation, is largely structured for sectoral arrangements with an emphasis on each sectoral interest. Meanwhile, sovereignty rights of state over the sea are the state's right to regulate, supervise, protect, and treat the sea to protect national interest in maritime field.

This national policy also raises a number of issues, as in explanation of article 24 paragraph (3) of Indonesian Law no. 6, 1996, said provisions of paragraphs (1) and (2) governs sovereignty and law enforcement in Indonesian water sea. While related to enforcement of its sovereignty, has been clearly regulated in Indonesian Law No. 20, 1982 on basic provisions of security defense of Republic of Indonesia as amended by Act no. 1, 1988 and then amended again with Law no. 3, 2002 on state defense, so that only require to be coordinated on law enforcement implementation. As a result, it is not only overlap between sector policies with each other, but it always creates conflicting policies, creates conflict of interest between government institutions, and often leads to conflict with public interest, such as environmental issues and coral reefs. Implementation of national policies and sectoral policies in maritime field domiciled in the region are Navy, marine police, and marine and fisheries service are two central agencies and one agency in region that work law enforcement and security in maritime field together. Policy implementation, Navy more to execution of duties in accordance to the law, so anything done in the field is a law order. Meanwhile, marine police is more in investigation authority, each agency has an investigator. Supervision conducted by marine and fisheries resources control unit using fishing vessel can stop, inspect, carry and hold aboard suspected or allegedly committing a violation in territory of fisheries management of Republic of Indonesia to nearest port for further process. So, that if there is a violation of law such as illegal fishing of foreign fishermen in supervision process, of course each agency performs legal steps in accordance with their own authority by considering aspects of coordination among sectoral agencies for national purposes and interests [10-12]. Based on Law no. 45, 2009, territorial authority of marine police is almost identical to authority of marine and fisheries services with a line measured from coastline 12 miles of territorial sea, including lakes and rivers. Should there be any maritime crime in the Exclusive Economic Zone (ZEE), then agency making arrest should coordinate with relevant sectoral agency, because Navy has territorial authority limits measured from 12 nautical miles to outer limits of Indonesian archipelago, including exclusive economic zone. Should there be any criminal offenses in territorial sea then agency making arrest should coordinate

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with marine police and marine resources and fisheries resources control unit. There are some previous research related to this topic. Policy analysis of illegal fishing countermeasures in North Halmahera Regency (Arifin Neka, et. al, 2009) [2]. These study concludes that illegal fishing activities that occur in North Halmahera marine done by foreign fishermen and local fishermen. Foreign fishermen are more Filipino with mode of falsification operational documents and use of fishing gear which is contrary to provisions of applicable fishery law in Indonesia. While the case of local fishermen is not having business license as the provisions in force. Therefore, it is necessary to develop monitoring system, development of fishery law system, the importance of regional and international cooperation, development of licensing system, regionalization of fishery management, fishery industry development and development of fishery system based on society. Armain Naim (2010) [3], conducted study on supervision of fishery resources in handling illegal fishing in North Maluku Province. This study is more on assessment needs for role or involvement community, especially for fishermen community to assist law enforcement officers of fisheries in supervision of illegal fishing activities of foreign fishermen. One of priorities oversight of marine affairs and fisheries office through development community based monitoring system with community formation monitoring groups. Through the community based supervision system group can provide opportunities for community to indirectly participated in tackling the foreign illegal fishing activities in North Maluku Province. Yussuf Solichien Martadiningrat, (2014) [4], conducted study on role of state in implementation of fishery policy facing illegal fishing, with case study in Natuna District, and concluded that illegal fishing activities conducted by foreign fishing vessels Thailand and Vietnam In Natuna area in 2005-2012 caused by internal factors and external factors. The internal factor is the lack of facilities and infrastructure of law enforcement officers, namely warships and fishing vessels held for security patrols at sea, lack of supervision and control of agreements for foreign vessels, the lack of good coordination between law enforcement in Sea, the ability of local fishermen is still very limited and has not reached on economical exclusive zone and due to the existence of Indonesia Law no. 23, 2014 on regional government resulted in implementation of fisheries policy facing illegal fishing to be hampered. While the external factor is due to reduction of fish resources in the country of illegal fishing perpetrators, in addition they have sophisticated fishing technology. The illegal fishing activities of Filipino, Thai and Chinese fishermen in Morotai Island marine of North Maluku have caused the country's foreign exchange earnings estimated at 9 trillion/year. This condition calls for a coordination between related sectoral agencies to strengthen joint monitoring. But, what happens is the conflict of organizational relationships between sectoral agencies in maritime field, in this case between the Navy, marine police and supervision unit of marine resources and fisheries services in order to supervise illegal fishing activities in Morotai Island. Institutional relationships between sectoral agencies of the Navy, marine police, and maritime and fishery service, in supervising and enforcing the law against illegal fishing activities of foreign fishermen in Morotai Island, from conflicting ideas and conflict of interest even if it does not cause significant violence (Maswadi Rauf, 2001) [5], [8-9], . Disagreements and conflicts of interest are due to who gets

