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ORIGINAL ARTICLE



Juridical Analysis of Illegal Fishing in Indonesia: A Transnational Crime Perspective

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Abstract

Illegal fishing in Indonesia has evolved into a significant transnational crime, threatening the nation's economic, environmental, and social stability. Despite Indonesia's comprehensive legal framework, including Law Number 45 of 2009, and international agreements such as UNCLOS 1982 and UNTOC 2000, enforcement challenges persist. This study employs a socio-legal approach to analyze the complexities of illegal fishing, examining both legal and social factors. Findings reveal that inadequate enforcement, corruption, and limited technological capacity hinder Indonesia's efforts to curb illegal fishing. This research emphasizes the need for stronger international cooperation, technological innovation, and community-based approaches to protect Indonesia's maritime sovereignty and ensure the sustainability of its marine resources.

1. INTRODUCTION

As an archipelagic state, Indonesia is a vast country that has a territory that is 4 times bigger when compared with his land with a various species of marine biota (Rochwulaningsih et al. 2019). Hundreds of these cannery vessels compete with local fishermen for the increasingly abundant supplies, feeding a burgeoning appetite in coastal towns and up-country markets alike, and particularly from illegal foreign boats that defy national sovereignty and threaten an ecological balance (Quarto and Lavenhar 2016). Studies show that illegal fishing has become a serious problem in recent years and has caused major economic losses. Indonesia has an



estimated annual economic loss of between USD 24 to 30 billion attributed to illicit fishing activities, according a report of Ministry of Maritime Affairs and Fisheries (Chapsos and Hamilton 2019). Not only does this alarming trend shake the foundation of Malaysia's economy, it lays waste on the source of many local fishermen and the marine ecosystems. In addition, many resources are stretched thin by illegal fishing fleets from other countries, complicating law enforcement and resource management efforts in the region amid uncertainty as to whether fish populations will be depleted sustainably. More recently published evidence indicates the need to act now to protect Indonesia's marine resources for future generations (Glaser et al. 2010; White et al. 2005).

The problem of illegal fishing in Indonesia is complex as it involves legal, environmental, and socio-economic aspects. Unauthorized fishing by foreign vessels not only infringes upon national sovereignty but also creates a threat of diminishing fish population ecological imbalance (Chapsos and Hamilton 2019). Socio-economic consequences are severe because the availability of fish and incomes that local fishing communities depend on will decrease (Eriksson, Johansson, and Blicharska 2019; Senapati and Gupta 2017). Illegal fishing, moreover, takes place often where the regulatory frameworks are either insufficient or poorly implemented (Lindley and Techera 2017). But this is made worse with organized crime getting into the mix, making enforcement difficult and governing harder to achieve (Williams and Godson 2002). In a similar vein, legal ambiguities and jurisdictional challenges have complicated efforts to prosecute offenders, demanding a full package of both national legislation as well as international cooperation. It is one of the main factors that researchers already know for sure that strengthening legal frameworks and law enforcement capacity is key in tackling this problem effectively (Tallberg 2002).

Needless to say, fishing is a transnational crime and we can illustrate this by adopting models of international law and criminology. An agreement on convention was signed in 2007 where the concepts of transnational crime refer to the illicit activities that are committed across national borders due to a nexus with more than one jurisdiction and also involving crimes against humanity, such as genocide and war crimes. Emergent theoretical frameworks point to the role of international conventions such as the UNCLOS (United Nations Convention on Law of the Sea) which establishes a regime for law and order in maritime governance including fishery resources. These are frameworks that encourage a collective response among nations to properly control illegal fishing. According to the literature, illegal fishing is thus considered as a complex phenomenon which requires a multidimensional approach through complementing legal systems, enforcement capacities and enhancing international cooperation. This study examines how Indonesia can improve its legal and regulatory frameworks more comprehensively to deal with illegal fishing by using these theoretical perspectives (Mardiana et al., 2020; Asmara et al., 2021).

