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UNIT-LEVEL EXPLANATION ON INDONESIAN FOREIGN POLICY: ELITE CONSENSUS AND SINK THE VESSEL POLICY UNDER THE JOKOWI'S PRESIDENCY

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Abstract

Neo-realism predicts the state will choose a certain balancing strategy according to the given strategic environment and the relative power of respective states. Since Southeast Asia recognized as informal and norm-based regionalism, state balancing strategy seeks to maximize the regional organization ability to restrain member state's behaviour and manage basic interaction within states. In the case of combating illegal fishing, however, neo-realism is unable to explain why the Indonesian government did not apply the ASEAN-led mechanism and instead became more bilaterally assertive. Applying the neo-classical realism framework, this research examines why Indonesia did not adopt the expected institutional balancing strategy. Neoclassical-realism argues that it is the intervening variable that determines the state's balancing strategy. Using Randall Schweller's elite consensus framework, this research outlines how Indonesian decision-makers settled on the "sink the vessel" policy and did not agree to implement ASEAN-led mechanism, therefore adopting a more aggressive approach to minimize threat in this specific case.

Keywords: Institutional balancing, overbalancing, elite consensus, neoclassical realism, neo-realism, ASEAN, sink the vessel, illegal fishing.

Background

Despite regime change and domestic political contestation, the Association of Southeast Asian Nations (ASEAN) has become the core of a concentric circle of Indonesian foreign policymaking, ahead of Europe, North America, Africa, and South America. As a result, scholars and observers argue that Indonesia assumed

the role of informal leader and solidarity maker of the regional bloc (Rattanasevee, 2014; Roberts & Widyaningsih, 2015; Heiduk, 2016). Jakarta leadership in ASEAN is evidenced by participation in confidence-building measures during the Indochina Conflict and advancing ASEAN institutionalization in the 1990s. Furthermore, leadership is characterized by Jakarta's effort to implement an ASEAN-led mechanism known as "ASEAN Way" for mitigating regional disputes (Rattanasevee, 2014).

The illegal fishing issue is one example of how the ASEAN-led mechanism has managed the intra-regional dispute. According to the ASEAN Way, the member states should handle the conflict through consultations, dialogue, Track-II diplomacy, and renunciation decisive actions (ASEAN, 2008). The AMS can also use the regional forum to build trust and confidence to prevent the escalation of the issue. Conferences such as ASEAN Regional Forum (ARF), ASEAN Maritime Forum (AMF), and East Asia Summit (EAS) have contributed to ASEAN cooperation on combating illegal fishing under the framework of the ASEAN Political-Security Community (APSC). Therefore, these forums' role in combating illegal fishing consists of convening inter-institutional meetings, sharing experiences, and formulating regional agreements to combat illegal fishing.

However, Indonesian commitment to the ASEAN-led mechanism came into question during the Joko 'Jokowi' Widodo presidency. The former DKI Jakarta governor decided to implement a "sink the vessels" policy to reclaim Indonesia marine resources that had contributed to lost Indonesia maritime income and negative impacts on fishermen welfare, despite its position as a maritime archipelagic state with abundant maritime resources (Setkab RI, 2014). This research argues the vessel sinking policy disregarding ASEAN-led mechanisms as Jakarta became more assertive and showed its military superiority in the region, thereby undermining confidence-building measures, and disregarding the multilayered context of the issues. The action also contradicts Indonesia's

commitment as a 'peace-loving nation' that manages conflict through peaceful rather than coercive means (Nasirin & Hermawan, 2017).

Since its inception in 2014, the vessel sinking policy has led to 556 foreign vessels being sunk from Vietnam, Malaysia, the Philippines, Thailand, and China (KKP, 2019). Most of the actions were performed in disputed territory. The policy led to diplomatic friction, especially as Indonesia has not finished maritime border negotiations with Vietnam and Malaysia. Jakarta also only completed the Exclusive Economic Zone (EEZ) negotiations with The Philippines in 2019 and is still waiting for ratification. Due to the decision, Hanoi protested Indonesia's actions and summoned Indonesia's ambassador in Hanoi (Parameswaran, 2015). While there is no official statement, Thailand also questioned Indonesia's decisions on illegal fishing and blamed Indonesia for the decline in its fish stocks (Bangkok Post, 2014). Indonesia was also accused of hurting the current Continental Shelf Agreement negotiations with Vietnam as both Jakarta and Hanoi have not agreed on the Economic Exclusive Zone (EEZ). If Jakarta wants to maintain informal leadership in ASEAN, then Jokowi needs to display its commitment to the ASEAN-led mechanism for solving regional disputes and resolving frictions through diplomatic means.

Based on the Indonesian role as the informal leader of ASEAN, the neo-realist approach predicts that Jakarta would implement institutional balancing and apply regional norms and mechanisms to mitigate potential distrust in dealing with the illegal fishing issue (He, 2008). Instead, Indonesia adopted an overbalancing strategy by taking an aggressive turn, perceiving other states as a threat, and enhancing defensive capability. Therefore, this research will look at why the Indonesian government adopted the vessel sinking policy as a response to illegal fishing issues rather than the expected strategy of favouring the ASEAN-led mechanism. Previous research on Indonesia's fishing policy has focused on legal debates about policy (Efritadewi & Jefrizal, 2017), economic rationality (Nasirin & Hermawan, 2017), and Jokowi's idiosyncrasies as key factors shaping decisions

and Indonesia's strategic environment (Situmorang, 2015; Bland, 2020; Andika, 2016).

Despite their significant contributions, this research was unable to explain the existing ASEAN policy, its lack of strategic guidance that resulted in multiple interpretations, and especially the debate within Indonesia's government on which policy should prevail. The finding of this research will demonstrate the elite consensus and elite perception towards external conditions contributed to Indonesia's decision to not follow ASEAN-led mechanisms. Including sub-national actors in the study is also important since post-political reformation Indonesia means foreign policy has been increasingly politicized and actors other than *Kemlu* and the head of state became involved. In this context, the Ministry of Maritime and Fisheries (KKP)—which traditionally is not involved in foreign policy—became a determining factor.