what in behind the supervision and law enforcement of illegal fishing activities of foreign fishermen in Morotai Island. Sectoral ego and seizure of economic resources illegally become tends to conflict between sectoral agencies in Morotai Island marine, North Maluku Province.

2 METHODOLOGY OF RESEARCH

This research uses qualitative approach or qualitative analysis, to find a significant research according to data and information. Consideration to use descriptive qualitative research is by case study with focus of conflict assessment among sectoral institution in maritime field, that is Navy, Directorate of Water Police, and Unit of Supervision of Marine and Fishery Resources, in order to supervise illegal fishing activities of foreign fishermen in Morotai Island marine. These research was conducted in 3 (three) places, namely Navy Base in Daruba, Morotai Island District, Marine Police Directorate at North Maluku District Police in Ternate and Representative in Daruba Morotai Island Regency, and Marine and Fishery Resource Control Unit at Ternate and Representative of Morotai Island at the Office of Marine and Fishery of Morotai Island Regency. Time allocation was conducted for 6 (six) months, from August 2015 to January 2016. Objectivity of data can be found when research subject setting accordance with research requirements. Because this study is a case study, research subject urgently needed in extracting data, especially for those who know, or directly involved in such cases. Target or subject in research is as follows; 1) Naval Force Base Morotai Island in Daruba Capital of Morotai Island Regency and Navy Base in Ternate. Consideration to select of Naval Base Navy Morotai Island was made the research object because closer and more know event or case illegal fishing in those marine. While the Navy Base Ternate selected as subject because is high level than Navy base of Morotai Island newly educated in 2012, so previously a security duty of Navy Base Ternate; 2) Office of Directorate Marine Police North Maluku in Ternate and Representative of Directorate Marine Police Maluku Province in Daruba City The Capital of Morotai Island Regency. It was chosen as subject because did not have a permanent office in Morotai Island district, so all the activities of marine waters surveillance in Morotai Island are still responsibility to Directorate of Marine Police North Maluku Province. So that the representative Marine Police in Morotai Island is an extension of Directorate Marine Police of North Maluku; 3) The office of North Maluku Fishery and Fisheries Resources Control Unit in Ternate and the Representative Office in Daruba Morotai Island District was subjected to task supervising marine resources and fisheries in Morotai Island. Appointment of supervisory unit for marine and fisheries resources, because in addition to vertical institutions as in previous two institutions, task force has its own monitoring procedures and still centralized in Ternate as well as having representation in Morotai Island placed in office of marine and fisheries regency Morotai Island. The use of observational techniques is intended to collect data intentionally, systematically on social phenomena and symptoms that occur in the field then recording. Observation techniques used not only measure the attitudes of respondents (interviews and questionnaires) but also can be used to record various phenomena that occur (situations and conditions), especially related to behavior, work processes and symptoms of supervisory interaction on illegal fishing activities foreign

