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The Eradication Concept of *Illegal Fishing* In Keeping Security and State Sovereignty in the Fisheries; The International and National Legal Perspective of Indonesia*

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Abstract:

Illegal fishing, not only has an adverse impact on the economy, ecology and social, but also on the larger issue of state sovereignty. Therefore, a legal policy concept that ensures the protection of state sovereignty and the realization of sustainable fisheries development is required. Illegal fishing eradication policy in the legal system in Indonesia has been done through the establishment of various laws and regulations, legally providing legitimacy for the government and law enforcement in eradicating *Illegal fishing*. However, it has not been maximum to ensure sustainable fisheries development due to incomplete policies and the establishment of a fishery court that has not been effective yet as a special court to solve criminal offenses in the field of fisheries. Therefore, it is necessary the concept of eradicating *illegal fishing* that can realize sustainable fisheries development and maintain the sovereignty of the state in the future with the concept of legislation to eradicate *illegal fishing*.

Keywords: Eradication, Illegal Fishing, National, International

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Konsep Pemberantasan Illegal Fishing Dalam Menjaga Keamanan dan Kedaulatan Negara Di bidang Perikanan; Perspektif Hukum Internasional dan Hukum Nasional Indonesia

Abstrak:

Penangkapan ikan secara melawan hukum (*illegal fishing*), tidak saja berdampak buruk terhadap ekonomi, ekologi, dan sosial, tetapi pada persoalan yang lebih besar yaitu kedaulatan negara. Oleh karena itu, diperlukan sebuah konsep kebijakan hukum yang dapat menjamin terlindunginya kedaulatan negara dan terwujudnya pembangunan perikanan berkelanjutan. Kebijakan pemberantasan *Illegal fishing* dalam sistem hukum di Indonesia saat ini telah dilakukan melalui pembentukan berbagai peraturan perundang-undangan. Secara hukum memang telah memberikan legitimasi bagi pemerintah dan penegak hukum dalam pemberantasan *Illegal fishing*. Namun belum maksimal dapat menjamin pembangunan perikanan berkelanjutan karena kebijakan yang belum komprehensif dan pembentukan pengadilan perikanan yang hingga kini belum efektif sebagai pengadilan khusus untuk menyelesaikan tindak pidana di bidang perikanan. Oleh karena itu, diperlukan konsep pemberantasan *illegal fishing* yang dapat mewujudkan pembangunan perikanan berkelanjutan dan menjaga kedaulatan negara pada masa yang akan datang dengan konsep legislasi pemberantasan *illegal fishing*.

Kata Kunci: *Pemberantasan, Illegal Fishing, Nasional, Internasional*

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Introduction

Illegal fishing, not only has an adverse impact on the economy, ecology, and social but also on the larger issue of the state sovereignty. According to a report by FAO, Indonesia's economic losses due to *illegal fishing* are around Rp 30 trillion in the year. In detail Suhana¹ stated that direct economic losses resulted in reduced contribution of fisheries to GDP, the reduced/lost employment in the fishery sector, the reduced state revenues from exports, reduced state revenues from the tax sector, absence of multi player effects from fishery industry activities. Ecologically *illegal fishing* has a negative impact on the destruction of fishery ecosystems due to *overfishing* that causes unsustainable fisheries development.²

According to Rokhmin Dahuri³ illegal fishing impact on the destruction of fishery resources sustainability of Indonesia for fishing with technology that is not environmentally friendly. Social impact of *Illegal, Unreported and Unregulated (IUU) fishing* is the conflict between traditional Indonesian fishermen and foreign fishermen.⁴ The sovereignty of the state can be violated because foreign fishermen enter Indonesian territorial waters without permission and committing criminal acts of fish theft undermine the existence of Indonesia as a sovereign state over fishery resources.⁵

