



EFFECTIVENESS OF CRIMINAL FINES ON ILLEGAL FISHING CRIMINAL ACTIONS BY FOREIGN FISHING VESSELS (KIA) IN THE WATERS OF THE INDONESIAN EXCLUSIVE ECONOMIC ZONE (ZEEI) OF THE MALACCA STRAIT (STUDY OF DECISIONS IN THE MEDAN DISTRICT COURT, CLASS 1A SPECIAL)

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Article Info	Abstract
Article History Received: 2025-05-05 Revised: 2025-05-06 Published: 2025-06-06 Keywords: <i>Illegal Fishing, Criminal Fines, Indonesian Exclusive Economic Zone, Fisheries Court</i>	<p>This study aims to analyze the effectiveness of the application of criminal fines against perpetrators of illegal fishing by Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait based on a study of the decision of the Medan District Court Class 1A Special Fisheries Court. Indonesia as an archipelagic country has a wealth of fishery resources that are vulnerable to illegal fishing practices, especially by foreign-flagged KIA. In the international maritime law regime (UNCLOS 1982), coastal states such as Indonesia have sovereign rights to enforce the law in the ZEEI, but are limited by the prohibition on the application of imprisonment to foreign violators. Therefore, criminal fines are the main alternative in law enforcement. The results of the study show that of the 137 fisheries crime cases decided during the period 2015–May 2025, 66 cases involved KIA with the majority being sentenced to fines and confiscation of evidence. The effectiveness of fines is shown by the significant decline in the trend of cases in the last five years, as well as the deterrent effect on foreign perpetrators. However, challenges are still found related to the success of fine recovery and coordination between law enforcers. This study confirms that although fines have not been fully optimal in their implementation, they have substantively been able to contribute to the protection of fishery resources and Indonesia's legal sovereignty at sea. Consistent law enforcement and increasing the capacity of fisheries courts are absolute requirements in strengthening the national maritime supervision and justice regime.</p>

I. INTRODUCTION

Indonesia is geographically located at the crossroads of two continents, Asia and Australia, and two oceans, the Indian and Pacific. Looking at the vastness of the waters, the length of the coastline, and the geographical location, Indonesia is one of the largest archipelagic countries in the world which is estimated to have great potential for fishery resources.(Sebastian 2022)

As an archipelagic country, almost two-thirds of its territory is ocean, has a water area of 5.8 million km², territorial sea of 3.1 million km², ZEEI of 2.7 million km², coastline length of 81,000 km, baseline length of 13,179 km, has ± 17,499 islands, and there are five large islands, namely Sumatra, Java, Kalimantan, Sulawesi and Irian Jaya (Papua).

Indonesia's geographical conditions store extraordinary natural resource wealth, consisting of marine industry, marine services, transportation, marine tourism and fisheries. The potential of Indonesia's fishery resources with the largest marine wealth in the world makes it very important for countries from various regions of the world.(ROSALINA 2024)

With these geographical conditions, of course our country can be sure to have a large amount of natural wealth in the form of fish and the like, which if managed and exploited properly and with optimal regulations will certainly be able to increase the country's foreign exchange which will ultimately be able to improve the welfare of all Indonesian people.(Moertiono 2024) This is in line with what is stated in Article 33 of the 1945 Constitution which states that natural resources are controlled by the state and used as much as

possible for the prosperity of the people so that the monopoly on the regulation, organization, use, supply and maintenance of natural resources and the regulation of their legal relations lies with the state.(Pangestu, nd)

On December 31, 1985, the Government ratified the United Nations Convention on the Law of the Sea in 1982 through Law Number 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982), so that in terms of formal legal jurisdiction, the waters of Indonesia's national jurisdiction became very broad. Indonesia has sovereign rights to utilize, conserve and manage fish resources in the Indonesian Exclusive Economic Zone (ZEEI) and the high seas which are implemented based on international requirements or standards. (DJOKO, n.d.)

ZEEI is the route outside and bordering the Indonesian territorial sea as determined based on the applicable laws regarding Indonesian waters which include the seabed, the land beneath it and the water above it with an outer limit of 200 (two hundred) nautical miles measured from the baseline of the Indonesian territorial sea.(FOREST 2022)

Related to fishing and/or fish transportation on the high seas in the Exclusive Economic Zone (EEZ) whose regulations have been stipulated by UNCLOS 1982 and the implementation of jurisdiction over coastal states in the Exclusive Economic Zone, in which in implementing the enforcement of Indonesia's jurisdiction in the Exclusive Economic Zone, Indonesia is obliged to explore, exploit, conserve and manage fish resources and carry out supervision and legal processes against all kinds of violations in the Exclusive Economic Zone, which of course cannot be equated with legal treatment in territorial areas which are the sovereign territory of a country.