This research contributes to the debate by employing the neoclassical realism framework to explain why Indonesia did not adhere to the expected balancing strategy and implement an ASEAN-led mechanism to solve the illegal fishing issue. It focuses on how domestic agents translated the international environment into policy options. Furthermore, using Randall Schweller elite consensus approach, this paper argued that the decision-maker in charge of sinking the vessel policy disagreed on applying the ASEAN-led mechanism. This left the president to take unilateral action and adopt the “sink the vessels” policy.

Regarding the “sink the vessels” decisions, there were incoherencies within the decision-making elite as the *Kemlu* as viewed fishing issues as diplomatic problems and interpreted Jokowi's preferences through the maritime diplomacy lens mediated by the ASEAN Forum. On the other hand, the KKP viewed Jokowi's preferences through the maritime sovereignty lens and would require strong law enforcement at sea. The coordinating body among those two ministries was the Coordinating Ministry for Maritime Affairs (*Kemenko Maritim*) and interpreted Jokowi's '*nawacita*' as building maritime infrastructure to achieve

maritime connectivity. The Center for Strategic and International Studies (CSIS) noted that these conditions contributed to Indonesia deemphasizing ASEAN, especially with the growing competition between *KKP* and *Kemenko Maritim* (Fitriani & Panduwinata, 2019). This shows dissensus within ministries in terms of how they perceive ASEAN, leading to policy implementation that did not preference the ASEAN-led mechanism. The approach that ultimately prevailed depended on which lens received Jokowi's support. In this case, the "sink the vessels" policy won out, although there is recognition that Indonesia still needs to show its traditional leadership in ASEAN.

This research is separated into five sections. The first section explains the logic of neoclassical realism and elite consensus that guides the rest of the paper. The second section presents information from ASEAN documents and conflict management mechanisms and argues that an ASEAN-led mechanism is suitable for non-provocative measures. The third section discusses decision-maker perceptions of the illegal fishing issue and how to solve it. Using the elite consensus framework, this research outlines leaders' perceptions on nature of problem, domestic risks and costs, and policy remedies. The fourth section summarizes the findings while the fifth section concludes by arguing that Jakarta's failure to commit to ASEAN-led mechanism was due to the elite disagreement and a lack of confidence that ASEAN was the most suitable mechanism to combat illegal fishing.

Balancing Strategy, Neoclassical Realism, and Elite Consensus

This research uses a variation of the neoclassical realism approach to explain the shifting balancing strategy that Indonesia has applied to its ASEAN-related foreign policy. Gideon Rose argued that neo-realism was limited in determining which balancing strategy a country would adopt given existing international pressure and could not explain in detail how effectively a state—especially at the unit level—

responded to pressure (Rose, 1998). Lobells and Rippman added that while neorealists set the parameters of how states define their interests and pursue particular ends, neoclassical realists added value by examining the existing policy options and how leaders define the international pressure while compromising with domestic structure (Taliaferro, Jeffrey, & Ripsman, 2009, p. 28).,

Therefore, neoclassical realism focuses on the intervening variable to link international pressure (the dependent variable) and the policy response (the independent variable). As Rose explained in his article (Rose, 1998, p. 126):

The scope and ambition of a country's foreign policy are driven by its place in international systems and specifically by its relative material power capabilities. The impact of power capabilities on foreign policy is indirect and complex because systemic pressure needs to be translated through intervening variables at the unit level.

Hence, neoclassical realism seeks to explain the failure of states adopting neo-realism's expected balancing strategy. The focus goes on to the unit-level which effectively becomes the transmission belt through which international pressure is translated into foreign policy outcomes (Rose, 1998, p. 147). The implication of this approach is that foreign policy choices are greatly affected by political leaders and their perception of international pressure and domestic capabilities and incentives. Therefore, to analyse the linking variable between the dependent and independent variables, one needs to examine the context and the leader's perception of power and international pressure. Power sources, political dynamics, and the structure of the state also need to be examined since the leader does not have unlimited freedom to respond to international pressure (Rose, 1998, p. 147).

Specifically, this research will make use of the insights in Randall Schweller's book, *Unanswered Threat*, to examine the intervening variable. Schweller highlighted the way states respond to their external environment turns on the preferences of relevant political and social actors and the unique structural

characteristics of society and government that constitute constraints on these actors (Schweller, 2008, pp. 46-47). The domestic variable consisting of *willingness*, or an actor's preferences, derives from domestic demands, and *ability* focuses on potential domestic political risks and costs of specific balancing strategies (Schweller, 2008, p. 46). Schweller emphasizes four variables determining how *willingness* and *ability* constitute the transmission belt: elite consensus, elite cohesion, regime vulnerability, and social vulnerability. However, this research is limited to focusing on elite consensus as it was the most important intervening variable.

Schweller defined elite consensus as the similarity between elite preferences over outcomes and their beliefs about the preferences and anticipated actions (Schweller, 2008, p. 46). Schweller argued that the state could only implement a coherent balancing strategy if the elite agreed to do so; otherwise, the process would be incoherent or use the previous status-quo approach. To examine the elite consensus, Schweller provides variables such as select agreement on the existing threat, nature and extent of the threat, agreement on policy remedy, and domestic risks and costs (Schweller, 2008, pp. 47-49). In a democratic regime, it is also vital to acknowledge which perceptions of policy matter.

Since the intervening variable is unit-level threat perception, this research uses Janice Gross Stein's model of threat perception. According to Stein, threat perception is derived from psychological and non-psychological factors (Stein, 2013). The non-psychological factors include the shifting the balance of power that leads to an inability to make credible commitments. These security dilemmas come from mutual misperception of defensive intentions, institutional interest, socio-cultural factors and domestic society (such as the extent of nationalist values), and norm violation (Stein, 2013). Despite including values as a non-psychological attribute, this is not to be confused with constructivism. Rathburn argued ideas able to distort the decision makers' roles are an intervening variable, especially with the uncertainty and complexity of the environment (Rathbun, 2008, pp. 311-318). Therefore, the use of ideas distinct from constructivism made it a dependent

variable. Furthermore, to explain the outcome of threat perception, Schweller categorized threats into *actual* threats evidenced by the clear signal of intent, *potential* threats of which evidence existed but had not materialized into danger, and *imagined* threats where there was no evidence of an existing threat.