The practice of *IUU fishing* in Indonesian fishery areas has been going on since the mid-1980s, but until now there has not been the effective solution in its eradication. According to Akhmad Solihin, the root cause of the unresolved issue of *IUU fishing* in Indonesia is, *first*, the overlapping of legislation that affects the uncertainty of which state institutions are authorized to solve the problem of *IUU fishing* and the lack of coordination among state institutions.⁶ *Second*, facilities and infrastructure to enforce the law at sea are very weak both in terms of technology and human resources.⁷

¹ Suhana, *Ekonomi Politik Kebijakan Kelautan Indonesia: Gagasan-Gagasan Politik-Pembangunan Negara Kepulauan dan reformasi Kelembagaan yang Berbasis Kearifan Lokal*, (Malang: Intrans Publishing, 2011) p. 76-77.

² Akhmad Solihin, *Politik Hukum Kelautan dan Perikanan: Isu, Permasalahan dan Telaah Kritis Permasalahan*, (Bandung: Nuansa Aulia, 2010) p. 44-45.

³ Rokhmin Dahuri, "*Anatomi Permasalahan Illegal Fishing dan Solusinya*".

⁴ Suhana, *Ekonomi Politik Kebijakan Kelautan Indonesia.*, p. 77.

⁵ Rokhmin Dahuri, "*Anatomi Permasalahan Illegal Fishing dan Solusinya*", p. 2.

⁶ Arief Hidayat dan FX Adji Samekto, *Kajian Kritis Penegakan Hukum Lingkungan di Era Otonomi Daerah*, (Semarang: BPUD, 2007) p. 11.

⁷ Akhmad Solihin, *Politik Hukum Kelautan dan Perikanan*, p. 45.

President Joko Widodo builds the vision of Indonesia as a world maritime shaft country. To realize the vision of Indonesia, President Joko Widodo has issued various strategic policies ranging from the institutional formation by forming the Coordinating Ministry of Maritime Area, building various infrastructures to realize reliable sea transportation (toll road) and the policy of eradicating illegal fishing. As a large maritime country with a number of islands as many as 17,506 islands and coastline length of 81 million km, as well as strategic geographical location. So the vision of Indonesia as a country of the maritime shaft is actually a realistic vision. However, the vision cannot be realized properly because one of them is still the rampant *illegal fishing* practice in Indonesia.

The *illegal fishing* eradication policy was carried out by the government of Jokowi Widodo through the Minister of Marine Affairs and Fisheries, Susi Pudji Astuti using a repressive approach in the form of foreign ship drowning policies and prosecuting *illegal fishing* agen in the fishery court. However, these two policies can not solve the problem of *illegal fishing* that is getting worse, proven to the present practice of *illegal fishing* continues to occur. The ship's sinking policy seems to be sporadic and reactive. While fishery courts often impose light sentences on the perpetrators, they can not be expected as an institution that provides protection to the state's losses and damage to marine fisheries ecosystems.

Based on the fact of the ineffective *illegal fishing* eradication above, it is necessary to model a prevention and eradication of *Illegal Fishing* that can protect the national economic interests of Indonesia in the field of maritime, upholding the sovereignty of the state and the preservation of fisheries ecosystems. In addition, the policy to eradicate *illegal fishing* until now it has been well coordinated and comprehensive. Therefore, it is necessary to model the prevention and eradication of *IUU fishing* which is contained in the form of Draft Law on the Eradication of Criminal Act of Fisheries.

The Eradication of Illegal Fishing Perspective of International Law

The concept of illegal fishing is restricted in the *International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-Fishing)* which is unlawful fishery activities with details of the following activities: *first*, fishery activities by foreign ships in waters into the jurisdiction of a country, without the consent of that country, or contrary to laws and regulations; *second*, fishery activities carried out by ships flying the flag of a country that is a member of a

regional fisheries management organization, but carried out in a contrary way to the arrangements on the management and conservation of resources adopted by the organization, where such provisions bind to the state that becomes its member, or otherwise contrary to other relevant international law; *third*, fishery activities that are contrary to national law or international obligations, as well as the obligations of member countries of regional fisheries management organizations toward the organizations.