The law enforcement conditions for the fisheries sector, especially fishing in Indonesia, starting from the waters of the Indonesian Exclusive Economic Zone (ZEEI) to Indonesian territorial waters are areas that are prone to illegal fishing carried out by foreign fishing vessels (KIA).(Elvany 2017)The weak enforcement of the law has resulted in state losses, both economically and environmentally, and has also had an impact on the enforcement of the country's territorial sovereignty, which can result in the Indonesian people becoming non-sovereign in their own country.

Illegal fishing also categorizes that national fishing vessels that do not have a Business License issued by the Indonesian Government are also included in illegal fishing in addition to Foreign Fishing Vessels (KIA) that carry out illegal fishing in Indonesian waters. Law enforcement and increased security in Indonesian waters and the Indonesian Exclusive Economic Zone (ZEEI) still require great attention.(Bagenda et al. 2023)

Based on data on Fisheries Crimes at the Medan District Court Class 1A Special from 2015 to mid-2025, of the 137 Fisheries Crime Cases of fishing/illegal fishing, which were entered and have been decided/and have permanent legal force, a total of 66 cases of fisheries crimes of fishing/illegal fishing were carried out by Malaysian-flagged Foreign Fishing Vessels (KIA) carrying out fishing/illegal fishing activities by 47 Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait and 19 Foreign Fishing Vessels (KIA) in the Indonesian Territorial waters of the Malacca Strait. The perpetrators of the fisheries crimes and their crew members (ABK) are citizens of Malaysia, Thailand, Myanmar, and Indonesia.(Tobing and Setiawan 2020)

Regarding the decision on the case of illegal fishing crimes committed by Foreign Fishing Vessels (KIA) in Indonesian waters, this prompted this writing to conduct research and study it further by pouring it into a legal journal with the title: "Effectiveness of criminal fines for illegal fishing crimes by Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait (Study of Decisions at the Medan District Court Class 1A Special).

II. RESEARCH METHODS

Legal research is a scientific activity based on certain methods, systematics and thinking, which aims to study one or several specific legal phenomena, by analyzing them.(Indra Utama Tanjung 2024)In addition, an in-depth examination of the legal facts is also carried out, to then seek a solution to the problems that arise in the symptoms concerned. The type of research used is normative legal research, namely research conducted based on materials taken from literature such as journals, laws and other written papers and empirical legal research, namely a research approach that emphasizes the facts obtained from data based on scientific methods and also guided by existing legal theories. The

research typology is prescriptive research, namely research that aims to describe or explain more deeply for solutions in overcoming problems.

III. RESULTS AND DISCUSSION

A. Law Enforcement of Fisheries Crimes in Indonesia

The implementation of law enforcement in the fisheries sector is very important and strategic in order to support the development of fisheries in a controlled manner and in accordance with the principles of fisheries management so that fisheries development can run sustainably. The existence of legal certainty is an absolute requirement. The Fisheries Law tries to provide clarity and legal certainty regarding law enforcement for fisheries crimes. (Simanungkalit 2012)

Law enforcement in Indonesian is known by several terms outside of law enforcement, such as application of law, but the term law enforcement is the most frequently used. Satjipto Raharjo stated that law enforcement is a process to realize legal desires, namely the thoughts of the law-making body formulated in legal regulations into reality.

Soeryono Soekanto said the main problem of law enforcement actually lies in the factors that may influence it. These factors have a central meaning so that the positive or negative impact lies in the content of these factors. These factors include:

- a. Legal factors themselves (e.g. laws);
- b. Law enforcement factors, namely the parties who form and implement the law;
- c. Factors of facilities or infrastructure that support law enforcement;
- d. Social factors, namely the environment in which the law applies or is implemented;
- e. Cultural factors, namely as a result of work, creativity and feeling which are based on human will in social life.

In Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, it is stated that fishing is an activity to obtain fish in waters that are not being cultivated by any means or equipment, including activities using ships to load, transport, store, cool, handle, process and/or preserve them. (Robin, Simanungkalit, and Sadat 2023)

Fisheries crimes or better known as Illegal, Unreported and Unregulated (IUU fishing) can be categorized into three groups:

- a. Illegal fishing is the activity of catching fish illegally in the territorial waters or EEZ of a country, or without permission from that country;
- b. Unregulated fishing is a fishing activity in the territorial waters or EEZ of a country that does not comply with the regulations in force in that country; and
- c. Unreported fishing is the activity of catching fish in the territorial waters or EEZ of a country that is not reported, either in terms of its operations or data on vessels and catches.

The crime of illegal fishing that can be found in 11 (eleven) Fisheries Management Areas of the Republic of Indonesia (WPPNRI) is a case that is very detrimental to the country's economy because the perpetrators usually exploit it on a large scale without seeing and caring about the natural balance of the ecosystem in it which of course is very damaging to the environment so that it is estimated that illegal fishing activities in Indonesian waters cause state losses estimated to reach 4-5 billion USD per year.

Illegal fishing crimes committed in waters that are part of the Indonesian fisheries management area without supporting documents and without a business license from the Indonesian government or in conflict with applicable international law are crimes or violations of the provisions of the Law governing the management and fish resources in the Republic of Indonesia Fisheries Management Area (WPPRI). (Muhammad 2015)

As a maritime country that has very vast and strategic waters, especially very large fish resources, Indonesia by all means and efforts always tries to ensure security stability in its jurisdictional waters against the possibility of conflicts and threats, including illegal fishing crimes carried out by Foreign Fishing Vessels (KIA) in the WPPNRI, one of which is in the territorial waters of the Malacca Strait and the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait which is one of the most densely populated straits in the world which is of concern to the international maritime community, including illegal fishing activities. (Handoyo and Suprijatna 2024)

Law enforcement and increasing security in the Republic of Indonesia Fisheries Management Area (WPPNRI) against Foreign Fishing Vessels

(KIA) as part of maintaining the sovereignty of the Indonesian state certainly requires great and intensive attention from law enforcers in Indonesia. (Kartika, Adhayanto, and Syahputra 2024)

The 1982 Law of the Sea Convention has given coastal states, in this case Indonesia, the right to enforce and implement national laws on fishing in its Exclusive Economic Zone if violations occur.

Based on the provisions of Article 73 of UNCLOS 1982, if a foreign-flagged vessel does not comply with the coastal state's fisheries laws and regulations in the EEZ, the coastal state can board, inspect, arrest and carry out court proceedings against the vessel. The punishment against the foreign-flagged vessel must also not be in the form of corporal punishment, namely imprisonment. (Prastyo, Nazaki, and Putra 2023)

Thus, the form of punishment for ships and their crews is different if it occurs in a sea area subject to sovereignty than in the EEZ. The authority of the coastal state against violations in the EEZ is limited only to enforcing laws related to fisheries. This difference is because in the EEZ, the coastal state only has sovereign rights, so it is limited to matters related to the sovereign rights owned by the coastal state or archipelagic state.

The implementation of law enforcement of fisheries crimes in 11 (eleven) WPPNRI is very important and strategic in order to support the development of the marine and fisheries sector in a controlled manner and in accordance with the principles of fisheries management so that the development of the marine and fisheries sector can run sustainably.

Several factors that are obstacles in enforcing the law on illegal fishing crimes in Indonesia are:

- a. Still limited infrastructure and supervision facilities;
- b. Human resources for supervision are inadequate, especially in terms of number/quantity;
- c. Coordination between law enforcement agencies is still weak;

The number of fisheries courts that is still limited in a number of places is also one of the obstacles to the less than optimal enforcement of fisheries criminal law in Indonesia.

B. Fisheries Crime Law Enforcement Agency

Law Number 45 of 2009 concerning amendments to Law Number 31 of 2004 concerning Fisheries has mandated fisheries supervisory institutions in terms of criminal

provisions in the fisheries sector which have been specifically regulated in Article 73 which states that investigations of criminal acts in the fisheries sector in the Fisheries Management Area of the Republic of Indonesia (WPPNRI) are carried out by Fisheries PPNS, Indonesian Navy Officer Investigators, and/or police investigators. (Suswoto et al. 2023)

That the authority of fisheries investigators is explained in Article 73 A, including receiving reports from or from a person regarding criminal acts in the fisheries sector, summoning and examining suspects and/or witnesses to hear their statements, bringing and presenting a person as a suspect and/or witness to hear their statements.