To explain the parameters of the international environment, especially in the context of ASEAN, which the realist school traditionally opposed, this research will apply Kai He's work of realist institutional balancing. Kai He stated that institutional balancing is rule and norm-based balancing which states employ through international organizations that practice norm-setting and agenda control to influence fundamental interactions among states, restrain member state's behaviour, and prevent the rise of dominant actors (He, 2006, pp. 195-196). Therefore, the ASEAN-led mechanism is suitably placed to deal with international pressure using this approach, especially as Kai He stated that the distribution of power in the institutions was measured by the leader's perception (He, 2008, pp. 492-295).

Finally, the research also needs to conceptualize Indonesia's balancing strategy options as an outcome of foreign policy incoherence and particular agencies' perceptions. Indonesia adopted an overbalancing strategy in ASEAN. Instead of institutional balancing, Schweller defined this as the condition where the state misperceives other states as a threat, leading to the state becoming defensive to enhance its security (Schweller, 2008, p. 10). To understand the motivation to overbalance, one must determine whether the state is dissatisfied with the international order. The international order is defined as the nature of workable arrangements. It limits the acceptable means to resolve the conflict that arise in a competitive and self-help state of nature. It is competitive and influenced by security dilemmas. It also assumes the state will come into conflict because of the constant conditions of scarcity in terms of raw materials, markets, goods, and security (Schweller, 2008, pp. 27-28).

Rising conflict and threat perception lead the state to question the relevance of international order and motivates it to change the order. Alastair Iain Johnston provided variables to determine whether the state is dissatisfied and motivated to change the international system. The variable consists of the degree of an actor's participation in an international organization, any history of the actor breaking regional norms, attempts to change international norms, change the distribution of power, and use military force (Iain Johnston, 2003, pp. 11-12). This concept could be used to explain Indonesia's assertive move on ASEAN and how President Joko Widodo perceived the regional group.

Expected Outcome: ASEAN-led Mechanism on Handling Illegal Fishing

The ASEAN Way was initiated to manage intraregional relations and provide guiding principles for conducting regional affairs. Anthony-Caballero argued that ASEAN Way was a characteristic of how ASEAN managed conflict and maintained peace and security in the region (Mely--Caballero, 2005, p. 97). This later connected to the ASEAN security objective to formulate an informal conflict management mechanism by setting up policy behaviour built on shared visions and expectations about regional security (Mely--Caballero, 2005, p. 20). Therefore, instead of copying the EU's highly institutionalized quick decision-making process and binding policy outcomes, ASEAN prioritized norm-building to manage provincial affairs (Mely--Caballero, 2005, p. 22). Norms set in ASEAN consisted of Treaty of Amity and Cooperation (TAC), Zone of Peace and Neutrality (ZOPFAN), and ASEAN Political-Security Community (APSC). To 'teach' the norm to the AMS, the informal setting of AMS interaction consisted of the ASEAN Summit, the ASEAN Senior Official Meeting (SOM), the ASEAN Regional Forum (ARF), the East Asia Summit (EAS) and various sectoral, regional meetings.

The TAC was also seen as an ‘informal institutionalization’. It was an effort to put traditional domestic norms into a regional framework and become the basis of interaction for the region in an institutional setting such as ASEAN Summits, SOM, and ARF. TAC indicated that the pattern of ASEAN conflict management emphasized self-restraint values, both restraints in the use of the military and control on involvement in domestic matters (Askandar & Oishi, 2002, p. 38). Thus, the main focus of the TAC was not to solve the conflict but rather to manage conflict so as not to escalate and worsen regional interaction. Values such as restraint and responsibility, patience, informality, and respect for differences was reflected in the TAC principle and consultative means of making decisions (Askandar & Oishi, 2002). During consultations, issues could be voiced bilaterally before being brought into more formal official meetings (Acharya, 2001, p. 6).

Therefore, the practical use of TAC is not ASEAN involvement in each regional conflict resolution, but rather to induce the values in member states, and the member states can use those values when they face an intrastate conflict or dispute. For example, during the Cambodian-Vietnamese battle from the 1970s to the 1990s, despite not being part of ASEAN, the involvement of AMS was reflected by the CBMs and shuttle diplomacy conducted by Indonesia and Thailand to resolve highly political differences before gathering the parties in the Jakarta Informal Conference and the cessation of the conflict represented by the Paris Agreement. Although the Bangkok Declaration and TAC urged the AMS to take disputes to a third party, during the Malaysia-Indonesia and Cambodia-Thailand border disputes, each party resorted to friendly negotiations and agreed not to take the issues to the ASEAN summit. Despite military skirmishes that did occur in the latter, informal conferences conducted by AMS succeeded in convincing the parties to handle the problems through the International Court of Justice.

Regarding the illegal fishing issue, ASEAN fisheries dispute management is closely related to the fundamental ASEAN way of conflict management: preference for dialogue and consultation before bringing the matter to formal

summits, self-restraint of military force, and the application of CBMs between law enforcement institutions. The fisheries dispute settlement post-ASEAN Charter is also shown by the emergence of various ASEAN forums on maritime issues and the use of soft laws to solve the problems.

In 2010, the ASEAN Maritime Forum (AMF) held its first summit in Surabaya. The AMF was intended to promote and develop common understanding and cooperation among AMS on transboundary maritime issues and discuss and identify maritime cooperation opportunities that would intensify regional integration of the ASEAN Community through enhanced maritime security and maritime-related issues. The AMF later expanded to an Extended ASEAN Maritime Forum (EAMF) in 2013, which invited extra-regional actors. The first EAMF discussed the relevance of the 1982 United Nations Convention on the Law of the Seas (UNCLOS), maritime connectivity, capacity building, infrastructure and equipment grading, seafarer training, protecting the marine environment, promoting eco-tourism, fishery regimes in East Asia and identifying best practices of cooperation (“Conference Report”, 2011, p. 140-143).

