



Strengthening Legal Protection for Indonesian Fisheries Exports in International Trade

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Abstract

This study examines the importance of strengthening legal protection for Indonesian fisheries exports within the framework of international trade. As one of the world's largest producers of marine resources, Indonesia holds significant potential in the global fisheries market. However, the competitiveness of its fisheries exports is often constrained by complex international regulations, including sanitary and phytosanitary standards, traceability requirements, and sustainability certifications imposed by importing countries. These regulatory challenges highlight the critical role of international trade law in shaping market access and export performance. This research adopts a normative juridical approach, analyzing international legal instruments, trade agreements, and national regulatory frameworks relevant to fisheries exports. The findings reveal that while existing legal frameworks provide opportunities for market expansion, gaps in regulatory alignment, enforcement mechanisms, and institutional capacity limit their effectiveness. Additionally, issues such as illegal, unreported, and unregulated (IUU) fishing, as well as environmental compliance, pose significant legal risks for Indonesian exporters. The study emphasizes the need for harmonization between domestic regulations and international standards, as well as the strengthening of institutional governance and compliance mechanisms. Enhancing legal protection is essential to ensure sustainable fisheries practices, improve export competitiveness, and secure Indonesia's position in the global seafood market.

Keywords: International Trade Law; Fisheries Exports; Legal Protection; Indonesia; Sanitary and Phytosanitary Measures





INTRODUCTION

The global fisheries sector has become an increasingly important component of international trade, contributing significantly to food security, employment, and economic development, particularly in developing countries. As global demand for seafood continues to rise, driven by population growth and changing consumption patterns, fisheries exports have emerged as a strategic sector for many coastal nations. Indonesia, as one of the world's largest archipelagic states with abundant marine resources, holds substantial potential in the global fisheries market. The country's fisheries sector not only supports domestic livelihoods but also plays a crucial role in generating foreign exchange through exports. However, the expansion of fisheries exports is closely linked to the ability to comply with international trade regulations and legal frameworks that govern global seafood markets (Food and Agriculture Organization FAO, 2022).

In the context of international trade, legal frameworks serve as the foundation for regulating cross-border transactions and ensuring fair competition among trading partners. For fisheries products, these frameworks are particularly complex due to the need to address food safety, environmental sustainability, and resource management. International agreements under the World Trade Organization (WTO), such as the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), establish rules that member states must follow to ensure that food products meet safety and health standards. While these regulations aim to protect consumers, they also impose significant compliance requirements on exporting countries, especially developing economies like Indonesia (World Trade Organization [WTO], 2023).

One of the primary challenges faced by Indonesian fisheries exports is compliance with sanitary and phytosanitary (SPS) measures and technical standards imposed by importing countries. These measures often include strict requirements related to hygiene, processing, packaging, and traceability of seafood products. Failure to meet these standards can result in rejection of exports, financial losses, and reputational damage. Empirical studies indicate that SPS measures, while necessary for ensuring food safety, can act as non-tariff barriers that disproportionately affect developing countries due to their limited technical capacity and infrastructure (Cadot et al., 2018). This situation highlights the importance of strengthening legal protection mechanisms to support exporters in meeting international standards.

In addition to SPS measures, sustainability and environmental considerations have become increasingly central in global fisheries trade. Issues such as overfishing, marine pollution, and ecosystem degradation have prompted importing countries to adopt stricter environmental regulations and certification requirements. Initiatives such as eco-labeling





and sustainable sourcing standards are now commonly used to assess the environmental impact of fisheries products. For Indonesia, these developments present both challenges and opportunities. While compliance with sustainability standards can enhance market access and product value, it also requires significant investment in regulatory systems, monitoring mechanisms, and industry practices (OECD, 2020).

Another critical issue affecting Indonesian fisheries exports is illegal, unreported, and unregulated (IUU) fishing. IUU fishing undermines sustainable resource management, distorts market competition, and poses serious legal risks in international trade. Many importing countries have introduced stringent regulations to combat IUU fishing, including requirements for catch documentation and traceability. Indonesia has made efforts to address this issue through national policies and enforcement measures. However, challenges remain in ensuring effective implementation and coordination among relevant institutions. Research suggests that strengthening legal frameworks and enforcement mechanisms is essential to combat IUU fishing and enhance the credibility of fisheries exports in global markets (Agnew et al., 2009).

