



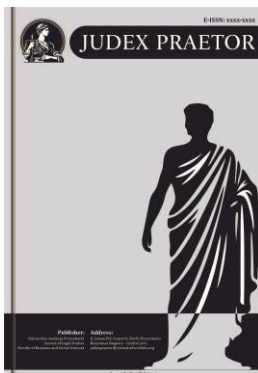
Legal Analysis of Law Enforcement Regarding Special Fisheries Crimes Within the Operational Area of the Bitung PSDKP Base

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ARTICLE INFO



History :

Submit on 3 July 2026

Review on 17 July 2026

Accepted on 31 July 2026

Keyword :

Fisheries Crimes, Law Enforcement, Illegal Fishing, Fisheries Resources Surveillance, Fisheries Law.

ABSTRACT

Law enforcement against specific fisheries crimes is a crucial tool in safeguarding the sustainability of marine and fisheries resources in Indonesia. The operational area of the Bitung Marine and Fisheries Resources Surveillance Base (PSDKP) is both strategically significant and prone to fisheries violations, such as illegal fishing, the use of prohibited fishing gear, and violations of fisheries business permits. This study aims to conduct a legal analysis of the implementation of law enforcement regarding specific fisheries crimes in the operational area of the Bitung PSDKP Station and to identify the obstacles encountered in practice. The research method employed is an empirical-normative legal study using a regulatory approach, a conceptual approach, and empirical data from the Bitung PSDKP Base, supported by secondary data in the form of regulations, legal doctrines, and relevant court rulings. The research findings indicate that law enforcement has been carried out in accordance with Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries; however, it still faces challenges such as limited infrastructure, the vastness of the surveillance area, and coordination issues among law enforcement agencies. Therefore, institutional strengthening, human resource capacity building, and interagency synergy are needed to achieve effective and fair fisheries law enforcement.

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INTRODUCTION

Fisheries resources are one of the key assets of Indonesia's national economy, contributing significantly to food security, the well-being of fishermen, and foreign exchange earnings, with an annual catch of 65 million metric tons.¹ Indonesia's maritime territory covers more than two-thirds of the country's total area 70% of its waters, equivalent to 6.4 million square kilometers or 1.86 million square nautical miles (National Agency for Border Management of the Republic of Indonesia, 2023). Sustainable management of fishery resources is essential to ensure that their exploitation does not lead to ecosystem degradation or economic losses. However, the reality on the ground shows that illegal, unreported, and unregulated fishing (IUU Fishing) remains rampant, threatening the sustainability of marine ecosystems and causing significant annual losses to the state.²

In this context, fisheries surveillance plays a crucial role as the primary instrument for ensuring compliance with laws and regulations in the maritime and fisheries sectors. The function of surveillance encompasses not only monitoring and inspection activities in the field but also law enforcement regarding violations related to permits, fishing gear, and fishing zones.³

As one of the world's largest archipelagic nations, Indonesia possesses highly strategic marine and fisheries resources, from economic, social, and national sovereignty perspectives. The potential for capture fisheries, fisheries processing, and aquaculture spanning national waters, the Indonesian Exclusive Economic Zone (ZEEI), and the high seas makes the fisheries sector a key pillar of food security, employment, and foreign exchange earnings. However, this vast potential is also accompanied by vulnerability to various fisheries crimes, such as Illegal, Unreported, and Unregulated (IUU) fishing, the use of destructive fishing gear, and licensing violations. Legally, the government has established a regulatory framework through Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, which emphasizes the importance of monitoring and law enforcement as instruments for protecting fishery resources in order to achieve sustainable and equitable management.⁴

In particular, the Sulawesi region holds a strategic position in the national fisheries landscape because it is surrounded by productive waters such as the Sulawesi Sea, the Maluku Sea, Tomini Bay, the Banda Sea, the Flores Sea, Bone Bay, and the Makassar Strait, which are rich in both pelagic and demersal fish resources. North Sulawesi Province, for example, as one of the northern gateways to the border region and international shipping lanes, faces quite complex dynamics in fisheries activities, including the potential for violations by both foreign and domestic vessels. Its

¹ Yuliantiningsih, A., Indriati, N., & Wismaningsih, *Hukum laut: Pengaturannya dalam hukum internasional dan hukum nasional Indonesia*, Purwokerto, Universitas Jenderal Sudirman, (2022).

² Kementerian Kelautan dan Perikanan. (2024). *Laporan kinerja KKP 2024*.