Combating illegal fishing was also discussed in EAS and ARF. Similar to the TAC and the ASEAN Charter template, both forums emphasized the need to promote cooperation through dialogue and collaboration and address the maritime issues through ASEAN-led mechanisms. In regards to solving the territorial and jurisdictional disputes, the East Asia Summit Statement on Enhancing Regional Maritime Cooperation urged AMS to avoid the use of threats and force and to opt for friendly consultation and negotiation thus preventing any conduct of activities that would “complicate and escalate disputes” (“East Asia Summit,” 2015, p. 1-2). While in The 2017 ASEAN Regional Forum Statement on Cooperation to Prevent, Deter and Eliminate Illegal, Unreported, Unregulated Fishing, the parties agreed to solve territorial and jurisdictional disputes “without prejudice to the positions of the concerned parties. Furthermore, in the ASEAN Regional Forum Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement, the

member states agreed to the need for enhanced cooperation among maritime law enforcement agencies to promote trust and confidence, strengthening capacity and coordination, and exercising self-restraint by all parties, and collectively endeavour to maintain peace, stability, safety and security, and emphasizing cooperation through dialogue and collaboration.

In practice, the statement also included Monitoring, Control and Surveillance (MCS) to combat illegal fishing and take all necessary steps consistent with international and national law, in the principle of transparency and non-discriminatory. The ARF also urged the member states to provide appropriate administrative, civil, and penal sanctions, exchange national plans of actions, exchange; information, and undertake multilateral cooperation. ARF also developed a three-year ASEAN Regional Forum Work Plan for Maritime Security in 2011. The purpose of the work plan was to build common perceptions of threats and challenges in maritime security after the previous ARF forum member states agreed on the importance of sharing and the need to identify the gaps in maritime agreements and frameworks to develop a robust and effective work plan. The work plan of the ARF consists of capacity building, coordinated patrols, and 1.5 track workshops.

Elite Disagreement on Sinking the Vessel Policy

President Jokowi: no tolerance for illegal fishing

According to neoclassical realism, the head of government becomes the transmission belt that translates the international environment into foreign policy action (Rose, 1998, p. 147). Therefore, examining Jokowi's administration as a single unit in Indonesian foreign policymaking is necessary as critical issues will be instructed and determined by the head of state, even though Jokowi's foreign policy is highly influenced by his realist-influenced foreign policy consultant, Rizal Sukma and Luhut Pandjaitan (Connelly, 2014, pp. 5-6).

During his inaugural speech, Jokowi stated his vision of Indonesia's return to the ocean (Setkab RI, 2014). Following the previous administration, inward-oriented development leads to minimal maximization of maritime resources and the underdevelopment of the maritime economy. Moreover, Jokowi views Indonesia maritime resources as being robbed by illegal fishing practices and Indonesia has not shown any vigorous law enforcement to eradicate the issues. Thus, Jokowi declared that his government would start sinking vessels that intruded into Indonesian territory, especially as the *Trisakti* doctrine mandated that the government pay more attention to maritime disputes (Chen & Syailendra, 2015). The decision came after Jokowi found out that 5,400 vessels sailed in Indonesian territory every day—despite the exact maritime domain still unclear, and the government suffered RP300 billion losses every year (Setkab RI, 2014). Hence, the numbers became the actual threat Jokowi saw to Indonesia's maritime resources. However, Jokowi also stated that the action should be done cautiously to avoid precipitating quarrels with the respective country during the same occasion.

Jokowi's assertive stance is also evidenced by his intention to initiate the decision as a means of 'shock therapy' and 'punishment' so that neighbouring countries stop pursuing illicit gains from Indonesian maritime territory. Jokowi also instructed the KKP and Indonesian military (TNI-AL) to show no tolerance for illegal vessels and to avoid judicial processes (The Jakarta Post, 2014). Furthermore, he argued that such measures were already conducted in other countries. This precedent justified the action in Indonesia's case, also. Thus, combined with his nationalistic lens of viewing the international environment, his maritime voters as a power base, and his aspirations to turn Indonesia into powerful maritime archipelagic state, the sinking vessel policy was Jokowi's way of making good on his commitment to defending Indonesia's national sovereignty and national resources of the state (Hamzah, 2015). Jokowi also dismissed the claim that the vessel sinking decision is part of megaphone diplomacy and said he regarded the issue as criminal rather than diplomatic (World Bulletin, 2014). Thus,

according to Jokowi, the decision is justifiable as it is an effort to maintain territorial integrity.

Regarding maritime border disputes, Jokowi acknowledged that Indonesia still has maritime boundary issues with neighbouring countries, creating problems in law enforcement (Sekneg RI, 2015). However, the former Surakarta mayor ignores the gravity of maritime boundaries disputes and its compatibility with his policy. Currently, Indonesia only has an EEZ agreement with the Philippines, a provisional arrangement with Malaysia, and ongoing negotiations with Vietnam. The absence of a clear territorial limit might cause misunderstandings or open up conflict between two countries law enforcement agencies (Febrica, 2017). Therefore, the GMF does not include resolving maritime boundary and territorial disputes (Laksmana & Supriyatno, 2018, p. 309).

The Kemlu's moderate stance on illegal fishing issue

The *Kemlu* remains confident that the ASEAN-led mechanism and the use of the ASEAN forum remain necessary and priority measures to combating illegal fishing. The head of *Kemlu*, Retno Marsudi, indicates this through his statement that ASEAN should maintain its stance on downplaying megaphone diplomacy on resolving intra-state disputes and prioritise negotiation and dialogue (ASEAN-Indonesia, 2017). The *Kemlu* noted that consultation and friendly negotiation could eliminate distrust among nations that possibly erupt from unilateral actions. During the talks with the Vietnamese coast guard, the *Kemlu* highlighted the unresolved issues between countries increased the possibility of conflict arising and agreed that respective countries' law enforcement should restrain its use of force and not engage in provocative acts in the area. (Detik, 2018) Vietnam, however, cited that the vessel sinking policy as a provocative measure—120 Vietnamese boats have been sunk, the most among ASEAN countries. Hanoi already summoned the Indonesian ambassador following the incident. The statement also indicated the

Kemlu's stance on following ASEAN-led mechanism and disagreement with law enforcement measures of other institutions.