The IPOA formulation on *illegal fishing* above using the alternative approach to determine whether fishing activity is in the category of *illegal fishing* or not. This formulation actually opens up a wider space for states to determine what actions can be categorized as *illegal fishing* in its national law.

The International Agreement on *Illegal Fishing*

As a separate legal regime, international law provides the legitimacy of the state's sovereignty over natural resources located in three natural dimensions, ranging from the resources of land, sea, and air. On land territory the state has full and absolute sovereignty, on the airspace of air sovereignty is full and exclusive (full and exclusive). In the sea, area has its own distinction, based on the control of the territory.⁸

The Convention the law of the sea (KHL) of 1982, regarded as the "constitution of an ocean", divides the territorial seas of different zones with different legal status. KHL 1982 divides the marine territory into three categories based on the presence or absence of the sovereignty of the state, the state has sovereign rights and has no sovereignty.⁹

Marine territory under the sovereignty of the state consists of, territorial sea as far as 12 miles from the base line, internal waters, archipelagic waters. The marine territory of the country where the state is not sovereign, but has sovereignty over certain matters and resources that is, an additional zone of sea territory as far as 24 miles from the baseline, and the exclusive economic zone, is the marine territory as far as 200 miles from the baseline, and the continental shelf, the seabed and the subsoil, which is a natural continuation of

⁸ Mochtar Kusumaatmadja dan etty R Agoes, *Pengantar Hukum Internasional* (Bandung: Alumni, 2003) p.25.

⁹ Etty R Agoes, *Hak Lintas Kapal Asing* (Bandung: Bincipta, 1989) p. 54.

the land of a residence state as far as 200 miles. While the sea area where the country does not have sovereignty is on the high seas and seabed areas.¹⁰

In the marine territory mentioned above also attached to the sovereignty of the state in the field of fisheries. In the territorial sea, internal waters and country archipelagic waters have full sovereignty over fishery resources. In the area of additional zones and exclusive zones give the state sovereignty to explore and exploit fishery resources, on the continental shelf also applies the state sovereignty over fishery resources living in undersea ecosystems. In the areas of the open sea and seabed areas the principle of *common heritage of mankind and open access*, where fishery resources are open to all countries to exploit and explore them. No country may exploit fishery resources based on the claim of State sovereignty.¹¹

International law not only gives the sovereignty of the state as the subject of international law, in that sovereignty the jurisdiction of the state has the authority to regulate, the authority to execute and enforce the law in the territory of the state having the sovereignty. Similarly, state jurisdiction in the field of fisheries includes the authority to regulate, implement and enforce laws and regulations that have been determined.¹² International law relating to fisheries is designed not only to provide legitimacy of state sovereignty over fishery resources but also to obligate countries with fishery resources to ensure sustainable fisheries function and sustainable fisheries development principles. So to those countries are charged with the conservation of fish resources.¹³

The Eradication of *illegal fishing* perspective of Indonesian national law.

Based on the results of identification of marine and the fishery, ministries as stipulated in the Decree of the Marine Minister and the Fisheries Republic of Indonesia No. Kep.50 / Men / 2012 on the National Action Plan of *Illegal Prevention and Control, Unreported, and Unregulated Fishing* in 2012-2016 revealed that the most *illegal fishing* practices common in Indonesia is the theft

¹⁰ Etty R Agoes, "Pengaturan Perikanan Pada Zona Ekonomi Eksklusif Suatu Tinjauan Terhadap Konvensi Hukum Laut 1982 Terkutip Dalam Akhmad Solihin, Pemberantasan Illegal Fishing, Unreported Dan Unregulated Fishing, Menurut Hukum Internasional Dan Iplementasinya Dalam Hukum Nasional", (Bandung: Thesis, Unpad; 2008) p. 22

¹¹ Mochtar Kusumaatmadja, *Konsepsi Hukum Negara Nusantara pada Konferensi Hukum Laut 1982*, (Bandung: Alumni, 2003) p. 1

¹² Sumaryo SuryoKusumo, *Studi Kasus Hukum Internasional* (Jakarta: tatanusa, 2007) p. 57.

