



JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE (Research Study at Batam Marine and Fishery Resources Supervision Base Office)

Kotot Setiadi¹, Idham², Parameshwara³, Fadllan⁴, Erniyanti⁵, Ramlam⁶

^{1,2,3,4,5,6}Faculty of Law, Universitas Batam

E-mail: kototsetiadi@gmail.com

Abstract

In Indonesia, there are many illegal economic problems, but one of the most detrimental to the state is the problem of Illegal, Unregulated, and Unreported Fishing Practices (IUU Fishing) by foreign ships. IUU Fishing is defined as illegal fishing activities, not reported to the authorized fisheries management institution, and fishery activities that have not been regulated in existing regulations. So the role of law enforcement is very important to tackle acts of lawlessness in Indonesian waters. The form of law enforcement is to implement government policies by applying criminal sanctions in the form of fines, confinement, confiscation/confiscation of evidence and sinking foreign ships that steal fish in Indonesian waters. Article 8 of Law no. 45 of 2009 concerning Fisheries states "Everyone is prohibited from catching fish and/or raising fish using chemicals, biological materials, explosives, tools and/or buildings that can harm and/or endanger the sustainability of fish resources and/or the environment in the area. fishery management area of the Republic of Indonesia." The fact states that the auction with the practice of this fishing mafia can only harm the State of Indonesia because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia. tools and/or buildings that can harm and/or endanger the sustainability of fish resources and/or the environment in the fishery management area of the Republic of Indonesia." The fact states that the auction with the practice of this fishing mafia can only harm the State of Indonesia because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia. tools and/or buildings that can harm and/or endanger the sustainability of fish resources and/or the environment in the fishery management area of the Republic of Indonesia." The fact states that the auction with the practice of this fishing mafia can only harm the State of Indonesia because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia. "The fact is that the auction with the practice of this fishing mafia can only harm the Indonesian state because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia. "The fact is that the auction with the practice of this fishing mafia can only harm the Indonesian state because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia. "The fact is that the auction with the practice of this fishing mafia can only harm the Indonesian state because the costs of fishing operations, ship ad hoc fees, mooring ships and feeding the crew during the court process are not commensurate with the auction results that go into the state treasury. The policy regarding the sinking of foreign ships that carry out illegal fishing activities is a significant policy in preventing the occurrence of fishing theft in the marine territory of the Republic of Indonesia.

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)

Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

Keywords: Law Enforcement, Illegal Fishing

1. INTRODUCTION

In Indonesia, there are many illegal economic problems, but one of the most detrimental to the state is the problem of Illegal, Unregulated, and Unreported Fishing Practices (IUU Fishing) by foreign ships. IUU Fishing is defined as illegal fishing activities, not reported to the authorized fisheries management institution, and fishery activities that have not been regulated in existing regulations. So the role of law enforcement is very important to tackle acts of law violations in Indonesian waters. The form of law enforcement is to implement government policies by implementing criminal sanctions in the form of fines, confinement, confiscation/confiscation of evidence and sinking foreign ships that steal fish in Indonesian waters.

Various policies and regulations have been made by the government however, there has been no deterrent effect and illegal fishing continues to this day.

Marine and fishery resources have an important and strategic role in the development of the national economy, especially in increasing the expansion of job opportunities, income distribution, and improving the standard of living of the nation in general, small fishermen, small fish cultivators, and business actors in the field of fisheries. fishery. In general, illegal fishing that often occurs in Indonesia can be identified into four types or modes, namely catching fish without a permit, catching fish with fake permits, catching fish using prohibited fishing gear, catching types or species that are not in accordance with permits. Supervision of fisheries management in Indonesian marine areas is carried out by officers called Fisheries Supervisors. Therefore, the role of the Fisheries Supervisor is expected to be able to solve the problems that occur in the Indonesian fishery sector. The Fisheries Supervisor is tasked with supervising the orderly implementation of the provisions of the legislation in the field of Fisheries as referred to in Article 66 paragraph (3) of Law no. 45 of 2009 amendments to Law No. 31 of 2004 concerning Fisheries. In addition, law enforcement can also be carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In that article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. The Fisheries Supervisor is tasked with supervising the orderly implementation of the provisions of the legislation in the field of Fisheries as referred to in Article 66 paragraph (3) of Law no. 45 of 2009 amendments to Law No. 31 of 2004 concerning Fisheries. In addition, law enforcement can also be carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In that article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. The Fisheries Supervisor is tasked with supervising the orderly implementation of the provisions of the legislation in the field of Fisheries as referred to in Article 66 paragraph (3) of Law no. 45 of 2009 amendments to Law No. 31 of 2004 concerning Fisheries. In addition, law enforcement can also be carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In that article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. In addition, law enforcement can also be carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In that article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. In addition, law enforcement can also be carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In that article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence.



The sinking of this ship is a form of special action that can be taken by the Indonesian Fisheries Supervisory Vessel. This authority is contained in Article 69 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. In this article, the Fishery Supervisory Vessel may stop, inspect, carry, and detain ships that are suspected or reasonably suspected of committing violations in the Indonesian fishery management area to the nearest port for further processing. The handling of criminal acts in the fisheries sector is carried out systematically by law enforcers within the framework of the Criminal Justice System (CJS), where the Fisheries Civil Servant Investigator (PPNS) carries out investigations up to the stage of submission to the Prosecutor (P21). Article 69 paragraph (4) and Article 76A of the Fisheries Law state that Fisheries Investigators and/or Supervisors may take special actions in the form of burning and or sinking foreign-flagged fishing vessels based on sufficient preliminary evidence. Investigators' actions were strengthened by the issuance of Circular Letter of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 1 of 2015 concerning evidence of ships in fisheries cases which provided reinforcement for fishery investigators and/or supervisors to carry out acts of burning and/or sinking fishing vessels with foreign flags. Objects or tools used in and or resulting from criminal acts of fisheries may be confiscated for the state or destroyed after obtaining approval from the head of the district court.

We can see that there is still evidence of foreign ships at the Batam Marine and Fisheries Resources Supervision Base (PSDKP) which already have permanent legal force (Incrach) but cannot be executed by the Public Prosecutor (JPU) for destruction and for auction. . The government's efforts to overcome illegal fishing can be seen with the enactment of Law Number 31 of 2004 concerning Fisheries and Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. illegal fishing because this law contains rules and criminal sanctions in the form of fines and imprisonment for illegal fishing perpetrators in the law. Article 73 of Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries explains that investigations into criminal acts in the field of fisheries are carried out by Fisheries Civil Servant Investigators (PPNS), Indonesian Navy Officers, and/or State Police Officers of the Republic of Indonesia. . Investigators can coordinate at the coordination forum established by the minister in handling criminal investigations in the field of fisheries. In addition, in Law Number 31 of 2004 in conjunction with Law Number 45 of 2009, it is stated that investigations into criminal acts in the field of fisheries that occur in fishing ports are prioritized to be carried out by Fisheries Civil Service Investigators (PPNS).

