Balancing Maritime Security and Blue Justice in Small-Scale Fisheries Governance across ASEAN

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ABSTRACT

Small scale fishing communities in Southeast Asia face growing challenges as governments increasingly prioritize maritime sovereignty, territorial security, and fisheries enforcement. These policies often give insufficient attention to the livelihoods, legal rights, and everyday difficulties experienced by coastal communities. This study examines how maritime security policies affect access to marine resources, legal protection, and justice for small scale fishers in Indonesia, Vietnam, and the Philippines. The research employs a comparative qualitative approach and systematically examines national legislation, maritime security policies, and fisheries governance frameworks. It evaluates these policies through three dimensions of blue justice, namely distributive justice, procedural justice, and recognition justice. The findings reveal significant differences in national governance practices. Vietnam involves fishing communities in maritime security activities, potentially exposing civilian fishers to geopolitical tensions. The Philippines combines local fisheries management with maritime law enforcement, although regional disputes continue to challenge the protection of fishing communities. Indonesia prioritizes fisheries regulation and the prevention of illegal fishing, but certain enforcement practices may place additional burdens on vulnerable fishers. These findings demonstrate that stronger maritime security measures do not necessarily improve access to resources, community participation, or livelihood protection.

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Introduction

The concept of maritime security is experiencing a fundamental standard shift over the past few decades. This perspective has expanded significantly to comprise human security, including food security, coastal community rights, and ecological sustainability, which was once defined only in the framework of military defense and the safeguarding of a territorial sovereignty of a nation. The shift is a change in rhetoric and also a response to the reality, where millions of small-scale fishers worldwide are increasingly squeezed between national strategic interests and ecological as well as economic pressures. In the current maritime policy, global studies are shifting from a conventional defense

perspective to a more inclusive and human-centered agenda.[1] "Despite this normative shift, national fisheries laws in Indonesia, Vietnam, and the Philippines have not been systematically evaluated for their compliance with blue justice principles, leaving a legal gap in how comparative fisheries regulation addresses small-scale fishers' rights.[2] This study fills that gap by comparing the legal instruments of the three states, an aspect prior blue justice scholarship has left largely descriptive rather than doctrinal.

These four reorienting principles participation and pluralism, autonomy and agency, justice and equality, and coherence and coordination, directly respond to the documented failure of state-centric maritime security models to account for ecosystem dynamics and community welfare.[3] Southeast Asia is a critical region in the tension between state security and the lives of small-scale fishers. This region hosts the majority of fishing fleet in the world, with South China Sea contributing approximately 12% of global fish production and employing more than 3.7 million officially registered fishers, not including millions of unregistered individuals. In Natuna Sea, South China Sea, and the Philippine Sea, small-scale fishers operate in geopolitical hotspots distinct by overlapping claims, maritime militia operations, as well as ongoing tensions among nations. These three maritime zones were selected as representative flashpoints of overlapping jurisdictional claims in ASEAN, not as a proxy for the region as a whole; findings are accordingly limited to these disputed areas. Coastal transitions driven by the creation of new maritime zones in Southeast Asia have also narrowed the operating space for small-scale fishers, while increasing the commodification and vulnerability.[4] In North Natuna Sea, these dynamics are further complicated by the unilateral nine-dash line claim by China, which directly contradicts the rights under UNCLOS 1982 concerning Indonesian fishers. The action has significantly affected the access and sense of security of local fishers when reaching traditional fishing grounds.[5]

Another problem is the structural tension between state security and the livelihoods of small-scale fishers. In several cases in Southeast Asia, maritime security policies, including the establishment of marine protected areas and

[1] Kismartini Kismartini and others, 'Heliyon Review Article A Bibliometric Analysis of Maritime Security Policy : Research Trends and Future Agenda', *Heliyon*, 10.8 (2024), e28988 https://doi.org/10.1016/j.heliyon.2024.e28988

[2] Julia Nakamura, Ratana Chuenpagdee and Mostafa El, 'Unpacking Legal and Policy Frameworks : A Step Ahead for Implementing the Small-Scale Fisheries Guidelines', *Marine Policy*, 129 (2021), 104568 https://doi.org/10.1016/j.marpol.2021.104568

[3] Michael Fabinyi, Christopher Cvitanovic, and others, 'Rethinking Maritime Security from the Bottom up : Four Principles to Broaden Perspectives and Centre Humans and Ecosystems', *Npj Ocean Sustainability*, 4.29 (2025), 1–8 https://doi.org/10.1038/s44183-025-00130-9

[4] Michael Fabinyi, Ben Belton, and others, 'Coastal Transitions : Small-Scale Fisheries , Livelihoods , and Maritime Zone Developments in Southeast Asia', *Journal of Rural Studies*, 91.August 2021 (2022), 184–94 https://doi.org/10.1016/j.jrurstud.2022.02.006

[5] Zeno Cardenas Soerachmat, Rafail Oseli Munthe and Christian Darren Utomo, 'Dilema Pengakuan Klaim Laut Natuna : Dampak Terhadap Kebijakan Kelautan Dan Kepentingan Nelayan Lokal', *JIM: Jurnal Ilmu Multidisiplin*, 4.5 (2026), 3853–63. https://doi.org/10.38035/jim.v4i5.1565

operations to combat illegal, unreported, and unregulated (IUU) fishing, and strengthening military patrols, often function as exclusionary mechanisms. This reduces access to resources from coastal communities, which have depended on the possessions for generations. In the Philippines, governance initiatives to address resource depletion and maximize social benefits from the ocean often widen the gap between large-scale fisheries prioritized in policy, as well as small-scale fishers who are marginalized.[6] This situation is further worsened by gray zone operations and the presence of fisheries militias, which leave small-scale fishers most vulnerable in cross-border conflicts. Meanwhile, state policies respond more to geopolitical pressures than to the need to protect communities.[7]

The tensions are worsened when viewed in the context of spatial conflicts in the region. Maritime security policies designed to assert sovereignty or protect marine ecosystems often lead to restrictions on fishing grounds, the arrest of fishers found in prohibited zones, or the marginalization of coastal communities in policymaking. Illuminating Hidden Harvests report shows that small-scale fisheries make a significant contribution to food security and sustainable livelihoods, but receive the least proportionate policy protection.[8] In essence, there are approximately 10 risks of injustice arising from an uncontrolled blue economy agenda, including resource deprivation, ecosystem degradation, and exclusion from governance, which disproportionately affect small-scale fishing communities.[9]

The concept of Blue Justice surfaces as a relevant and urgent analytical framework. The term has become a major influential standard in marine environmental justice discourse, which was first coined at Third World Small-Scale Fisheries Congress in 2018. The concept has expanded outside its initial focus on small-scale fisheries to comprise a wide range of coastal groups facing multiple oppressions, including fisherwomen, indigenous communities, and the coastal poor. Following the discussion, blue justice demands recognition, procedural equity, and distributive fairness in all policies affecting marine spaces as well as coastal communities. The concept is a normative principle and also an analytical tool for evaluating how maritime security and fisheries management policies of a country meet standards of justice for the most vulnerable communities.

[6] Michael Fabinyi, 'Small-Scale Fisheries, Large-Scale Fisheries and Fisheries Governance in the Philippines', *Journal of Environmental Policy & Planning*, 26.2 (2024), 159–72 https://doi.org/https://doi.org/10.1080/1523908X.2024.2314451

[7] By Madelyn Macmurray and others, *IUU Fishing Risk Profile for the South China Sea*, 2025.

[8] FAO, Duke University and WorldFish, *Illuminating Hidden Harvests The Contributions of Small-Scale Fisheries to Sustainable Development*, 2023.