¹³ Melda Kamil Ariadno, *Hukum Internasional Hukum yang hidup* (Jakarta: Diadit Media, 2007) p. 90.

The Eradication Concept of Illegal Fishing

of fish by foreign-flagged fishing vessels, especially from several neighboring countries, with the operating area not only the waters of Indonesia's ZEE, but entering into the waters of the Indonesian archipelago. In terms of technology, generally, the type of fishing equipment that is used such as purse seine and trawl, which is the most productive fishing equipment.

In the Decree of the Minister of Maritime Affairs and Fisheries Republic of Indonesia No. Kep.50/Men/ 2012 about the National Action Plan for Prevention and Countermeasures *Illegal, Unreported, and Unregulated Fishing* of 2012-2016, it is also revealed that beside *illegal fishing* cases by fishing vessels with flag foreign, violations are also committed by Indonesian flagged fishing vessels, among others:

1. Fishing vessel in operation is not equipped by Fishing Permit (SIPI);
2. Fishing vessel in operation is not equipped with Fishing Ship Permit (SIKPI);
3. The line and fishing areas are not in accordance with the permit;
4. Use of hazardous fishing materials or fishing gear or fishing equipment that is prohibited;
5. Falsification of fishing licenses;
6. Manipulation of vessel documents, including size, location of manufacture, and documents of ownership of ships;
7. The name of ship, ship size and/or brand, serial number, and engine power are not in accordance with those listed in the license;
8. The type, size and quantity of fishing equipment and/or fishing aids are not in accordance with those listed in the license;
9. Ships operate without Sailing Approval Letter (SPB);
10. Not installing or not enabling monitoring equipment for fishing vessels and specified fishing vessels (such as *transmitters VMS*);
11. Fishing vessels and fishing vessels unloading in the sea without permission;
12. Fishing vessels carrying catch directly to foreign countries without reporting at the designated port;
13. Indonesian fishing vessels and fishing vessels catching / transporting fish in the jurisdictions of other countries without the consent of the

country concerned and without the consent of the Government of Republic Indonesia.

As a sovereign state and have jurisdiction to establish law, enforce the law and enforce the law then Indonesia has implemented the authority. Indonesia has issued legal policies ranging from the enactment of legislation both at the level of the law to the rule of law under it and the establishment of law enforcement institution. Here are the authors of the analysis of some laws that regulate the eradication of *illegal fishing*.

The Eradication of *Illegal Fishing* in Law no. 31 about Fisheries jo Law no. 45 of 2009 on the amendment to Law no. 31 of 2004 on fisheries

Two important illegal fishing eradication policies set out in the above law are the criminalization of illegal fishing activities and the establishment of a fishery court.

Criminalization of *Illegal Fishing*

The policy to eradicate *illegal fishing* in Law no. 31 of 2004 on Fisheries jo Law no. 45 of 2009 on the amendment to Law no. 31 of 2004 on fisheries is to make the acts considered *illegal fishing* as a criminal act of fisheries. Based on Law no. 31 of 2004, the act including *illegal fishing* are contained in the provisions of article 84-article 101. Thus there are 17 types of criminal offenses in the field of fishery according to this law. Meanwhile, based on Law no. 45 of 2009 on the amendment to Law no. 31 of 2004 on fisheries there are several changes, namely Article 85, Article 93, Article 94 A, Article 98, Article 100 A and Article 100 B, Article 100 A, Article 100 B, Article 100 C and Article 100 D.

Establishment of a Fishery Court

Another important breakthrough in efforts to eradicate *illegal fishing* in Law no. 31 of 2004 on Fisheries jo Law no. 45 of 2009 on the amendment to Law no. 31 of 2004 on fisheries is the establishment of a fishery court.