The need for special skills possessed by fisheries crime investigators is necessary because fisheries crimes are special crimes, one of which is because illegal fishing cases involve perpetrators who are foreign citizens, so this becomes a separate obstacle in the case filing process which is limited by the length of days for completion.

Efforts to handle illegal fishing crimes through the criminal investigation mechanism carried out by PPNS Fisheries investigators, Indonesian Navy officer investigators and/or Indonesian National Police investigators greatly require infrastructure and support from available resources. (Saputra 2018)

C. Fisheries Management Area of the Republic of Indonesia

That in the context of managing fishery resources in Indonesia which aims to maintain sustainability and balance between the utilization and preservation of fish resources, including ease in monitoring illegal fishing crimes, the Indonesian government has mapped the potential of fisheries resources in the sea in a number of Fisheries Management Areas. (Pratama et al. 2025)

The Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia has determined that the Fisheries Management Area of the Republic of Indonesia (WPPNRI) is a fisheries management area for fishing, fish farming, conservation, research and development of fisheries which includes inland waters, archipelagic waters, territorial seas, additional zones and the Indonesian Exclusive Economic Zone (ZEEI). The WPPNRI is divided into 11 (eleven) fisheries management areas, namely:

No.	WPPNRI	Covering Waters
1.	WPPNRI-571	Strait of Malacca and Andaman Sea
2.	WPPNRI-572	Indian Ocean West of Sumatra and the Sunda Strait
3.	WPPNRI-573	The Indian Ocean south of Java to the south of Nusa Tenggara, the Sewu Sea, and the western part of the Timor Sea
4.	WPPNRI-711	Karimata Strait, Natuna Sea and South China Sea
5.	WPPNRI-712	Java Sea
6.	WPPNRI-713	Makassar Strait, Bone Bay, Flores Sea and Bali Sea
7.	WPPNRI-714	Tolo and the Banda Sea
8.	WPPNRI-715	Tomini Bay, Maluku Sea, Halmahera Sea, Seram Sea and Berau Bay
9.	WPPNRI-716	Sulawesi Sea and North of Halmahera Island
10.	WPPNRI-717	Cendrawasih Bay and the Pacific Ocean;
11.	WPPNRI-718	Arafura Sea, Arafura Sea, and the eastern part of Timor Sea.

Table 1. Fisheries Management Area of the Republic of Indonesia (WPPNRI) Source: Permen-KP/2014 Concerning WPPNRI

Indonesian waters are a great gift and blessing that God has given to the Indonesian nation and state. The potential of fisheries resources in 11 (eleven) Fisheries Management Areas of the Republic of Indonesia (WPPNRI) is estimated to reach 12.01 million tons/year with a permitted catch of 8.6 million tons per year divided into 6 (six) Measured Fishing Zones which are a single unit of integrated and sustainable economic development and ecosystem management. The level of utilization of fisheries resources in each WPPNRI cannot be separated from the environmental conditions of fish resources.

D. The Role of the Fisheries Court in Enforcing Fisheries Crimes

Legal certainty is absolutely necessary in every aspect of national and state life, including in the maritime and fisheries sector, in order to address the criminal practice of illegal fishing that occurs in the WPPNRI.(Ponamon 2022)

The Fisheries Court is a special court that has the authority to examine, try and decide cases that can only be established within one of the judicial bodies and is under the Supreme Court as

regulated by law.(Kurniadi, Noviyanti, and Putra 2024)

The position of the fisheries court in resolving fisheries crimes, especially in examining,(Susilowati 2017)trying and deciding fisheries crimes is very important in helping to enforce the law in the fisheries sector in accordance with the provisions applicable in the fisheries court procedural law so that parties undergoing legal proceedings in the fisheries court can obtain legal certainty regarding the resolution of their cases.

That the fisheries court has the authority to try criminal cases of fisheries in the Fisheries Management Area of the Republic of Indonesia (WPPNRI) as stipulated in Article 71 of Law Number 45 of 2009 concerning amendments to Law Number 31 of 2004 concerning Fisheries, which stipulates that the fisheries court is a special court that has specifically regulated criminal procedural law regarding evidence, investigation, prosecution and trials of fisheries cases.(Anwar, Zarzani, and Chermanto 2023)

It is hoped that true justice in the criminal act of illegal fishing can be implemented through a Fisheries Court decision that is in accordance with the expectations of the community and the impact of state losses in the form of theft of state assets

and invaluable damage to the ecosystem within it can be protected.