Furthermore, the alignment between domestic regulations and international legal standards plays a crucial role in determining export competitiveness. Inconsistencies between national policies and international obligations can create legal uncertainty and hinder market access. Indonesia has undertaken various regulatory reforms to improve the governance of its fisheries sector, including the adoption of sustainability principles and the strengthening of export certification systems. However, gaps in regulatory harmonization and institutional capacity continue to pose challenges. Studies emphasize that aligning domestic legal frameworks with international standards is key to reducing trade barriers and improving export performance (Evenett & Fritz, 2019).

Institutional capacity is another important factor influencing the effectiveness of legal protection for fisheries exports. Effective implementation of international trade regulations requires strong institutions that can enforce standards, provide technical support, and facilitate compliance among exporters. In Indonesia, institutional challenges such as limited resources, bureaucratic inefficiencies, and lack of coordination among agencies can hinder the effectiveness of regulatory frameworks. Strengthening institutional governance is therefore essential to ensure that legal protections are effectively translated into improved export outcomes (Rodrik, 2018).

Moreover, the growing importance of global value chains (GVCs) in the fisheries sector has introduced new dynamics in international trade. Participation in GVCs allows countries to integrate into international production networks, enhancing efficiency and competitiveness. However, it also requires adherence to strict quality and sustainability





standards set by multinational corporations and international buyers. Indonesia's fisheries sector faces challenges in meeting these requirements, particularly among small-scale producers who lack access to resources and technology. Research indicates that improving infrastructure, capacity-building, and regulatory support is crucial for enhancing participation in GVCs and increasing export competitiveness (UNCTAD, 2021).

In light of these challenges, strengthening legal protection for Indonesian fisheries exports is not only a matter of regulatory compliance but also a strategic imperative for sustainable development. Legal protection encompasses a wide range of measures, including the development of clear and consistent regulations, effective enforcement mechanisms, and support systems for exporters. It also involves active engagement in international trade negotiations to ensure that national interests are adequately represented. By enhancing legal protection, Indonesia can improve its ability to compete in global markets, ensure sustainable resource management, and protect the interests of stakeholders in the fisheries sector.

Therefore, this study aims to analyze the legal framework governing Indonesian fisheries exports in international trade and to identify strategies for strengthening legal protection. By examining the interplay between international regulations, domestic policies, and institutional capacity, this research seeks to contribute to the development of a more robust and adaptive legal framework. Such a framework is essential for addressing the challenges of global fisheries trade and for ensuring that Indonesia can fully realize its potential as a leading exporter in the international seafood market.

Road traffic accident (RTA) is any unexpected event involving one or more vehicles, pedestrians, or obstacles that results in injury, death, or property damage (World Health Organization [WHO], 2023). Also, WHO (2023) estimates that about 1.3 million people die annually from road traffic accidents with millions more suffering from non-fatal injuries, many of which lead to long-term disabilities. In developing countries such as Nigeria, the economic and human cost of road traffic accidents is significantly high, as road transport remains the dominant means of movement for people and goods (Metu et al., 2022). The financial burden of road crashes extends beyond individuals and families to affect the national economy, healthcare systems, and overall productivity (Ayodeji et al., 2020; Oluwaseyi & Gbadamosi, 2017; Nalchadzian, 2024).

Several factors have been identified to predict road traffic accidents including poor road infrastructure, poor traffic management, corruption and human factors. The human factor considered in this study as a predictor of road traffic accidents is reckless driving by commercial drivers. Reckless driving is any action by the driver that leads to loss of control of the vehicle thereby causing accidents to the drivers and other road users. Such behaviors



include over speeding, poor traffic management, running red lights, tailgating, non-use of seat belts, and improper overtaking (Aderibigbe et al., 2022; Olapegba et al., 2023; Roberts et al., 2022a; Roberts et al., 2022b).

Studies on reckless driving as the causes of road traffic accidents have been documented. For instance, **Taiwo et al. (2025)** found that reckless driving behaviors especially that of over speeding and disregard for traffic rules are strong predictors of fatal crashes among commercial drivers in Abuja, Kano, Kogi, Lagos, and Rivers in Nigeria. Earlier, the World Health Organization (WHO, 2018) revealed that nearly half of road crashes in Sub-Saharan Africa were attributable to risky and reckless driving behaviors. Moreover, **Oluwadiya et al. (2020)** found in Enugu State that commercial drivers who admitted to aggressive overtaking and ignoring road signs were significantly more likely to be involved in road traffic accidents compared to their more cautious counterparts. Finally, **Samuel and Amini (2021)** reported that reckless practices such as overloading and speeding increased both the frequency and severity of accidents among commercial tricycle operators in Rivers State.