[9] Nathan James and others, 'Blue Growth and Blue Justice : Ten Risks and Solutions for the Ocean Economy', *Marine Policy*, 125.June 2020 (2021), 104387 https://doi.org/10.1016/j.marpol.2020.104387

Understanding of maritime security has experienced a significant epistemological transformation over the past two decades. The old standard that dominated maritime security studies focused narrowly on the threat of piracy as a form of armed violence in international waters. However, the conceptualization of maritime security has expanded outside physical-military threats to a more complex and multidimensional spectrum of non-conventional threats. This shift includes the recognition of IUU Fishing as a serious maritime security threat. The process has an economic dimension, directly impacting state sovereignty and well-being of coastal communities. IUU fishing has been reimagined as a violation of fisheries regulations and a complex national security threat in contemporary literature. This illegal fishing process is now recognized as a major maritime security threat, costing Southeast Asian countries billions of dollars annually. IUU fishing is an administrative violation, a transnational organized crime that undermines state sovereignty, damages marine ecosystems, and directly deprives small-scale fishers of better livelihoods.[10] The complexity of this threat demands a policy response that surpasses law enforcement and requires integrating a social justice perspective.

The concept of ocean grabbing has surfaced as a contemporary variant of maritime security threats that specifically targets small-scale fishing communities. Ocean grabbing refers to the process of transferring marine space, access, and resources from traditional users to large-scale capital interests through aquaculture policy mechanisms, marine protected areas, as well as offshore mining concessions. In this context, the state often acts as a facilitator of primitive accumulation in marine space, rather than a protector of the rights of traditional fishers.[11] The intersection between IUU fishing and ocean grabbing forms a stark policy inconsistency, where efforts to remove illegal fishing by foreign fleets are often implemented simultaneously with policies that restrict access by small-scale domestic fishers to traditional waters. This inconsistency is central to understanding the dynamics of maritime security in Indonesia, Vietnam, and the Philippines, which respond with fundamentally different policy methods despite facing similar threats.

Blue justice is a normative framework for evaluating the distribution of benefits and burdens of marine economic development among the most vulnerable coastal communities. This concept is formed on three interrelated pillars, namely distributive, procedural, and recognition justice, which collectively develop a comprehensive measuring tool for evaluating fisheries policies. Distributive justice addresses the fundamental question of who gains access to marine resources and who accepts the costs of conservation policies or blue economy development. In

[10] Zainal Arifin and others, 'Indonesian Policy and Researches toward 70 % Reduction of Marine Plastic Pollution by 2025', *Marine Policy*, 155.June 2023 (2025), 105692 https://doi.org/10.1016/j.marpol.2023.105692
[11] Betty Queffelec and others, 'Food for Thought Marine Spatial Planning and the Risk of Ocean Grabbing in the Tropical Atlantic', *ICES Journal of Marine Science*, 78.4 (2021), 1196–1208 https://doi.org/10.1093/icesjms/fsa

the context of Southeast Asian fisheries, distributive justice requires a critical evaluation of quota allocation systems, fishing business licensing, and marine zoning, which in practice often privilege large-scale industrial fleets over artisanal fishers.[12] This distributive inequality is economic and also has direct implications for food security as well as the cultural sustainability of fishing communities.

Procedural justice shows the extent of the participation of small-scale fishers in the formulation of fisheries policies that affect personal livelihoods. A recent study explained that the procedural marginalization of small-scale fishers from fisheries decision-making forums was at the root of numerous policy conflicts and regulatory implementation failures in Southeast Asia.[13] Exclusive of meaningful participation by fishing communities, even the most sophisticated maritime security policies risk producing ecologically ineffective and socially unjust solutions. Recognition justice, as the third pillar, demands formal recognition of customary rights to the traditional waters by the fishing communities, including local management systems. Moreover, the failure of positive legal systems to recognize and integrate customary rights into national fisheries governance frameworks creates a legitimacy vacuum, which is later filled by horizontal conflicts among communities and vertical conflicts between fishers and the state.

Based on the description above, Indonesia, Vietnam, and the Philippines face structurally similar maritime security threats, even though the countries have developed significantly divergent fisheries policy responses. Through a state capacity perspective, differences in administrative capabilities, surveillance technology, and law enforcement resources across the three countries directly influence the selection of available policy instruments that can be effectively implemented. Indonesia, with limited maritime surveillance capacity relative to the size of its maritime territory, tends to adopt harsh deterrence policies, including sinking IUU vessels. Meanwhile, the Philippines, with similar limitations, depends more on multilateral cooperation and community co-management mechanisms.[14]

Political-economic factors play a decisive role in shaping the coalitions of interests that dominate the formulation of fisheries policy in each country. Vietnam, with a strong shrimp and seafood export orientation, faces international pressure through IUU yellow card of the European Union, which significantly

[12] Mukti Aprian and others, 'Re-Thinking Indonesian Marine Fisheries Quota-Based Policy : A Qualitative Network of Stakeholder Perception at Fisheries Management Area 718', *Ocean and Coastal Management*, 243.July (2023), 106766 https://doi.org/10.1016/j.ocecoaman.2023.106766

[13] Rodrigo A Estévez, Gabriel Jerez and Stefan Gelcich, 'Assessing Procedural Justice in the Administration of Small-Scale Benthic Fisheries in Chile', *Frontiers in Marine Science*, 8.August (2021), 1–11 https://doi.org/10.3389/fmars.2021.636120

[14] Tomasz Kaminski and Rafał Szewczyk, 'The Coastal State Obligation Not to Impede the Laying or Maintenance of Submarine Pipelines on the Continental Shelf According to United Nations Convention on the Law of the Sea', *Marine Policy*, 143.June (2022), 0–3 https://doi.org/10.1016/j.marpol.2022.105086

changed domestic political calculations and prompted stricter policy reforms.[15] This external pressure interacts with domestic political patronage structures and later determines that reforms can favor small-scale fishers without threatening the interests of fishing conglomerates. Comparative institutional theory explains how institutional legacies and historical path dependencies shape the policy space of each country. The post-Marcos-era decentralized fisheries system of the Philippines, the centralized planning system of Vietnam, which inherits the tradition of a command economy, and the asymmetric regional autonomy system of Indonesia form distinct institutional architectures. These systems also show distinct patterns of interaction between the state and fishers in each national context.[16]

The relationship among maritime security, state policy, and its impact on small-scale fishers, shows that states politically construct maritime security threats. This is because the system determines who is considered an illegal actor and who is believed to be a legitimate user of marine resources. The construction of threats from IUU fishing by foreign fleets can inconsistently be used to legitimize restrictions on access for small-scale domestic fishers who traditionally depend on fishing practices deemed substandard to modern industrial standards. Therefore, this conceptual framework positions blue justice as a normative objective and also an intervening variable determining how maritime security policies strengthen or weaken the livelihood resilience of small-scale fishing communities in Southeast Asia. section.

