

USE OF TRAWLERS IN THE SEAS OF THE NORTHERN PART OF EAST KALIMANTAN  
(Regulation of the Minister of Marine and Fishery No. PER.06/MEN/2008 dated February 26, 2008)

THE MINISTER OF MARINE AND FISHERY  
OF THE REPUBLIC OF INDONESIA

Considering:

- a. That in the framework of optimizing the utilization of fish resources by conservation methods, to improve the prosperity of fisherman, and to augment the existence of fisherman community in the water regions of the northern part of East Kalimantan, it is required to utilize fish catching means suitable to the geographical characteristics and/or condition of the water regions of the northern part of East Kalimantan;
- b. That trawl fish catching means is a means of catching fish suitable to the geographical characteristics and/or condition of the water regions of the northern part of East Kalimantan;
- c. That based on the considerations referred to in letters a and b, it is deemed necessary to regulate the use of trawl fish catching means in the waters of the northern part of East Kalimantan, with a Regulation of the Minister;

In view of:

1. Law No. 5 Year 1983 concerning Indonesian Exclusive Economic Zone (Statute Book of the Republic of Indonesia Year 1983 No. 44, Supplement to Statute Book of the Republic of Indonesia No. 3260);
2. Law No. 6 Year 1996 concerning the Indonesian Seas (Statute Book of the Republic of Indonesia Year 1996 No. 73, Supplement to Statute Book of the Republic of Indonesia No. 3647);
3. Law No.31 Year 2004 (**BN No. 7158 pages 6A-17A and so on**) concerning Fishery (Statute Book of the Republic of Indonesia Year 2004 No. 118, Supplement to Statute Book of the Republic of Indonesia No. 4433);
4. Law No. 32 Year 2004 (**BN No. 7183 pages 1A-11A and so on**) concerning the Regional Government (Statute Book of the Republic of Indonesia Year 2004 No. 125, Supplement to Statute Book of the Republic of Indonesia No. 4437);
5. Government Regulation No. 38 Year 2007 concerning the Division of Government Affairs between the Government, Provincial Regional Governments, and Regency/City Area Governments (Statute Book of the Republic of Indonesia Year 2007 No. 82, Supplement to Statute Book of the Republic of Indonesia No. 4737);
6. Presidential Decree No. 187/M year 2004 (**BN No. 7182 pages 30A-31A**) which had been amended several times, lastly with Presidential Decree No. 77/P Year 2007;
7. Presidential Regulation No. 9 Year 2005 (**BN No. 7182 pages 2A-23A**) concerning Positions, Duties, Functions, Organizational Structure and Work Mechanism of R.I. State Ministries which had been amended several times, lastly with Presidential Regulation No. 94 Year 2006;
8. Presidential Regulation No. 10 Year 2005 concerning Organizational Units and Duties of Echelon-I of State Ministries of the Republic of Indonesia which had been amended several times, lastly with Presidential Regulation No. 17 Year 2007;
9. Decision of the Minister of Seas and Fishery No. KEP.24/AMEN/2002 concerning Procedure and Technique of Compiling Statutory Regulations within the Seas and Fishery Department;

10. Regulation of the Minister of Marine and Fishery No. PER.07/MEN/2005 concerning Organization and Work Mechanism of Seas and Fishery Department which had been amended several times, lastly with Regulation of the Minister of Seas and Fishery No. PER.08/MEN/2007;
11. Regulation of the Minister of Marine and Fishery No. PER.16/MEN/2006 concerning Fish Ports;
12. Regulation of the Minister of Marine and Fishery No. PER.05/MEN/2008 concerning Fish Catching Business;
6. Director General is the Director General of Catch Fisheries.
7. Governor is the Governor of East Kalimantan.
8. Regent is the Regent of Nunukan or Bulungan or Tana Tidung.
9. Mayor is the Mayor of Tarakan.

#### Article 2

- (1) Fish catching activities in the waters of the northern part of East Kalimantan may be performed by using trawlers.
- (2) Area of operations of trawlers referred to in sub-article (1) consists of:
  - a. Lane I, covering waters more than one (1) mile up to four (4) miles measured at water surface at the lowest tide;
  - b. Lane II, covering waters more than four (4) miles up to 12 (twelve) miles measured at water surface at the lowest tide;
- (3) Lane I is authorized only for the operations of trawlers having weight up to five (5) gross tonnage (GT).
- (4) Lane II is authorized only for the operations of trawlers having weight up to 30 (thirty) (GT).
- (5) Every trawler where its area of operations is in Lane I may operate in Lane II and/or more than 12 (twelve) miles, and trawlers where its area of operations is in Lane II may operate more than 12 (twelve) miles,
- (6) Every trawler where its area of operations is in Lane II is prohibited to operate within Lane I.

#### D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF MARINE AND FISHERY OF THE REPUBLIC OF INDONESIA CONCERNING THE USE OF TRAWLERS IN THE SEAS OF THE NORTHERN PART OF EAST KALIMANTAN.

#### Article 1

In this Minister Regulation, what is meant by:

1. Fish catching is an activity to catch uncultivated fish in waters by any means or method whatsoever, including activities using ships for loading, transporting, storage, cooling, handling, processing and/or preserving.
2. Trawler are all types of fish catching means in the form of net with pockets, having a body and wings equipped with net opener, operated by towing using a moving ship.
3. Trawler is a fish catching ship using trawler fish catching means.
4. The waters of the northern part of East Kalimantan are waters extending from the waters of Tarakan Regency at coordinate 3o 10' North Latitude up to the outermost waters of Sebatik Island.
5. Minister is the Minister having the responsibility in the field of seas and fishery.

