

## Abstrak

Indonesia memiliki luas laut dua pertiga dari daratan dan memiliki hak untuk melakukan penegakan hukum terhadap pelaku tindak pidana *illegal fishing* demi mewujudkan keadilan, kemakmuran dan kesejahteraan rakyatnya, namun penegakan hukum di wilayah Zona Eksklusif Indonesia (ZEEI) belum berjalan efektif karena pelakunya hanya dapat dikenakan sanksi pidana denda tanpa subsider. Penelitian ini dilakukan untuk mengetahui bagaimanakah penerapan Konvensi PBB tentang Hukum Laut 1982 dalam Undang-Undang Perikanan, apakah pertimbangan yuridis dalam penanganan perkara perikanan dan kendala apa dalam penerapan sanksi denda bagi pelaku tindak pidana *illegal fishing* di ZEEI. Tipe penelitian ini yuridis normatif yang bersifat deskriptif analisis. Hasil penelitian menunjukkan bahwa larangan penerapan penjara dalam Konvensi PBB telah diadopsi Pasal 102 UU No 31 Tahun 2004 tentang Perikanan, putusan yang hanya menerapkan denda tanpa subsider kurungan dapat menimbulkan permasalahan hukum apabila terpidana tidak membayar denda. Upaya untuk mengatasi permasalahan tersebut Mahkamah Agung melakukan kajian terhadap Pasal 102 Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan, Pemerintah RI melalui kementerian luar negeri mewujudkan kerja sama penegakan hukum di wilayah ZEEI dan Kejaksaan RI diberikan kewenangan untuk melakukan gugatan terhadap terpidana *Illegal fishing* yang tidak mau membayar pidana denda.

**Kata kunci** : Tindak pidana perikanan, pidana denda, Zona Ekonomi Eksklusif Indonesia.

### **Abstract**

*Indonesia has two-thirds sea area which has the right to enforce the law against perpetrators of illegal fishing in order to realize justice, prosperity and welfare of its people. However law enforcement in the Indonesian Exclusive Zone (ZEEI) has not been effective because the perpetrators can only be subjected to sanctions criminal fines without subsidiary. This research was conducted to determine how the implementation of the 1982 UN Convention on the Law of the Sea in the Fisheries Law, what are the juridical considerations in handling fisheries cases and what are the obstacles in the application of fines for illegal fishing offenders in ZEEI. This type of juridical normative research was descriptive analysis. The results showed that the prohibition on imprisonment in the UN Convention has been adopted by Article 102 of Law No. 31 of 2004 concerning Fisheries, a decision that only applies a fine without a subsidiary to imprisonment can cause legal problems if the convict does not pay the fine. Efforts to solve this problem the Supreme Court conducted a study on Article 102 of Law Number 31 of 2004 concerning Fisheries, the Government of Indonesia through the ministry of foreign affairs created law enforcement cooperation in the ZEEI area and the Indonesian Attorney General was given the authority to file a lawsuit against convicted illegal fishing pay a criminal fine.*

*Key words : fisheries crime, fines, Indonesian Exclusive Economic Zone*