Research Method

This study adopts a socio-legal comparative design combining doctrinal analysis of national fisheries legislation with qualitative comparative analysis (QCA) following Ragin's set-theoretic method, in which each country's blue-justice performance is treated as a qualitative condition rather than a statistical variable.[17] State capacity, political economy, and comparative institutional theory serve as interpretive lenses linking national maritime-security policy to fishers' welfare within the 0-12 nautical-mile zone, a boundary chosen because Indonesia's Law No. 31/2004 on Fisheries as amended by Law No. 45/2009 and Government Regulation No. 11/2023 on Measured Fishing, Vietnam's Law on Fisheries No. 18/2017/QH14, and the Philippines' Republic Act No. 8550 as amended by Republic

[15] Irawati, 'Model Kebijakan Pemerintah Dalam Pengaturan Pemanfaatan Sumber Daya Hayati Oleh Negara Asing Di Wilayah Pengelolaan Perikanan Indonesia', *Jurnal Hukum IUS QUIA IUSTUM*, 20.1 (2013), 59–80. https://doi.org/10.20885/iustum.vol20.iss1.art4

[16] Juying Wang, Xiao Shi and Yuanwei Du, 'Exploring the Relationship among Marine Science and Technology Innovation , Marine Finance , and Marine Higher Education Using a Coupling Analysis : A Case Study of China ' s Coastal Areas', *Marine Policy*, 132.August (2021), 104706 https://doi.org/10.1016/j.marpol.2021.104706

[17] Eva Thomann, Jörn Ege and Ekaterina Paustyan, 'Approaches to Qualitative Comparative Analysis and Good Practices : A Systematic Review', *Swiss Political Science Review*, 2021, 557–80 https://doi.org/10.1111/spsr.12503

Act No. 10654 each reserve this belt for artisanal or municipal fishers. The three states were selected as most-different systems sharing comparable IUU exposure but divergent institutional legacies. Fisheries statistics come from Indonesia's Ministry of Marine Affairs and Fisheries and the Philippines' BFAR (2019-2024), vessel data rely on Global Fishing Watch's AIS/VMS machine-learning fishing-classification model.[18] No primary interviews were conducted, differences in reporting practices and satellite coverage across jurisdictions are acknowledged as limitations.

Results and Discussion

Comparison of National Maritime Security Profiles with Other Countries

Southeast Asian region presented a complex maritime security landscape inseparably connected to the challenges faced by small-scale fishers and frontline actors at sea. Three countries, namely Vietnam, the Philippines, and Indonesia, showed structurally distinct policy profiles, each reflecting strategic choices that directly impacted blue justice dimension for fishing communities. Blue justice referred to the demand that marine-based economic development not sacrifice the groups most dependent on coastal resources, particularly artisanal and small-scale fishers.[19] This analytical framework became particularly relevant when maritime security of a nation was based on the lives and risks of the fishers.[20]

Vietnam had developed maritime security method that explicitly integrated fishers into its sovereignty defense structure through "Vietnam Maritime Militia" (VMM) model. Since 2009, Vietnam, through the National Assembly, has formally laid the legal foundation for maritime paramilitary forces, including militias of fishers, tasked with assisting with surveillance and defense in disputed waters. In 2019, the National Assembly passed amendments to the Law on Militia and Self-Defense Forces. This led to the establishment of "standing maritime militia units" in coastal provinces, with the first phase comprising the establishment of six squadrons between 2019 and 2022.[21]

Based on the description above, the implications of the model for the safety of fishers were stark. There was an estimation that nearly 8,000 Vietnamese fishing vessels functioned as militia units, and around Spratly Islands, approximately 300 Chinese militia vessels operated at a time. This formed a confrontational arena that placed civilian fishers at high risk. In HYSY 981 oil rig incident, VMM and Vietnam Fisheries Resource Surveillance were deployed to confront Chinese Maritime Militia (CMM), where several Vietnamese fishing vessels were struck and sunk by CMM as well as Chinese Coast Guard. This situation showed that

[18] Joanna Turner and others, 'Clarifying Uses and Misuses of Global Fishing Watch Fishing Data', *ICES Journal of Marine Science*, 82.9 (2025), 1–4 https://doi.org/10.1093/icesjms/fsaf167
[19] *Blue Justice Small-Scale Fisheries in a Sustainable Ocean Economy*, ed. by Moenieba Isaacs vein Jentoft, Ratana Chuenpagdee, Alicia Bugeja Said, 2022.
[20] NGUYEN KHAC GIANG, 'THE VIETNAMESE MARITIME MILITIA Myths and Realities', *RSIS*, 2022.
[21] GIANG.

maritime militia policy inherently transferred physical risk from formal military institutions to civilian fishers operating in disputed areas. Vietnamese analyses also recognized that fishers who joined militias were poorly trained and equipped, as the primary motivation remained fishing rather than military confrontation. From blue justice perspective, using fishers as "soft shields" for sovereignty constituted a form of structural injustice that distorted the line between civilian professions and national defense functions.[22]

The Philippines developed its maritime security profile on two interdependent pillars. These pillars included the protection of municipal waters for artisanal fishers and the strengthening of the role of the Philippines Coast Guard (PCG) in securing fishing grounds from pressure from large foreign as well as domestic commercial vessels. The Philippines municipal fisheries governance was decentralized, based on the 1991 Local Government Code and the 1998 Fisheries Code, where control of fisheries in municipal waters was administered by local government units (LGU) at the city or county level. According to 2022 data, there were approximately 370,000 registered municipal fishing vessels in the country, and these small-scale fishers used more sustainable methods, including handlines, cast nets, as well as bamboo traps.[23]

Pressure on fishing spaces for small-scale fishers originated from two directions, including foreign vessels in the West Philippine Sea and large commercial vessels in municipal waters. Commercial fishing vessels frequently entered municipal waters within 15 kilometers of the coastline, overpowering more limited traditional fishing methods. On the surface, PCG played an increasingly crucial role in this context. PCG has deployed rotating vessels in Bajo de Masinloc to protect Filipino fishers from harassment by Chinese vessels.[24] According to the direct testimony from fishers, the presence of government vessels in the area allowed the locals to fish longer, as Chinese Coast Guard focused more on the Philippine government vessels. Despite rising tensions with Chinese vessels, the Philippines reported the highest catch around the West Philippine Sea in four years in 2023. The catch reached over 200,000 metric tons, which was a 15% increase over the previous year. Therefore, the strategy of the locals strived to position the state as an active protector of the traditional rights of fishers, even when geopolitical tensions continued to threaten the stability of these fishing grounds. A recent study also showed the challenges of inter-district mispositioning in the enforcement of fisheries zoning.[25]

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[22] Madelyn MacMurray and Carolyn Gruber, 'Militarized Commons: How Territorial Competition Is Weaponizing Fisheries and Destroying the South China Sea', *STIMSON*, 2025.
[23] Mariejo Ramos, 'Philippine Marine Life under Threat from Industrial Fishing', *Context*, 2025.
[24] Fabinyi.
[25] Anna Barboza and others, 'Small-Scale Fisheries (SSF) Management and Conservation Schemes and Their Application in the Philippines', *Marine Policy*, 161.December 2023 (2024), 106018 https://doi.org/10.1016/j.marpol.2024.106018

Indonesia had selected a fundamentally different method, through strict law enforcement against foreign vessels engaged in IUU fishing. The process had been accompanied by a major transformation of its resource management policy through Measured Fishing (PIT). The Ministry of Marine Affairs and Fisheries (KKP) in 2022 seized 83 illegal fishing vessels. In 2023, the number increased significantly to 269 for IUU fishing. This law enforcement effort was a continuation of the policies of Susi Pudjiastuti era, which positioned Indonesia as an aggressive country in eradicating illegal fishing.[26] A more structural transformation came through Government Regulation No. 11 of 2023 on Measured Fishing (PIT). This policy formed a standard shift in management from an input-based to an output-based system. The primary objective of the policy was to preserve fish resources and marine ecosystems while providing business certainty as well as economic justice for fisheries stakeholders. Government Regulation No. 11/2023 divided Indonesian Fisheries Management Area (WPPNRI) into fishing zones, with PIT zones in marine waters designated as fishing grounds and limited fishing areas.[27]

Based on the description above, the policy has not been without criticism for its implications for small-scale fishers. The three countries are compared on the basis of shared exposure to IUU fishing and divergent statutory responses, drawing on national enforcement data. Significant legal gaps existed, including an unclear definition of small-scale fishers exempted from several provisions, the exploitative designation of WPPNRI areas, and disparities in port facilities that caused disadvantage to traditional fishers. PIT program aimed to ensure fish are caught efficiently according to regulations. However, the implementation required cooperation with a robust fishing vessel monitoring system to prevent marginalizing small-scale fishers who lacked adequate technological capacity. The changes to the zoning map formed a dual impact by PIT, by strengthening the ecological resource governance, and also had the potential to shift the traditional access of small-scale fishers to areas that had historically been the primary source of livelihood.[28]