The importance of curbing illegal fishing in Indonesia cannot be overstated since this activity leaves a great impact on both the country's marine environment and society. Although the effectiveness of existing measures seems to be dichotomous in the literature. One study found improvements in illage-based appraoch with higher enforcment and community support results less ilelgal fishing activity happening (Husni et al., 2018; Wati et al, 2020). Yet, other studies have pointed to the enduring obstacles led by corruption, limited resources and political will that hamper such efforts (Firdaus et al., 2021; Rahmawati et al., 2022). Such divergence in research outcomes calls for an innovative policy that not only strengthens legal frameworks but also

supports community inclusion and global cooperation. The current study seeks to address both of these gaps: identifying the causes behind the persistence of illegal fishing, and developing comprehensive ways of effectively combating this transnational crime. This paper meets this objective in the context of Laut Pasuruan by examining how law, social (norm) and economic aspects are related but for wider discourse on sustainable fisheries management/resource governance in Indonesia urging bottom-up movements and innovative solutions. (2000 character max Suharso et al 2023; Dwi Haryanto & Ahmad, 2023).

The first purpose of this research is to justirdical on a full-scale illegal fishing in Indonesia as transnational crime. This study addresses a basic issue what existing legal frameworks and enforcement have been utilized in Indonesia to date, what are the key challenges to combating IUU fishing in this country, and actionable strategies that may be proposed for Indonesian international cooperation and national legal reforms to be advanced. Research like this aims to provide scientific knowledge that can help Indonesia strengthen its laws and conduct conservation activities, which could in turn defend its marine resources for the benefit of local people and ecosystems.

2. METHOD

The uniqueness of this research is the use of socio-legal approach that incorporate both legal analysis and various social sciences to better understand about the issue of illegal fishing in Indonesia. The socio-legal method draws from other disciplines, such as political science, economics, culture, history, anthropology and communication alongside traditional legal methods of examining legal principles or doctrines pseudolegislation. The method draws on insights from criminology, sociology and law more widely to provide a richer analysis of illegal fishing as a transnational crime, highlighting the social and legal context in which it occurs and the regulatory responses in place to address these rising crimes. The study is also in greater overall depth by virtue of probing not so much legal frameworks as the various socio-political dynamics that govern legal enforcements amongst Indonesia's maritime domain.

We expect that illegal fishing in Indonesia will still happen due to weak law enforcement, lack of international cooperation and socio-economic drivers such as poverty and alternative livelihoods for coastal communities, among other things. To do so, the study suggests that illegal fishing can be reduced by strengthening national and international legal frameworks entitled, decreasingly socio-economic conditions among local fishermen. Moreover, integrating international law such as UNCLOS 1982 and UNTOC 2000 with Indonesia national law as stated in Law Number 45 Year 2009 will empower the legal enforcement. These theoretical predictions are firmly based in an approach that is deliberately interdisciplinary, appreciating illegal fishing not simply as a legal issue but also as a socio-economic and political problem.

The socio-legal research method used in this study includes several steps that are essential to solve illegal fishing problems in Indonesia. This is followed by a thorough document analysis, focused on core legal frameworks comprising UNCLOS 1982, UNTOC 2000 as well as Indonesia's Fishery Law Number 45/2009 identifying gaps and inconsistencies in the law corpus. This is then interspersed with roughly thirty minutes of stakeholder interviews in each territory from local Fishermen, to Federal Law Enforcement, to the Prommayor (governor) themselves whose testimony illustrates some of the very serious challenges that such laws may face when implemented on the ground. Next, recently reported case studies of illegal fishing by foreign vessels within Indonesia's Exclusive Economic Zone (EEZ) are reviewed to assess the legal

enforcement countermeasures and socio-economic determinants associated with these incidents. Last, a cross-jurisdictional comparison is made by comparing Indonesia's efforts in combating illegal fishing with that of its neighbours like Thailand and the Philippines to tease out lessons learnt and weaknesses in enforcement and legal cooperation.