fishermen between three sectoral. Interviews are conducted in depth to informant as a pre-determined research subject and when possible additional data for completeness of this study, will be determined later. Results of in-depth interview consisted of direct quotes from respondent regarding their experiences, opinions and knowledge about handling and their actions related to illegal fishing cases of foreign fishermen in accordance with procedures owned by their agencies. Procedures that guides actions of each vertically sectoral agency based in region. In-depth interview data collection, other written data support is also very necessary when data relates to this research as other relevant written documents will be tracked through website. As for the documents traced is a list of recapitulation cases of illegal fishing of foreign fishermen that exist in three institutions in four locations and by local governments, the charter of mutual agreement between the Ministry of Marine Affairs and Fisheries with Indonesian National Police and Naval Force in 2012 and the Governor's Decree on coordination forum for handling marine and fishery cases in North Maluku Province. While interviews informal talks, ie interviews conducted by researchers on informants. All data collected through in-depth interviews, documentation, and field observations are processed accordance with descriptive qualitative methodological desires. Steps are performed on data analysis, data reduction, data presentation and subsequent drawing conclusions. Duration of data collection process is due to find data on Navy Base Ternate and Morotai Island seem rather closed to coming from civil society or universities. So, to get data from Naval Base Ternate and Morotai Island only through interviews while document data is not willing to be given with a very secret reason. Steps of data analysis as seen on Figure 1 [6], [7].

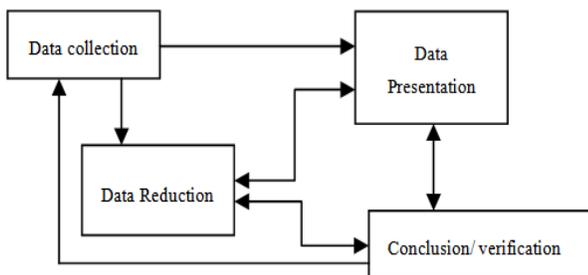


Figure 1. Components of data analysis (After Miles and Huberman, 1992)

3 RESULTS AND DISCUSSIONS

Morotai Island marine is one of border areas in Indonesia which is directly adjacent to sea lane of Palau Republic in Pacific Ocean not far from Philippines. Illegal fishing activities of foreign fishermen are always there and show a significant increase every year. This is because price of fish in Philippines and Thailand is more expensive when compared with Indonesia. In every year there is always a fix for foreign fishermen who conduct illegal fishing activities in Morotai island marine. Even the average 2009 - 2016 in every month, there is always an arrest of illegal fishing activities twice or more by marine institution which as many as 101 cases. This condition desperately requires law enforcement and maritime security from sectoral agencies in maritime field, namely, Indonesian National Army (TNI AL), Directorate of Marine Police (Ditpolair), and Marine Resources and Fisheries Resources Control Unit (Satker PSDKP). Partnerships and

compliance with collective agreements are crucial in duties implementation and responsibilities of each agency is urgently needed in law enforcement context and security at sea. Violation of provisions in Joint Agreement Charter (PKB), can create conflicts in the field that are difficult to avoid. Controversy against coordination forum of fishery crime management was formed by Decree of North Maluku Province Governor No. 244.1/KPTS/MU/2011 also happened among sectoral institutions. Whereas this Forum was formed as a follow-up of will article 73 paragraph (5) of Indonesia Law No. 45, 2009 concerning amendment to Law No. 32, 2004 regarding fisheries and provisions, PER.13/MEN/2005 and PER.18/MEN/2011. Sectoral ego between these agencies which then trigger conflict that is avoided.

Violation of Joint Agreement Charter (PKB)