The Medan District Court Class 1A Special Fisheries Court is one of the 10 (ten) fisheries courts that have been established based on Law Number 45 of 2009 Article 71, which is a special court within the general court environment in the Provinces and Districts in Indonesia.

The jurisdiction of the fisheries court as stipulated in Article 71 A of Law 2009 states that the Fisheries Court has the authority to examine, try and decide on criminal cases in the fisheries sector that occur in the Fisheries Management Area of the Republic of Indonesia, whether committed by Indonesian citizens or foreign citizens.(Niman, Chandra, and Ismed 2023)

With the existence of illegal fishing cases carried out by Foreign Fishing Vessels (KIA) in the Indonesian Exclusive Economic Zone (ZEEI) and in territorial waters, the Indonesian government must continue to enforce the law and delegate it to the Fisheries Court to prevent and overcome and provide a deterrent effect to perpetrators of illegal fishing in the ZEEI waters and in Indonesian territorial waters. Thus, the role of the Fisheries Court will increase so that the performance of the Fisheries Court itself in resolving illegal fishing crimes can run effectively.

The existence of the Fisheries Court is the right step in enforcing the law to maintain state sovereignty in the maritime and fisheries sector.

E. Legal Regulation of the crime of illegal fishing by Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait in the case of fisheries crimes at the Medan District Court Class 1A Special.

Illegal fishing crimes are activities carried out by Indonesian fishing vessels (KII) and/or foreign fishing vessels (KIA) within the jurisdiction of a country without permission or in conflict with applicable laws and regulations.

To overcome illegal fishing in the Fisheries Management Area of the Republic of Indonesia, the Indonesian government has created a special law (Lex specialis) that regulates fisheries, namely Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries.(Flora and Banjarnahor 2024)

In general, based on Article 103 of Law Number 31 of 2004 concerning fisheries, fisheries crimes are divided into 2 (two) types of crimes, namely criminal acts in the fisheries sector which are regulated in Articles 84, 85, 86, 89, 91, 92, 93,

94 of the Fisheries Law and criminal acts of violations in the fisheries sector which are regulated in Articles 87, 89, 90, 95, 96, 97, 98, 99 and Article 100 of the Fisheries Law.

Amendments to the Fisheries Law were made again in 2023 with Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation becoming a Law which is an amendment or addition to several provisions in Law Number 45 of 2009 which were incomplete.

The legal consequences of the ratification of the United Nations Convention on the Law of the Sea in 1982 by the State of Indonesia and the enactment of Law Number 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea 1982, in addition to placing the Republic of Indonesia as an archipelagic state that has the right to carry out utilization, management and conservation activities in the ZEEI area, the State of Indonesia is also obliged to comply with and implement the provisions of the 1982 Law of the Sea, one of which is the prohibition on not applying criminal sanctions of imprisonment for perpetrators of Illegal fishing in the ZEEI area. This article was then strengthened by the existence of SEMA Number 3 of 2015 which stated that the inapplicability of imprisonment in lieu of fines in cases of illegal fishing.(Ariyanto 2015)

Based on the description above, the legal regulations regarding the criminal act of illegal fishing by Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait at the Medan District Court Class 1A Special Fisheries Court have been regulated by Indonesian legislation.(Risdawati et al. 2022)

The crime of illegal fishing is regulated in Law Number 45 of 2009 concerning amendments to Law Number 31 of 2004 concerning Fisheries and was later amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.

The judge's decision(Daulay, Zarzani, and Aspan 2022)The decision to be handed down by the court depends on the results of the judges' deliberations based on the assessment they obtain from the indictment in connection with everything proven during the examination in court.

The judge's considerations are arguments or reasons used by the judge as legal considerations

that form the basis before deciding on a criminal case, namely legal considerations that are based on legal facts that are revealed in the trial and are stipulated by law as things that must be included in the decision, including charges, witness statements, defendant statements, expert statements and evidence and sociological considerations, including the defendant's background.

