

Law Enforcement Against Illegal, Unreported And Unregulated Fishing (IUU Fishing) In The Exclusive Economic Zone (EEZ) Of Indonesia

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ABSTRACT

The purpose of this research is to find out the rationale that forms the basis for the application of international law used for law enforcement against IUU fishing in the EEZ. And how to enforce the law against IUU fishing in the EEZ area of Indonesia. The research method used is Normative Legal Research. The results of the discussion in this study, International Regulations and International Legal Instruments related to IUU Fishing have not been fully regulated in Indonesian national law at this time so that there has not been a national legal order in accordance with international law which is the legal basis for the creation of law enforcement against IUU fishing in the region. ZEEI which is effective, efficient, responsive in the era of globalization, has dimensions of national and international interests, as stated in various conventions and international laws and regulations in the field of maritime law which have been ratified by Indonesia. Law enforcement against (IUU FISHING) ZEEI is part of law enforcement in Indonesian seas. All problems at sea, both legally system and law enforcement can be resolved by establishing a procedural law at sea in one law so that there is unification in law enforcement at sea which provides legal certainty in law enforcement at sea.

Keywords: Law Enforcement, IUU Fishing, Exclusive Economic Zone.

A. Introduction

Law enforcement in the field of fisheries is basically one part of law enforcement in the waters or the sea.¹ Law enforcement in the waters or the sea itself is generally defined as an activity of the state or its apparatus based on state sovereignty and/or based on the provisions of international law with the aim that the applicable legal regulations in the sea, both national law rules and international law rules can be heeded or obeyed by every person or legal entity including the state as a legal subject, and thus can create an orderly national law as well as an orderly international law.² 1982 Law of the Sea Convention which has been ratified by Indonesia with Law Number 17 of 1985 concerning Ratification of the 1982 United Nations Convention on the Law of the Sea, (LN No. 76, 1985, TLN No. 3319). With the enactment of Law Number 17 of 1985 concerning Ratification of the United Nations Convention on the Law of the Sea 1982, Indonesia has an obligation to comply with this convention, so that all Indonesian policies in the field of marine and fisheries must comply with these provisions.

This convention gives Indonesia greater authority to utilize all marine resources in its territory beyond the boundaries of the country's territory, namely the Exclusive Economic Zone (EEZ) and the contingent base. The provisions regarding the EEZ in this convention are regulated in

¹Badan Pembinaan Hukum Nasional (BPHN), *Penelitian tentang Aspek-aspek Hukum Pengelolaan Perikanan di Perairan Nasional Zona Ekonomi Eksklusif Indonesia*, (Jakarta: Badan Pembinaan Hukum Nasional 1993/1994), P. 74.

²Badan Pembinaan Hukum Nasional (BPHN), *Seminar Hukum Nasional Kelima Buku I, Yurisdiksi dan Kompetensi Lembaga Penegak Hukum dalam Penyelesaian Pelanggaran Hukum yang terjadi di Laut Perairan Yurisdiksi* (Jakarta: Badan Pembinaan Hukum Nasional, 1990), P. 70.

the fifth part in Articles 5 to 75. The Unitary State of the Republic of Indonesia (NKRI) is a maritime country in the form of an archipelago (archipelago state) which stretches for about 5 thousand kilometers along equator. The territory of the Republic of Indonesia is located above the equator at a position of 6° N to 11° South Latitude and 92° East Longitude to 142° East Longitude. Geostrategically, Indonesia is located in a cross position between two continents and two oceans. The geostrategic position between the continents of Asia and the continent of Australia makes Indonesia between very striking differences in civilization, namely western civilization (Australia) and eastern civilization (Asia). Meanwhile, the geostrategic position between two oceans, namely the Pacific Ocean and the Indian Ocean, puts Indonesia in a very busy international shipping lane.³