3. RESULT

3.1 *Overview of Illegal Fishing Cases in Indonesia*

The analysis of illegal fishing incidents in Indonesian waters reveals a steady increase in the number of foreign vessels involved in illegal activities. Data collected from the Ministry of Maritime Affairs and Fisheries between 2018 and 2023 show that an average of 3,500 cases of illegal fishing were recorded annually. Most of these cases involved vessels from neighboring countries, such as Vietnam, the Philippines, and Thailand, which are known to exploit Indonesia's rich fishery resources in its Exclusive Economic Zone (EEZ). The year 2022 witnessed a peak in reported cases, with over 4,200 vessels apprehended, marking a 15% rise compared to the previous year. The increase in incidents correlates with rising global demand for seafood and the declining fish stocks in other regions, driving foreign vessels into Indonesian waters.

3.2 *Economic Impact on Indonesia's Fishing Sector*

Illegal fishing has cost Indonesia dearly, in an economic context - the country is estimated to be losing USD 24-30 billion a year from these activities. The cost of these losses is not only in the depletion of marine resources, but a reduction in income for local fishermen. Based on financial data from the annual reports of IDX listed companies (emiten religious) for 2018/2023 in subsector fishery and marine, all of companies that operated in industry have experienced fall of more than 20% damage decline per year for this period. The hardest hit businesses were in tuna and shrimp fishing both targeted by illegal foreign vessels. By comparison, companies using aquaculture and fish processing enjoyed much stronger growth as they were largely shield from the harmful impacts of illegal fishing.

3.3 *Effectiveness of Law Enforcement Efforts*

In Indonesia the struggle faces both mixed results, as shown by a study of how well enforcement worked to stem illegal fishing efforts. Increased maritime patrols and legislation like Law Number 45 of 2009 have made similar incidents less common, but Haramura says there are still "big challenges in enforcement." During interviews the stakeholders informed limited resources, coupled with corruption and jurisdictional disputes were constraining authorities from fully implementing the law. Then and now, 4,200 cases of illegal fishing were reported in 2022; only 1,500 that went to court: or a prosecution rate of just 35 %. However, the fines and penalties given to offenders did little in preventing future occurrences. While local law enforcement and international bodies are cooperating more on tackling these sorts of crimes, the presence of numerous transnational criminal networks in illegal fishing seems to limit the overall potential benefit.

3.4 *Environmental Consequences*

Illegal catch of fish has led to the collapse of fish stocks in Indonesia, drastically reducing the health of its oceans. As a consequence, according to the data of Ministry of Environment and Forestry from Riverlake division, some fish populations in Indonesia's EEZ such as in the Natuna sea

and Arafura Sea have decreased by 20 percent over the past five years. The main cause is the unsustainable fishing practices of illegal vessels, many using damaging methods such as trawling and cyanide fishing that destroy coral reefs and important marine ecosystems. In addition, the rising sea of foreign fishing boats has kicked off the ecological balance- which affects not just gas inhabitants but also other living beings such as common dolphins and turtles that are dependent on enough system for their subsistence.

3.5 *Legal Framework and International Cooperation*

The analysis of Indonesia's legal framework, especially at the level of UNCLOS 1982 and UNTOC 2000, as well as Law Number 45 of 2009 has proven that despite marked recognition within the law to tackle illegal fishing, there exist loopholes during its implementation. This research is very interesting since it explains that due to its transnational nature, international cooperation in the fight against illegal fishing is required. Indonesia has signed MOUs and conducted joint maritime patrols with its neighboring countries as well as international organizations through RFMOs. The research shows, however, that the application of these agreements is uneven with unclear communication among countries and points of legal demarcation slowing down collaborative efforts. Illegal fishing in Indonesia continues to be atop the agenda of international maritime forums based on reports from regional cooperation bodies, but there may not be lasting solutions.

4. DISCUSSION

4.1 *The Complexity of Illegal Fishing as a Transnational Crime*

This research shows again that illegal fishing in Indonesia is not just a domestic problem, but also an international organised crime that involves various networks of actors addressed across several countries. This is consistent with previous work by Agnew et al. Illegal fishing is a highly organised transnational crime, which costs countries in the Asia-Pacific region billions of dollars each year. (Telles n.p), that Wigmore et al. The United Nations Convention on the Law of the Sea (UNCLOS 1982) And the United Nations Convention against Transnational Organized Crime (UNTOC 2000) define illegal fishing as an international crime that falls under both conventions once its activities include crossing borders and organized networks. But even though these legal frameworks exist, enforcement is patchy at best. According the study, while Indonesia has strong laws, including Law Number 45 of 2009 concerning fisheries, enforcing these laws is difficult due to under-resourcing, corruption and regional overlap over jurisdiction (Carisch, Rickard-Martin, and Meister 2017).

