

Implementation of Unclos 1982 on Capture Fisheries in the Case of Illegal Fishing in the Waters of Indonesia's Exclusive Economic Zone

Authors : Habson Batubara, Patawari, Lisa Mery, Mohammad Syaichuddin, Sitti Faridah, Hamzah, Akmal, Abdul Gafur, Iman Sudrajad, Lideman, Yuani Mundaya, Kamaruddin, Muslimin, Herlina Jompa, Joula Sondack, Nani Undap, Suciati, Elisa Winanda, Arfandi Amin, Suciati

Abstract : This study aims to determine the status of the law, legislation, and its implementation against Foreign Nationals (WNA) Illegal Fishing Business Actors in the waters of the Indonesian Exclusive Economic Zone (EEZ), based on the Indonesian Positive Law and UNCLOS 1982. The research method used is normative juridical with a qualitative approach to study the Fisheries Criminal Verdict (Tipikan) and the Bitung District Court / Fisheries SIPP from 2019 to 2020. The results showed that cases of Illegal Fishing by Foreign Nationals (WNA) in the Indonesian Exclusive Economic Zone (EEZ) were examined, tried, and decided in accordance with the fisheries law, criminal sanctions were not in accordance with and contrary to Indonesian positive law, both criminal law and fisheries law, but followed and were in line with UNCLOS Year 1982. Legal status and responsibility are only imposed on the master as the leader on board the ship as the representative of the ship owner/company. Meanwhile, the application of Indonesia's positive law to Unclos in 1982 was only in the form of fines and confiscation of evidence as an effort to seek compensation for illegal fishing activities in the waters of the Indonesian Exclusive Zone (EEZ).

Keywords : EEZ, illegal fishing, WNA, positive law, Unclos 1982

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