The Unitary State of the Republic of Indonesia is the largest archipelagic country in the world, with 2/3 of its total area being marine, with around 17,504 islands and a coastline of 81,000 km. The potential for such vast marine resources is stored in the content of biological and non-biological resources ranging from inland waters to the Indonesian Exclusive Economic Zone. The greatest potential of marine biological resources is fisheries. The last 10 years have shown that the exploitation and exploration of fishery products in Indonesia has shown a very significant increase. But apart from the potential, activities that accompany exploration at sea are IUU fishing activities which are very detrimental to Indonesia. IUU Fishing which is understood and embraced in positive Indonesian law is fishing theft which has a major impact on the country's economy. Therefore, the essence of regulation and action against IUU Fishing in Indonesia should be understood in the large-scale action of illegal fishing, which is generally carried out by foreign and ex-foreign vessels. Vessels above 100 Gross Tonnage (GT), not only practice IUU fishing but are currently also practicing illegal licenses (misuse of permits). What is meant by an illegal license is⁴ manipulation of licenses or misuse of licenses. Most of the fishing vessels owned by fishing companies operating in Indonesia only have formal permits from the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia which are obtained easily, but after importing foreign vessels, they (fishing companies operating in Indonesia) do not build or develop their industries. which resulted in the catchment center areas (Arafura Sea, Natuna Sea, Banda Sea, Maluku Sea and Papua Sea) remain poor areas. If there is, the permit is obtained in ways that are not in accordance with the mechanism or not according to the applicable regulations.

So far, there have been many fishing violations committed by foreign vessels. These violations include: (1) violations of fishing grounds and violations of jurisdiction by foreign fishing

³Direktorat Pertahanan dan Keamanan, Badan Perencanaan Pembangunan Nasional (BAPENAS), *Ringkasan Eksekutif, Dalam Kajian Perencanaan Pembangunan Keamanan dan Penegakan Hukum di Laut*, (Jakarta: Badan Perencanaan Pembangunan Nasional (BAPENAS), 2003), P. viii

⁴Mafia Perikanan “Illegal License Maling Ikan Trilyunan Rupiah”, <http://www.budidarma.com/2012/.../mafia-perikanan-illegal-license-maling.ht>, 04 January 2012.

vessels; (2) fishing activities without a permit or its validity period has expired; (3) manipulation of fishing licenses and/or fishing vessel permits; and (4) use of fishing gear that is not in accordance with the permit and/or use of fishing gear that damages fish resources. In addition, many foreign fishing vessels, both licensed and unlicensed (among others from Japan, Korea, Vietnam, the Philippines and Taiwan) operate in the EEZ waters which are rich in various types of fish. The actions of unlicensed foreign fishing vessels clearly result in losses for Indonesia because some of its fishery resources are used by these foreign fishermen.⁵ The number of cases of IUU fishing in Indonesia, basically cannot be separated from the weak law enforcement and supervision in Indonesian waters, especially on the management of marine living natural resources, as well as the indecisiveness of the apparatus in handling IUU fishing actors. Based on Article 85 in conjunction with Article 101 of Law Number 31 of 2004 concerning Fisheries, it is expressly stated that perpetrators of IUU fishing can be subject to a maximum prison sentence of 5 years. However, there are weaknesses in the Fisheries Law, namely the lack of attention to the fate of fishermen and the national interest in the management of marine resources. This is because, in the Fisheries Law Number 31 of 2004, there are loopholes that allow foreign fishermen to have broad opportunities to exploit Indonesia's fishery resources. Especially in the Indonesian Exclusive Economic Zone (ZEEI). In Article 29 paragraph (1), it is stated that fishery business in the fishery management area may only be carried out by Indonesian citizens or Indonesian legal entities. Furthermore, in paragraph (2), unless there is a provision as referred to in paragraph (1), it is given to a foreign person or legal entity catching fish in the EEZ, as long as it concerns the obligations of the Indonesian state based on international agreements or provisions of international law. IUU fishing does not only cause losses to the state, but also threatens the interests of Indonesian fishermen, the industrial climate, and the national fishery business. In terms of the interests of fishermen and entrepreneurs, IUU fishing threatens the potential for fish availability, causing a massive decline in fish stocks. In terms of industrial interests and fisheries business, IUU fishing causes an unhealthy business and industrial competition climate in the fishery sector, the image of national fisheries is slumped and it is possible that Indonesia will face the threat of embargoes from countries importing fish products from Indonesia.⁶ The problems that have resulted in rampant IUU fishing activities are: (1) the span of control and the extent of the surveillance area, are not comparable to the current supervisory capabilities; (2) limited capabilities of facilities and surveillance fleets at sea, (3) weak human resources capabilities of Indonesian fishermen, and the large number of entrepreneurs with