As a state of law, it must have elements that apply generally to every state of law, one of which is that all government actions must be based on laws or statutory regulations, besides that law enforcement is also carried out by blowing up or sinking ships caught stealing fish. This rule is contained in Article 69 of Law Number 45 of 2009. In this article, the investigator or fishery supervisor can also take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. The sinking of this ship is a form of special action that can be taken by the Indonesian Fisheries Supervisory Vessel. This authority is contained in Article 69 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. In this article, the Fishery Supervisory Vessel can stop, inspect, carry, and detain vessels suspected of or reasonably suspected of committing violations in the Indonesian fishery management area to the nearest port for further processing. The handling of criminal acts in the fisheries sector is carried out systematically by law enforcers within the framework of the Criminal Justice System (CJS), where the Fisheries Civil Servant Investigator (PPNS) carries out investigations up to the stage of submission to the Prosecutor (P21). and detain ships suspected or reasonably suspected of committing violations in the Indonesian fisheries management area to the nearest port for further processing. The handling of criminal acts in the fisheries sector is carried out systematically by law enforcers within the framework of the Criminal Justice System (CJS), where the Fisheries Civil Servant Investigator (PPNS) carries out investigations up to the stage of submission to the Prosecutor (P21). and detain ships suspected or reasonably suspected of

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

committing violations in the Indonesian fisheries management area to the nearest port for further processing. The handling of criminal acts in the fisheries sector is carried out systematically by law enforcers within the framework of the Criminal Justice System (CJS), where the Fisheries Civil Servant Investigator (PPNS) carries out investigations up to the stage of submission to the Prosecutor (P21).

2. IMPLEMENTATION METHOD

The research method can be interpreted as a process of principles and procedures for solving problems encountered in conducting research. The method used in research is basically a stage to find out the truth. So that it will answer the questions that arise about an object of research. Normative legal research is also known as doctrinal legal research or referred to as library research or document study. Researchers in conducting research on the object of this research have determined the specifications of the normative law research.

3. RESULTS AND DISCUSSION

In Article 1 Number 1 of Law Number 45 of 2009 Fisheries are all activities related to the management and utilization of fish resources and their environment from pre-production, production, processing to marketing carried out in a fishery business system. In criminal procedural law, the basis for application and execution policies is also regulated, so that in essence the procedural law in the Fisheries Law is the same as the criminal procedural law as regulated in the Criminal Procedure Code. The difference is only in some provisions that have been specifically regulated by the Fisheries Law.

Some understanding of fisheries, according to experts as follows:

1. Hempel and Pauly, Fisheries are activities of exploiting biological resources from the sea. The definition of fisheries expressed by Hempel and Pauly is limited to marine fisheries, because fisheries are all derived from hunting activities which must be distinguished from farming activities such as cultivation.
2. Merriam-Webster Dictionary, Fisheries (in general) is the activity, industry or season of harvesting fish or other marine animals. A similar definition of fisheries is also found in the Encyclopedia Britannica, Fisheries are the harvesting of fish, shellfish and marine mammals.
3. Law Number 45 of 2009, Fisheries are all activities related to the utilization and management of fish resources and their environment from pre-production, production, processing to marketing processes carried out in a fishery business system.

Fisheries Crime is every act that is threatened with punishment as a criminal act or a violation of the law contained in the Law of the Republic of Indonesia in the field of Fisheries. The factors that cause fisheries crime in Indonesian waters cannot be separated from the global strategic environment, especially the condition of fisheries in other countries that have sea borders, and the fisheries management system in Indonesia itself.

In Article 10 of the Criminal Code, it is known that there are two types of criminal penalties, namely:

- The main punishment is a sentence that must be imposed by the judge which consists of the death penalty, imprisonment, imprisonment, and a fine.
- Additional penalties are not required to be imposed by judges, namely in the form of revocation of certain rights, confiscation of certain goods

For this type of criminal punishment in the field of fisheries only recognizes the main punishment, while additional penalties are not regulated in the Fisheries Law, regarding the main punishments that can be imposed by judges in fisheries cases in the form of imprisonment and fines. Criminal penalties in the field of fisheries are cumulative, in the cumulative punishment of corporal punishment (imprisonment) with fines applied at once. There is no reason for the judge not to impose the two penalties, nor can the judge choose one sentence to be imposed, but must



impose the principal sentence of both. Cumulative penalties are aimed at crimes and offenses offenses.

Din the field of Fishery Crimes regulated in Law No. 31 of 2004 in conjunction with Law no. 45 of 2009 there are 2 (two) kinds of offenses, namely criminal offenses (*misdrifven*) and offense offenses (*overtredingen*). Fishery Crime is a crime regulated in Article 103 of Law Number 31 of 2004 concerning Fisheries, which can be in the form of crimes and violations of:

- a. The criminal acts as referred to in Article 84, Article 85, Article 86, Article 88, Article 91, Article 92, Article 93, and Article 94 are crimes; and
- b. The criminal acts as referred to in Article 87, Article 89, Article 90, Article 95, Article 96, Article 97, Article 98, Article 99, and Article 100 are violations

It is called a criminal offense because the act of the perpetrator is contrary to the interests of the law, while the offense is an act that does not comply with the prohibitions or requirements determined by the state authorities. Crimes in the field of fisheries are not limited only to administration or can be said to be contrary to legal interests, but have touched on the implementation in the ocean directly. At present, illegal, unreported and unregulated fishing has been proven to be a gateway to fisheries crime and other fisheries-related crimes, for example criminal acts of trafficking in persons, smuggling and trafficking of illegal drugs, protected and endangered flora and fauna, as well as illegally imported goods, money laundering, document falsification and criminal acts of corruption.

Violations on fisheries or actions that do not comply with prohibitions or requirements determined by state authorities are clearly regulated in the articles of the Fisheries Law, in the provisions of the law there are several types of violations that must be obeyed by the community.

About *Illegal fishing* in Indonesia is still not one hundred percent overcome. Because even though there is a law that regulates fisheries and all its criminal acts for those who violate it, the perpetrators of illegal fishing still roam and carry out their actions in the Fisheries Management Area of the Republic of Indonesia (WPP-NRI).