These three legal frameworks reveal a functional divergence in how each jurisdiction defines the legal subject of maritime security. Vietnam's Law on Militia and Self-Defense Forces formally reclassifies civilian fishers as auxiliary

[26] Eunike Khayla Asafita Pesulima and Roberto Octovianus Cornelis Seba Christian H. J. de Fretes, 'Analisis Kebijakan Pemerintah Indonesia Mengatasi Illegal Fishing Di Kawasan Laut Arafura (2023-2024): Studi Kasus Kapal Run Zeng', *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora*, 5.2 (2026), 547–64. https://doi.org/10.55606/jurrish.v5i2.7551

[27] Ruslan H.S. Tawari, Putri Hastari and Haruna, 'PERSEPSI PENERAPAN KEBIJAKAN KUOTA DAN DAMPAKNYA BAGI NELAYAN LOKAL DALAM SKEMA PENANGKAPAN IKAN TERUKUR DI KEPULAUAN BANDA', *Amanisal: Jurnal Teknologi Dan Manejemen Perikanan Tangkap PSP FPIK Unpatti-Ambon*, 14.1 (2025), 59–70 https://doi.org/10.30598/amanisal.v14i1.18847

[28] Sahira Sajjadia Luthfia, 'Mengupas Tata Kelola Perikanan Nasional Melalui PO No. 11 Tahun 2023 Tentang Penangkapan Ikan Terukur Demi Mewujudkan Blue Economy', *Rechtsvinding*, 12.11 (2023), 483–501. http://dx.doi.org/10.33331/rechtsvinding.v12i3.1374

state actors, a status that raises unresolved questions under the law of the sea regarding the line between civilian and combatant functions in contested waters. The Philippines' Fisheries Code, by contrast, preserves fishers' civilian status and instead allocates protective duties to a dedicated maritime law-enforcement agency (the Philippine Coast Guard). Indonesia's Government Regulation No. 11 of 2023 takes a third legal form again rather than legislating the status of fishers, it recalibrates the spatial and administrative boundaries of lawful fishing through an output-based permitting regime, leaving the legal category of "small-scale fisher" under Law No. 7 of 2016 comparatively underdeveloped and difficult to enforce. A cross-national assessment of ninety-three countries' primary fisheries legislation, including Vietnam and Indonesia, similarly finds substantial variation in whether states rely on administrative, criminal, or dual enforcement approaches to the same IUU-fishing problem. This comparison shows that although the three states face a functionally equivalent maritime-security problem, they resolve it through legal instruments of different constitutional weight, a militia statute, a decentralized fisheries code, and executive fishing-zone regulation, which in turn affects the enforceability of fishers' rights and the availability of judicial remedy in each jurisdiction.

Maritime Security Inconsistency and Transboundary Challenges

Fisheries securitization refers to the process by which marine resource issues are elevated from the area of technical policy to national security. This leads to state responses that tend to be militaristic and repressive rather than welfare-focused. Countries such as Indonesia, the Philippines, and Vietnam have consistently integrated fisheries surveillance into respective national maritime security doctrines. There was a growing shift toward the securitization of maritime parks, with serious implications for cooperation on sustainable fisheries governance, particularly as countries tended to treat fisheries issues as an instrument of maritime security strategy.[29]

The direct impact of the securitization was the narrowing of the scope for small-scale fishers to operate. In Indonesia, the measured fishing policy, regulated by Government Regulation No. 11 of 2023 and the Minister of Maritime Affairs and Fisheries Regulation No. 36 of 2023, tightened fishing area zoning. This led to traditional fishers who previously depended on free access to certain waters now facing non-existent legal barriers. Changes in regulations and authority accompanying the expansion of blue economy policies caused injustices. This included the spatial displacement of small-scale fishers, exclusion from decision-

[29] Guoqiang Luo and Zhixin Chi, 'Conflicts and Challenges of Sustainable Fisheries Governance Cooperation under the Securitization of the Maritime Commons', *MDPI*, 8.1 (2023), 1–19. https://doi.org/10.3390/fishes8010001

making processes, and unequal distribution of benefits and costs.[30] In the Philippines, the narrowing of fishing areas due to the occupation of Scarborough Shoal by China led to increased illegal fishing practices among small-scale fishers, who were targeted by law enforcement without considering structural pressures.

The greatest inconsistency in maritime security policy in Southeast Asia was that the intensification of maritime patrols had not been directly proportional to the reduction of poverty in coastal communities. Approximately 14.58 million individuals, or nearly 90% of the 16.2 million fishers in Indonesia, lived below the poverty line, a statistic that showed the inconsistency of resource-rich and economically impoverished coastal communities.[31] Meanwhile, the government also allocated a substantial budget for fisheries surveillance and law enforcement.[32] vThis inconsistency arose because the dominant security method viewed small-scale fishers as potential perpetrators of crime, rather than a vulnerable group in need of protection. IUU fishing in the Malacca Strait comprised complex transnational actors, and the implications of law enforcement often disproportionately affected local traditional fishers. On the other hand, poor social conditions, such as high population pressure, low education, and limited economic opportunities, were the primary drivers of fishers participation in illegal activities.[33] Another factor driving fishermen to engage in illegal fishing is that fishing laborers are often exploited by boat owners; the distribution of catch proceeds is frequently unfair due to the absence of written agreements and the presence of debt, resulting in an unequal relationship between boat owners and small-scale fishermen.[34]

The mismatch between security and welfare methods was worsened by institutional fragmentation. Indonesia had numerous maritime laws and lacked a comprehensive maritime law enforcement agency, which made coordination among law enforcement ineffective.[35] This lack of coordination led to overlapping authorities, burdening small-scale fishers through compliance costs and the risk of

[30] Sigrid Engen Id and others, 'Blue Justice : A Survey for Eliciting Perceptions of Environmental Justice among Coastal Planners ' and Small-Scale Fishers in Northern-Norway', *PLoS ONE*, 2021, 1–20 https://doi.org/10.1371/journal.pone.0251467

[31] Bambang Tri Sasongko Adi Firdaus Sulistijawan and others, 'Exploring Poverty In Coastal Fishing Contemporary-Critical Sociology And Social Welfare Theory', *TPM*, 32.R2 (2025), 493–503. https://tpmap.org/submission/index.php/tpm/article/view/1278

[32] Nur Ismu Hidayat, Fery Kurniawan and Zairion Zairion, 'Balancing Economy and Ecology: Ecosystem Approach to Enhanced Traditional Demersal Fisheries Management in West Papua, Indonesia', *Marine Policy*, 181 (2025), 106843 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106843

[33] Chalila Putri Komara and Windy Dermawan, 'The Role Of The Asean Maritime Forum In Addressing The Complexity Of Illegal Fishing In The Strait Of Malacca', *Berumpun*, 08.2 (2025), 106–26.