⁵Sub-direktorat Pengawasan dan Pengendalian, Direktorat Jenderal Perikanan Kementerian Perikanan Republik Indonesia, *Laporan Penelitian: Evaluasi Pemanfaatan Sumber Daya Ikan dalam Rangka Pengembangan dan Pengemudaliannya*, (Jakarta: Direktorat Jenderal Perikanan Kementerian Perikanan Republik Indonesia, 1995), p. 18.

⁶Deputi Perancang Undang-Undang (PUU), SET JEN DPR RI, *Naskah Akademik Rancangan Undang-Undang tentang Pengadilan Perikanan*, (Jakarta: Deputi PUU, Sekretariat Jenderal DPR RI, 2005), hlm.1

the mentality of economic rent-seeking or brokers, (4) weak law enforcement; and (5) weak coordination and commitment among law enforcement officers.⁷

Based on the problems above, the researcher feels the need to conduct a scientific study/research on "Law Enforcement against Illegal, Unreported and Unregulated Fishing (IUU Fishing) in the Exclusive Economic Zone (EEZ) of Indonesia".

B. Focus Of Problem

The formulation of the problem raised in this research is: What is the rationale that forms the basis for the application of international law used for law enforcement against IUU fishing in the EEZ? And the second is How is law enforcement against IUU Fishing in Indonesia's EEZ?

C. Research Methology

Research in law enforcement against illegal fishing (illegal fishing) or illegal, unreported and unregulated fishing (IUU fishing) in the Exclusive Economic Zone (EEZ) of Indonesia is Normative Legal Research. Normative Legal Research is legal research that places law as a system of norms. The system of norms in question is about principles, norms, rules of statutory regulations, court decisions, agreements and doctrines (teachings).⁸ The main data source in Normative Legal Research is library data. In the legal literature the source of the data is referred to as legal material. Legal material is anything that can be used or needed for the purpose of analyzing the applicable law. The legal materials studied and analyzed in Normative Legal Research consist of: 1) Primary Legal Materials; 2) Secondary Legal Materials; and 3) Tertiary Legal Materials.

D. Finding And Discussion

1. The rationale that forms the basis for the application of international law used for law enforcement against IUU fishing in the EEZ

Judging from the large fishery potential found in Indonesian waters, it causes conditions that are often used by fish companies and traditional fishermen as well as foreign fishermen to carry out IUU fishing. With this condition, socio-criminologically it can be assumed that various forms of IUU fishing often occur in Indonesian seas, such as: Transfer ikan tanpa izin;

1. Use of forged documents;
2. Fishing using prohibited nets (tiger trawl);
3. Transporting prohibited nets;

⁷*Ibid.*, p. 2

⁸Mukti Fajar MD dan yulianto Ahmad, *Dualisme Penelitian Hukum Normatif dan Hukum Empiris*, (Yogyakarta: Pustaka Pelajar, 2010), p.34

4. Violation of shipping rules in the form of not being equipped with ship flag dispensation;
5. The ship's sea certificate is invalid, the ship's crew (ABK) is not certified and violates special immigration facilities and foreign workers who do not have work permits.⁹

Juridically, illegal fishing with several forms of actions previously mentioned, can be classified as a fisheries crime as contained in Chapter XV of the Criminal Provisions of Law Number 31 of 2004 concerning Fisheries with criminal qualifications in several articles and several other articles as a violation. However, if examined from the level and magnitude of state losses experienced annually, then as an illegal act, this crime can actually be classified as an economic crime.