The Director General of Supervision of Marine Resources and Fisheries at the Ministry of Maritime Affairs and Fisheries (Dirjen PSDKP) is of the opinion that the reasons for the increase in illegal fishing activities or theft of fish by foreign fishing vessels in Indonesian waters include:

- The occurrence of overfishing (catch more) in neighboring countries,
- Weak law enforcement (including the involvement of law enforcers themselves),
- Permit mechanisms and regulations that are not transparent, as well as the small size of the Indonesian fleet capable of operating into the deep sea.
- The policy of temporary cessation or moratorium on fishing implemented by several neighboring countries is also the main cause of illegal fishing so that foreign fishermen find it difficult to find fish in their own territory and choose to enter Indonesian waters even though illegally.

In order to ensure optimal and sustainable management of fish resources, it is necessary to increase the role of the Fisheries Supervisor and the participation of the community in efforts to supervise in the field of fisheries in an efficient and effective manner. As a legal state and as a manifestation of the seriousness of the Indonesian government in fighting illegal fishing, the government must have rules that can protect the sovereignty of the state and the Indonesian nation. Since the ratification of the United Nation Convention On The Law Of The Sea (UNCLOS) 1982 through Law Number 17 of 1985, it has been the struggle of the Indonesian State in having the right to utilize, conserve and manage fish resources in the Indonesian Exclusive Economic Zone (ZEEI) and the sea. Freelancing is carried out based on applicable international requirements or standards. After the State of Indonesia became independent and within a period of 40 years later Law No. 9/1985 on fisheries was promulgated in State institutions in 1985 No. 46 and Supplement to the State Gazette Number 3299. Law Number 31 of 2004 concerning Fisheries,

In carrying out the duties and authorities of investigation, prosecution, and examination in court, in addition to following the procedural law regulated in Law Number 8 of 1981 concerning

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

the Criminal Procedure Code (KUHAP), this Law also contains the law separate event as a special provision (*lex specialis*). Law enforcement against criminal acts in the field of fisheries that occur encounters various obstacles, for this reason a specific law enforcement method is needed that involves material law and formal law. To guarantee legal certainty, both at the level of investigation, prosecution, and at the level of examination in a court session, a period of time is strictly determined, so that in this law the formulation of the (formal) procedural law is faster.

Law Number 31 of 2004 is considered not yet fully capable of anticipating technological developments and legal requirements in the context of managing and exploiting potential fish resources. Therefore, it is necessary to make changes to several substances, both regarding aspects of management, bureaucracy, and legal aspects so that changes are needed with the new law. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries is enacted after being promulgated in the State Gazette of the Republic of Indonesia of 2009 Number 154 and Explanation of Law 45 of 2009 concerning Amendments to Law 31 of 2004 concerning Supplementary Fisheries State Gazette of the Republic of Indonesia Number 5073 on October 29, 2009 in Jakarta.

- First, regarding supervision and law enforcement regarding the coordination mechanism between investigative agencies in handling investigations of criminal acts in the field of fisheries, the application of sanctions (criminal or fine), procedural law, especially regarding the determination of the time limit for the examination of cases, and facilities in law enforcement in the field of fisheries. , including the possibility of applying legal action in the form of sinking foreign vessels operating in the fishery management area of the Republic of Indonesia.
- Second, fisheries management issues include fishery ports, conservation, licensing, and harbormasters.
- Third, it is necessary to expand the jurisdiction of the fisheries court so that it covers the entire fishery management area of the Republic of Indonesia.

The Government considers that in order to realize the goal of establishing the Government of the State of Indonesia and realizing a prosperous, just and prosperous Indonesian society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the State needs to make various efforts to fulfill the rights of citizens to work and a decent life. for humanity through work creation. With the Job Creation Act (UUCK) it is hoped that it will be able to absorb the widest possible Indonesian workforce in the midst of increasingly competitive competition and the demands of economic globalization. To support job creation, it is necessary to adjust various regulatory aspects related to the convenience, protection, and empowerment of cooperatives and micro, small and medium enterprises, improvement of the investment ecosystem, and acceleration of national strategic projects.

the existence of Law Number 11 of 2020 concerning Job Creation ([Job Creation Act](#)) has provided a new paradigm for the Ministry of Maritime Affairs and Fisheries, a new paradigm related to law enforcement in providing administrative sanctions against perpetrators of violations in the marine and fisheries sector. So that it is expected to be able to contribute in restoring state losses and recovering environmental damage. The derivative rules of the Fisheries and Marine Sector Job Creation Law are listed in Government Regulation (PP) Number 27 of 2021 concerning Governance of the Marine and Fisheries Sector. Government Regulation (PP) Number 27 of 2021 concerning Governance of the Marine and Fisheries Sector comes as a renewal of several old provisions as a result of the birth of the Job Creation Act. There are several advantages that can be felt as a result of the issuance of this regulation, including:

- a. Ease of licensing related to fishing vessels. So far, licensing related to fishing vessels is spread across various ministries and agencies, now there is only one door, namely through the Ministry of Maritime Affairs and Fisheries.



- b. There is social security for fishery crew members. Fishing vessel owners, fishing vessel operators, fishing vessel crew agents, or captains must provide social security for the crew of the ship (ABK). This insurance includes health insurance, work accident insurance, death insurance, old age insurance, and job loss insurance.
- c. In relation to the import of fishery commodities and salt commodities, especially those used as raw materials and industrial auxiliary materials, the preparation of distribution of fishery import allocations is now using a fishery commodity balance and salt prepared by the Minister of Maritime Affairs and Fisheries to be submitted to the Coordinating Minister for Economic Affairs. This is done so that the absorption of domestically produced salt can be absorbed more optimally.
- d. Supervision and sanctions that have been oriented to punishment, will now prioritize administrative sanctions.

The implementation of the Fisheries Law is followed up with a Government Regulation. The policy covers various aspects of fishing, such as provisions for food safety production, provisions for vessels and fishing gear, water pollution, complemented by sanctions related to illegal fishing. Laws and regulations related to criminal acts in the field of fisheries include:

1. 1945 Constitution of the Republic of Indonesia
2. Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries; State Gazette 2009/154. Supplement to the State Gazette No. 5073 concerning Fisheries;
3. Law Number 11 of 2020 concerning Job Creation in the State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573;
4. Presidential Regulation of the Republic of Indonesia Number 115 of 2015 concerning the Task Force for the Eradication of Illegal Fishing / Task Force 115;
5. Government Regulation Number 58 of 2010 concerning Amendments to Government Regulation Number 27 of 1983 concerning Implementation of the Criminal Procedure Code;
6. Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 36/Permen-Kp/2017 concerning the Code of Ethics for Fisheries Civil Servant Investigators;
7. Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 47/Permen-Kp/2020 concerning the Implementation of Fisheries Supervisory Duties
8. Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 4 of 2021 concerning Governance of Fishery Supervision Vessels
9. Decision of the Director General of PSDKP No. 372/DJ-PSDKP/2011, dated December 29, 2011 regarding