[34] Djoko Wahju Winarno and others, 'Kedudukan Hukum Positif Indonesia Terhadap Kebiasaan Perikanan Di Kecamatan Muncar Kabupaten Banyuwangi', *Yustisia*, 3.3 (2014), 38–47. https://garuda.kemdiktisaintek.go.id/documents/detail/2336122

[35] Linlin Chen and Yuejun He, 'From Value Recognition to Effective Implementation: The Main Problems and Strengthening Paths of Law Enforcement to Combat IUU Fishing', *Frontiers in Marine Science*, 2025, 1–19 https://doi.org/10.3389/fmars.2025.1596492

multiple criminalization. Blue justice demanded recognition that small-scale fishers were not objects of regulation, but active actors in food security and ecological sustainability. Studies of small-scale fisheries in blue economy showed that blue development agenda and multilateral policies continued to fail to adequately recognize the strategic role of small-scale fishers as actors in resource management.[36]

Law No. 7 of 2016 on the Protection and Empowerment of Fishers in Indonesia recognized small-scale fishers as rights holders, but the implementation remained very limited. In Vietnam and the Philippines, maritime security policies designed to address external threats from China indirectly excluded the perspectives of small-scale fishers from policy formulation.[37] The voluntary guidelines for securing a sustainable small-scale fisheries framework should ideally serve as a primary reference, and the implementation in all three countries remained selective. When countries failed to fulfil the commitments that were approved in SSF Guidelines in 2014, blue economy agenda would harm small-scale fisheries and further marginalize the locals from marine economy.[38]

Small-scale fishers in Southeast Asia faced dual challenges across borders, including unclear maritime boundary demarcations and shifting fish stock distributions due to climate change. The frequent arrests of Indonesian fishers in Malaysian or Australian waters, and Vietnamese fishers entering Indonesian waters in response to fish stock movements, showed how rigid maritime boundary policies failed to accommodate dynamic ecological realities.[39] Following the discussion, climate change posed significant challenges for small-scale fishers in Southeast Asia. This occurred because reductions in local biodiversity from poleward species distribution shifts were not often offset by the arrival of new species, requiring sound management to protect the livelihoods of fishers.[40]

Shifts in fish stocks across exclusive economic zones (EEZs) due to ocean warming were complicating fishing jurisdiction at the international level. Several fisheries management agreements governing shared stocks were established decades ago, under conditions that were no longer relevant. Therefore, these

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[36] Raymond K Ayilu, Michael Fabinyi and Kate Barclay, 'Small-Scale Fisheries in the Blue Economy : Review of Scholarly Papers and Multilateral Documents', *Ocean and Coastal Management*, 216.September 2021 (2022), 105982 https://doi.org/10.1016/j.ocecoaman.2021.105982

[37] Reza Octavia Kusumaningtyas and Khalid Eltayeb Elfaki, 'Strengthening Blue Economy Policy to Achieve Sustainable Fisheries Sapriani', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.1 (2024), 1–19. https://doi.org/10.53955/jsderi.v2i1.23

[38] TBTI Global, *'Blue Justice for Small-Scale Fisheries – A Global Scan' e-Book*, ed. by Vesna Kerezi & Ratana Chuenpagdee.

[39] I Wayan Koko Suryawan, Imelda Masni Juniaty Sianipar and Chun-Hung Lee, 'Community Importance-Performance Preferences and Policy Adaptiveness in Marine Debris Management: A Case Study from the Komodo Subdistrict, Indonesia', *Marine Policy*, 174 (2025), 106592 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106592

[40] Susan Kay and others, 'Projected Effects of Climate Change on Marine Ecosystems in Southeast Asian Seas', *Frontiers in Marine Science*, 2023, 1–17 https://doi.org/10.3389/fmars.2023.1082170

agreements needed to be reassessed to address the social and ecological implications of climate change-driven transboundary shifts.[41] When small-scale fishers for migratory fish stocks ventured outside familiar boundaries, the fishers risked criminalization by neighboring countries in the absence of adequate legal protections. The solution needed was not simply stronger patrols, but rather reform of bilateral and regional agreements. This explicitly positioned small-scale fishers as stakeholders whose rights were protected, not simply subjects of transboundary law enforcement.[42]

Reconstructing Rights Based Maritime Security Governance to Strengthen Blue Justice in ASEAN

The reconstruction of maritime security governance in ASEAN requires a fundamental shift in how coastal states define security, exercise regulatory authority, and protect communities that depend on marine resources. Traditional maritime security policies primarily focus on territorial sovereignty, maritime surveillance, fisheries enforcement, and the prevention of illegal fishing. Although these objectives remain essential, governments often evaluate their effectiveness through enforcement performance without adequately considering the social consequences for small scale fishing communities.[43] Such an approach creates a structural imbalance between the state's responsibility to maintain maritime order and its obligation to protect legitimate fishing livelihoods. This study argues that ASEAN coastal states must reconstruct maritime security governance by integrating the principles of blue justice into national legislation, institutional arrangements, enforcement procedures, and regional fisheries cooperation. This reconstruction should establish fishing communities as rights holders and legitimate participants in maritime governance rather than treating them exclusively as subjects of surveillance and administrative control.[44]

The economic importance of fisheries strengthens the urgency of this reconstruction. Data from the Southeast Asian Fisheries Development Center indicate that marine capture fisheries production among ASEAN member states increased from approximately 11.9 million metric tons in 2000 to 18.3 million metric tons in 2018, before declining to 18.2 million metric tons in 2020. Regional production in 2020 represented approximately 23.1 percent of global marine

[41] Susan Chacko, 'Climate Change Will Force Transboundary Fish Stocks to Move from Habitats, Migration Paths: Report', *Down to Earth*, 2022.
[42] Umut Uzar and Kemal Eyuboglu, 'The Role of Income Inequality in Shaping Fishing Ground Footprint in Indonesia: Insights from the Fourier Augmented ARDL Approach', *Marine Policy*, 176 (2025), 106635 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106635
[43] Abdul Rivai Ras, 'From Maritime Chokepoint Politics and Security to Blue-Economy Resilience: Economic Transmission, Naval Modernisation and Disaster Risk in Indonesia's Malacca–Sunda Corridor', *Asia and the Global Economy*, 6.2 (2026), 100160 https://doi.org/https://doi.org/10.1016/j.aglobe.2026.100160
[44] Shuqin Li, Lin Chen and Yungang Liu, 'Actors, Themes, Approaches, and Imbalances in Blue Economy Cooperation: A Systematic Review and Future Prospects', *Ocean & Coastal Management*, 267 (2025), 107698 https://doi.org/https://doi.org/10.1016/j.ocecoaman.2025.107698

capture fisheries production.[45] These figures demonstrate the considerable economic and ecological significance of Southeast Asian fisheries.[46] Nevertheless, aggregate production does not establish whether fisheries governance distributes benefits equitably among commercial enterprises, small scale operators, and coastal communities. Larger fishing enterprises generally possess greater access to capital, technology, markets, and regulatory information. Consequently, maritime security policies that impose uniform restrictions without accounting for differences in economic capacity may intensify existing inequalities. Legal reconstruction must therefore address not only the protection of marine resources but also the distribution of fishing opportunities, regulatory burdens, and economic benefits.[47]

Blue justice provides the normative foundation for developing a more equitable maritime security framework. The concept incorporates three interconnected dimensions: distributive justice, procedural justice, and recognition justice. Distributive justice requires governments to examine how fisheries regulations allocate access to marine resources and distribute the economic consequences of maritime restrictions. Procedural justice emphasizes meaningful participation by fishing communities in the formulation, implementation, and evaluation of maritime policies. Recognition justice requires public institutions to acknowledge traditional fishing practices, cultural identities, and the particular vulnerabilities of coastal populations. These principles establish that effective maritime security must protect both marine ecosystems and the communities whose livelihoods depend on them. Accordingly, legal reconstruction should transform blue justice from a general policy aspiration into a set of operational principles guiding maritime administration and fisheries enforcement.[48]

Indonesia provides an important legislative foundation for this transformation. Law Number 7 of 2016 concerning the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers establishes responsibilities for protecting fishing livelihoods and strengthening the socioeconomic position of fisheries communities. Subsequent legislative developments, including Law Number 6 of 2023, have influenced the broader regulatory framework governing fisheries and economic activities.[49] These provisions demonstrate that the government's

