

**JURIDICAL REVIEW ON ILLEGAL FISHING LAW ENFORCEMENT
IN THE EXCLUSIVE ECONOMIC ZONE
UNDER INTERNATIONAL LAW AND INDONESIAN LAW
(Study on the Arrest of the Russian Flagship Run Zeng 03
By Indonesian Authorities in 2024)**

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ABSTRACT

As one of Indonesia's EEZ areas which is rich in fish, the Arafuru Sea has invites illegal fishing activities that are detrimental to the state and fishermen, making fisheries law enforcement important to ensure the sustainability of fish in the sea. This happened, for example, in the case of fishing in the Arafuru Sea by Russian flagship, owned by China Run Zeng 03, in 2024, which was fishing without a permit from the Indonesian authorities and using prohibited fishing gear in the Arafuru Sea based on Indonesian regulation and international law.

This study aims to analyze the framework governing illegal fishing activities in the Exclusive Economic Zone (EEZ) under international law and Indonesian law, as well as the application of sanctions against the illegal fishing activities of the Run Zeng 03 vessel in the Arafuru Sea by the Indonesian authorities. The research type is normative legal with a statute approach, a case study approach, and an analytical approach. The data in this study comes from secondary data presented in narrative form and analyzed using qualitative normative methods.

Based on the results of the study and discussion, the regulation of legal enforcement in the EEZ under international law is regulated in The 1982 UNCLOS Article 73, The 2001 IPOA-IUU Fishing, The 2007 RPOA - IUU Fishing and The 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The national law governing illegal fishing can be found in regulated Act Number 45 of 2009 on Amendments to Act Number 31 of 2004 on Fisheries. The imposition of sanctions on Wang Zengjun as the captain of the vessel Run Zeng 03 for engaging in illegal fishing in the Arafuru Sea was in the form of a five years prison sentence and a fine of two billion rupiah. This decision is not in accordance with the provisions of Article 73 paragraph 3 of 1982 UNCLOS and Article 102 of Act Number 31 of 2004 as amended by Act Number 45 of 2009, because imprisonment can only be imposed if there is a bilateral agreement between Indonesia and state of origin.

Keywords: fisheries law enforcement, illegal fishing, legal regulations

**TINJAUAN YURIDIS PENEGAKAN HUKUM PENCURIAN IKAN
DI ZONA EKONOMI EKSKLUSIF
BERDASARKAN HUKUM INTERNASIONAL DAN HUKUM INDONESIA
(Studi tentang Penangkapan Kapal Berbendera Rusia Run Zeng 03
oleh Otoritas Indonesia pada 2024)**

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ABSTRAK

Sebagai salah satu wilayah ZEE Indonesia yang kaya akan ikan, Laut Arafuru mengundang aktivitas pencurian ikan yang merugikan negara dan nelayan, sehingga penegakan hukum perikanan penting untuk menjamin keberlanjutan ikan. Peristiwa ini misalnya terjadi pada kasus penangkapan ikan di Laut Arafuru oleh kapal berbendera Rusia, milik China Run Zeng 03 pada 2024 yang melakukan penangkapan ikan tanpa izin dari otoritas Indonesia dan menggunakan alat tangkap di larang di Laut Arafuru berdasarkan peraturan Indonesia dan hukum internasional.

Penelitian ini bertujuan untuk mengetahui dan menganalisis pengaturan tindakan pencurian ikan di ZEE dalam hukum internasional dan hukum Indonesia dan penerapan sanksi terhadap tindakan pencurian ikan oleh Kapal Run Zeng 03 di Laut Arafuru oleh otoritas Indonesia. Tipe penelitian adalah yuridis normatif dengan pendekatan perundang-undangan, kasus, dan analisis. Data dalam penelitian ini berasal dari data sekunder yang disajikan dalam bentuk teks naratif dan dianalisis menggunakan metode normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, penegakan hukum di ZEE berdasarkan hukum internasional terdapat dalam Pasal 73 KHL 1982, IPOA-IUU Fishing 2001, RPOA- IUU Fishing 2007 dan Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) 2009. Hukum nasional yang mengatur pencurian ikan dapat ditemukan di Undang-Undang Nomor 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan. Penerapan sanksi terhadap Wang Zengjun sebagai nahkoda kapal Run Zeng 03 yang melakukan pencurian ikan di Laut Arafuru, berupa hukuman penjara lima tahun dan denda dua miliar rupiah. Keputusan ini tidak sesuai dengan ketentuan Pasal 73 Ayat 3 KHL 1982 dan Pasal 102 Undang Undang Nomor 31 Tahun 2004 jo. Undang-Undang Nomor 45 Tahun 2009. Hal ini dikarenakan penerapan pidana penjara hanya dapat dikenakan apabila terdapat perjanjian bilateral antara Indonesia dan negara yang bersangkutan.

Kata Kunci: *penegakan hukum perikanan, pencurian ikan, pengaturan hukum*