

ABSTRAK

Penelitian ini dilatarbelakangi adanya aturan dalam Undang-Undang Perikanan No. 45 Tahun 2009 yang mengatur terkait penegakan hukum berupa penenggelaman kapal berdasarkan bukti permulaan cukup terhadap kapal asing yang melanggar diwilayah ZEE-nya, Karena ZEE merupakan wilayah perairan dalam ranah Internasional, Penelitian ini dilakukan dengan tujuan untuk dapat mengetahui secara yuridis apakah dalam penerapan kebijakan penenggelaman kapal asing berdasarkan pasal 69 ayat 4 UU perikanan tersebut tidak bertentangan dengan ketentuan penegakan hukum peraturan perundang-undangan negara pantai dalam UNCLOS 1982, selain itu apakah terdapat implikasi yang timbul dari penerapan kebijakan penenggelaman kapal asing berdasarkan bukti permulaan cukup tersebut. Adapun metode yang digunakan dalam penelitian ini menggunakan metode pendekatan yuridis normatif. Hasil penelitian ini menunjukkan meski terdapat korelasi negatif yang artinya adanya ketidakseuaian antara uu nasional dengan UNCLOS, kebijakan penenggelaman kapal dalam ketentuan UU No. 45 Tahun 2009 tersebut tidak bertentangan dengan Konvensi Hukum Laut Internasional 1982 (UNCLOS), Implikasi dalam penerapan kebijakan tersebut dapat timbul tergantung dari bagaimana kebijakan tersebut dijalankan sehingga perlu adanya perubahan dari ketentuan bukti permulaan cukup dalam pasal 69 ayat 4 uu perikanan terkait prosedur yang lebih memberikan kepastian hukum dalam penerapannya.

Kata Kunci: *Illegal Fishing*, Zona Ekonomi Eksklusif, Penenggelaman Kapal Asing.

ABSTRACT

This research was motivated by the rules in Fisheries Law No. 45 of 2009 which regulates law enforcement in the form of sinking ships based on sufficient preliminary evidence against foreign vessels that violate their EEZ area, Because EEZ is a territorial water in the international domain, This research was conducted with the aim of being able to find out juridically whether in the application of the policy of sinking foreign ships based on article 69 paragraph 4 of the Fisheries Law does not contradict the provisions of law enforcement of coastal state laws and regulations in UNCLOS 1982, other than whether there are implications arising from the application of the policy of sinking foreign vessels based on sufficient preliminary evidence. The method used in this study uses the normative juridical approach method. The results of this study show that although there is a negative correlation which means that there is a disagreement between national laws and UNCLOS, the sinking policy in the provisions of Law No. 45 of 2009 does not conflict with the 1982 International Convention on the Law of the Sea (UNCLOS), Implications in the application of the policy can arise depending on how the policy is implemented so that the implementation of the policy during its implementation is carried out in accordance with the process Law enforcement trials that do not violate human rights and are not only based on sufficient preliminary evidence as stipulated in Article 69 paragraph 4 of the Fisheries Law through a valid judicial process according to applicable law can still be carried out.

Keywords: Illegal Fishing, Exclusive Economic Zone, Sinking of Foreign Vessels