[45] Agus Heri Purnomo and others, 'Demographic Dimension of Ocean Perceptions: Evidence from Indonesia', *Marine Policy*, 178 (2025), 106706 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106706
[46] Alex Midlen, 'Rethinking Environmental Governance for Development: The Blue Œconomy Dispositif', *Political Geography*, 126 (2026), 103494 https://doi.org/https://doi.org/10.1016/j.polgeo.2026.103494
[47] Chengling Yang and others, 'Sustainability and Challenges of Renewable Energy in ASEAN Countries: Insights from the Indo-Pacific Economic Framework', *Environmental Development*, 54 (2025), 101145 https://doi.org/https://doi.org/10.1016/j.envdev.2025.101145
[48] Axel Giovanni and others, 'Blue Finance: Challenges, Opportunities, and Holistic Policy Framework', *Social Sciences & Humanities Open*, 14 (2026), 103286 https://doi.org/https://doi.org/10.1016/j.ssaho.2026.103286
[49] Md. Abdullah Al Mamun Hridoy and others, 'Navigating the Energy Transition: Transdisciplinary Insights from Marine Science, Blue Economy, Energy Analytics, and Sustainability Education', *Energy Reports*, 15 (2026), 109301 https://doi.org/https://doi.org/10.1016/j.egyr.2026.109301

responsibilities extend beyond licensing, surveillance, and administrative sanctions. Maritime authorities must also consider livelihood security, access to productive resources, and the economic vulnerability of fishing communities. Consequently, the reconstruction of Indonesian maritime security governance should establish stronger connections between fisheries protection legislation and the administrative decisions that regulate fishing activities.[50]

Indonesia's National Action Plan for Small Scale Fisheries Management, launched on 5 November 2025, provides a further institutional opportunity for integrating blue justice into national fisheries policy. The initiative connects domestic fisheries governance with the principles of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries. However, formal policy adoption alone cannot establish effective protection.[51] Government institutions must translate the action plan into measurable obligations concerning community consultation, access to fishing grounds, livelihood protection, and administrative accountability. Authorities should also establish indicators that evaluate whether fisheries regulations improve the position of small-scale operators rather than merely increasing administrative compliance. Such measures would strengthen the relationship between national fisheries protection commitments and practical maritime governance.[52]

The reconstruction of maritime security governance must also address the legal consequences of maritime spatial planning. Conservation areas, restricted fishing zones, and security measures may serve legitimate public purposes, but they can also exclude fishing communities from waters that support their economic and cultural activities. Governments should therefore incorporate participatory mapping and social impact assessment into decisions concerning maritime spatial restrictions.[53] These mechanisms would allow fishing communities to identify traditional fishing grounds, seasonal routes, and areas of economic dependence before authorities establish new regulatory boundaries. Nevertheless, recognition of traditional fishing practices must remain consistent with applicable national legislation, environmental obligations, and maritime jurisdiction. A rights-based approach should not establish unrestricted fishing entitlements but should ensure

[50] Katharina MacKay and Richard Collins, 'Reorienting Approaches to Maritime Boundary Disputes: A Case for Hydro-Diplomacy?', *Marine Policy*, 171 (2025), 106442 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106442

[51] Moritz Albrecht, Rijal Ramdani and Kevin Arya Pranaja, 'Imaginaries of Blue Transformations: Just Seaweed Narratives in European Union and Indonesian Seaweed Farming Policies', *Marine Policy*, 178 (2025), 106728 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106728

[52] Md Syful Islam and Ismail Demir, 'AI in the International Governance of Land-Based Marine Pollution: Legal Frameworks and Multilateral Approaches', *Marine Policy*, 188 (2026), 107085 https://doi.org/https://doi.org/10.1016/j.marpol.2026.107085

[53] Monique Sosnowski and others, 'Crimes at Sea: Exploring the Nexus of Maritime Crimes across Global EEZs', *Marine Policy*, 166 (2024), 106161 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106161

that governments consider legitimate community interests through transparent and legally accountable procedures.[54]

The Philippines offers a comparative model for strengthening community participation through decentralized fisheries governance. Republic Act Number 8550, the Philippine Fisheries Code of 1998, as amended by Republic Act Number 10654, provides the principal legislative framework for fisheries management.[55] Section 16 recognizes the jurisdiction of municipal and city governments over municipal waters, while Fisheries and Aquatic Resources Management Councils provide institutional mechanisms for stakeholder participation. These arrangements demonstrate how fisheries legislation can distribute regulatory responsibilities among national authorities, local governments, and community representatives. Their significance for ASEAN lies in the recognition that effective maritime governance requires institutions capable of incorporating local interests into resource management decisions.[56]

Disputes concerning commercial fishing access to municipal waters demonstrate the practical importance of these legal arrangements. In January 2025, the Philippine Department of Agriculture sought reconsideration of a judicial ruling that permitted commercial fishing vessels to operate in waters previously protected for municipal fishers. The Department expressed concern about the consequences for coastal livelihoods and marine ecosystems. This dispute illustrates how judicial interpretation of fisheries jurisdiction can influence distributive justice.[57] When larger commercial vessels obtain access to fishing grounds traditionally used by smaller operators, differences in fishing capacity may intensify competition and undermine livelihood security. Legal reconstruction should therefore incorporate mechanisms that assess the distributive consequences of regulatory decisions and protect vulnerable fishing communities against disproportionate economic displacement.[58]

A Philippine Supreme Court decision in 2026 further examined the relationship between national fisheries authority and local government jurisdiction over municipal waters. The decision emphasized statutory responsibilities assigned to

[54] Rebecca Strating, Sunil Rao and Sallie Yea, 'Human Rights at Sea: The Limits of Inter-State Cooperation in Addressing Forced Labour on Fishing Vessels', *Marine Policy*, 159 (2024), 105934 https://doi.org/https://doi.org/10.1016/j.marpol.2023.105934

[55] Senia Febrica and others, 'Small-Scale Fishers' Perception of Risks in Indonesia's Cross-Border Region of North Maluku', *Marine Policy*, 175 (2025), 106624 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106624

[56] Paul C Okonkwo, '8 - Innovation and Research in Advancing Geopolitical Trajectories for Renewables', in *Geopolitical Strategies for Renewable Energy Access, Development, and Growth* (Elsevier, 2026), pp. 229–58 https://doi.org/https://doi.org/10.1016/B978-0-443-31420-9.00012-7

[57] Agus Suherman and others, 'Transformation of Indonesian Capture Fisheries Governance: Review and Prospects', *Marine Policy*, 174 (2025), 106619 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106619

[58] Joanna Vince and others, '6.24 - Governance and Socio-Ecological Aspects of Plastics Pollution in Coastal and Marine Environments', in *Treatise on Estuarine and Coastal Science (Second Edition)*, ed. by Daniel Baird and Michael Elliott, Second Edition (Oxford: Academic Press, 2024), pp. 765–99 https://doi.org/https://doi.org/10.1016/B978-0-323-90798-9.00089-5

local institutions and the role of fisheries management councils. This development demonstrates the importance of judicial oversight in clarifying the boundaries of administrative authority. Nevertheless, decentralized governance does not automatically produce equitable outcomes. Local governments must possess adequate institutional capacity, ensure transparent decision making, and provide meaningful opportunities for community participation. The broader lesson for ASEAN is that blue justice requires enforceable procedural safeguards rather than relying exclusively on formal recognition of local authority.[59]