Due to existing disputed maritime borders, the *Kemlu* also argued that the rules of engagement in disputed EEZ are yet to be fixed. Therefore, national law could not fully be implemented in Indonesia's area with no sovereignty to enforce the law.¹ Especially Indonesia also has not yet reached provisional arrangements on EEZ. The action became an obstacle for the *Kemlu* to finishing the delimitation agreement, aside from other disagreements over principles.²

Indonesia's efforts in ARF displayed its commitment to the ASEAN-led mechanism to combat illegal fishing. This shows that the *Kemlu* highlighted that the ARF could push dialogue and cooperation on combating illegal fishing. The forum plays a role in raising awareness and testing the water before proceeding to the more comprehensive forum (Chaniago, 2016). The flexible and non-binding nature of ASEAN that provides member states space and time to understand each other's position without tough negotiation (Yusilawati, 2016). The *Kemlu's* result from using the ASEAN forum as a platform on combating illegal fishing is seen by the 2017 ASEAN Regional Forum Statement on Cooperation to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing. Comparing the previous ASEAN agreement on combating illegal fishing, the Manila Statement shows more technicalities and displays Jakarta's effort to strengthen AMS commitment to fighting illegal fishing.

KKP's aggressive stance on illegal fishing issue

The Ministry of Maritime Affairs and Fisheries (KKP) stance on illegal fishing is contained in its assertive Maritime White Paper released in 2017. The document is the KKP interpretation of Jokowi's calls for Indonesia to 'return to the ocean' as a

¹ Personal interview with Ashila Reza, Directory of International Territory Law, Ministry of Foreign Affairs

² Ibid

maritime archipelagic state, and the president's calls for resources sovereignty. The white paper argued that Indonesia had lost its maritime principles, lost its identity and inability to retain marine integrity and independence (Kementerian Keluatan dan Perikanan, 2015, pp. 12-13). Jakarta's previous inability indicated by the government's failure to convert its maritime resources to public welfare, especially the fisherman dominating Indonesia's impoverished population. *Nawacita* interpreted the document as a 'national awakening' and urged fisheries sectors to be independent, resilient, and pursue the national interest (Kementerian Keluatan dan Perikanan, 2015, p. 28).

Illegal fishing becoming the symbol of Indonesia's faded maritime archipelagic state identity. The KKP argues that, according to the World Bank and Food and FAO, Indonesia suffered losses of USD20 billion annually (Kementerian Keluatan dan Perikanan, 2015, p. 13). Therefore, combating illegal fishing was a priority for the KKP during Jokowi's government. Illegal fishing was a problem and challenge to sovereignty, sustainability, and welfare, the three principal responsibilities of the KKP. The sovereignty principle is defined as independence in managing and optimizing marine resources by strengthening national capabilities and capacity to enforce the law at sea (Kementerian Keluatan dan Perikanan, 2015, p. 17). The code positioned the KKP as realists influenced and taking a challenging power-based approach to combating illegal fishing. However, the main point of sovereignty is not limited to protecting maritime territory, but protecting marine resources and combating illegal fishing as the 'key concrete steps' to achieve that.

The welfare principle is defined as managing marine and fisheries' resources as much as possible for the benefit of the people (Kementerian Keluatan dan Perikanan, 2015, p. 17). The KKP has taken the blame for illegal fishing causing fisherman poverty in Indonesia. The KKP argued that maritime territory should be the source of local welfare, but in reality, could no longer become reliable sources of income. The impoverished conditions are indicated by the decrease of maritime

households, low fishery sector production-consumption, and the fisheries sector's small contribution toward national GDP.

The ministry also seeks to reverse Indonesia's insufficient monitoring capacity and to increase sea patrol to combat illegal fishing. Therefore, the policy option KKP undertakes is to sink the vessel allegedly stealing Indonesia fisheries resources. KKP opts for the policy considering Indonesia's vast maritime territory, and the most effective measures to combating illegal fishing are enforcing the rule of law (Kementerian Kelautan dan Perikanan, 2015, p. 17). According to KKP, the decision is justified by the national Fisheries Law and UNCLOS, and fully supported by the president. The decision departs from the previous government's compliance with illegal fishing convicts, opting for a soft approach by taking the ships to sell it to local fisheries, returning the ships to its last owner after an extended period (Tempo, 2019). Echoing Jokowi's nationalistic nature on illegal fishing or maritime resources management, Susi Pudjiastuti, as the minister responsible for the *KKP*, also views it as a deterrent measure to neighbouring countries (Kementerian Kelautan dan Perikanan, 2015, p. 21). The nature of how Jokowi and Susi looked at policy options on combating illegal fishing was contradictory to the ASEAN-led mechanism and conflict management mechanism that the *Kemlu* has stated.

Due to the assertive nature of the national strategic plan and support from Jokowi, the KKP disregards diplomatic relations while combating illegal fishing. It was evidenced by Susi's failure to acknowledge the existence of unresolved border disputes with neighbouring countries, reluctance to resolve it through diplomatic manners, and her efforts to set the norms by promoting illegal fishing as part of Transnational Organized Crime (TOC). According to Susi, illegal fishing is a TOC due to the involvement of more than two well-organized nationalities, classified as a severe crime, and the stolen goods used for import (Risnain, 2017, p. 390). Susi acknowledged that the policy is indeed scaring other countries, but it still needs to be done (BBC Indonesia, 2019). Regarding the possibility of foreign protest to the

policy, Susi stated that there would be no diplomatic quarrel as she had already informed embassies in Jakarta and explained the necessity of her approach (BeritaSatu, 2016). However, due to her bold move, the Vietnamese government already called in Indonesia's envoy in Hanoi and reminded Indonesia of the 'strategic partnership' between countries (Parameswaran, 2015). MOFA is also troubled by Susi's unilateral action of visiting embassies in Jakarta.³ Susi's stance disregarding diplomatic relations is also evidenced by her leaving diplomatic relations solely to the *Kemlu* (Detik Finance, 2016). This means Susi views the *Kemlu* as playing the role of 'cleaning up the mess' after her ministry precipitates quarrels.