Departing from complexity coordination in implementation of marine and fisheries policy of sectoral institutions during this time, a mutual agreement was made in Jakarta. Although this charter has been agreed before, but in August, 2012 at central level has been done together agreement between the Ministry of Marine Affairs and Fisheries, Indonesian National Police and Indonesian National Army Navy. The joint agreement is set forth in a Joint Agreement Charter (PKB), signed by each party. The charter of agreements together with No. 121 / DJPSDKP / VIII / 2012, No. B / 32 / VIII / 2012 and PKB / 14 / VIII / 2012 held on Tuesday, August 07, 2012 in Jakarta with each party represented. The parties jointly agree on a number of things that are joint responsibility as law enforcement and security agencies at sea. The collective agreement explains the following matters; 1) that the fisheries management area of Republic of Indonesia has the high potential fishery resources that it needs to be managed optimally, sustainably, and responsibly; 2) that in order for utilization and management of fishery resources to be efficient and effective, it needs supervision and control; 3) whereas based on applicable law of PPNS fisheries investigator, police investigator and TNI AL investigator, have authority to conduct investigation, fishery crime; 4) whereas it is deemed necessary to have similar pattern of action and hasmonization between three agencies in carrying out process of handling fishery criminal acts, especially in investigation stage; 5) whereas to increase handling activity of fishery crime should be done with standard operational and procedure (SOP) which is standard and integrated. Joint agreement charter concerning operational standards and procedures, made with reference to legal basis of each sectoral agency policy. The reference of PKB starts with; a) the Indonesian Constitution; b) Law No. 8, 1981 regarding the Criminal Procedure Code (KUHAP); c) of Law No. 2, 2002 concerning Police of Republic of Indonesia; d) Law No. 45, 2009 concerning amendment to Law No. 31, 2004 concerning fisheries; and f) Law No. 34, 2004 on Indonesian National Army. The purpose of this operational standards and procedures, as a form of handling fishery crime in investigation and prosecution as a guide for investigators in dealing with criminal acts fisheries. Thus, it will guarantee uniformity and legal certainty for investigators who handle fishery criminal case quickly and accurately. The agreement through PKB which has been signed since 2012, has not gone as expected. The collective agreement between the law enforcement and security forces in the sea is done as a coordination vehicle in addition to avoiding sectoral ego that has been happening to

each agency at lower level. Based on past experience, before the agreement was made, there have been many conflicts in implementation policies each agency in the field. Therefore, PKB shall be lowered at provincial level and even to local government (regency/city) to be followed up by mutual agreement. However, for North Maluku province consensus in form of joint agreement, in no way done for various reasons. The case of recovering illegal fishing activities and cross-border violations still occurred in 2010 between Ditpolair and Navy is evidence violations provisions of Joint Agreement Charter (PKB). Incident occurred when, Ditpolair North Maluku captured four Philippine fishing boats and three Indonesian fishing boats suspected of illegal fishing in Morotai island marine. After the examination, two Indonesian ships proved documents according to regulation so it was feasible to released. Towards two days later the arrest again by the Navy in same area with same fishing boat. Both ships were then taken to Navy Base Ternate. Such cases of catching clearly cause conflicts between the Navy and Ditpolair as they perform their respective sectoral tasks not in accordance with standard operations procedures set forth in PKB. Working according to taste of each agency was also done by Navy, when expelling community based monitoring group formed by the PSDKP work unit in Morotai island marine within two days after recapture case. According to director general of marine and fishery resources supervision, Syahrin Abdurrahman, as representatives of ministry marine affairs and fisheries who signed PKB on operational standard procedures for handling crime at Investigation is very important because one of the reasons why the importance of this agreement is made to establish a pattern of action, coordination and harmony between sectoral institutions as investigation agency of fishery crime. Standard operational procedure (SOP) is a guide for investigators in handling of illegal fishing to prosecutor (JPU). Therefore, law enforcement process can be implemented effectively and efficiently even can cause deterrent effect for perpetrators of illegal fishing.

Controversy on Coordination Forums at Provincial Level

The coordination forum for handling of fisheries crime was established by Governor Decree of North Maluku Province No. 244.1 / KPTS / MU / 2011 concerning coordination forum of crime handling in fishery field in North Maluku Province. Consideration of formation forum is a follow up of article 73 paragraph (5) of Law No. 45, 2009 concerning amendment to Law No 32, 2004 concerning fisheries and provisions of article 7 paragraph (1) of regulation of Minister of Marine Affairs and Fisheries No. PER. 13 / MEN / 2005. Whereas, coordination forum for the handling of criminal acts in fisheries is the result of changes that have been made several times, most recently with the regulation of Minister of Marine and Fisheries No. PER.18 / MEN / 2011. So, in context of handling criminal acts fisheries is considered very important and strategic to form coordination forum of crime handling in fishery field of North Maluku Province. Establishment of coordination forum has task of synchronizing and coordinating activities of criminal handling fisheries. The tasks of this forum are to carry out a number of functions as follows; a) coordination of criminal investigation activities of fisheries; b) identification, type of volume/ frequency modus operandi and dissemination of criminal practices of fisheries; c) establishment of types criminal offenses in fishery sector prioritized for gradual