The constitutional limits of maritime surveillance provide another important consideration. On 3 August 2026, the Philippine Supreme Court announced a decision declaring Fisheries Administrative Order Number 266 unconstitutional insofar as it imposed continuous electronic monitoring and reporting obligations on commercial fishing vessels. The Court identified concerns involving unreasonable searches, due process, equal protection, and administrative authority.[60] Although the proceedings concerned commercial fishing operations, the decision demonstrates that maritime security objectives do not eliminate constitutional limitations on state surveillance. Governments must establish lawful authority, apply proportionate measures, and protect individual rights when implementing monitoring requirements. These principles should inform the reconstruction of maritime surveillance systems throughout ASEAN.[61]

Community participation represents a practical mechanism for strengthening maritime security while advancing blue justice. Small scale fishers possess valuable knowledge concerning fishing grounds, seasonal environmental conditions, and unusual maritime activities. Governments can incorporate this knowledge into community monitoring arrangements that support the identification of illegal fishing, environmental degradation, and navigational hazards.[62] However, community participation must remain voluntary and should not expose civilian fishers to unnecessary danger. Authorities must distinguish civilian observation from official enforcement responsibilities. Fishing communities should report relevant information through accessible

[59] Maruf Maruf, Yen-Chiang Chang and Ling Yang, 'Managing Institutional Interlinkages for the Protection of Marine Environment in the East Asian Seas Region and beyond: The Case of Marine Plastic Pollution', *Ocean & Coastal Management*, 255 (2024), 107232 https://doi.org/https://doi.org/10.1016/j.ocecoaman.2024.107232

[60] Dwi Fajriyati Inaku and others, 'Spatial Patterns and Drivers of Small-Island Mangrove Degradation: Implications for Adaptive Coastal Management in Tanakeke Island, Indonesia', *Marine Policy*, 186 (2026), 107027 https://doi.org/https://doi.org/10.1016/j.marpol.2025.107027

[61] Olusegun Stanley Tomomewo, Shree Om Bade and Achouak Benarbia, 'A Cross-Regional Analysis of Policies, Regulations, and Incentives from the United States, the European Union, China, and Australia for Shaping Hydrogen Economy', *Applied Energy*, 406 (2026), 127240 https://doi.org/https://doi.org/10.1016/j.apenergy.2025.127240

[62] Agustin Capriati and others, 'Beyond Numbers: Assessing Staff Capacity and Competence in the Management of Indonesian Marine Protected Areas', *Marine Policy*, 183 (2026), 106885 https://doi.org/https://doi.org/10.1016/j.marpol.2025.106885

communication channels, while competent institutions retain responsibility for verification, investigation, and coercive enforcement.[63]

An effective community monitoring framework should establish clear procedures for reporting suspected violations, protecting participants, and managing information. Authorities should provide accessible communication systems, ensure confidentiality where appropriate, and establish safeguards against retaliation. They should also distinguish preliminary community reports from legally admissible evidence obtained through formal investigations. Such arrangements would strengthen cooperation between maritime institutions and coastal communities without transferring enforcement risks to civilians. This distinction is particularly important in areas affected by geopolitical tensions, where the involvement of fishing vessels in security activities may increase their exposure to confrontation.[64]

Vietnam presents a different regulatory approach through its emphasis on fisheries monitoring, administrative compliance, and technological surveillance. Decree Number 37/2024/ND CP, which took effect on 19 May 2024, amended the implementation framework of the Fisheries Law and strengthened provisions concerning vessel monitoring, fisheries traceability, port inspections, and measures against illegal fishing.[65] These developments demonstrate the government's efforts to improve fisheries accountability and strengthen regulatory compliance. However, technological monitoring systems may impose unequal burdens when smaller operators possess limited financial resources or lack access to appropriate equipment.[66]

Vietnam subsequently published Consolidated Document Number 91/VBHN VPQH concerning the Fisheries Law on 30 March 2026. This consolidated legislative reference provides an updated basis for examining the country's fisheries regulatory framework. From the perspective of blue justice, the principal issue concerns whether monitoring requirements adequately consider differences in fishing capacity and economic vulnerability. Uniform compliance obligations may place disproportionate pressure on smaller operators when commercial enterprises possess greater financial and technological resources. Legal

[63] Matthew Carvalho and others, 'Chapter 21 - Ocean Law, Policies, and Regulation', in *Oceans and Human Health (Second Edition)*, ed. by Lora E Fleming and others, Second Edition (San Diego: Academic Press, 2023), pp. 643–85 https://doi.org/https://doi.org/10.1016/B978-0-323-95227-9.00023-3

[64] Cheng Tung Chong and Jo-Han Ng, '1 - Global Biofuel Policies, Legislations, Initiatives, and Roadmaps', in *Advanced Transport Biofuels*, Woodhead Series in Bioenergy (Woodhead Publishing, 2025), pp. 1–68 https://doi.org/https://doi.org/10.1016/B978-0-443-15879-7.00001-2

[65] Yudha Trinoegraha Adiputra and others, 'Caught in the Net: Unravelling Policy Challenges and Smuggling Dynamics in Indonesia's Puerulus Exploitation', *Marine Policy*, 169 (2024), 106336 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106336

[66] Rui Li and others, 'Clean Energy Technology Development and Integration Pathways toward Carbon Neutrality: A Comprehensive Review', *Environmental Reviews*, 34 (2026), 1–48 https://doi.org/https://doi.org/10.1139/er-2026-0078

reconstruction should therefore incorporate differentiated compliance measures, technical assistance, and proportionate administrative responses while preserving legitimate fisheries management objectives.[67]

The comparative experiences of Indonesia, Vietnam, and the Philippines demonstrate that maritime security governance operates through different institutional arrangements. Indonesia emphasizes fisheries protection legislation and national policy coordination. The Philippines combines municipal fisheries jurisdiction with judicial oversight of administrative authority.[68] Vietnam strengthens fisheries monitoring and regulatory traceability. These approaches provide different institutional foundations for integrating blue justice. Rather than adopting a single national model, ASEAN coastal states should identify common legal principles that accommodate their respective constitutional structures, administrative capacities, and fisheries conditions. These principles should include equitable resource access, meaningful participation, lawful surveillance, proportionate enforcement, and effective remedies against administrative decisions.[69]

Regional cooperation constitutes another essential component of legal reconstruction. The ASEAN Regional Plan of Action for the Management of Fishing Capacity provides a framework for improving fisheries management, controlling fishing capacity, and strengthening cooperation among participating states. The Southeast Asian Fisheries Development Center implemented a regional programme during 2024 to 2026 to improve fisheries information systems, develop management indicators, and strengthen institutional coordination. Its terminal evaluation reported 17 completed activities and six principal outputs over approximately 30 months. The programme received an overall assessment of 4.34 out of 5, equivalent to 87 percent.[70]

These demonstrate progress in regional institutional cooperation. However, programme performance indicators do not independently establish improvements in fishing livelihoods or community rights. The evaluation primarily assessed activities concerning fisheries capacity management and regional coordination. ASEAN institutions should therefore complement existing performance indicators

[67] Damon P Coppola, 'Chapter 10 - Participants: Multilateral Organizations and International Financial Institutions', in *Introduction to International Disaster Management (Fifth Edition)*, Fifth Edition (Butterworth-Heinemann, 2027), pp. 843–966 https://doi.org/https://doi.org/10.1016/B978-0-443-23609-9.00006-0

[68] Sophiana Widiastutie and others, 'Residents' Adaptive Marine Plastic Litter Management in Galang Island, Indonesia: An Importance-Performance Analysis', *Marine Policy*, 172 (2025), 106508 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106508

[69] Muhammad Salman, Guimei Wang and Donglan Zha, 'Modeling the Convergence Analysis of Sustainable Production and Consumption in Terms of Ecological Footprints and Human Development Index in Belt and Road Initiative Countries', *Sustainable Production and Consumption*, 30 (2022), 233–54 https://doi.org/https://doi.org/10.1016/j.spc.2021.12.008