#### Article 3

- (1) Every trawler must land the fish being result of its catch in base ports.
- (2) The base ports referred to in sub-article (1) are:
  - a. Sebatik Fish Landing Port;

- b. Pulau Bunyu Fish Landing Port;
- c. Tarakan Coast Fish Landing Port; or
- d. Mansapa-Nunukan Fish Landing Port;

#### Article 4

- (1) The fish catching activities referred to in article 2 sub-article (1) may be performed by Indonesian people or legal entities domiciled in the Province of Kaltim, the Regencies of Nunukan, Bulungan, Tana Tidung or Tarakan City.
- (2) Any Indonesian people or legal entities carrying out fish catching referred to in sub-article (1) are obliged to possess a written permit from the:
  - a. Governor, for trawlers weighing of 10 (ten) GT up to 30 (thirty) GT;
  - b. Regent or Mayor, for trawlers weighing five (5) GT up to 10 (ten) GT;
- (3) The obligation to possess the permit referred to in sub-article (2) is exempted for fish catching activities carried out by small fisherman and/or fisherman having a trawler less than five (5) GT.

#### Article 5

Trawler technical specification is set forth in Attachment IA and Attachment IB of this Minister Regulation.

#### Article 6

- (1) The Governor and Regent/Mayor exercise the registration of trawlers owned by Indonesian people or legal entities domiciled in his area respectively, and shall report its results to the Minister three (3) months at the latest from the stipulation of this Minister Regulation.

- (2) Based on the report referred to in sub-article (1), the Minister shall stipulate the allocation of permissible number of trawlers, by taking into consideration the availability of fish resources support power, socio-economic condition of the local community, and paying due observance on the environmental geographical condition of the border area.
- (3) Based on the allocation of the permissible number of trawlers referred to in sub-article (2), the Governor and Regent/Mayor will issue trawler permits.

#### Article 7

- (1) The availability of fish resources support power, socio-economic condition of the local community referred to in article 6 sub-article (2) shall be evaluated once a year by the Director General.
- (2) The result of the evaluation referred to in sub-article (1) constitute basis of consideration for policy stipulation by the Minister to grant the allocation of the number of permissible trawlers.

#### Article 8

Every trawler captain must submit report on fish catching activities by using fishery logbook in accordance with statutory regulation.

#### Article 9

- (1) Every trawler operating in the waters of the northern part of East Kalimantan must be provided with signs by ships' owners.
- (2) The signing of the trawler referred to in sub-article (1) shall be carried out with the following provisions:

- a. Material shall be of iron or steel plate of 50 (fifty) cm long, 10 (ten) cm wide and 0.1 (zero point one) cm thick;
  - b. Measurement of letters and numbers shall be eight (8) cm tall and four (4) cm wide.
  - c. Must be written with emerging letters and numbers;
  - d. Painted with white base and black letters; and
  - e. Placed on the hull or top construction or on deck perpendicular to ship.
- (3) The format of the sign of the trawler referred to in sub-article (1) and sub-article (2) is set forth in Attachment II of this Minister Regulation.

#### Article 10

Every trawler operating in the waters of the northern part of East Kalimantan are prohibited to catch turtles.

#### Article 11

Procedure on the issuance of trawler permits by the Governor and Regent/ Mayor referred to in article 6 sub-article (3) shall refer to the procedure on the issuance of trawler permit by the Minister.

#### Article 12

- (1) Any Indonesian people or legal entity committing violations on provisions of this Minister Regulation shall be imposed of administrative and/or criminal sanctions.
- (2) The administrative sanction referred to in sub-article (1) may be in the form of written warning, freezing or revocation of the permit by the permit granter.
- (3) The imposing of the administrative sanction referred to in sub-article (2) shall be performed in phases:
  - a. written warning shall be imposed of three (3) times consecutively, within a period of one (1) month respectively to any Indonesian people or legal entity committing violations;

- b. In the event the written warning referred to in letter a is not obeyed, then permit freezing shall be imposed of for one (1) month;
  - c. If the freezing referred to in sub-article (2) is not obeyed, then the permit shall be revoked.
- (4) The criminal sanctions referred to in sub-article (1) shall be exercised in accordance with statutory regulation.

#### Article 13

The Minister, Governor, and/or Regent/Mayor perform control on the operations of trawlers in the waters of the northern part of East Kalimantan in accordance with his authority respectively.

#### Article 14

The use of trawler in the waters of the northern part of East Kalimantan regulated in this Minister Regulation shall be evaluated each year by the Director General, and its result shall be reported in writing to the Minister.

#### Article 15

This Finance Minister Regulation comes to effect from the date of stipulation.

For public cognizance, this Finance Minister Regulation shall be announced in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 26, 2008

THE MINISTER OF MARINE AND FISHERY

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FREDDY NUMBERI

**Signs on Trawlers**

Example:

TR-PH-II-001
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NN-OH-II-001
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BL-OH-II-001
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TT-OH-II-001
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Note:

TR/NN/BL/TT : Code of Tarakan/Nunukan/Bulungan/  
Tana Tidung regencies

PH : Code of Trawler

I / II : Code of Catching Lane

001, 002, etc : Registration Number from Regency  
/ City

Provisions on Trawler Signs:

- a. Material made of iron or steel plate of 50 (fifty) cm long, 10 (ten) cm wide and 0.1 (zero point one) cm thick;
- b. Measurement of letters and numbers shall be eight (8) cm tall and four (4) cm wide.
- c. Written with emerging letters and numbers;
- d. Painted with white base and black letters; and
- e. Placed on the hull or top construction or on deck perpendicular to ship.

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