In international fora, Susi tries to display her realist and zero-sum perception of policy. For example, during Our Ocean Conference 2018 (OOC), Susi stated that the international forum provides a platform for Indonesia to share its bravery in bringing change to fisheries management, especially turning the fisheries sector into a profitable industry (Kumparan, 2018). Susi also stated that an international conference should be beyond 'talk shops' and deliver concrete results (Kumparan, 2018). This statement represents a pessimistic view of ASEAN, seeing the organization only as a 'talk shop' due to its consensual decision making and non-binding outcomes. Susi's pessimistic views on ASEAN are plausible as the regional bloc is unable to provide any concrete steps to enhance law enforcement to combat illegal fishing and regional disinterest in achieving that goal. Therefore, Susi opts for more comprehensive forums such as IORA and UNODC.

Susi also failed to consider the current international strategic environment, especially concerning unresolved maritime boundaries. Following the sinking of the Vietnamese vessels, Susi stated that if the resources remain in Indonesia EEZ, it belongs to Indonesia entirely (Detik Finance, 2016). However, the *Kemlu* argues that the sinking the vessel policy is only fully justified in Indonesia's territorial

³ Wicaksana

water. In the EEZ area, “it depends on the nature of illegal fishing and current agreement with respective countries.”⁴ Susi’s lack of consideration for maritime boundary disputes lead to the Vietnamese dominating the list of the vessel sunk by Indonesia. Compared to the Philippines, which Indonesia already has EEZ delimitation with, and Malaysia, that already agreed on provisional arrangement, Vietnamese ships have not benefited from clarity. The vessel sinking actions in turn contributes to friction that has hampered both countries’ border negotiations.

Susi closed the door for policy remedies as indicated by her rebuttal to intra-ministerial criticism toward her decision, the debate between the DPR and KKP on the revision of Fisheries Bill, and through Jokowi’s full support for the vessel sinking approach. For the latter, the previous section of this chapter already highlighted that the vessel sinking policy is seen as necessary and the main operational decision to achieve the maritime archipelagic state. Especially when Jokowi himself announced the decision and explained Indonesia maritime resources losses could not be tolerated any longer. Therefore, the KKP becomes Jokowi’s main instrument to achieving his aspirations and keeping public support for him. Susi even has more power in front of Jokowi compared to other ministers. This is proved by Susi accepting the suggestion to prohibit foreign investment in maritime sectors, followed by the president issuing Presidential Regulation No. 44 of 2016 concerning the negative investment list (Kementerian Kelautan dan Perikanan, 2015, pp. 12-13). As investment is a priority issue for the president, the negative list proved that Susi maintains a higher position in Jokowi’s pecking order. Susi also suggested the president issue formal presidential instruction on sinking the vessel, as the current bill did not stipulate the KKP’s mandate to sink vessels (Antara News, 2015).

Susi’s decision also brought her into conflict with her supposed superiors, the Coordinating Minister for Maritime Affairs (*Kemenko Maritim*) Luhut

⁴ Interview with Ms. Nia, Head of Subdirectory of ASEAN Political-Security Community, Ministry of Foreign Affairs

Pandjaitan and Vice President Jusuf Kalla. Both senior politicians and experienced foreign policy professionals instructed Susi to stop sinking the vessels and auctioning the convicted ships (Bisnis.com, 2018). Kalla stated that the action complicated Indonesia's diplomatic relations given Susi's unwillingness to mention the states that had already issued complaints about the policy to Indonesia's representatives (Kompas.com, 2018). The People's Consultative Assembly (MPR) and Commission IV of DPR, who supervises the KKP, also agreed with Luhut and Kalla that the vessel sinking should be stopped (Kompas.com, 2018). Nevertheless, Susi ignored the criticism towards her policy as she believed Jokowi would side with her. Answering Luhut and Kalla's complaint, Jokowi stated that maritime law enforcement is still necessary as it shows Indonesia's commitment to protecting its sovereignty. Susi also added if sinking the vessel was to be eliminated, then the head of KKP should be replaced, and the proponents should channel their aspirations directly to the president. Despite numerous high-level disagreements, the sinking the vessel policy remains prevalent until the end of Jokowi's first term.

Susi's next test to maintain her *sinking the vessel policy* came from the DPR, as the legislature considered revision to Fisheries Bills. There were still questions whether the bill will implicitly include the vessel sinking policy. However, seeing legislative reluctance to endorse the policy, it was unlikely that the policy would be included in the revised bill. Therefore, Susi urged that the word 'sinking' should be in the revised bill (CNBC Indonesia, 2018). She even urged her institution to drop out the support if her suggestion was not considered by the legislative (Katadata, 2018). Ultimately, the legislation failed to pass the bill, and Susi could continue her actions.

Coordinating Ministries for Maritime Affairs: rejecting sinking the vessel issue

Luhut consistently criticized Susi's action on the sinking of the vessel. This contradicted his collaborative view of foreign policy, where his ministry needed to ensure friendly relations and a peaceful regional environment to attract foreign

investment. *Kemenko Maritim's* utilitarian views on combating illegal fishing leading to Luhut's disagreement with Susi and he told KKP minister to stop sinking vessels. Luhut argued that the vessel should be granted to local fisherman instead of being sunk. The statement was also backed by Vice President Jusuf Kalla, which stated neighbouring countries are already troubled with Indonesia decisive action in the maritime area, especially on the unresolved maritime border. Luhut also disagrees with Susi's short-term policy. In his view, sinking the vessels was necessary initially, but in the long term, Luhut argued that KKP should focus more on increasing productivity and harmonizing rules on managing fisheries.