Based on the general explanation of Law no. 31 of 2004 on fisheries establishment of fishery court is intended to improve efficiency and effectiveness of law enforcement on criminal acts in fishery field. The fishery court has the duty and authority to examine, hear and decide on criminal

offenses in the field of the fishery that are conducted by a panel of judges consisting of 1 (one) judge of the career of the district court and 2 (two) *ad hoc* judges.

Law no. 45 of 2009 on the amendment to Law no. 31 of 2004 on fisheries clarifies the position of the Fishery Court as a special court within the general judicial environment. The fishery court was first established in the North Jakarta District Court, Medan, Pontianak, Bitung, and Tual. In the next stage the fishery court is domiciled in a district court. In the next stage the establishment of a fishery court is carried out in stages in accordance with the requirements established by Presidential Decree.

The Eradication of *Illegal Fishing* in Permen-KP about No. 56 / PERMEN-KP / 2014

The stipulation of this Permen-KP is philosophically aimed at realizing responsible fishery management, and the *Illegal, Unreported and Unregulated (IUU) Fishing* Management in the State Fishery Management Area of the Republic Indonesia, has been much detrimental to the national fishery world, it is necessary to temporarily halt (*moratorium*) business licensing of capture fisheries. The temporary suspension of fishing licenses is valid until April 30, 2015.

The concrete form of suspension of license shall be conducted by the following activities:

1. There is no Issuance of new permits for Fishery Business License (SIUP), Fishing Permit (SIPI) and Fishing Vessel License (SIKPI);
2. To SIPI and SIKPI which have expired not extension;
3. For valid SIPI or SIKPI shall be analyzed and evaluated until the validity period of SIPI or SIKPI expires; and
4. If based on the result of analysis and evaluation as referred to in letter c found the violation, shall be subject to administrative sanction in accordance with the provisions of the legislation.

The Concept of *Illegal Fishing* Eradication in Indonesia

The unfinished eradication of *illegal fishing* in the territorial waters of Indonesia due to the different concepts of approach settlement. The first

concept considers that the approach to eradicating *illegal fishing* is done through a law enforcement approach (*legal approach*). While other concepts, the view that an effective approach to solving the illegal problem is to use a non-legal approach, namely technology.¹⁴ A legal approach to solve the eradication of *illegal fishing* in Indonesian waters should make the legal approach the foundation of the policy. The legal approach is more to the legal system approach as proposed by Lawrence Friedman, where legal reform is built on a systems approach through the establishment of legal substance, structure, and legal culture.

To support legal reform, the establishment of legislation is the answer to the conditions of legal vacuum. The Government of Indonesia has undertaken policies by establishing regulations in the field of fisheries through the ratification of international treaties and establishing national laws. Since 1985 the Indonesian government has ratified the maritime law convention 1982 (*united convention on the law of the sea / UNCLOS*) through Law no. 17 of 1985 in which regulates matters related to the conservation and preservation of fishery resources to prevent the practice of *IUU fishing*.¹⁵

Indonesia also adopted various provisions contained in the *International Plan of Action to Prevent, Deter and Eliminate IUU Fishing* (IPOA-IUU Fishing) in preparing a national action plan on the eradication of *IUU fishing*.¹⁶ At the national legal level Indonesia has enacted Law no. 45 of 2009 on amendment to Law No. 31 of 2004 concerning fisheries. However, the issue of legal susceptibility remains a problem because of the lack of criminal sanctions in punishing perpetrators of *IUU fishing* and the absence of a special law that comprehensively regulates the eradication of *IUU fishing*.¹⁷

In the structural aspects of *IUU fishing* eradication carried out through the establishment of a law enforcement system. Through Law no. 45 of 2009, a regulated law enforcement mechanism in the field of fisheries where PPNS, Police, and TNI-AL as investigators, then formed a fishery court as a special court established to prosecute fishery cases. This court has been established in

¹⁴ Andi Hamzah, *Penegakkan Hukum Lingkungan*, (Jakarta: CV. Sapta Artha Jaya, 1997), p. 151.