Technical Instructions for Investigation of Fisheries Crimes;

Challenges and problems of law enforcement in Indonesian waters to prevent and eradicate Illegal, Unreported, and Unregulated fishing (IUUF), must receive attention and support from all parties, so that marine and fishery resources that are lost hundreds of trillions every year can be saved and used for welfare. community, and not foreigners who enjoy it. To overcome this problem, the Government of Indonesia through the Ministry of Maritime Affairs and Fisheries, Directorate of Marine and Fishery Resources Supervision has issued several IUUF policies, one of which is strengthening law enforcement for fisheries crimes. Currently the operational paradigm of marine and fishery resource monitoring has changed by relying on Vessel Monitoring System (VMS) monitoring tools, Radar,

In terms of law enforcement operations for fisheries crimes, an Illegal Fish Eradication Task Force was formed or known as Task Force 115 based on Presidential Regulation No. 115 of 2015. The forum, which consists of elements from the KKP, TNI AL, Polri, Bakamla and the Attorney General's Office, is tasked with developing and carry out law enforcement operations in an effort to eradicate illegal fishing in marine areas under Indonesian jurisdiction effectively and efficiently, including the task of the Task Force covering unreported fishing activities (*unreported*

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

fishing). The Directorate of Supervision of Marine Resources and Fisheries, Ministry of Maritime Affairs and Fisheries, limits the term illegal fishing, namely the notion of Illegal, Unreported, Unregulated (IUU) Fishing which can literally be interpreted as illegal fishing activities, fishing activities that are not regulated by applicable regulations. exists or its activities are not reported to an available fishery management institution or agency. Overcoming this problem, the Government of Indonesia through the Ministry of Maritime Affairs and Fisheries (KKP) has issued several policies to combat IUU Fishing, one of which is strengthening law enforcement on fisheries crime. Handling of Fishery Crimes is carried out based on:

- a. Reports/complaints;
- b. The results of patrols of fishery supervisory vessels;

Process for Handling Fisheries Crimes at the Batam Marine and Fishery Resources Supervision Base (PSDKP) Office

Handling of Fisheries Crimes at the Batam Marine and Fishery Resources Supervision Base (PSDKP) begins with the Fishery Supervisory Vessel or the party that catches the ship committing a fishery crime, submits the suspected perpetrator of a fishery crime, evidence of fisheries crime, the crew of the ship committing the crime fishery to the Fisheries Civil Servant Investigator (PPNS) by including the Crime Incident Report and followed by the Minutes of Submission to the Fisheries PPNS.

In Article 1 point (2) of Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) it is stated that: "An investigation is a series of investigators' actions in terms of and according to the method regulated in this law to seek and collecting evidence makes it clear about the crime that occurred and in order to find the suspect". The parts of handling criminal acts in the field of fisheries which involve the investigation process carried out at the Batam Marine and Fishery Resources Supervision Base are:

1. Incident Report
Reports made by the Fishery Supervisory Vessel regarding the existence of an event that is suspected to be a criminal act in the field of fisheries through an examination carried out by the Crew of the Fishery Supervisory Vessel and then submitted to the Fisheries PPNS.
2. Preliminary examination.
Preliminary Examination is a series of actions by PPNS Fisheries to seek and find an event that is suspected of being a Fishery Crime in order to determine whether or not an investigation can be carried out according to the method regulated in the Act.
3. Inspection at the scene/case title
Title Case is the action of an investigator to explain a case in front of an audience/participant of a case title or leaders to explain and ask for opinions on the issue of Fishery Crime that is being handled, and is expected to get a conclusion or a leadership decision whether the case/case is being handled. This can be increased to the next stage or other legal actions are taken so that a case becomes clear and legal certainty is obtained
4. Summoning
Summons of suspects/witnesses are carried out by the fisheries PPNS based on a summons issued and signed by the Fishery PPNS superior as the Fisheries PPNS
5. Arrest
Arrests are made against the suspect based on sufficient preliminary evidence based on the Arrest Warrant issued by the Captain of the Fisheries Supervisory Vessel and subsequently issued the Minutes of Arrest.
6. Detention
Detention of the suspect is carried out based on a Detention Order issued and signed by the supervisor of the Fisheries PPNS as the Fishery PPNS with a copy to his family or legal adviser, then a Minutes of Detention is issued which is signed by the Fishery PPNS and the perpetrators of fisheries crime.



7. Search

For the purposes of the investigation, the investigator may conduct a search of people, places, and/or other infrastructure related to fisheries crime, which is issued and signed by the supervisor of the Fisheries PPNS, and then a Minutes of Search is issued, which is signed by the Fisheries PPNS and the perpetrators of fisheries crime.

8. Foreclosure

The confiscation is carried out based on a confiscation warrant issued and signed by the supervisor of the Fisheries PPNS as the Fisheries PPNS, then a Minutes of Confiscation is issued which is signed by the Fisheries PPNS and the perpetrators of fisheries crimes.

9. police investigation report

Minutes of Investigation are activities or actions to obtain information, clarity and identity from suspects and/or from witnesses and/or evidence that can provide instructions and fulfill the elements of a fisheries crime suspected of being a person or group of people so that evidence obtained, it becomes clear and clear that the Suspect is declared correct to have committed a Fishery Crime.

10. Case disclaimer.

Case aside Criminal law is one of the powers of the Prosecutor not to be prosecuted as a public prosecutor to set aside cases in the public interest and due to lack of evidence in the crime.

11. Delegation of Case Files

Delegation of case files to public prosecutors and their return to investigators with the aim of being perfected.

The process of handling criminal acts known as the criminal justice system (CJS) involves various elements of law enforcement, which in the process requires tiered stages and a long time because it involves many parties, both citizens as reporters, attorneys, suspects and/or witnesses, investigators, public prosecutors, and courts. Based on data on the completion of investigations into fisheries crime cases that have been completed by Fisheries Civil Service Investigators (PPNS) in 2020-2022 in the scope of Marine and Fishery Resources Supervision (PSDKP) as follows:

Table 1. Fisheries Crime Cases handled by the Surveillance Base
Batam Marine and Fishery Resources

No	Year	Number of Cases
1.	2020	26 Cases
2.	2021	28 Cases
3.	2022	11 Cases

Process for Handling Evidence of Fisheries Crime at the Batam Marine and Fishery Resources Supervision Base Office (PSDKP)

In the provisions of Article 183 of the Criminal Procedure Code, it explains what is required in proving a criminal case in Indonesia, including the need for at least two valid pieces of evidence that obtain the judge's belief that a crime has occurred and the defendant is the perpetrator, this is very important because it becomes a benchmark. In the evidentiary process in Indonesia, the point is nothing but to seek a material truth. The truth in question must of course be supported by objects as evidence which objects have been used directly to commit a crime. According to the Fisheries Law, evidence is goods confiscated by investigators to be submitted before a court and its role is to add clarity to the disclosure of a criminal event.