[70] Vinay Kaura, 'Rising Powers or Bitter Frenemies? India-China Relations in the 21st Century?', *Social Transformations in Chinese Societies*, 16.2 (2020), 111–38 https://doi.org/https://doi.org/10.1108/STICS-05-2020-0016

with measures that assess distributive justice, community participation, livelihood protection, and the social consequences of maritime enforcement. This development would enable regional cooperation to evaluate whether fisheries management programmes produce tangible benefits for vulnerable coastal populations.[71]

The transboundary character of fishing activities creates additional challenges for rights based maritime security governance. Fish populations and fishing operations frequently extend across national jurisdictions, while enforcement authority remains organized through domestic legal systems.[72] Small scale fishers who lack advanced navigational equipment may encounter difficulties identifying maritime boundaries, particularly in geographically complex or disputed waters. Nevertheless, authorities must distinguish inadvertent navigational incidents from deliberate illegal fishing through careful examination of the relevant facts. A rights-based approach should not establish immunity from fisheries regulation but should require proportionate enforcement that considers the circumstances of individual cases.[73]

The United Nations Convention on the Law of the Sea provides an important legal foundation for this approach. Article 73 regulates coastal state enforcement concerning living resources within the exclusive economic zone. It also establishes safeguards concerning the release of arrested vessels and crews upon reasonable bond or other security and restricts particular penalties for fisheries violations within the Convention's prescribed conditions.[74] These provisions recognize both coastal state enforcement authority and legal limitations on its exercise. ASEAN fisheries diplomacy should build upon these principles by strengthening communication between national authorities, facilitating verification of vessel identity, ensuring access to interpretation and consular assistance, and considering lawful release procedures where appropriate.[75]

The FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries provide a complementary normative foundation for regional reconstruction. Adopted in 2014, the guidelines emphasize responsible resource governance,

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[71] Yonggang Fan, 'Latecomer's Strategy: An Assessment of BDS Industrialization Policy', *Space Policy*, 38 (2016), 1–11 https://doi.org/https://doi.org/10.1016/j.spacepol.2016.10.009

[72] Ivana Suradja and others, 'Alternating Livelihoods and Coping with Shocks: An Examination of Coastal Tourism in Indonesia amidst COVID-19', *Marine Policy*, 170 (2024), 106379 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106379

[73] Alexander L Gusev and Robert Zakharyan, 'Economics of Hydrogen Energy of the Green Transition in the World and Russia. Part III. Progress in Nuclear-Hydrogen Programs of Leading Countries', *International Journal of Hydrogen Energy*, 248 (2026), 155863 https://doi.org/https://doi.org/10.1016/j.ijhydene.2026.155863

[74] Ridwan Arifin, Margaretha Hanita and Arthur Josias Simon Runturambi, 'Maritime Border Formalities, Facilitation and Security Nexus: Reconstructing Immigration Clearance in Indonesia', *Marine Policy*, 163 (2024), 106101 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106101

[75] Yanti N Muflikh and others, 'Building Stakeholders' Mutual Understanding of Seaweed Sustainability in Indonesia: A Group Model Building Approach', *Marine Policy*, 168 (2024), 106283 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106283

equitable access, participation, social development, and respect for human rights. Although the guidelines do not independently establish binding treaty obligations, governments can incorporate their principles into domestic legislation and administrative policies. A regional workshop organized by FAO and SEAFDEC in Bangkok on 26 and 27 March 2025 involved stakeholders from 13 countries and examined implementation experiences and continuing challenges. This initiative demonstrates the continuing relevance of regional cooperation in strengthening fisheries governance.[76]

The maritime security and blue justice governance framework consisting of three interconnected dimensions. The first dimension establishes substantive protection through equitable fishing access, livelihood security, and safeguards against disproportionate resource restrictions. The second strengthens procedural protection through meaningful consultation, participatory maritime planning, transparent administrative decisions, and accessible remedies.[77] The third promotes institutional and regional accountability through lawful monitoring, proportionate enforcement, cooperation concerning transboundary incidents, and protection of civilian fishing communities. It requires governments to evaluate maritime security policies according to their effects on resource distribution, community participation, and recognition of legitimate fishing interests. It also requires maritime authorities to integrate social impact assessment into enforcement planning and establish procedures for reviewing measures that disproportionately affect vulnerable communities. At the regional level, ASEAN institutions should complement fisheries sustainability programmes with stronger mechanisms for procedural fairness and protection against excessive enforcement.[78]

The reconstructing rights based maritime security governance does not require ASEAN coastal states to abandon sovereignty protection or weaken legitimate fisheries enforcement. Instead, it requires governments to exercise maritime authority through legal arrangements that recognize the rights, knowledge, and livelihoods of coastal communities.[79] Indonesia, Vietnam, and the Philippines demonstrate that fisheries protection legislation, decentralized governance, technological monitoring, and judicial oversight can contribute to this objective through different institutional mechanisms. By integrating these approaches with

[76] Sulman Shahzad and others, 'Green Hydrogen: A Review of Technological Innovations, Economic Viability, and Global Prospects', *Renewable and Sustainable Energy Reviews*, 225 (2026), 116162 https://doi.org/https://doi.org/10.1016/j.rser.2025.116162

[77] Alexander M A Khan and others, 'Illegal Fishing Threatens the Sustainability of Future Tuna Commodities in Indonesia', *Marine Policy*, 159 (2024), 105936 https://doi.org/https://doi.org/10.1016/j.marpol.2023.105936

[78] Budi Endarto, Dwi Elok Indriastuty and Fitra Mardiana, 'Legal Transplantation of Blue Bond Regulation in Indonesia', *Environmental Development*, 53 (2025), 101118 https://doi.org/https://doi.org/10.1016/j.envdev.2024.101118

[79] Arie Afriansyah, Leonardo Bernard and Christou Imanuel, 'Should Indonesia Regulate Foreign Military Activities in Its EEZ?', *Marine Policy*, 159 (2024), 105931 https://doi.org/https://doi.org/10.1016/j.marpol.2023.105931

the principles of blue justice, ASEAN coastal states can develop maritime governance systems that strengthen maritime security while promoting equitable resource access, environmental sustainability, and substantive justice for small scale fishing communities.[80]

Conclusion

In conclusion, a comparative study of small-scale fisheries policies in Indonesia, Vietnam, and the Philippines showed deep structural tensions between state maritime security agendas and demands for blue justice for fishing communities. The three countries indicated fundamentally different policy responses, including the integration of Vietnamese fishers into maritime militia structures, which shifted physical risks to civilians. Other responses included the positioning of the state of the Philippines as an active protector of the traditional rights of fishers despite ongoing geopolitical pressures. In addition, the choice of firm law enforcement in Indonesia through the eradication of IUU fishing, followed by zoning reform using the measured fishing policy. All three methods faced similar inconsistencies, where intensified maritime surveillance was not directly proportional to improvements in welfare for small-scale fishers. The securitization of fisheries tended to position fishers as objects of regulation rather than active actors in resource management. Moreover, blue justice framework prioritized that dignified maritime security policies required distributive, procedural, and recognition justice simultaneously. Future policy reforms need to meaningfully integrate the perspectives of small-scale fishers and strengthen regional fisheries diplomacy grounded in rights protection. Additionally, the policy reforms need to ensure that blue economy agenda does not further marginalize the groups most dependent on the ocean.

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[80] Intan Innayatun Soeparna and Ankiq Taofiqurohman, 'Transversal Policy between the Protection of Marine Fishery Resources and Fisheries Subsidies to Address Overfishing in Indonesia', *Marine Policy*, 163 (2024), 106112 https://doi.org/https://doi.org/10.1016/j.marpol.2024.106112

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