

**KEWAJIBAN NEGARA PELABUHAN DALAM MENCEGAH
ILLEGAL, UNREPORTED, AND UNREGULATED FISHING
BERDASARKAN 2009 PORT STATE MEASURES AGREEMENT
DAN IMPLEMENTASINYA DI INDONESIA**

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ABSTRAK

Illegal, Unreported, and Unregulated (IUU Fishing) merupakan ancaman bagi keberlanjutan sumber daya perikanan. Organisasi Pangan dan Pertanian (FAO) mengadopsi 2009 Port State Measures Agreement (PSMA) yang mengatur tindakan negara pelabuhan dalam mencegah kapal perikanan ilegal memasuki dan menggunakan fasilitas pelabuhan. Sebagai negara anggota, Indonesia memiliki kewajiban berdasarkan Pasal 3 PSMA untuk mengimplementasikan ketentuan perjanjian ini melalui berbagai peraturan nasional. Indonesia masih menghadapi keterbatasan jumlah pelabuhan pelaksana, dengan hanya empat pelabuhan yang memenuhi standar. Jumlah ini masih menciptakan celah yang memungkinkan kapal IUU Fishing beroperasi melalui pelabuhan non-PSMA yang pengawasannya lebih lemah.

Penelitian ini bertujuan untuk menganalisis kewajiban negara pelabuhan dalam mencegah *IUU Fishing* berdasarkan PSMA serta menganalisis implementasinya di Indonesia. Jenis penelitian dalam penulisan ini adalah yuridis normatif dengan spesifikasi deskriptif. Sumber data yang digunakan adalah data sekunder dari bahan hukum primer, sekunder, dan tersier diperoleh melalui studi kepustakaan dan dianalisis secara normatif kualitatif.

Berdasarkan hasil penelitian diketahui bahwa terdapat enam hal utama yang menjadi kewajiban negara pelabuhan berdasarkan PSMA, yaitu: (i) kewajiban penerapan hukum; (ii) keselarasan dengan hukum internasional; (iii) integrasi sistem pengawasan dan pertukaran informasi; (iv) dukungan terhadap Conservation and Management Measures (CMM) RFMO; (v) penunjukan pelabuhan pelaksana; dan (vi) inspeksi kapal di pelabuhan. Ketentuan PSMA telah diadopsi dalam Peraturan Menteri Kelautan dan Perikanan Nomor 39/Permen-KP/2019 serta Keputusan Menteri Kelautan dan Perikanan Nomor 52/Kepmen-KP/2020. Implementasi di Indonesia menunjukkan keselarasan ketentuan dalam hukum nasional dengan perjanjian internasional, tetapi pemerintah Indonesia masih menghadapi berbagai tantangan berkaitan dengan jumlah pelabuhan yang belum cukup untuk memastikan efektivitas implementasi PSMA.

Kata kunci: kewajiban negara, PSMA, IUU Fishing, negara pelabuhan, pelabuhan perikanan

**PORT STATE OBLIGATION IN PREVENTING
ILLEGAL, UNREPORTED, AND UNREGULATED FISHING
BASED ON 2009 PORT STATE MEASURES AGREEMENT
AND ITS IMPLEMENTATION IN INDONESIA**

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ABSTRACT

Illegal, Unreported, and Unregulated (IUU Fishing) poses a serious threat to the sustainability of fisheries resources and maritime governance. The Food and Agriculture Organization (FAO) adopted the Port State Measures Agreement 2009 (PSMA), which regulates the actions of port states in preventing illegal fishing vessels from entering and using port facilities. As a member state, Indonesia is obligated to implement the provisions of this agreement through various national regulations. After nine years of ratification, Indonesia still faces limitations in the number of designated ports, with only four ports meeting PSMA standards. This imbalance, considering Indonesia's vast maritime territory, creates monitoring gaps that allow IUU Fishing vessels to operate through non-PSMA ports with weaker inspection and enforcement capacity.

This study aims to analyze the obligations of port states in preventing IUU Fishing based on the PSMA and evaluate its implementation in Indonesia. The method used in this research is a normative juridical with descriptive research specifications. The data sources used are secondary data sourced from primary legal materials, secondary legal materials and tertiary legal materials. The data collection method was carried out using literature study. The data obtained is presented in narrative text, and the data analysis method is carried out normatively qualitatively.

Based on the research results, it is concluded that six main port state obligations include: (i) enforcement of PSMA provisions on vessels seeking port entry; (ii) consistency with international law; (iii) integration of monitoring systems and information exchange; (iv) support for Conservation and Management Measures (CMM) of Regional Fisheries Management Organizations (RFMOs); (v) designation of implementing ports; and (vi) vessel inspection at ports. In Indonesia, PSMA provisions have been adopted through Minister of Marine Affairs and Fisheries Regulation No. 39/Permen-KP/2019 and Ministerial Decree No. 52/Kepmen-KP/2020. The implementation demonstrates legal harmonization between national and international frameworks, but Indonesia continues to face challenges, particularly regarding the limited number of implementing ports needed to ensure the effective enforcement of the PSMA.

Keywords: PSMA, IUU Fishing, port state, state obligations, fishing ports