Indonesia's strategy to maintain sovereignty in the marine and fisheries sector, one of which is by destroying foreign-flagged fishing vessels by sinking and/or burning ships based on Article 69 paragraph (4) at the pre-investigation stage and Article 76A at the investigation stage. This action is a concrete step implemented by the Ministry of Maritime Affairs and Fisheries to tackle IUU fishing in Indonesian waters, this is supported by the issuance of Circular Letter of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 1 of 2015 concerning Evidence of Ships in Fisheries Criminal Cases which provides reinforcement to investigators and /

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

or fishery supervisors to carry out acts of burning and / or sinking fishing vessels with foreign flags.

To provide a deterrent effect for the perpetrators and their corporations, the evidence of ships used to commit the crime of illegal fishing at sea can be sunk or destroyed. Legal techniques regarding the destruction of ships have been regulated in accordance with the provisions of Article 69 paragraph (4) of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries in conjunction with Article 76A of Law Number 31 of 2004 concerning Fisheries in conjunction with Article 38, Article 45 of Law Number 8 of 1981 concerning the Criminal Procedure Code. In accordance with these provisions, the destruction of the ship is determined in accordance with the Circular Letter of the Chairman of the Supreme Court of the Republic of Indonesia Number 1 of 2015 as follows:

- a. Article 69 paragraph (4) in carrying out the functions as intended in paragraph (1) fishery investigators and/or supervisors may take special actions in the form of burning and/or sinking fishing vessels with foreign flags based on sufficient preliminary evidence. Regarding Article 69 paragraph (4), the Head of the District Court does not have the authority to give approval.
- b. That a ship involved in the crime of illegal fishing at sea that has been legally confiscated by investigators according to law and used as evidence, if it is to be destroyed or auctioned off, the investigator must seek approval from the Head of the local District Court.
- c. If the case has been transferred to the court of first instance, appeal and cassation, then the approval for the destruction is issued by the chairman concerned, but if the case has been transferred to the panel, then the approval for the destruction is issued by the panel of judges concerned.

The explanation of Article 69 paragraph (4) means that "sufficient preliminary evidence" is preliminary evidence to suspect a criminal act in the field of fisheries by a foreign-flagged fishing vessel, for example a foreign-flagged fishing vessel does not have a Fishing Permit (SIPI) or a Permit Fish Transporter (SIKPI), as well as actually catching and/or transporting fish when entering the fishery management area of the Republic of Indonesia. This provision indicates that the special action cannot be carried out arbitrarily, but is only carried out if the fishery investigator and/or supervisor is convinced that the fishing vessel with a foreign flag has actually committed a crime in the field of fisheries.

IUU fishing law enforcement is carried out using a multi-door approach, where criminal law enforcement is carried out not only based on the Fisheries Act, but also other relevant laws and regulations such as the Shipping Law, Immigration Act, Act Money Laundering, Corruption Act, Environmental Protection and Management Act, Human Rights Act, Finance Law, etc. So that the legal remedy that is enforced is not only the imposition of administrative sanctions, but through the process of enforcing criminal law.

Table 2. Evidence of Fishing Vessels at the Surveillance Base Marine Resources (PSDKP) Batam

No	Year	Number of Cases
1.	2020	26 Ships
2.	2021	28 Ships
3.	2022	-

Obstacles in Handling Fisheries Crimes at the Batam Marine and Fishery Resources Supervision Base Office (PSDKP)



One of the processes for handling fisheries crimes at the Batam Marine and Fishery Resources Supervision Base (PSDKP) is the investigation stage, but in the process there are challenges and obstacles that cannot be avoided. *Fiat justitia ruat caelum*, which means let justice be served even though the sky will fall. The said legal expression can be interpreted that whatever the conditions the law must still be enforced. With the Covid-19 pandemic condition associated with the criminal justice system (CJS) process involving various elements of law enforcement, which in the process requires tiered stages and a long time because it involves many parties, both citizens as reporters, lawyers, suspects and / or witnesses, investigators, public prosecutors, and courts.

In 2020-2022 (the Covid-19 pandemic period) the Batam Marine and Fishery Resources Supervision Base faces various problems, it can be identified that there are 5 (five) things that become problems in the supervision and investigation process, especially the investigation of fisheries crimes, namely :

1. Limited Monitoring Facilities and Infrastructure

The facilities and infrastructure used for law enforcement at sea are very lacking. Fisheries Supervisors are not yet equipped with adequate transportation and equipment. Regarding the lack of supervision facilities and infrastructure, the Directorate General of Marine and Fishery Resources Supervision (PSDKP) has completed the construction of the Fishery Supervision Vessel, namely:

- a. 4 (four) units of Speedboat URC (Quick Reaction Unit) BLUE SHARK 01 and 02, Fast Reaction Unit Speedboat (URC) 12 meters long with a maximum speed of 50 knots, which is placed 2 (two) units at the Batam Marine and Fishery Resources Supervision Base (PSDKP), 1 (one) unit Marine and Fishery Resources Supervision Base (PSDKP) Jakarta , 1 (one) unit of Marine and Fishery Resources Monitoring Base (PSDKP) Bena.
- b. 2 (two) units of Type D Fishery Supervisory Vessels HIU 016 and 017 36 meters in length and a maximum speed of 30 knots placed in 1 (one) unit of the Batam Marine and Fishery Resources Supervision Base (PSDKP) (HIU Fishery Supervisory Vessel 017) and 1 (one) unit of Marine and Fishery Resources Monitoring Station (PSDKP) Belawan (Ship). Shark Fishery Supervisor 016). Currently, the construction of 2 (two) Type B Fishery Supervisory Vessels with a length of 50 (fifty) meters is underway.

2. Limited Civil Servant Investigators (PPNS)

Investigative activities in relation to law enforcement in the field of fisheries are in accordance with Article 73 of Law Number 31 of 2004 in conjunction with Law 45 of 2009 concerning Fisheries explaining that investigations of criminal acts in the field of fisheries are carried out by Fisheries Civil Servants, Navy Officers, and/or or State Police Officer of the Republic of Indonesia

The limited number of PPNS Fisheries personnel in the field makes the handling of fisheries crime slow.