Commercial drivers play a crucial role in the transportation sector, providing transportation services for passengers and goods. However, their involvements in reckless driving behavior have raised concerns about road safety for a long time. Therefore, given the high prevalence of reckless driving in Rivers State, it is imperative to examine the extent to which reckless driving predicts road traffic accidents among commercial drivers in Obio/Akpor. The study sought to provide an answer to the question: Will reckless driving predict road traffic accidents among commercial drivers in Obio/Akpor LGA, Rivers State, Nigeria?

The result of this study would provide valuable insights on the role of reckless driving on road traffic accidents among commercial drivers. In addition, the study would provide valuable data to policymakers, road safety agencies, and transportation stakeholders on how to develop effective strategies aimed at reducing reckless driving behaviors among commercial drivers.

THEORETICAL REVIEW

The theoretical foundation of this study is grounded in international trade law theory, comparative legal theory, and competitiveness theory, which together provide a comprehensive lens for analyzing legal protection in fisheries exports. International trade law theory emphasizes the role of legal norms and institutions in facilitating fair and predictable trade relations among countries. The multilateral trading system, particularly under the World Trade Organization (WTO), is built upon core principles such as non-



discrimination, transparency, and reciprocity. These principles aim to create a level playing field for all member states while reducing barriers to trade. However, the application of these principles often reveals asymmetries between developed and developing countries, particularly in their ability to comply with complex regulatory requirements (Hoekman & Kostecki, 2009).

From a legal perspective, the concept of legal protection refers to the mechanisms and frameworks that safeguard the rights and interests of stakeholders within a legal system. In the context of international trade, legal protection extends beyond domestic regulations to include compliance with international agreements, dispute settlement mechanisms, and enforcement systems. The effectiveness of legal protection depends on the coherence between national laws and international obligations. According to Rodrik (2018), trade agreements not only reduce trade barriers but also shape domestic policies, thereby influencing economic outcomes. This highlights the importance of aligning domestic fisheries regulations with international standards to ensure both compliance and competitiveness.

Another relevant theoretical perspective is the theory of non-tariff measures (NTMs), which explains how regulatory instruments can influence trade flows. NTMs, including sanitary and phytosanitary (SPS) measures and technical barriers to trade (TBT), are designed to protect public health, safety, and the environment. However, they can also function as implicit trade barriers that disproportionately affect developing countries. Cadot et al. (2018) argue that NTMs can increase trade costs and reduce export competitiveness, particularly when exporting countries lack the capacity to meet regulatory requirements. In the fisheries sector, compliance with SPS standards and traceability systems is critical for accessing international markets, making legal protection mechanisms essential for supporting exporters.

Sustainability theory also plays a crucial role in understanding the legal framework of fisheries exports. The concept of sustainable development, as defined by the Brundtland Commission, emphasizes the need to balance economic growth with environmental protection and social equity. In international trade, sustainability has become a key consideration, particularly for natural resource-based commodities such as fisheries. Environmental regulations, eco-labeling, and certification schemes are increasingly integrated into trade policies, influencing market access and competitiveness. The OECD (2020) highlights that sustainability standards can drive improvements in production practices while also posing compliance challenges for exporters.

Furthermore, institutional theory provides insights into the role of governance and institutional capacity in implementing legal frameworks. Strong institutions are essential for



enforcing regulations, ensuring compliance, and supporting stakeholders in navigating complex legal environments. In developing countries, institutional weaknesses such as limited resources, inadequate coordination, and lack of technical expertise can hinder the effectiveness of legal protection mechanisms. Rodrik (2018) emphasizes that institutional quality is a key determinant of economic performance, including export competitiveness. In the context of Indonesian fisheries exports, strengthening institutional capacity is critical for enhancing legal protection and ensuring compliance with international standards.

Finally, the concept of global value chains (GVCs) offers an important perspective on how countries integrate into international markets. Participation in GVCs requires adherence to strict quality, safety, and sustainability standards set by multinational corporations and international buyers. Legal frameworks play a vital role in facilitating this integration by providing clear rules and reducing uncertainties in trade transactions. According to UNCTAD (2021), countries that successfully align their legal and regulatory systems with global standards are better positioned to benefit from GVC participation and enhance their export competitiveness.

In summary, the theoretical framework of this study integrates international trade law theory, legal protection theory, NTM theory, sustainability theory, institutional theory, and GVC theory. These perspectives collectively explain how legal frameworks influence the competitiveness of fisheries exports and highlight the importance of regulatory alignment, institutional capacity, and sustainability in strengthening legal protection within international trade.

METHOD

This study employs a normative juridical research approach to analyze the legal protection of Indonesian fisheries exports within the framework of international trade. The normative juridical method focuses on examining legal norms, principles, and doctrines derived from both international and national legal systems. This approach is appropriate as the study aims to explore how legal frameworks regulate fisheries exports and influence their competitiveness in the global market (IRAC-based legal reasoning).