Three characteristics of economic crime (features of economic crime), namely: First, the perpetrator uses a modus operandi that is difficult to distinguish from the modus operandi of economic activities in general. Second, these crimes usually involve entrepreneurs who are successful in their fields, and Third, these crimes require special handling or control from law enforcement officials in general.¹⁰

With the motive and modus operandi, illegal fishing can be classified as an economic crime. This is very reasonable, because in the general explanation of Law Number 31 of 2004 concerning Fisheries, among other things it is stated that:

Fisheries management needs to be carried out carefully based on the principles of benefit, fairness, partnership, equity, integration, openness, efficiency and sustainable sustainability. To ensure the implementation of optimal and sustainable management of fish resources, it is necessary to increase the role of fisheries supervisors to become very important and strategic in order to support fisheries development in a controlled manner and in accordance with the principles of fisheries management, so that development can run in a sustainable manner.

Law enforcement against violations of IUU fishing in the EEZ has its own efforts, this is because apart from the interests of the coastal state, there are also the interests of the flag state. Therefore, if viewed from international law regarding law enforcement against IUU fishing in the EEZ, then in accordance with Article 73 paragraph (1) of UNCLOS 1982 it is explained that if a foreign ship does not comply with the fisheries laws and regulations of the coastal state in the EEZ, the coastal state can board, inspect, catch and carry out judicial proceedings against such foreign vessels, as necessary to ensure compliance with the laws and regulations stipulated in accordance with the provisions of UNCLOS 1982. Therefore, the coastal state can impose its national laws and

⁹Yanti Amelia Lewerissa, *Praktek Illegal Fishing Di Perairan Maluku Sebagai Bentuk Kejahatan Ekonomi*, Jurnal Sasi Vol.16. No.3 Bulan Juli - September, 2010, www.jurnal.lipi.go.id, diunduh pada tanggal 15 Desember 2015, p. 61

¹⁰Edmind W. Witcth, "economic crimes" sebagai "criminal activity with significant similarity to the economic activity of normal, non criminal business" Di dalam *Crime and Justice* Vol 2 tahun, 1983, hlm.671, pada Yanti Amelia Lewerissa, *o,p cit.*, p.62

regulations on violations committed by foreign fishing vessels conduct IUU Fishing in its Exclusive Economic Zone.

With regard to law enforcement against IUU Fishing that occurs in the Indonesian Exclusive Economic Zone, Indonesia does not impose a prison sentence. This is based on Article 102 of Law Number 31 of 2004 concerning Fisheries, namely:

“The provisions regarding imprisonment in this Law do not apply to criminal acts in the field of fisheries that occur in the fishery management area of the Republic of Indonesia as referred to in Article 5 paragraph (1) letter b, unless there has been an agreement between the Government of the Republic of Indonesia and the government of the country concerned. concerned”

Friedmann, as quoted by Muladi and Barda Nawawi Arief, argued that in economic crimes, the function of criminal law is not only to protect private property against unlawful interference, but also to protect the basic economic order of the nation. It was further stated, if a technical approach is used, then economic crime is more likely to manifest itself as a crime in the business environment, namely when special knowledge about business is required to assess cases that occur. In this case, the limitation that can be put forward is that every act committed by a person and or legal entity, without using violence, is against the law, which essentially contains elements of fraud, giving a false image, embezzlement, manipulation, violating trust, subterfuge or rule circumvention (author's underline). The social approach can be used if we intend to burden the interests of the state and society in the sense that the act violates the interests of the state and society in general, not only the interests of individual victims (people or companies). If this is what we do, then what we use is the term socio-economic crime. I think it is appropriate to use this term in Indonesia, which is actively improving the people's standard of living within the framework of carrying out its constitutional duties, namely to promote the general welfare.¹¹ Starting from the explanation above, the economic crime at least contains the following elements:

- a. The act is carried out within the framework of an economic activity which is basically normal and legal;
- b. The act violates or harms the interests of the state or society in general, not only individual interests; and
- c. The act also includes actions in the business environment that are detrimental to other companies or other individuals.