The judge's non-juridical considerations are also called sociological. The judge's sociological considerations are regulated in Article 5 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power, which states that judges are required to explore, follow and understand the legal values and sense of justice that exist in society.(Gemilang, Ismaidar, and Zarzani 2024) Factors that must be considered sociologically by judges in making decisions on a case include:

- a. Paying attention to unwritten sources of law and the values that exist in society.
- b. Taking into account the good and bad characteristics of the accused as well as the mitigating and aggravating factors for the accused.
- c. Pay attention to the presence or absence of peace, mistakes, and the role of the victim.
- d. Social factors, namely the environment in which the law applies or is implemented.
- e. Cultural factors, namely as a result of creative works and feelings based on human will in social life.

When linked to the decision in the Medan District Court Class 1A Special Fisheries Court in the case of illegal fishing by KIA in the ZEEI waters of the Malacca Strait, by paying attention to the legal facts revealed in the trial, the Panel of Judges took into consideration the first alternative charge as regulated in Article 92 in conjunction with Article 26 paragraph (1) of the Maritime Affairs and Fisheries Sector Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation, the elements of which are as follows:

- a. Each person;
- b. Intentionally in the Fisheries Management Area of the Republic of Indonesia;
- c. Conducting a fisheries business without a business license;

Based on the description above, legally all elements of the crime in the first alternative charge have been proven legally and convincingly so that the judge does not need to further consider other alternative charges and the defendant must be legally responsible for his actions.(Fahrurrozy, Sidi, and Zarzani 2022)

The existence of defense from the defendant's legal counsel and the private defendant is a sociological consideration for the judge in making a decision, including considering the aggravating and mitigating circumstances of the defendant.

The criminal verdict applied by the Panel of Judges of the Medan District Court Class 1A Special Fisheries Court against the perpetrators of the crime of illegal fishing by Foreign Fishing Vessels (KIA) in the ZEEI waters of the Malacca Strait, namely the criminal verdict of a fine and confiscation of evidence, while imprisonment cannot be applied because in accordance with Article 73 paragraph (3) of UNCLOS 1982, the punishment imposed for violations in the EEZ may not include imprisonment unless there is an agreement between countries that permits it and based on Article 102 of Law No. 31 of 2004 in conjunction with Law No. 45 of 2009 concerning Fisheries.(Pakasi, Pangkorego, and Lasut 2022)

Based on the provisions of Article 194 of the Criminal Procedure Code, the Panel of Judges decided that the evidence submitted in court by the Public Prosecutor, consisting of a fishing vessel and all navigation equipment, be confiscated and seized for the state. The provisions of Article 222 paragraph (1) of the Criminal Procedure Code state that if the perpetrator of a fisheries crime is proven guilty and sentenced to a criminal penalty, the perpetrator is burdened with paying court costs.(Ningsih 2018)

Based on the description above, it can be concluded that the judge's consideration in the Decision at the Medan District Fisheries Court Class 1A Special with legal regulations based on the provisions of laws and regulations in the field of fisheries is considered appropriate and in accordance with the provisions of the laws and regulations which are the criminal responsibility of perpetrators of illegal fishing by Foreign Fishing Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait. The judge considered the proof of the elements of the fisheries crime where the elements of the fisheries crime have been fulfilled. The judge's consideration in imposing a criminal

sentence and the severity of the fine for the Illegal Fishing case at the Medan District Court Class 1A Special is based on the mistakes proven in the trial.

F. Effectiveness of Criminal Fines in the Decision of Illegal Fishing Criminal Case by KIA in the ZEEI Waters of the Malacca Strait at the Medan District Fisheries Court Class 1A Special

Based on the recapitulation of data on illegal fishing criminal cases by Foreign Fishing Vessels (KIA) in the ZEEI waters of the Malacca Strait and in the territorial waters of Indonesia in the Malacca Strait at the Medan District Court Class 1A Special Fisheries Court, it shows fluctuations in the number of cases with a tendency to decrease in the last 10 (ten) years from 2015 to mid-2025.

This can be seen in Table 2 obtained by the author from the Medan District Court Class 1A Special Case Tracking Information System (SIPP).

More clearly we can see in Figure 1, namely the Graph showing a decrease in cases of illegal fishing by KIA in the ZEEI waters of the Malacca Strait and in the territorial waters of Indonesia in the Malacca Strait. Of the 66 cases of illegal fishing by Foreign Fishing Vessels (KIA), which catch fish in the ZEEI waters of the Malacca Strait, 47 cases have been decided by the panel of judges with a criminal fine as per Article 102 of the Fisheries Law Number 45 of 2009 that legal action for illegal fishing by foreign fishing vessels in the ZEEI waters prohibits imprisonment.