To overcome this, the Directorate General of Marine and Fishery Resources Supervision (PSDKP) regularly cooperates with the Indonesian National Police Education Institute (Lemdikpol) every year to educate Civil Servants who have met the requirements to take part in the Fishery Civil Servant Investigator (PPNS) training.

3. Handling of Fishing Vessel Crews and Evidence of Crime

Handling the crew of the perpetrators of fishing crimes on foreign fishing vessels and the crews of foreign ships dominate the perpetrators of fisheries crimes. The process of examining witnesses and suspects in the midst of the Covid-19 pandemic is a challenge for investigators in their duties, resulting in an increase in the number of criminal cases because after an investigation (case files) and declared complete, the handover of evidence and suspects has not been carried out (P-21 stage II) due to the COVID-19 pandemic.

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

In response to this, a breakthrough was made by handling criminal acts in the online investigation process, the Criminal Procedure Code has implicitly "provided space" for online investigations. So, it's not just because there's a pandemic. Article 113 of the Criminal Procedure Code stipulates "if the suspect or witness who is summoned gives a proper and reasonable reason for not being able to come, the investigator comes to the residence of the suspect/witness". This is interpreted to mean that the Criminal Procedure Code clearly allows witnesses/suspects to be examined outside the investigator's office. It can be at the residence of the witness/suspect or it can be interpreted elsewhere. So that if it is connected with the examination via teleconference, witnesses/suspects who are in other places are allowed.

Table 3. Number of crew members in the temporary detention center (RTS) at the supervisory base Batam Marine and Fishery Resources (PSDKP)

No	Year	Amount
1.	2020	211 People
2.	2021	288 People
3.	2022	

4. There is a refocusing of the budget

Government policies that prioritize actions to accelerate the handling of Covid-19, where a number of reductions and cuts are made in several budget posts, including the budget for handling fisheries crimes, have contributed to the problems that must be faced by investigators during the Covid-19 pandemic.

The impact of the refocusing spurs synergy between law enforcement officers so that there is harmony in deciding various legal policies to address the conditions of the Covid-19 pandemic by considering the legal certainty of each criminal case, so that the costs incurred can be shared together.

5. Handling of Evidence of Fisheries Crime

In addition to having an impact on the handling of the suspect, it may also have an impact on the handling of the evidence. For us to know, the evidence in the crime of fisheries in the form of fishing boats, fishing gear and catches. Fishing boats for criminal acts are kept or tied to the docks of the Batam Marine and Fishery Resources Supervision Base (PSDKP). In almost cases of fishery crime, the evidence that has been handed over to the Public Prosecutor (Second Stage Submission) will be returned to the investigators because the Public Prosecutor does not have a place to store the evidence. For evidence of fisheries crime which is re-entrusted to investigators, in this case the investigators of the Batam Marine and Fishery Resources Supervision Base (PSDKP) shall immediately coordinate with the Public Prosecutor as the executor to immediately carry out the execution of the evidence. Execution or execution of punishment is carried out based on a judge's decision that has permanent legal force, namely by destroying evidence or being confiscated for the state or confiscated for destruction.

4. CONCLUSION

Based on the descriptions described previously, several conclusions can be drawn, namely:

1. The Indonesian government has made and established regulations related to fisheries crime, namely Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. In Article 103 of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, fisheries crimes are divided into 2 (two) types of criminal acts, namely crimes and violations.



2. Efforts to overcome IUU Fishing cases include the mechanism for investigating criminal acts in IUU Fishing cases carried out by Fisheries Civil Service Investigators (PPNS), Navy Officers Investigators, and/or Indonesian National Police Investigators. The implementation of the authority of the Fisheries PPNS in the investigation process encountered various obstacles related to coordination problems with other law enforcement officers as well as infrastructure and support resources owned.
3. To unite views and minimize criminal disparities or inconsistent decisions in order to achieve legal certainty and legal benefits, it is better if the Supreme Court sits down with stakeholders (AGO, Polri, TNI AL, and the Directorate General of PSDKP KKP) to hear the consequences of the appeal. not to impose imprisonment in lieu of a fine.

REFERENCES

- Achmad Santoso, *Alam pun Butuh Hukum & Keadilan*, (Jakarta Timur: as@-Prima Pustaka, 2016)
- Andi Prastowo, *Memahami Metode-Metode Penelitian: Suatu Tinjauan Teoritis Dan Praksis* ar-Ruzz Media Jogjakarta, 2011
- Aziz Syamsuddin, *Tindak pidana Khusus*, Jakarta . 2011
- Bambang Sugono, *Metoda Penelitian Hukum*, Raja Grafindo Persada, Jakarta, 2001.
- Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Penerbit PT. Citra Aditya Bandung
- Benard Arif Sidarta, *Refleksi Tentang Struktur Ilmu Hukum*, Mandar Madju, cetakan ke tiga, Bandung, Bandung. 2009.
- Bustani, B., Khaddafi, M. ., & Nur Ilham, R. (2022). Regional Financial Management System of Regency/City Regional Original Income In Aceh Province Period Year 2016-2020. *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 2(3), 459–468. <https://doi.org/10.54443/ijerlas.v2i3.277>.
- Deliana Ayu Saraswati, Joko Setiyono, “*Yuridiksi Criminal Negara Dalam Peneggelaman Kapal Pelaku Tindak Pidana Illegal Fishing Di Perairan Indonesia*”, dalam *Jurnal Law Reform* Vol.12 No. 2 Tahun 2017.
- Falahuddin, F., Fuadi, . F., Munandar, M., Juanda, R. ., & Nur Ilham, R. . (2022). Increasing Business Supporting Capacity In Msmes Business Group Tempe Bungong Nanggroe Kerupuk In Syamtalira Aron District, Utara Aceh Regency. *Irpitage Journal*, 2(2), 65–68. <https://doi.org/10.54443/irpitage.v2i2.313>.
- Gatot Supramono, *Hukum Acara Pidana dan Hukum Pidana di Bidang perikanan*, Rineka Cipta, Jakarta. 2011,
- Geovani, I. ., Nurkhotijah, S. ., Kurniawan, H. ., Milanie, F., & Nur Ilham, R. . (2021). Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects: Research Study At The Office of Social and Community Empowerment In Batam City. *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 1(1), 45–52. <https://doi.org/10.54443/ijerlas.v1i1.10>.
- Hasjim Djalal, *Perjuangan Indonesia Di Bidang Hukum Laut*, Bandung: Bina cipta, 1979 .
- Hatta, M., (2009). *Beberapa Masalah Penegakan Hukum Pidana Umum dan Pidana Khusus*. Yogyakarta: Liberty Yogyakarta.
- Irawan Suhartono, *Metode Penelitian Sosial suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya*:Remaja Rosda Karya, Bandung; 1999.
- I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum*, Kencana Jakarta, 2016.
- Idham, *Konsolidasi tanah perkotaan dalam prespektif Otonomi daerah guna Meneguhkan Kedaulatan Rakyat dan Negara Berkesejahteraan*, PT Alumni Bandung, 2014.
- Idham, *Paradigma Politik Hukum Pendaftaran Tanah dan Konsolidasi Tanah dalam Perpektif Free Trade Zone (FTZ) di Kota Batam*, PT. ALUMNI, Bandung, 2016.