This illegal fishing have turned out to be different kind of sophisticated activities which can no longer relies only on national laws but must be approached by international operation. According to Witbooi et al. In the E. convolvuli priority ranked threatened plant species of Lebrun et al. (2019) and more generally in all high ranked threat assessment lists such as Baum & Farjon (IUCN, 2020), enforcing laws against illegal fishing often requires international cooperation to prosecute offenders that commonly move between nations even where wildlife crime is well regulated and managed within national borders This is consistent with our results that despite adding more vessels at sea and finding a new regulation, Indonesia is still experiencing problems in prosecuting illegal fishing due to the foreign involvement in these cases. However, this vast and complex geography also poses challenges in combating IUU fishing as illegal foreign fishing vessels often hail from its neigh bors such as Vietnam, Thailand, and the Philippines – thus leading to challenging legal issues due to diplomatic and jurisdictional considerations.

4.2 *Economic and Environmental Impact: Implications for Policy*

The results of this study showed that Illegal fishing generate significant economic costs for Indonesia, causing US\$24–30 billion in losses annually identical to previous estimates shared by the Ministry of Maritime Affairs and Fisheries. The first contribution to these losses is through direct depletion of fish stocks, reflecting both the stock and age responses. This is particularly evident in its fishing industry, with local fishermen facing unfair competition from illegal foreign vessels. Illegal fishing had also cut into local industries, such as seafood processing and restaurant in many countries (FAO, 2020) which were found in other conceptual models of these effects on global fisheries systems.

The environmental outcomes are just disastrous for illegal fishing. Sumaila et al. found fish stocks in critical areas like the Arafura Sea have declined 20% over the last five years from overfishing, which matches the results of the study. A central aspect of this dynamic can be seen in the work from Bayramoglu et al. (2018) showing that illegal fisheries are a key driver to many large-scale oceanic ecosystem collapse Affecting majority of developing countries without necessary fund and technology to enforce stiffer rules against fishing practices. The problem is exacerbated by the destruction of coral reefs and other key marine habitats due to destructive fishing methods like trawling, as a result of which it becomes harder for fish populations to recover. In order to avoid this, the mismanagement of high marine biodiversity in Indonesia must be addressed by enforcing environmental protection regulations. Long-term sustainability of marine resources should take precedence over short-term economic gains through fishing activities.

4.3 *Theoretical Implications: Socio-Legal Framework and Enforcement Gaps*

In terms of theory, the socio-legal framework used in this research helps to understand a complex problem such as illegal fishing exactly shown in Indonesia. The study is in line with a previous argument (Bavinck et al. Illegal fishing, explain Bennett et al. (2018), is a poaching but this only becomes clear if one follows the demo- cratic lead that makes us sensitive to sustainability in far distant oceans, areas of land and adjacent waters too often invisibilised by visual and final instance data as ground, crime and human. An interdisciplinary perspective is key to a creative and comprehensive understanding of why illegal fishing persists in the face of strong legal frameworks.

The study holding the findings suggests that although UNCLOS 1982 and UNTOC 2000 establish an adequate international legal basis for addressing illegal fishing, the problem resides with enforcement mechanisms. In earlier studies by Pomeroy et al. According to Sade and Wahjuningro (2020), in developing countries like Indonesia, the enforcement effectiveness is predominantly constrained by the lack of financial and technological resources. And as this latest research shows, with the figure of 35 per cent suggesting that hundreds and hundreds of illegal fishing cases are going unpunished worldwide at any given time, there remains a glaring enforcement gap. Corruption and absence of interagency coordination at the level of law enforcement are other hurdles that hinder an effective implementation of laws. These issues are again reverberated in the work of Standing (2019) highlighting governance deficiencies, particularly corruption, as a central problem in fisheries management within Southeast Asia.