His openness also evidences Luhut's collaborative approach of foreign policy and preferences for engaging multilateral forums. Contrary to Susi's character, who tried to set establish unilaterally new international norms and show off Indonesia law enforcement capability, Luhut remained open to mutual gains and a collaborative approach. Luhut argued that Indonesia needs to develop a global network of maritime law enforcement within IORA (Kementerian Koordinator Kemaritiman, 2017). This is consistent with *Kemenko Maritim's* views on combating illegal fishing that prioritize AMS as partners,⁵ and contrary to the KKP that tried to legitimize illegal fishing as a TOC in Southeast Asia. Therefore, *Kemenko Maritim's* proposed measures were consistent with ASEAN-led mechanisms such as initiating Track II international workshops, negotiation, and formulating commitment through regional fora such as ARF, EAS, and IORA.⁶ *Kemenko Maritim* also announced their disagreement with the vessel sinking actions, especially seeing Indonesia had not concluded EEZ with neighbouring countries and was causing diplomatic quarrels.⁷

⁵ Interview with Mr. Basillio Araujo, Deputy Assistant of Maritime Security, Coordinating Ministry for Maritime Affairs

⁶ Ibid

⁷ Ibid

Summary: Decision-maker Perceptions on Vessel Sinking Issues

The previous section explained and analysed Jokowi's, KKP, the *Kemlu*, and *Kemenko Maritim* statements and stances towards the illegal fishing issue and the vessel sinking policy through the neoclassical realist lens provided by Randall Schweller. As illustrated in the summary in Table 5.1, despite becoming the key foreign policy-making body and promoting Indonesia's government to opt for ASEAN-led mechanisms, the *Kemlu* failed to attract Jokowi's strategic interest in this case. At the same time, the KKP has a better and more compatible strategy to fulfil Jokowi's aspirations and sees that the ASEAN-led mechanism is ineffective. Due to his campaign promise to provide tangible benefits to his constituents, the vessel sinking policy became the option Jokowi chose. Jokowi's motivation to opt for this policy is also due to his strategic mission statement that Indonesia could not tolerate the low profile it had in the region and would pursue regional leadership, contrasting himself with the SBY presidency that did not oversee substantial interest gains for the country. This leads Jokowi to view ASEAN as threatening his nationalist-materialistic aspirations. At the same time, Jokowi also needs positive foreign relations to attract investment to fulfil his national infrastructure program and the experienced Luhut is highly committed to the program. Therefore, the *Kemlu* ultimately came to agree with Jokowi to opt for a non-ASEAN balancing strategy to combat illegal fishing.

Due to the KKP taking the initiative of the 'sinking the vessels' policy, their perception matters and especially seeing KKP has the full support from President Jokowi as the ministry's role is vital to achieving Jokowi's maritime archipelago state aspirations and gaining public approval. As the minister, Susi Pudjiastuti also perceived ASEAN as a platform to promote illegal fishing as transnational organized crime and to show off that Indonesia rather than a mechanism for resolving disputes. Susi is experienced and has the ability and commitment to continue implementing the decision. The KKP also shared Jokowi's nationalistic and transactional nature of the policy. Therefore, the vessel sinking policy is seen

as necessary as it successfully returned to Indonesia its fisheries' resources. *Kemlu* had to accept its lower profile and damage to its image building agenda. At the same time, *Kemenko Maritim* opposed the policy as the ministry's purpose was to attract foreign investment.

Actor	Interest towards ASEAN	Threat perception (Illegal fishing as Threat)	Policy remedy (Illegal fishing)	Domestic political risk and cost
President	Legitimizes Indonesia's status as maritime archipelagic state.	Actual Threat; extraordinary criminal issue.		Defending sovereignty and providing tangible welfare to the nation's poorest.
<i>Kemlu</i>	Increasing Indonesia leadership role in ASEAN	Imagined Threat; diplomatic issue, intertwined with border disputes.	ASEAN-led mechanism.	Negative international image and troubling delimitation, negotiation.
<i>KKP</i>	Promoting IUU as Transnational Organized Crime (TOC).	Actual Threat; Transnational organized crime		Defending sovereignty and providing tangible welfare to nation's poorest
<i>Kemenko Maritim</i>	Foreign investment.	Imagined Threat; National issue; Diplomatic issue.	ASEAN -led mechanism.	Providing national infrastructure program.

Policy matters	Joko Widodo
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Table 5.1: Elite Disagreement on ASEAN-led Mechanism

Regarding the nature of the threat, there are stark differences that emerged as Susi views this as an actual threat as exemplified by her stance of characterising this issue as a transnational organized crime that needs an extraordinary measure and relegated the importance of ongoing EEZ delimitation negotiation by the *Kemlu*. This leads to *Kemlu*'s need to juggle Indonesia's bold move, EEZ negotiations, and support for ASEAN-led mechanisms in ASEAN fora. The *Kemlu* was also forced to view illegal fishing as a transnational organized crime. Instead of providing the ASEAN context for illegal fishing issues, their role was relegated to 'cleaning up the mess' after Susi's bold move.

No ASEAN policy remedy is acceptable to Susi and Jokowi to combat and prevent illegal fishing. Susi's rebuttal proves this to Luhut, Jusuf Kalla, DPR, and Jokowi's support for the policy. Especially as sinking the vessel policy was an important prong of Jokowi's attempt to secure popular support for 2019 elections, and its effectiveness already proven by KKP popularity on various surveys. Meanwhile, ASEAN-led mechanisms are seen as ineffective and inefficient to combat illegal fishing, and The *Kemlu* has no say in policy remedy discussions. This is also clearly a top-down approach of policymaking in Indonesia, and none of *Kemlu* officials were included in Jokowi's circle of foreign policymaking before assuming office.

Finally, the reason behind the *Kemlu*'s abstention on policy remedy discussion and the pushing an ASEAN-led mechanism was due to the ministry having no supporting base in Indonesian society; the only risk-taking for the *Kemlu* is their credibility in front of Jokowi. Moreover, the *Kemlu*'s role itself has been diminished due to Jokowi's preferences for achieving tangible results. Therefore, Jokowi has strong power to dictate foreign policy affairs. However, the same could apply to *Kemenko Maritim*, but other factors such as their political connection to

Jokowi gives them the freedom to conduct their foreign relations in ASEAN. Competition with Susi is, therefore, inevitable.