³ *Ibid.*

⁴ *Ibid.*



geographical location, which borders directly on other countries, increases the risk of cross-border illegal fishing.⁵

In carrying out these supervisory functions, the Bitung Marine and Fisheries Resources Supervision Base (PSDKP) plays a vital role as the spearhead of fisheries law enforcement in eastern Indonesia. This station has operational authority to conduct patrols, inspect fishing vessels, take action against violations, and coordinate with other law enforcement agencies, such as the Police, the Indonesian Navy (TNI AL), and the Attorney General's Office. The PSDKP Bitung is supported by legal and administrative frameworks that enable both repressive and preventive actions, including investigations by Civil Servant Investigators (PPNS) specializing in fisheries. However, in practice, the execution of these duties often faces challenges in the form of a limited surveillance fleet and the vast expanse of maritime territory that must be monitored.⁶

As the fisheries industry continues to grow, it not only serves as the economic backbone for thousands of fishermen but also has a significant impact on the ecology and sustainability of the marine environment. To achieve sustainable marine and fisheries well-being in Indonesia, a holistic and coordinated approach to fisheries law is required.⁷ Fisheries law is not just about vessels and fish, but also about a nation's right to utilize the resources beneath its seas, the responsibility to prevent pollution that may cross national borders, and the obligation to protect the ecosystems that sustain life on this planet⁸.

The research questions regarding the challenges faced by law enforcement officials in enforcing fisheries laws within the jurisdiction of the Bitung PSDKP Base are as follows: (a) What is the role of fisheries law enforcement officials in addressing fisheries crimes, how is law enforcement carried out, and what are the results of fisheries monitoring within the jurisdiction of the Bitung PSDKP Base; (b) What are the obstacles faced by fisheries law enforcement officials in enforcing fisheries criminal law, how can these obstacles be addressed, and what efforts are being made to reduce and stop illegal fishing or violations in the fisheries sector?

METHOD

This study employs a normative-empirical legal approach to obtain a comprehensive overview of the enforcement of laws governing specific fisheries crimes within the jurisdiction of the Bitung PSDKP Base. The normative legal approach was conducted by examining the provisions of applicable laws and regulations,

⁵ Pangkalan Pengawasan Sumber Daya Kelautan dan Perikanan Bitung. (2024). *Laporan kinerja pangkalan PSDKP bitung 2024*.

⁶ Pangkalan Pengawasan Sumber Daya Kelautan dan Perikanan Bitung. (2025). *Laporan kinerja pangkalan PSDKP bitung 2025*.

⁷ Siregar, E. S., Napitupulu, C. N. S., Adilla, L., Akmal, N., & Idham, M. Harmonisasi hukum perikanan untuk kesejahteraan kelautan Indonesia. *Jurnal Yustitia*, Vol. 11, No. 1, (2025), p.21-28.

⁸ Mustapa, F., Jufri, Irwan, Fitrah, R., & Wahyuni, A. N. *Hukum peraturan kelautan dan perikanan di Indonesia*, Kendari: ScienceTech, (2025).



particularly those related to fisheries crimes, legal principles, and relevant legal doctrines. In this context, the analysis focused on Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, along with its implementing regulations, as the legal basis for fisheries law enforcement.

Meanwhile, an empirical approach is used to examine the implementation of these legal norms in practice, particularly regarding the conduct of monitoring and law enforcement by the Bitung PSDKP authorities. Data collection was conducted through literature review and field research, which were then qualitatively analyzed using a descriptive-analytical method. This analysis aims to systematically describe the alignment between applicable legal provisions (*das sollen*) and their implementation in the field (*das sein*), thereby enabling conclusions to be drawn regarding the effectiveness of fisheries crime law enforcement within the Bitung PSDKP's jurisdiction and the formulation of constructive recommendations for future improvements.

RESULT

A. The PSDKP Bitung Fisheries Law Enforcement Agency and Its Authority

In accordance with the legal provisions of Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, and based on empirical observations in the field, the Fisheries Law Enforcement Officers at the PSDKP Bitung Base include:

1. Crew of Marine and Fisheries Patrol Vessels

As stipulated in Regulation of the Minister of Marine Affairs and Fisheries No. 8 of 2025 on the Management of Patrol Vessels, it is stated that: Article 1, paragraph (2) The crew of a patrol vessel, hereinafter abbreviated as AKP, consists of persons assigned to serve aboard a patrol vessel in accordance with their positions and skills; Article 2, paragraph (2): Inspection vessels as referred to in paragraph (1) may take the following actions: a. Stop; b. Inspect; c. Escort; and d. Detain vessels suspected or reasonably suspected of committing violations in the maritime and fisheries sector, for further proceedings; Article 8, paragraph (1) The detention of a vessel as referred to in Article 2, paragraph (2), letter d, is carried out to secure the vessel and its crew who are under inspection and suspected of committing violations in the maritime and fisheries sectors or other sectors, in order to bring them to the nearest port before handing them over to: a. Fisheries Inspectors; b. Polsus PWP-3-K; or c. Relevant law enforcement authorities, in accordance with their respective authorities. Article 2(2) of Ministry of Marine Affairs and Fisheries Regulation No. 8 of 2025 is consistent with Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, which states: Article 69, paragraph (3): Fisheries patrol vessels may stop, inspect, escort, and detain vessels suspected or reasonably suspected of committing violations within the fisheries management area of the Republic of Indonesia and bring them to the nearest port for further processing.