processing; d) counseling and guidance for community to prevent the occurrence of criminal acts of fisheries; e) identification, measurement and analysis, the timely significance of criminal offenses of fisheries; f) design forms of coordination criminal eradication activities of fisheries; g) formulation and updating of criminal eradication strategies fisheries; h) monitoring and reports presentation on implementation of eradication criminal acts of fisheries; and i) assessment and evaluation of effectiveness strategy for eradication of criminal acts of fisheries sector in a sustainable way. Establishment of coordination forum is an order of law that must be implemented by the governor because it is related to consequences of budget allocation from state revenue and expenditure budget and from the regional revenue and expenditure budget, even charged to each unit of local government unit (SKPD) which involved that forum. The agencies involved also have a policy linkage of each sectoral agency with marine and fisheries. In the event of vital matters in steps of synchronization and coordination activities, the forum chairman has right and authority to form a technical team. The technical team is on duty and works to solve criminal offenses related to fisheries in form of evidence handling, and crew handling. The membership of technical team may consist of relevant agencies who have registered as members of coordination forum in accordance with governor decree, but shall be in accordance with technical requirements in case settling. The membership of the provincial coordination forum established by t governor consists of 29 sectoral agencies related to marine and fisheries. This coordination and communication forum, as a form of response to laws and regulations of marine and fisheries. Existence of coordination forum is very important because many illegal fishing cases, the sale of weapons, smuggling of fuel oil (BBM) and some other cases that have occurred both in marine areas in North Maluku Province in general, and Morotai Island sea shells in particular. There have been several surprising cases, exposed through local media (Malut Post). For example, when there was a case of selling by Filipino fishermen to the villagers on Pulau Posi-Posi Rao island Morotai (Malut Post, December 18, 2010). Events arms sales are completely escaped from supervision of sectoral apparatus law enforcement and maritime security. The case is protesting from various circles because it is considered law enforcement agencies and maritime security North Maluku does not perform duty properly. The case of arms sales by Filipino fishermen has been reported by public to security especially to Navy and Police has repeatedly but received no positive response from the security forces. So, the public reported to national unity and political entity of Morotai Island District which was then broadcast through local media. This condition reflects rift of coordination between sectoral agencies and local government so that, there is no similar step in tackling cases that can threaten the stability of region, nation and state. Because at the time, incident happened, Navy Base Island of Morotai did not exist yet, the Ternate Navy Base is most responsible for the dangerous misconduct. For certain vertical sectoral agencies, the establishment of this coordination forum seems slow and ineffective in responding to turmoil in district/city especially in handling urgent problem of illegal fishing activities. If this coordination forum is established as a sense of responsibility and concern for conditions in the region as well as cases of illegal fishing in Morotai island. In addition to the order of provisions of legislation, the provincial government