Year	Number of Cases	KIAZEEI Strait Malacca	KIA of Malacca Territory Strait
2015	15	2	4
2016	22	4	5
2017	19	6	1
2018	23	2	0
2019	14	9	0
2020	11	4	1
2021	11	7	2
2022	8	6	0
2023	7	7	0
2024	1	0	1
2025 (May)	6	0	5
Total	137	47	19

Table 2. Fisheries Crime Cases by KIA in Medan District Court 2015-2025*

Source: SIPP PN Medan Class 1A Special

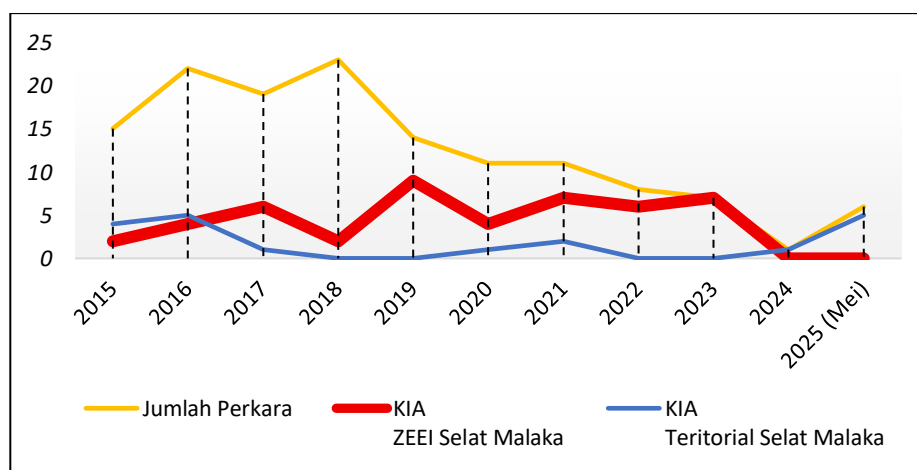


Figure 1. Fisheries Crime Cases by KIA at Medan District Court 2015-2025*

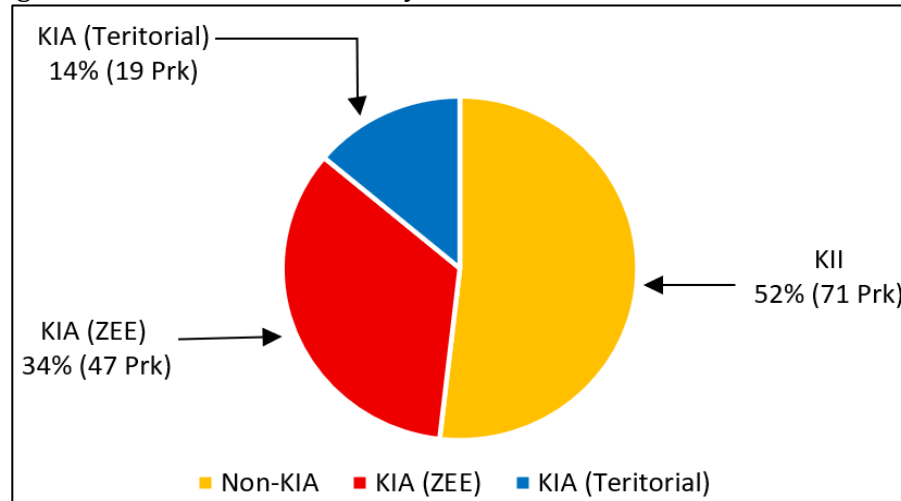


Figure 2. Comparison of Fisheries Practices by KIA in Medan District Court 2015-2025

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Figure 2 shows a comparison of illegal fishing cases during the period 2015 to May 2025 at the Medan District Fisheries Court Class 1A Special which shows the number of cases of Fisheries Crimes committed by Foreign Fishing Vessels (KIA) of 48 percent which is divided into 34 percent or 47 cases in the waters of the Indonesian Exclusive Economic Zone (ZEEI) with a criminal penalty of a fine and 14 percent or 19 cases in the territorial waters of Indonesia in the Malacca Strait is not much different from the number of cases of fisheries crimes committed by Indonesian Fishing Vessels (KII) of 52 percent.