The research utilizes secondary data sources, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include international agreements and legal instruments relevant to fisheries trade, such as the World Trade Organization (WTO) agreements—particularly the Sanitary and Phytosanitary (SPS) Agreement—and other international conventions related to fisheries governance and trade. Secondary legal materials comprise peer-reviewed international journal articles, academic books, and reports from reputable international organizations such as the Food and Agriculture



Organization (FAO), the Organisation for Economic Co-operation and Development (OECD), and the United Nations Conference on Trade and Development (UNCTAD). Tertiary materials, including legal dictionaries and encyclopedias, are used to support conceptual clarification.

Data collection is conducted through library research, involving a systematic review of legal documents, scholarly publications, and policy reports accessible through online databases. The selection of sources prioritizes credibility, relevance, and recency to ensure the reliability of the analysis. The data are analyzed using a qualitative descriptive-analytical method, which involves interpreting legal provisions and evaluating their implications for fisheries export performance. Several analytical approaches are applied, including the statutory approach, which examines applicable laws and regulations; the conceptual approach, which explores legal doctrines and theoretical frameworks; and the comparative approach, which compares Indonesia's regulatory framework with international standards and practices in other countries.

Additionally, this study adopts a case-based perspective to illustrate practical challenges faced by Indonesian fisheries exports, particularly in relation to compliance with international standards such as SPS measures and sustainability requirements. The integration of these methods allows for a comprehensive understanding of the gaps and opportunities within the existing legal framework. Ultimately, this methodology is designed to produce normative and policy-oriented recommendations aimed at strengthening legal protection, enhancing regulatory alignment, and improving the competitiveness of Indonesian fisheries exports in international trade.

RESULTS AND DISCUSSION

The results of this study reveal that the legal protection of Indonesian fisheries exports in international trade is shaped by a complex interaction between international regulatory frameworks, domestic legal systems, and institutional capacity. The findings indicate that while Indonesia possesses strong export potential in the fisheries sector, the effectiveness of its legal protection mechanisms remains constrained by regulatory gaps, compliance challenges, and uneven implementation of international standards.

First, the analysis of international legal frameworks demonstrates that Indonesian fisheries exports are significantly influenced by multilateral trade rules, particularly those established under the World Trade Organization (WTO). Agreements such as the Sanitary and Phytosanitary (SPS) Agreement and the Technical Barriers to Trade (TBT) Agreement set strict requirements for food safety, quality assurance, and product traceability. The results show that these frameworks provide both opportunities and constraints. On one

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hand, they create a structured and predictable trading environment that facilitates market access. On the other hand, they impose high compliance standards that require significant technical and institutional capacity. Many Indonesian exporters, especially small and medium enterprises (SMEs), face difficulties in meeting these requirements due to limited access to certification systems, modern processing facilities, and international quality standards.

Second, the study finds that non-tariff measures (NTMs) imposed by importing countries play a critical role in shaping the competitiveness of Indonesian fisheries exports. NTMs, including hygiene standards, labeling requirements, and environmental certifications, have become the dominant form of trade regulation in global seafood markets. The results indicate that these measures often function as indirect trade barriers, particularly when they are applied inconsistently or lack transparency. Indonesian fisheries products frequently encounter challenges in complying with these measures, leading to export rejections or delays in market entry. This situation highlights the need for stronger legal protection mechanisms that can assist exporters in navigating complex regulatory environments.

Third, the findings highlight the growing importance of sustainability and environmental compliance in international fisheries trade. Importing countries increasingly require proof that fisheries products are sourced sustainably and comply with environmental standards. Certification schemes, such as eco-labeling and traceability systems, have become essential for accessing high-value markets. The results show that while Indonesia has made progress in adopting sustainability practices, significant gaps remain in implementation. Many fisheries producers, particularly small-scale operators, lack the resources and knowledge required to meet these standards. As a result, the absence of comprehensive legal and institutional support limits the ability of Indonesian exporters to compete in markets that prioritize sustainability.

Another key finding relates to the issue of illegal, unreported, and unregulated (IUU) fishing, which poses a major challenge to the credibility of Indonesian fisheries exports. The study reveals that IUU fishing not only undermines sustainable resource management but also exposes exporters to legal risks in international markets. Importing countries have introduced strict regulations to combat IUU fishing, including mandatory catch documentation and traceability requirements. While Indonesia has implemented policies to address this issue, the results indicate that enforcement remains inconsistent due to institutional limitations and coordination challenges among government agencies. Strengthening legal frameworks and enforcement mechanisms is therefore essential to enhance compliance and maintain the reputation of Indonesian fisheries products.