should coordinate with sub-national governments. At this level, provincial government must involve the Naval Force Base of Morotai Island and representation of local government of Morotai Island District, sectoral institutions of law enforcement and security in Morotai Island District was not involved. In fact, those agencies, domiciled in region where illegal fishing activities occur. Since establishment of provincial coordination forum to date local government of Morotai Island regency, more specifically office marine and fisheries is not at all coordinated much less involved. Indeed, the Regional government of Morotai Island District did not push themselves to be included in forum because local government of Morotai Island understood forum was a forum in province. But the provincial government must know that Morotai Island District is very vulnerable to various cases of illegal fishing and arms sales by fishermen Philippines, Thailand, China and Taiwan. Coordination through work guidance between sectoral agencies such as Navy, Ditpolair and Satker PSDKP. The working guidelines has been set regarding tasks, authority, and working procedures for unity of movement and unity of actions in instructions and guidelines. The controversy towards establishment of provincial coordination forum has resulted in several cases. Commander Navy of Ternate, stated that they were not aware of any formation of the provincial coordination forum established by the governor. While related to this case is the domain of Navy, Ditpolair and Satker PSDKP as a vertical institution in region, if this case occurred in Morotai Island marine. For this case, the Navy has not received reports of personnel stationed to oversee marine territorial of Morotai Island. Related to this statement, the governor of North Maluku, blame even accused security officers from Navy and Ditpolair in Morotai Island. Considered security officers from Navy, Ditpolair and Satker PSDKP not working properly. Because according to reports from citizens, event of selling firearms and illegal fishing has been done repeatedly. The increasing number of crime cases, especially in illegal fishing activities of foreign fishermen and sale firearms, not received serious response from sectoral institution should formation of coordination and communication forum among sectoral and local government is very appropriate in accordance with existing momentum. Establishment of coordination forum as in more intensive areas discuss solutions or anticipation of cases such as illegal fishing of foreign fishermen, illegal arms sales and smuggling cases of fuel, as well as other cases that have occurred during Morotai Island marine. Important gestures and missions carried out in establishment of coordination and communication forum is that every month always held regular meetings between sectoral institutions in fisheries. In accordance with results confirmation to parties who are members of permanent forum coordination, that every month has become an agreement about time and place meetings and materials that become central issues.

Inter-Sectoral Ego

Inter-sectoral ego is caused by failure in establishing coordination and synergy relationships of external programs among sectoral agencies in policy implementation. Sectoral ego can cause conflicts of interest between the agencies. This is, given large number of sectoral agencies as policy implementers in maritime field. Reluctance to synergize between the institutions of TNI-AL, Ditpolair and Satker PSDKP in controlling and enforcing law in marine territorial of Morotai island created the behavior of mutual distrust between

agencies. So, among the sectoral agencies above do not work according to their respective job descriptions, even mutually suspicious of one with other. Vice President of Republic of Indonesia period 2009-2014, Budiono, when giving speech at peak of 13th anniversary of Nusantara in Donggala District, Central Sulawesi Province, on December 15, 2013, said, if each agency sees glasses and interests of his own agency or narrower interests (ego sectoral). If laws and regulations do not sync and even collide with each other, in absence of effective coordination forums, it is almost certain there are loopholes in rules and laws that can be exploited by parties for purposes that threaten economic sovereignty, security and politics. And our country sovereignty can collapse from within. The consequences of sectoral egos for not considering coordination aspect in planning and execution of tasks between agencies can lead to conflict of interest between the agencies. Case of arrest illegal fishing fishermen in April, 2010 on North Halmahera beach bordered Morotai Island sea, by the Navy, a condition with economic interests (money) which then led to conflict between Navy and Ditpolair. Case of seizure illegal resources written in local media (Malut Post) describes in detail testimony of extortion against foreign fishermen by officers in maritime field. Case of extortion against foreign fishermen who did not mention the identity of unscrupulous officials explained that sectoral ego among institutions to suppress an independent institution such as mass media with various threats. Illegal levies such as this give the impression to perpetrators of illegal fishing of foreign fishermen or overseas fish entrepreneurs that supervisory officers at marine sector institutions in Indonesia are easily bribed or given money if they have certain desires or goals achieved. This is then a plot for sectoral agencies in marine and fisheries even become a bone of contention. When there is a seizure of space between sectoral agencies, it may end with conflict of interests between the agencies. Several cases of recurrence that occurred in Morotai island, indicating a conflict of interest among agencies that exist. The news of each other's accusations with selfishness of each agency presenting information that is not feasible to know by community and citizens of service users in maritime field. Due to ineffectiveness of coordination aspect between sectoral agencies as well as rules of their respective laws, as well as collective agreements in central level. Mockery between agencies can lead to friction or conflict between security guard and law enforcement agencies. The conflict between the Navy and Ditpolair in security and law enforcement in Morotai Island can provide opportunities or possibilities as a gap which is then exploited by foreign fishermen, especially perpetrators of illegal fishing to meet his wishes. Conflict between the Navy and Ditpolair involved in social relationships is due to human tendency to profit for itself even if it harms others. Human desire to gain profit regardless of the other is at root of conflict in society. Recapture event conducted by Navy, Ditpolair and Satker PSDKP in marine territorial of Morotai Island, has split two issues. On the one hand there is an element of willfulness to take advantage in any form and on the other hand, caused by misunderstandings and lack of understanding from one party with the other. But both sides are caused by sectoral ego between the agency then gave birth to conflict. Overlapping authority in marine law enforcement and control always occurs, due to complexity of monitoring and security tasks involving a number of sectoral agencies. So, conflict of interest between sectoral can not be avoided. Therefore, Navy,