If Susi is Jokowi's 'tool' for gaining public approval and pursuing maritime sovereignty, Luhut is his way of achieving Indonesia's maritime connectivity and infrastructure building. Both of them are part of GMF. However, Luhut's added value is that he is also the oligarch who funded the Jokowi campaign in 2014.⁸ Seeing Jokowi's aforementioned triple minority, Jokowi needs to balance between domestic interest and ruling-oligarch demands. Thus, while Luhut shares with Jokowi's policy support for pursuing foreign investment, he sees ASEAN more positively. As a former Ambassador to Singapore, Luhut is already familiar with the ASEAN mechanism and how the regional group works. Therefore, Luhut rejects the vessel sinking policy as it becomes an obstacle for him to achieve a strategic partnership with neighbouring countries.

Despite his weak position in the first term, Jokowi's policy matters to other ministries. Throughout his five-year tenure, most of his vision and mission statements came into realization despite domestic and intra-ministerial opposition. However, as the president does not make clear his strategic guidance, it causes ministerial interpretation and triggers contestation between over which policy matters. The following approach that matters is Susi's vessels sinking. Jokowi's high support indicates that it is at the forefront of the GMF and provides tangible material and public votes.

On the other hand, Luhut's maritime interest is limited to the foreign investment area. In regards to maritime sovereignty, Luhut still needs to acknowledge Susi's superiority. At the same time, the *Kemlu* became a minor policy player in the Jokowi government—indicated by significant changes from traditional approaches and Jokowi's influence on foreign policy agenda

⁸ Marcus Mietzner, "Reinventing Asian Populism: Jokowi's Rise, Democracy and Political Contestation in Indonesia," *East-West Center Policy Studies*, no. 72 (2015): pp. 32-35)

Conclusion

Neorealists predicted that states would adopt a specific balancing strategy to contain the rise of great powers or to manage their relations with neighbouring countries. The most relevant balancing strategy in Southeast Asia's strategic environment is institutional balancing. Primarily as a regional grouping founded to address regional distrust by managing its cooperation using norms and cooperation forums rather than force, institutional balancing has been the strategy Indonesia opted to manage its relations with Southeast Asia nations. This means that if Indonesia falls into a dispute with neighbouring countries, Indonesia should use the ASEAN-led mechanism as a guideline to resolve the conflict. Neo-realism also predicted domestic preconditions that influenced the state's balancing strategy. Jakarta's preferences on institutional balancing also came from the principle and doctrine of foreign policy and the country's willingness to play a low profile to maintain regional stability.

Neo-realism, however, failed to explain why Indonesia opted for a proactive balancing strategy despite the strategic environment and domestic pressure already compatible with the status quo institutional balancing approach. Therefore, the central theme of this research is Indonesia's foreign policy behaviour of opting for overbalancing as a balancing strategy, shifting from the traditionally institutional balancing strategy instead. Using neoclassical realism, this research examined the intervening variable that links international pressure with foreign policy options. According to neoclassical domestic politics realists, the unique structure of the system and the leader's perception are what matters in translating the international environment and contributing to the policy option applied by the state's leader. To examine how the intervening variable perceived international pressure, this article used the elite consensus framework approach proposed by Randall Schweller that

seeks to analyse elite perceptions. Using the neoclassical realism framework, this research focused on threat perception of the agencies rather than the existing strategic environment and that set parameters for options.

This research found the foreign policy elites, consisting of the President, the *Kemlu*, *Kemenko Maritim*, and the KKP, disagreed on how to combat illegal fishing issues. Therefore, Jakarta did not opt for an institutional balancing strategy to manage the illicit fishing issues. Furthermore, despite the *Kemlu* clearly stating that Jakarta should opt for an ASEAN-led mechanism, the President and the KKP did not see the strategy effectively combating illegal fishing. This led to Indonesia opting for the “sinking the vessels” strategy. Therefore, the threat was answered but the response did not align with the expected approach due to elite disagreement and certain perceptions. Controversy exists on how each agency views threat and how they perceive the international environment, mainly how they see ASEAN as a regional bloc used to manage the conflict.

Neoclassical realist analysis used in this research also found that Jokowi, as the head of state, performed a role as a transmission belt that linked the international environment to policy options even as the head of the state did not have unlimited to translate international pressure into preferences. Using Stein’s threat perception framework, Jokowi international perception was distorted by public demands and political pressure, which led him to opt for nationalistic-materialistic policy options. However, Jokowi also needs to ensure that his strategic options are accepted by his ministries. The ministries, including the *Kemlu and Kemenko Maritim*, were forced to follow Jokowi’s balancing strategy.

What does this research indicate for the future of Indonesia’s foreign policy, especially towards ASEAN? During the second term of Jokowi’s presidency, his approach remained unchanged after successfully consolidating his political coalition in 2019 elections. Having the final word on several issues means he will seek a legacy to end his term. However, this does not imply that Jokowi will opt for a proactive strategy. In this term, Jokowi will seek cooperation to complete

infrastructure development rather than triggering diplomatic quarrels through the bold move. Jokowi nationalist-materialist foreign policy views will continue and underpin zero-sum actions towards ASEAN and sustain his focus on the economy rather than political-security issues. As the head of state influencing foreign policy, Jokowi remains strong, and Indonesia still has not fully reformed its foreign policy institutions and processes. The *Kemlu* is still a minor actor; on the other hand, other relevant ministries important to the government strategic plan will have a more prominent role in foreign policy.

Future research needs to examine further the debate around Indonesia's foreign policy towards ASEAN that is currently being debated, especially that Indonesia is 'leaving the ASEAN'. More varied case studies and perspectives could be used and analysed. Regarding intervening variable examinations, future research could study the impact of Jokowi's idiosyncrasies on threat perception, the cartelization culture of Indonesian politics, the role of democratic institutions, and the effects of developmentalism on Jokowi realist nature of the foreign policy.

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