The development of legal science in general and its practice often raises problems concerning the existence of legal rules and the effectiveness of legal rules by highlighting the effectiveness of the law. This means that the effectiveness of the law will be highlighted from the objectives to be achieved. Effectiveness means "effectiveness" (effectiveness) of the influence/effect of success or progress. Therefore, in discussing the implementation of the effectiveness of criminal fines in illegal fishing crimes, it contains the problem of "to what extent are the legal instruments of existing law enforcement agencies effective/influential/successful in implementing criminal fines". (Djumadin 2019)

The implementation of criminal fines against perpetrators who are foreign nationals who commit illegal fishing in the waters of the Indonesian Exclusive Economic Zone (ZEEI) by the Medan District Court Class 1A Special Fisheries Court can be said to be effective, especially when assessed from the decreasing

number of illegal fishing cases carried out by Foreign Fishing Vessels (KIA) in the ZEEI waters of the Malacca Strait. The criminal fine decision has provided a deterrent effect for perpetrators of illegal fishing crimes who carry out fishing activities in the ZEEI waters of the Malacca Strait and Foreign Fishing Vessels (KIA) who carry out fishing activities in the territorial waters of Indonesia, the Malacca Strait.

The amount of criminal fines for illegal fishing by KIA in the ZEEI waters of the Malacca Strait in the verdict of the case at the Medan District Fisheries Court Class 1A Special varies with a value of five hundred million rupiah to two (2) billion rupiah as regulated in Article 84 to Article 101 of Law Number 31 of 2004 and has been amended by Law Number 45 of 2009 concerning Fisheries. The fine is one of the state's revenues if the fine is paid by the perpetrator of the crime. (Anwar et al. 2021)

The implementation of the confiscation decision for the state against all evidence, especially fishing vessels and navigation equipment, increases the effectiveness of the decision on the crime of illegal fishing by KIA in the ZEEI waters of the Malacca Strait by the Medan District Fisheries Court Class 1A Special. Likewise, legal regulations to require perpetrators of criminal acts to pay fines are needed as a binding consideration that fines can be categorized as quite large so that the fines may not necessarily be paid by perpetrators of illegal fishing.

IV. CONCLUSIONS AND RECOMMENDATIONS

The implementation of law enforcement against illegal fishing crimes by Foreign Fishing

Vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait by the government is in order to safeguard Indonesia's national interests, namely Indonesia's sovereignty and to safeguard the sustainability of Indonesia's fishery resources.

The government has designated three authorized agencies as investigators in enforcing fisheries law in the Republic of Indonesia's State Fisheries Management Area (WPPNRI) based on the provisions of Article 73 of Law No. 31 of 2004 concerning Fisheries, namely the Ministry of Maritime Affairs and Fisheries (KKP), the Indonesian Navy (TNI AL), and the Indonesian National Police.

The role of the Fisheries Court in resolving fisheries crimes, especially in examining, trying and deciding fisheries crimes, is very important in assisting law enforcement in the fisheries sector, so it is necessary to improve the quality of human resources, the responsibility of law enforcers and consistency in the application of laws and regulations.

The implementation of criminal fines against perpetrators of illegal fishing by foreign fishing vessels (KIA) in the waters of the Indonesian Exclusive Economic Zone (ZEEI) of the Malacca Strait by the Medan District Court Fisheries Court Class 1A Special has been effective with the reduction in the number of illegal fishing cases carried out by foreign fishing vessels (KIA) in the ZEEI waters of the Malacca Strait. The criminal fines have provided a deterrent effect to perpetrators of illegal fishing crimes who carry out fishing activities in the ZEEI waters of the Malacca Strait and foreign fishing vessels (KIA) who carry out fishing activities in the territorial waters of Indonesia in the Malacca Strait.

Efforts to improve the role of the Fisheries Court in carrying out the mandate of Law Number 45 of 2009 concerning Fisheries in resolving fisheries crimes throughout the waters of the Republic of Indonesia Fisheries Management Area (WPPNRI) including the Indonesian Exclusive Economic Zone (ZEEI) are very necessary so that the number of Fisheries Courts is time to be increased in order to optimize law enforcement of illegal fishing crimes so that they can run better.

Legal certainty of the application of criminal fines against perpetrators of illegal fishing crimes by KIA in ZEEI waters with the obligation of the perpetrators to pay criminal fines including the responsibility of the flag state is required with a legal regulation.

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