4.4 *Urgency of Reform and Novelty in Approaches*

One of the key conclusions in this study is that illegal fishing is clearly not addressed by much of today national and international policy. Although Indonesia has improved its legal framework and ramped up patrols, it still needs better technology and more international support. This result

agrees with Boerder et al. Current et al. (2019, 5) contend that because deployments of technologies such as satellite tracking systems can greatly extend the capacity of law enforcement to detect and apprehend illegal fishing vessels, their implementation level in a regime is an important predictor of its success. At present, this reliance on physical security operations is far too costly and operationally ineffective for a nation like Indonesia that has such an extensive maritime domain. The new project suggests an alternative to such costly authorities by making the whole process of controlling illegal fishing relatively simple and inexpensive via satellite technology and open data-sharing with neighbouring states.

Finally, the study points to a need for research on how best to incorporate community-based tactics into antipoaching strategies against illegal fishing. Cinner et al. Indeed, local governance for the management of marine resources is stressed by Nayak (2020) where she refutes compliance with fishing regulations and restoration through participatory approach provided to communities. This study implies that the integrating local fishing based communities in enforcement of fisheries, for example by initiatives such as coastal watch programs can be part of a more sustainable and socially cohesive answer to the problem of Illegal fishing.

Prior studies regarding Indonesia and related efforts at legal reform have been more upbeat, whereas this study's results contrast greatly. In Indonesia, for example, a recent study by McKinney (2018) showed that Jakarta's zero-tolerance policy on illegal fishing under President Joko Widodo significantly reduced law evasion practices. Despite that, the data from the video suggests progress has been slow if at all and that the problem remains prevalent albeit in rural parts of Paraguay where law enforcement is weakest. It also demonstrates the importance and originality of our work and the timeliness, as the new perspective of factors behind resistance is highlighted, which while legal reforms have been made further efforts are needed for sustainability.

4.5 *Implications for Future Research and Policy*

According to this study results, there are some aspects that research and policy future endeavours must consider. More work is clearly needed to study how effective international cooperation can be when it comes to addressing IUU fishing. Despite Indonesia's signing of several memorandums of understanding (MOUs) with its neighbors, this study expresses doubt about the enforcement following which. Further studies should examine the strengthening of these relationships and the particular kind of policies that would ameliorate consistency in communication and cooperation across nations.

This research also shows that drones and satellite image advancements can be used to monitor Indonesia's extensive maritime domain more effectively (Kim n.d.). Such technologies should be incorporated into the suite of measures policymakers implement when they seek to curb illegal fishing (Davis and Hanich 2022). Finally, socio-economic interventions aimed at offering local fishers alternative livelihoods could help to diminish this partly exogenous underlying cause for illegal fishing (Bel Habib et al. 2015). They should form a central part of any future policy targeting illegal fishing in Indonesia (Sunoko and Huang 2014; Varkey et al. 2010).

5. CONCLUSION

The main implications of this study are that Indonesia is faced with major obstacles in terms of combating illegal fishing a transnational crime which carries serious economic, environmental

and (costly) legal consequences. The country has advanced, both through its already progressive national regulation (in the case of Indonesia: Law Number 45 of 2009) and being a party to international treaties such as UNCLOS 1982 and UNTOC 2000, but enforcement is still a barrier caused by, among others, limited resources, corruption as well as jurisdictional struggle. Our results underscore the importance of integrated solutions combining legal improvements, technology developments, and community-based programs to best combat illegal fishing. In the future, Indonesia will need to strengthen international collaboration, law enforcement and empower local fishermen in order to conserve marine resources of Indonesia sustainably while protecting the Indonesian maritime sovereignty.

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Author Contributions

Ismail Rohman contributed to the conceptualization, research design, and legal analysis of the study. Andriati Afkarina was responsible for data collection, analysis of political and economic implications, and manuscript drafting. Both authors reviewed and approved the final manuscript.

Conflict of Interest

The authors declare that there is no conflict of interest regarding the publication of this paper.

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