¹⁵ Etty R Agoes, *Konvensi Hukum laut, 1982: Masalah Pengaturan Hak Lintas Kapal Asing*, (Bandung: CV. Abardin, 1991), p. 44.

¹⁶ Ida Bagus Wyasa Putra, *Hukum Lingkungan Internasional: Perspektif Bisnis Internasional*, (Bandung: Refika Aditama, 1997) p. 22

¹⁷ Dikdik Momamad Sodik, *Hukum Laut Internasional dan Pengaturannya di Indonesia*, (Bandung: Refika Aditama, 2011), p. 164.

various regions. However, in the effort to eradicate *IUU fishing* both investigators and courts still have problems related to the eradication of *IUU fishing*.

Law enforcers in the field of *IUU fishing* in addition to still facing the classic problem of lack of coordination between institutions, also faced serious issues related to the enforcement of law enforcement mafia that is still many law enforcement officers who do not really do law enforcement tasks.¹⁸ At the fishery court level facing the problem of the low verdict of fishery court in deciding the criminal case of the fishery.

In a seminar commemorating 30 years of the 1982 Sea Law Convention at Padjadjaran University in 2012 marine law expert Etty R Agoes complained about the low verdicts handed down by the fishery court as in the case of Cek Wan Jainuddin, a Malaysian citizen, who was tried in a fishery court at the Tanjung Pinang District Court was sentenced to five months in prison. As well as the verdict against Aling Samehe, a Filipino citizen was sentenced to a 30 million fine by a fishery court in PN Bitung of 100 million charged by the prosecutor. In the case of Wahab Coang, Indonesians on trial for fishing in Raja Ampat use chemicals, sentenced to PN Sorong. According to Etty R Agoes, the low sanctions imposed in the case of *illegal fishing* in Indonesia received criticism from the international community, especially the European Union, urging Indonesia to increase the threat of criminal sanctions listed.

In the cultural aspect since the establishment of the ministry of fisheries and marine has started to build public awareness of the importance of conservation fishery resources through various programs such as minabahari, the movement of love to eat, fish etc. But until now the old culture of society has not been able to change so that foreign fishermen and national fishermen still use methods and ways of fishing that tend to damage the fishery ecosystem.

On the other hand, a technology-based approach requires that *IUU fishing* eradication should use a technology approach as an answer to eradicating *IUU fishing* in Indonesia. The technological approach has been plainly met by President Joko Widodo during his presidential election campaign in July 2014. President Jokowi said that to eradicate *IUU fishing* in Indonesia, it needs a reliable weapon technology so as to be able to detect, supervise and crack down on *IUU fishing* agents. Procuring a fleet of reliable

¹⁸ Akhmad Solihin, *Politik Hukum Kelautan dan Perikanan*, p. 44.

ships and modern weaponry such as drones can be the answer to eradicate *IUU fishing* practices in Indonesian fisheries.

The problems of the world of marine and fisheries in general according to Law no. 17 of 2007 on Long-Term Development Plan 2005-2025 has been recognized still many problems faced, thus causing the marine resources have not been optimally utilized. Based on the attachment of Law no. 17 of 2007 on Longterm Development Plan 2005-2025 there are several things, among others, *first*, the absence of maritime boundary arrangement; *second*, the conflict in the utilization of space in the sea; *third*, there is no guarantee of safety at sea; *fourth*, the existence of regional autonomy has caused no similar understanding to the management of marine resources; *fifth*, the limited ability of human resources in managing marine resources; and *sixth*, the absence of research support, marine science and technology.

Based on the two concepts of the different approaches above, this paper is done to harmonize two different approaches. This paper seeks to find a concept of *illegal, unreported and unregulated (IUU) fishing* in realizing sustainable fisheries development in Indonesia.