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)

Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

- Ilham, Rico Nur. *et all* (2019). Comparative of the Supply Chain and Block Chains to Increase the Country Revenues via Virtual Tax Transactions and Replacing Future of Money. *International Journal of Suplly Management*. Volume 8 No.5 August 2019.
- _____. *et all* (2019). Investigation of the Bitcoin Effects on the Country Revenues via Virtual Tax Transactions for Purchasing Management. *International Journal of Suplly Management*. Volume 8 No.6 December 2019.
- Jawahir Thontowi, *Hukum Internasional Kontemporer*, Bandung: Refika Aditama, 2006.
- Jemmy Rummengan, Muammar Khaddafi, Arman Syarif, dan Sri Yanti, *Metodologi Penelitian*, Sefa Bumi Persada, Aceh, 2020.
- Jemmy Rummengan & Idham, *Metodologi Penelitian Kualitattif dan Kuantitatif*, Perdana Mulia Sarana, Bandung, 2015
- Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayu media, 2008.
- Keputusan Dirjen PSDKP No.372/DJ-PSDKP/2011, tanggal 29 Desember 2011 tentang Petunjuk Teknis Penyidikan Tindak Pidana Perikanan.
- Lasta Irawan, A. ., Briggs, D. ., Muhammad Azami, T. ., & Nurfaliza, N. (2021). The Effect of Position Promotion on Employee Satisfaction With Compensation As Intervening Variables: (Case Study on Harvesting Employees of PT. Karya Hevea Indonesia). *International Journal of Social Science, Educational, Economics, Agriculture Research, and Technology (IJSET)*, 1(1), 11–20. <https://doi.org/10.54443/ijset.v1i1.2>.
- Likdanawati, likdanawati, Yanita, Y., Hamdiah, H., Nur Ilham, R., & Sinta, I. (2022). Effect of Organizational Commitment, Work Motivation And Leadership Style on Employee Performance of Pt. Aceh Distribus Indo Raya. *International Journal of Social Science, Educational, Economics, Agriculture Research, and Technology (IJSET)*, 1(8), 377–382. <https://doi.org/10.54443/ijset.v1i8.41>.
- M. Syamsu Rokhman, Hawancara Pribadi dengan Sub Koordinator Pengawasan dan Penanganan Pelanggaran Pangkalan Pengawasan Sumber Daya Kelautan dan Perikanan (PSDKP) Batam, di Batam pada hari tanggal 01 Agustus 2022.
- Majied Sumatrani Saragih, M. ., Hikmah Saragih, U. ., & Nur Ilham, R. . (2021). Relationship Between Motivation And Extrinsic Motivation to Icreasing Entrepreneurship Implementation From Spp Al-Falah Group At Blok 10 Village Dolok Masihul. *Morfai Journal*, 1(1), 1–12. <https://doi.org/10.54443/morfai.v1i1.11>.
- Marhaeni Ria Siombo, *Hukum Perikanan Nasional dan Internasional*, Jakarta, Gramedia Pustaka Utama. 2010,
- Maryani, H. & Nasution, A. (2019). *Rekonsepsi Model Pemberantasan Illegal Fishing di Perairan Indonesia (Analisis Perspektif Hukum Internasional)*. Jurnal Legislasi Indonesia.
- Moch Iqbal, *Penegakan Hukum Pidana “Illegal Fishing” Penelitian Asas, Teori, Norma dan Praktek Penerapannya*, Laporan Penelitian, Puslitbang Hukum dan Peradilan Badan Litbang Diklat Kumdil Mahkamah Agung RI, Jakarta, 2012,
- Mukti Fajar & Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif & Empiris*, Yogyakarta, Pustaka Pelajar
- Noeng Muhajir, *Metodologi Penelitian Kualitatif*, Roke Sarasin, Jakarta: 1990.
- Nunung Mahmudah, *"Illegal Fishing Pertanggungjawaban Pidana Korporasi Di Wilayah Perairan Indonesia"*, (Jakarta: Sinar Grafika, 2015.
- Nur Ilham, R. ., Arliansyah, A., Juanda, R., Multazam, M. ., & Saifanur, A. . (2021). Relathionsip Between Money Velocity and Inflation To Increasing Stock Investment Return: Effective Strategic By Jakarta Automated Trading System Next Generation (Jats-Ng) Platform. *International Journal of Economic, Business, Accounting, Agriculture Management and Sharia Administration (IJEBAS)*, 1(1), 87–92. <https://doi.org/10.54443/ijevas.v1i1.27>.