director general of PSDKP and Police of the Republic of Indonesia, made a deal at central level as a form of consensus effort. The Joint Agreement between three sectoral agencies in maritime field is not a concern at provincial level to date. Whereas the charter of collective agreement was made in hope that then there will be follow-up agreement at provincial level even districts/cities. Repeated arrests by Navy officers on five vessels committing criminal offenses at sea, in operation east coast security cluster (Guskamlatim) held by maritime security coordination by deploying several warships. Ships that are successfully secured are among others, KM. Karabala, TB KL-6 / TK. Henrison -7, LCT Cita XII, KMN Partners Arindo-II and KM Melinda -01. All the ships were secured at different times of week. The ships above are accused of committing violations related to operational feasibility permits and illegal fishing. However when confirmed to skipper, the ships had been captured by Ditpolair one week earlier and had fulfilled all feasibility operations. Overlapping occurs in performance of each sectoral task, but it is very difficult to compromise, because each agency always puts forward its sectoral ego. Sectoral ego is often also triggered by issue of territory each sector authority. Even in some circumstances, agencies compare their sectoral authorities according to their sectoral policy guidelines. Herein, lies the crucial point and complexity in implementation of maritime policy in territorial Morotai Island. Sectoral ego disease is very difficult to remove when the agency feels superior in all matters relating task and authority. As Navy considers that its agency has more superior authority because it is a security defense institution. While and Satker PSDKP have inferior authority because only in region and distance of the sea is limited.

4 CONCLUSIONS

The Navy, Ditpolair and Satker PSDKPP are three sectoral agencies that perform their duties and functions throughout Indonesia, including in Morotai Island marine. Each sectoral agency has its duties and functions in accordance with law or policy it has. In carrying out its duties and functions, each agency implements its laws or policies. In principle, policy implementation in every sectoral can involve the power, interests, strategies of actors involved, characteristics of institutions, authorities, compliance and responsiveness to conditions. So, that each sectoral agency feels different institutional powers and interests, in the same case. Violations of Joint Agreements Charter (PKB) conducted in Jakarta in 2008 and then continued in 2012 should be a benchmark for the Navy, Ditpolair and Satker PSDKP in carrying out maritime duties. The violation of Joint Agreement (PKB) by three maritime sectoral agencies above leads to conflict of implementation that is difficult to circumvent. Similarly, the controversy between agencies and the government against establishment of coordination forum of crime management established by North Maluku Provincial Governor No: 244.1 / KPTS / MU / 2011 regarding coordination forum of crime handling in fishery in North Maluku Province, opinions between the Navy, Ditpolair and Satker PSDKP even with local governments. While the inter-sectoral ego between the Navy, Ditpolair and Satker PSDKP in carrying out task of controlling activities of foreign illegal fishing in Morotai Island also raises interest among agencies concerned. The existence of sectoral ego is often led to conflict among agencies, thus hampering the tasks in each agency itself. Security and prosperity in Morotai Island will not be created if the Navy considers its

agency more powerful than Ditpolair and Satker PSDKP. Failure to negotiate or compromise between TNI AL, Ditpolair and Satker PSDKP can fulfill collective desire of illegal fishing of foreign fishermen by using various ways that can pit inter-agency maritime sector.

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