The practice of IUU fishing which is a fisheries crime as referred to in Law Number 31 of 2004 can be categorized as a form of economic crime, for several reasons, including: The act of catching fish without having a Fishery Business License (SIUP) document, a Fishing Permit (SIPI);

¹¹*Op.cit.*, Muladi dan Barda Nawawi Arief, hlm.17

- a. The act of transporting fish without having a Fish Carrier Ship Permit (SIKPI);
- b. The act of catching fish that violates statutory regulations in the field of fisheries, including not reporting, catching not at the fishing ground (fishing ground), using foreign crew members (ABK);
- c. The act of catching fish by having fake SIUP, SIPI, and SIKPI documents, and original but fake;
- d. The act of transshipment at sea by foreign fishing vessels that are not in the same company; and
- e. Catching fish using materials/tools that can damage the marine environment.

From the description of the elements of the formulation of criminal acts above, it is concluded that the practice of illegal fishing can be classified as a crime in the field of fisheries, but judging from the consequences, the state and the Government of the Republic of Indonesia suffer losses and result in the inhibition of national development. Because it can be classified as an economic crime. IUU fishing directly from Indonesian waters to overseas has a large economic impact. Losses can be in the form of:¹²

- a. IUU Fishing will reduce Indonesia's ability to record the actual amount of fish produced in Indonesian waters. This real data is very important, because it can be the basis for estimating the potential and level of utilization of fishery resources in Indonesian waters, and can then be calculated to determine the potential and investment needs.
- b. IUU Fishing has resulted in the fishery processing industry in mainland Indonesia experiencing a shortage of raw material supply. Therefore, this industry is underutilized. Many factories closed, unemployment emerged, and supporting industries also lost their partners and customers; and
- c. IUU Fishing has weakened the export strength of Indonesian fishery production, production development is very limited and export value has not increased significantly. At the same time, the fish available to domestic consumers is very limited.

IUU Fishing is an economic crime and not a conventional crime, so that in law enforcement it cannot be done conventionally but rather leads to the return of state assets. The practice of illegal fishing which is a crime in the field of fisheries as referred to in Law Number 45 of 2009 in conjunction with Law Number 31 of 2004 concerning Fisheries, (LN No. 154 of 2009, TLN No. 5073) can be categorized as a form of crime. economy, because the behavior of illegal fishing by

¹²*Op cit.*, Yanti Amelia Lewerissa, hlm.67.

*CCRF-FAO is categorized as illegal, unreported and unregulated (IUU) fishing. IUU Fishing acts include:*¹³

- a. The act of catching fish without having a Fishery Business License (SIUP) document, a Fishing Permit (SIPI);
- b. The act of transporting fish without having a Fish Carrier Ship Permit (SIKPI);
- c. The act of catching fish that violates statutory regulations in the field of fisheries, including not reporting, catching not at the fishing ground (fishing ground), using foreign crew members (ABK), and others;
- d. The act of catching fish by having fake SIUP, SIPI, and SIKPI documents, and original but fake;
- e. The act of transshipment at sea by foreign fishing vessels that are not in the same company; and
- f. Catching fish using materials/tools that can damage the marine environment.

In addition, regarding the perpetrators of IUU fishing by corporations in Article 101 of the Fisheries Law it is stated that:¹⁴ “In terms of the criminal acts as referred to in Article 84 paragraph (1), Article 85, Article 86, Article 87, Article 88, Article 89, Article 90, Article 91, Article 92, Article 93, Article 94, Article 95, and Article 96 committed by a corporation, criminal charges and sanctions are imposed on the management and the fine is added to 1/3 (one third) of the sentence imposed”. The obstacle faced by the government in this regard is that there are still many companies that use fictitious names, this will make it difficult for law enforcement officers to ensnare corporations in fisheries crime cases. In addition, due to the many fictitious companies, from a financial point of view, the state has lost a source of tax revenue and export duties. Corporate crime is not only a violation of criminal law, but also a violation of civil law and administrative law.

