

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of this study, it can be concluded several things, namely:

1. Legal provisions on illegal fishing in the Exclusive Economic Zone are governed by international and national law. In international law, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) regulates sovereign rights in Article 56 and law enforcement in Article 73 and responsibility of flag state in Article 94. Specific measures against IUU fishing are outlined in several instruments, including the 1995 Code of Conduct for Responsible Fisheries (CCRF), the 2001 International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU), the 2007 Regional Plan of Action to Promote Responsible Fishing Practices (RPOA-IUU), and the 2009 Agreement on Port State Measures (PSMA). While the 1982 UNCLOS and the 2009 PSMA are considered hard law instruments, the 1995 CCRF, the 2001 IPOA-IUU, and the 2007 RPOA IUU are soft law instruments as voluntary instrument. In national law, Indonesia ratified the 1982 UNCLOS through Act Number 17 of 1985 and implemented its provisions is Act Number 45 of 2009 concerning Fisheries. To address illegal fishing in its waters, Indonesia has also

issued the Minister of Maritime Affairs and Fisheries Regulations Number 18 of 2014 on Fisheries Management Areas and the Minister of Maritime Affairs and Fisheries Regulations Number 36 of 2023 on Fishing Gear Placement in Measured Fishing Zones.

2. The imposition of a five years prison sentence and a fine of Rp2,000,000,000 (two billion rupiah) on the captain of MV. Run Zeng 03, Wang Zengjun, in the Decision of the Tual District Court Number 4/Pid.Sus-PRK/2024/Tual District Court, this is not in accordance with the provisions of Article 73 paragraph 3 of 1982 UNCLOS and Article 102 of Act Number 31 of 2004 *jo.* Act Number 45 of 2009 concerning Fisheries. Indonesia and Russia not have a binding agreement regarding the eradication of illegal fishing by vessels flying its flag.

B. Recommendations

Based on the discussion and conclusions above, suggestions can be given, namely:

1. In international law, the definition of illegal fishing has been regulated in the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU Fishing). However, in Indonesian national law this definition has not been explicit regulated. Therefore, it is necessary to clarify the definition of illegal

fishing in national regulations, given the prevalence of illegal fishing practices in Indonesian waters.

2. The Indonesian government should conclude binding bilateral agreements with Russia. Such agreements are intended to strengthen deterrence through the imposition of imprisonment on perpetrators of illegal fishing in the EEZ. Furthermore, if custodial sentences are to be applied, the authorities must ensure that adequate facilities and infrastructure are available to accommodate the offenders.