The study also finds that inconsistencies between domestic regulations and international legal standards create significant challenges for exporters. Although Indonesia has undertaken various regulatory reforms, gaps remain in the alignment of national laws with international obligations. These inconsistencies can lead to legal uncertainty, increase compliance costs, and reduce the efficiency of export processes. For example, differences in certification procedures and regulatory requirements between domestic and international systems can create administrative burdens for exporters. The results suggest that greater harmonization of regulations is necessary to improve legal certainty and facilitate smoother trade operations.

Institutional capacity emerges as another critical factor influencing the effectiveness of legal protection. The findings indicate that while Indonesia has established various institutions to support fisheries exports, their effectiveness is often limited by resource constraints, lack of coordination, and bureaucratic inefficiencies. Exporters frequently encounter challenges in accessing information, obtaining certifications, and navigating regulatory procedures. This situation underscores the importance of strengthening institutional governance and enhancing coordination among relevant agencies to ensure that legal frameworks are effectively implemented.

Furthermore, the study highlights the role of global value chains (GVCs) in shaping the competitiveness of fisheries exports. Participation in GVCs requires compliance with strict quality and sustainability standards set by international buyers and multinational corporations. The results show that Indonesian fisheries exporters face challenges in integrating into these value chains due to limited technological capacity, inadequate infrastructure, and regulatory barriers. However, the study also identifies opportunities for improvement through capacity-building initiatives, investment in infrastructure, and the adoption of international best practices.

Another important finding relates to the impact of digitalization on fisheries exports. The increasing use of digital platforms and technologies in international trade has created new opportunities for market access and efficiency. Digital tools can enhance traceability, improve supply chain management, and facilitate compliance with international standards. However, the results indicate that the adoption of digital technologies in Indonesia's fisheries sector remains uneven. While large exporters have begun to integrate digital systems into their operations, smaller producers often lack the necessary resources and technical expertise. This digital divide limits the overall effectiveness of legal protection mechanisms and reduces the competitiveness of the sector.

The study also reveals that dispute resolution mechanisms play a limited role in protecting Indonesian fisheries exporters. While international trade law provides formal



mechanisms for resolving disputes, such as the WTO dispute settlement system, these mechanisms are often complex and resource-intensive. As a result, they are not easily accessible to smaller exporters. The findings suggest that alternative mechanisms, such as mediation and arbitration, as well as government-supported dispute resolution services, could provide more accessible and efficient means of addressing trade disputes.

Finally, the results emphasize the need for a comprehensive and integrated approach to strengthening legal protection for Indonesian fisheries exports. This includes improving regulatory alignment, enhancing institutional capacity, promoting sustainability practices, and supporting technological adoption. The study finds that legal protection is not limited to the existence of laws and regulations but also depends on their effective implementation and the availability of support systems for exporters.

In conclusion, the findings of this study demonstrate that while Indonesia has significant potential in the global fisheries market, its export competitiveness is constrained by a range of legal and institutional challenges. Addressing these challenges requires coordinated efforts at both the national and international levels, including regulatory reforms, capacity-building initiatives, and enhanced international cooperation. By strengthening legal protection mechanisms, Indonesia can improve its ability to comply with international standards, enhance market access, and achieve sustainable growth in the fisheries sector.

CONCLUSION

This study concludes that strengthening legal protection is essential for enhancing the competitiveness of Indonesian fisheries exports in international trade. The findings demonstrate that while international trade frameworks provide structured opportunities for market access, they also impose complex regulatory requirements, particularly in relation to sanitary and phytosanitary measures, sustainability standards, and traceability systems. Indonesian exporters, especially small-scale actors, often face challenges in meeting these requirements due to limited technical capacity, regulatory inconsistencies, and institutional constraints.

Furthermore, issues such as non-tariff measures, environmental compliance, and illegal, unreported, and unregulated (IUU) fishing significantly affect the credibility and performance of Indonesia's fisheries exports. The lack of full harmonization between domestic regulations and international standards contributes to legal uncertainty and increases compliance costs. In addition, institutional weaknesses and uneven adoption of digital technologies further limit the effectiveness of existing legal protection mechanisms.



Therefore, strengthening legal protection requires a comprehensive approach that includes regulatory harmonization, improved enforcement, enhanced institutional capacity, and greater support for exporters in meeting international standards. By addressing these challenges, Indonesia can improve its global competitiveness, ensure sustainable fisheries practices, and secure a stronger position in the international seafood market.

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