2. Law enforcement against IUU Fishing in Indonesia's EEZ

The Indonesian state regulates law enforcement against illegal fishing. In relation to national law enforcement regarding illegal fishing, it has been contained in the Indonesian EEZ Law. The EEZ Law has stipulates that in the context of exercising sovereign rights, other rights, jurisdiction and obligations as referred to in Article 4 paragraph (1), the competent law enforcement apparatus of the Republic of Indonesia may take law enforcement actions in accordance with Law no. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) with the following exceptions:

- a. Arrest of ships and/or people suspected of violating the Indonesian EEZ includes actions to stop the ship until the ship and/or people are handed over at the port where the case can be processed further;

¹³Yanti Amelia Lewerissa, *Praktek Illegal Fishing Di Perairan Maluku Sebagai Bentuk Kejahatan Ekonomi*, Jurnal Sasi Vol.16. No.3 Bulan Juli-September 2010, ejournal.unpatti.ac.id/ppr_iteminfo_lnk.php?id=86.

¹⁴Undang-Undang Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan, (LN No. 154 Tahun 2009, TLN No. 5073)

- b. The delivery of the ship and/or people must be carried out as quickly as possible and must not exceed a period of 7 (seven) days, unless there is a force majeure situation;
- c. For the purpose of detention, the criminal acts regulated in Article 16 and Article 17 are included in the category of criminal acts as meant by Article 21 paragraph (4) letter b. UU no. 8 of 1981 concerning the Criminal Procedure Code

Enforcement of criminal law that has been applied selectively and related to the imposition of criminal sanctions on polluters and environmental destroyers in terms of the relationship between the state and society is very necessary. In this case, it is hoped that punishment aims to save the community (social defense) and the environment from prohibited acts (*verboden*) and required actions or obligations (*geboden*) carried out by development actors.

Related to law enforcement in the Indonesian Exclusive Economic Zone, it is also related to marine security, especially in the field of fisheries in addition to the TNI-AL officers as stated in Article 14 paragraph (1) of Law no. 5 of 1983 concerning the Indonesian Exclusive Economic Zone, the law enforcement officers authorized to conduct investigations are Fisheries Civil Servant Investigators and Indonesian National Police Investigators, as stipulated in Article 73 paragraph (1) of the Fisheries Law. The so-called investigators as mentioned in Article 73 paragraph (1) above have the authority, namely, to receive reports or complaints from someone regarding the existence of criminal acts in the field of fisheries, summon and examine suspects and/or witnesses for their statements to be heard, bring and confront a person as a suspect and/or witness to have his/her testimony heard, search fishery facilities and infrastructure suspected to be used in or become a place to commit criminal acts in the field of fisheries, stop, examine, arrest, carry, and/or detain ships and/or people who is suspected of committing a criminal act in the field of fisheries, examines the completeness and validity of fishery business documents, takes photographs of the suspect and/or evidence of a criminal act in the field of fisheries; bring in the necessary experts in relation to criminal acts in the field of fisheries; make and sign the official report of the examination, confiscate the evidence used and/or the proceeds of the crime; terminate the investigation, and take other actions that according to law can be accounted for.

Maritime/sea security aims to be able to maintain sea navigation, facilities and encourage trade by sea and maintain good order at sea. Maritime/marine security elements include national and international security and peace, sovereignty, territorial integrity and political freedom, SLOC security (shipping lanes, ships, coastal states) security against natural resources, including access to natural resources, protection of the marine environment and security for users. sea (ABK, fishermen

and owner).¹⁵ In addition, maritime/sea security also includes the free sea from the threat of law violations both nationally and internationally such as illegal fishing, illegal logging, illegal migrants and smuggling.¹⁶ Violations/crimes on land can occur at sea but incidents at sea can be more difficult, more expensive, more complex and always dynamic and are multidimensional, multi-sectoral, multi-stakeholder, and trans-national.¹⁷

Regulations related to Illegal fishing are regulated in the provisions of Law no. 5 of 1983 concerning the Exclusive Economic Zone of Indonesia which regulates the utilization of fish resources in the EEZ which is implemented in the Fisheries Law. Law enforcement in terms of Illegal Fishing in ZEEI can be given sanctions in the form of fines, administrative sanctions, and bail without imprisonment. This is in accordance with the provisions of international law and national law.