Based on the Press Conference of 5 January 2015 conducted by the Ministry of Marine Affairs and Fisheries in 2014 on "Reflection 2014 and Outlook 2015 Development of Marine and Fisheries" stated that the government in handling *IUU Fishing* continues to be improved since the Ministry of Marine Affairs and Fisheries issued various regulations related to the eradication of *IUU Fishing*. Some initial achievements have been seen, among others, the drowning of illegal foreign vessels at various locations in Indonesia and the decline of illegal foreign vessels that still steal fish in the Indonesian Waters Management Area.

The Ministry of Maritime Affairs and Fisheries in the press release states continue to attempt to eradicate *illegal fishing* until sovereignty in the sea area is really awake. The direction of the KKP's future policy on the eradication of *IUU Fishing* includes: *first*, propose to the President of RI to issue a Presidential Instruction (INPRES) on the Acceleration of Eradication of *IUU Fishing*. Currently in the middle of the discussion process is facilitated by the Cabinet Secretariat. *Second*, Issuance of licensing process and enhancement of integrated quota-based fishing control with the transportation of catch fish and live fish from cultivation, post-harvest processing, and distribution of fishery products. *Third*, Strengthening the capacity of supervision of marine and fishery resources. This is done by increasing the number of operation days of

the KKP's supervisory vessel to 210 days onscreen, developing *airborne surveillance* and increasing the number of KKP supervisory ships into 6 surveillance vessels; and, fourth, Preparation of Standard Operating Procedures (SOP) on acceleration of law enforcement processes and work procedures relating to law enforcement assistance at sea among law enforcement agencies (KKP, POLRI, TNI AL and BAKAMLA).

According to the authors to support the direction of government policy related to *illegal fishing* above, it needs a comprehensive concept covering all policy directions that have been set by the government. This concept is called by the author as the concept of legislation to eradicate *illegal fishing*. The point is that the *illegal fishing* eradication policy that is still contradictory to the above approach can be attributed to the direction of government policy better included in a single law product that has binding power. Thus the direction of the policy of eradicating *illegal fishing* in the future that can maintain the state's sovereignty in the field of fisheries is by arranging in a separate law on the eradication of *illegal fishing*.

This conceptual idea is supported by the following scientific arguments, *first*, until now has not been there a legislation that comprehensively regulates *illegal fishing* in a single law. Though this issue is so important to the economy, sovereignty, security, national ecology, it is different from other resource problems such as forests which currently have their own draft laws being discussed in the DPR. *Second*, to accommodate various programs of government policy direction of *illegal fishing* eradication as mentioned above. Issue of Presidential Instruction to Accelerate the Eradication of *IUU Fishing* and Preparation of Standard Operational Procedures (SOP) on the acceleration of law enforcement process and the relationship of work procedures for law enforcement assistance at sea between law enforcement agencies (KKP, POLRI, TNI AL and BAKAMLA) which until now has not been reached, actually it can be resolved if regulated in a law to eradicate *illegal fishing*.

Conclusion

Illegal fishing eradication policy in the legal system in Indonesia today has been done through the establishment of various regulations containing three important aspects; *first*, the policy of criminalization of *illegal fishing* in Law no. 31 of 2004 on fisheries as well as in Law no. 45 of 2009 concerning amendment to Law No. 31 of 2004 concerning Fisheries and Regulation of the

Minister of Marine Affairs and Fisheries concerning No. 56/PERMEN-KP/2014 Concerning Termination (Moratorium) Permission of Capture Fishery Business in Fishery Management Area (WPP) The Republic of Indonesia legally provides legitimacy for the government and law enforcement in eradicating *Illegal fishing*, but it has not been maximum can guarantee sustainable fishery development because incomplete policies; **second**, the establishment of a fishery court that has not been effective as a special court for the completion of criminal offenses in the field of fisheries.

The concept of eradication of *illegal fishing* that can realize sustainable fisheries development and maintain the sovereignty of the state in the future is the concept of legislation to eradicate *illegal fishing*. The direction of the policy of eradicating *illegal fishing* in the future that can maintain the state's sovereignty in the fisheries sector is by arranging in a separate law concerning the eradication of *illegal fishing*.

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The Legislation

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Thesis

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