- _____, Heikal, M. ., Khaddafi, M. ., F, F., Ichsan, I., F, F., Abbas, D. ., Fauzul Hakim Hasibuan, A. ., Munandar, M., & Chalirafi, C. (2021). Survey of Leading Commodities of Aceh Province As Academic Effort to Join and Build The Country. *Irpitage Journal*, 1(1), 13–18. <https://doi.org/10.54443/irpitage.v1i1.19>.
- _____, Likdanawati, L., Hamdiah, H., Adnan, A., & Sinta, I. . (2022). Community Service Activities “Socialization Avoid Study Investment” to The Student Bond of Serdang Bedagai. *Irpitage Journal*, 2(2), 61–64. <https://doi.org/10.54443/irpitage.v2i2.312>.
- PiusA. Partanto dan M. Dahlan AL Barry, *Kamus Ilmiah Populer* , (Surabaya: Arkola , 1994).
- Otje Salman, S dan Anton F Susanto, *Teori Hukum*, (Bandung: Refika Aditama 2005)
- Peraturan Presiden Republik Indonesia Nomor 115 Tahun 2015 Tentang Satuan Tugas Pemberantasan Penangkapan Ikan Secara Ilegal (Illegal Fishing)/ Satgas 115;
- Peraturan Pemerintah Nomor 58 Tahun 2010 tentang Perubahan Atas Peraturan Pemerintah Nomor 27 Tahun 1983 tentang Pelaksanaan Kitab Undang- Undang Hukum Acara Pidana ;
- Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 36/Permen-Kp/2017 Tentang Kode Etik Penyidik Pegawai Negeri Sipil Perikanan;
- Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 47/Permen-Kp/2020 Tentang Pelaksanaan Tugas Pengawas Perikanan
- Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 4 Tahun 2021 Tentang Tata Kelola Kapal Pengawas Perikanan.
- Prasetyo, *Catatan Kritis Terhadap Pelaksanaan Hukum Acara Tindak Pidana Perikanan*, disampaikan sebagai narasumber pada Rapat Koordinasi Nasional Pencegahan dan Pemberantasan *Illegal, Unreported and Unregulated Fishing*
- R. Tresna, *Azas-azas Hukum Pidana*, PT. Tiara Bandung. 1959.
- Rahmaniar, R., Subhan, S., Saharuddin, S., Nur Ilham, R. ., & Anwar, K. . (2022). The Influence of Entrepreneurship Aspects on The Success of The Chips Industry In Matang Glumpang Dua and Panton Labu. *International Journal of Social Science, Educational, Economics, Agriculture Research, and Technology (IJSET)*, 1(7), 337–348. <https://doi.org/10.54443/ijset.v1i7.36>.
- Rohmin Dahuri, *Petunjuk Teknis Penyelesaian Perkara Tindak Pidana Perikanan*, Pusdiklat Kejahung RI, 2012.
- Ronny Hanitijo Soemitro, *Metodologi Penelitian Hukum*, Ghalia Indonesia, Cetakan Kedua, 1985.
- Samidjo, *Ringkasan Dan Tanya Jawab Hukum Pidana*, CV Armico, Bandung. 1985,
- Sandi, H. ., Afni Yunita, N. ., Heikal, M. ., Nur Ilham, R. ., & Sinta, I. . (2021). Relationship Between Budget Participation, Job Characteristics, Emotional Intelligence and Work Motivation As Mediator Variables to Strengthening User Power Performance: An Emperical Evidence From Indonesia Government. *Morfai Journal*, 1(1), 36–48. <https://doi.org/10.54443/morfai.v1i1.14>.
- Satjipto Rahadjo, *Sistem Peradilan Pidana Dalam Wacana Kontrol Sosial, Jurnal Hukum Pidana Dan Kriminologi*, Vol. I/Nomor I/1998, PT. Citra Aditya Bakti, Bandung, 1998.
- Sinta, I. ., Nur Ilham, R., Kumala Sari, D. ., M, M., Khaidir, K., & Ekamaida, E. (2021). Training The Processing of Tomato Sauce For A Home-Based Business The Scale of SMES. *Irpitage Journal*, 1(1), 26–28. <https://doi.org/10.54443/irpitage.v1i1.24>.
- Sinurat, M. ., Heikal, M. ., Simanjuntak, A. ., Siahaan, R. ., & Nur Ilham, R. . (2021). Product Quality On Consumer Purchase Interest With Customer Satisfaction As A Variable Intervening In Black Online Store High Click Market: Case Study on Customers of the Tebing Tinggi Black Market Online Store. *Morfai Journal*, 1(1), 13–21. <https://doi.org/10.54443/morfai.v1i1.12>.
- Supriadi dan Alimuddin. *Hukum Perikanan di Indonesia*. Jakarta: Sinar Grafika 2011.
- Suseno, *menuju Perikanan Berkelanjutan*, Pustaka Cedisindo, Jakarta, 2007
- Satjipto Rahardjo, *Sisi-sisi Lain dari Hukum di Indonesia*, Cet. 1, (Jakarta: Penerbit Buku Kompas, 2003)

JURIDIC ANALYSIS OF FISHERY CRIMINAL ACTIONS TO REALIZE THE SOVEREIGNTY OF THE NATION AND THE STATE

(Research Study at Batam Marine and Fishery Resources Supervision Base Office)
Kotot Setiadi, Idham, Parameshwara, Fadllan, Erniyanti, Ramlam

- Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT Raja Grafindo Persada, Jakarta, Cetakan Ketujuh, 2003.
- Soejono Soekanto *Pengantar Penelitian Hukum*, UI Press, Jakarta, 2007
- Solly Lubis, *Filsafat Ilmu dan Penelitian*, (Bandung: Mandar Maju, 1994),
- Sudarto, *Hukum dan Hukum Pidana*, (Bandung: Alumni, 2010)
- Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. Raja Grafindo Persada, Jakarta, 1995,
- Subkhi, N., Ratnasari, A., & Hamidah, I. (2020). Eksplorasi Limbah Lokal Indramayu Sebagai Bahan Baku Alat Peraga Media Analog Dan Efektivitasnya Terhadap Hasil Belajar Biologi. *Quagga: Jurnal Pendidikan dan Biologi*, 12(1), 31-43.
- T. May Rudi, *Hukum Internasional*, 2010.
- Teddy Nur Cahyawan, Stefanus Reynold Andika, “*Penegakan Hukum Dan Peneggelaman Kapal Asing (Studi Kasus Tindak Pidana Pelaku Illegal Fishing)*” Dalam *Jurnal Hukum Tarumanegara*, Vo. 2 Nomor 1, Juni 2017.
- Tridoyo Kusumastanto, *Revitalisasi Perikanan dan Kelautan Secara berkelanjutan*, Bogor: *institute pertanian bogor*, 2006.
- Turman Harianto Maha, 2022 *Wawancara Pribadi dengan Kepala Pangkalan Pengawasan Sumber Daya Kelautan dan Perikanan (PSDKP) Batam*, di Batam pada hari Senin, Tanggal 01 Agustus 2022.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
- Undang-Undang No. 45 Tahun 2009 tentang Perubahan atas Undang-Undang No.31 Tahun 2004 tentang Perikanan ; Lembaran Negara 2009/154. Tambahan Lembaran Negara No. 5073 tentang Perikanan;
- Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja Lembaran Negara Republik Indonesia Tahun 2020 Nomor 245, Tambahan Lembaran Negara Republik Indonesia Nomor 6573;
- Wayan Parthiana, *Hukum Laut Internasional dan Hukum Laut Indonesia*, Bandung: Yrama Widya, 2014.
- Wirjono Prodjodikoro, 2003. *Asas-asas Hukum Pidana*. Bandung: Refika Aditama.
- Yusuf Iis, E., Wahyuddin, W., Thoyib, A., Nur Ilham, R., & Sinta, I. (2022). The Effect of Career Development And Work Environment On Employee Performance With Work Motivation As Intervening Variable At The Office Of Agriculture And Livestock In Aceh. *International Journal of Economic, Business, Accounting, Agriculture Management and Sharia Administration (IJEBSAS)*, 2(2), 227–236. <https://doi.org/10.54443/ijebsas.v2i2.191>.