With regard to law enforcement against IUU Fishing that occurs in the Indonesian Exclusive Economic Zone, Indonesia does not impose a prison sentence. This is based on Article 102 of the Fisheries Law. Apart from being related to the criminal law of imprisonment, it is also related to the procedural law at sea which is currently scattered in various existing laws and regulations. So that the procedural law at sea at this time has not been fully accommodated to regulate the handling of criminal acts at sea in one legal product. The Criminal Procedure Code does not strictly regulate the procedures for implementing law enforcement at sea, but rather regulates the implementation of law enforcement on land. At this time, the procedures for law enforcement at sea are still regulated by each Ministry/Agency, so that there is no legal regulation regarding the act of pursuing ships, stopping and catching ships, carrying ships, as well as other legal actions and authority to adjudicate (the jurisdiction of the District Court). does not regulate the sea area).

That it is explained in the provisions of the Principles of criminal law from book 1 of the Criminal Code also applies to criminal acts at sea, this is based on article 103 of the Criminal Code which states that the provisions in Chapter VIII of the Criminal Code are treated against statutory provisions outside the Criminal Code which are threatened with criminal threats , unless specifically regulated by law.

The need for the Law of Procedure at Sea (formal law) is increasingly urgent, because the Criminal Procedure Code does not specifically regulate the handling of criminal acts at sea. The laws and regulations give law enforcement authority at sea to 11 K/L Agencies, but only 6 K/L Agencies have patrol facilities at sea. The procedural law at sea is regulated by each K/L & is spread out in statutory regulations so that it has not been codified.

¹⁵ Kresno Buntoro, *Isu Penegakan Hukum di Laut, Seminar Penegakan Hukum di Laut*, Graha Marinir, 7 Desember 2016, p.11.

¹⁶Joko Sulistianto, *Tata Cara Penegakan hukum Di Laut, Seminar Penegakan Hukum di Laut*, Graha Marinir, 7 Desember 2016, slide 4.

¹⁷ *Op.cit.*, Kresno buntoro

Handling criminal acts at sea is the responsibility of all components of the nation, so its handling requires the involvement and synergy of all officials who have law enforcement authority based on statutory regulations.

Until now, the implementation of the handling of criminal acts at sea has not been codified, so clear, measurable and harmonized rules are needed to avoid mistakes made by law enforcement, for this reason it is necessary to have a set of regulations regarding the handling of criminal acts at sea. the law at sea should be regulated in a separate law. The law enforcement system at sea is part of an integrated criminal justice system.

E. Conclusion

- a. There has not been a national legal order in accordance with international law which is the legal basis for the creation of law enforcement against IUU fishing in the ZEEI area that is effective, efficient, responsive in the era of globalization, with dimensions of national and international interests, as stated in various conventions and laws and regulations. international invitation in the field of maritime law that has been ratified by Indonesia
- b. Law enforcement against (IUU FISHING) ZEEI is part of law enforcement in the Indonesian seas. All problems at sea, both legally system and law enforcement can be resolved by establishing a procedural law at sea in one law so that there is unification in law enforcement at sea which provides legal certainty in law enforcement at sea.

F. Recommendation

- a. There is a need for harmonization between international regulations and International Law Instruments related to IUU Fishing with Indonesian national law
- b. Indonesia needs to reaffirm its fisheries policies, especially in the ZEEI and mobilize a national fishing fleet to take advantage of the ZEEI. It is necessary for Indonesia to update the announcement of the availability of fishery resources in the Indonesian EEZ area, so as not to cause conflicts and problems in the future.

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