2. Fisheries Inspectors

According to the provisions of Ministry of Marine Affairs and Fisheries Regulation No. 4 of 2025 amending Ministry of Marine Affairs and Fisheries Regulation No. 47 of 2020 on the Performance of Duties by Fisheries Inspectors, it is stipulated that: Article 1, paragraph (1) states that a Fisheries Inspector is a civil servant tasked with overseeing the orderly implementation of laws and regulations in the fisheries sector; Article 1, paragraph (2): Fisheries supervision is an activity aimed at ensuring the orderly implementation of laws and regulations in the fisheries sector. Article 1, paragraph (2) of Ministry of Marine Affairs and Fisheries Regulation No. 4 of 2025 is consistent with Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, which states: Article 66, paragraph (1) Fisheries supervision is carried out by fisheries supervisors; Article 66, paragraph (2): The fisheries inspectors referred to in paragraph (1) are tasked with overseeing the orderly implementation of laws and regulations in the fisheries sector; Article 66, paragraph (3): The fisheries inspectors referred to in paragraph (1) consist of civil servant fisheries investigators and non-investigating civil servant fisheries officials.

3. Civil Servant Investigators in the Fisheries Sector

Pursuant to Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, which stipulates that:

Article 73(1) Investigations of criminal offenses in the fisheries sector within the fisheries management area of the Republic of Indonesia shall be conducted by Fisheries Civil Service Investigators, Indonesian Navy Officer Investigators, and/or Investigators of the Indonesian National Police; Article 73, paragraph (3): Investigations into criminal offenses in the fisheries sector that occur at fishing ports shall primarily be conducted by Fisheries Civil Servant Investigators.

B. Provincial Fisheries Supervisors and Their Authorities

Provincial governments are granted fisheries supervision authority under Law No. 23 of 2014 on Regional Government. Pursuant to Article 27(1) of Law No. 23 of 2014, provincial governments are granted the authority to manage marine resources within their respective territories.⁹

Regional authority to manage resources in maritime areas, as stipulated in Article 27(2) of the Local Government Law, includes: (a) exploration, exploitation, conservation, and management of marine resources other than oil and natural gas; (b) administrative regulation; (c) spatial planning; (d) law enforcement regarding regulations issued by local governments or for which authority has been delegated

⁹ Maharbhakti, H. R., Wiyono, E. S., Wahju, R. I., Imron, M., & Simbolon, D. Analisis hukum terhadap kewenangan pemerintah provinsi dalam pengawasan perikanan dan pelaksanaannya. *Buletin Ilmiah Marina Sosial Ekonomi Kelautan dan Perikanan*, Vol. 11, No. 1 (2025), p. 41-50.



by the central government; (e) assisting in maintaining maritime security; and (f) assisting in upholding national sovereignty.¹⁰

According to Article 27, paragraph (3) of the Local Government Law, the authority of provincial governments to manage resources in marine areas extends up to a maximum of 12 (twelve) nautical miles, measured from the baseline toward the high seas and/or toward archipelagic waters.¹¹

C. Fisheries Crimes and Violations

Fisheries crimes or illegal fishing encompass various forms of violations in fishing activities, such as the use of chemicals or fish anesthetics, explosives, prohibited fishing gear, violations of fishing grounds, as well as the absence or forgery of licensing documents such as the SIUP, SIKPI, and SIPI. This is in accordance with Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, Article 84(1): “Any person who intentionally engages in fishing within the fisheries management area of the Republic of Indonesia using chemicals, biological agents, and explosives, or methods that harm and endanger the sustainability of fishery resources.” Meanwhile, according to Kusnadi et al. (2025), the criminal offense of illegal fishing refers to fishing activities conducted in violation of statutory provisions.¹²

Illegal fishing is also a specific fisheries-related criminal offense that is rampant in Indonesian territorial waters, committed by foreign and local fishermen through violations such as the use of fish bombs, chemicals, and other toxic substances, as well as operating without the required business permits and other acts that constitute criminal offenses under fisheries law.¹³

Fisheries crimes are serious violations of fisheries laws that carry the threat of criminal penalties, including imprisonment and very high fines, as a primary means of enforcing fisheries law. The articles governing these offenses in Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, are Articles 84–86, 88, and 91–94, With the following details: Offenses under Articles (84) and (85) concern the use of hazardous equipment or materials, including explosives, poisons, or other devices that damage or endanger the sustainability of fishery resources; Article (86) concerns offenses involving acts that damage the fisheries environment; Article (88) concerns the distribution and marketing of prohibited fish, as well as the import, export, procurement, distribution, and possession of fish that are harmful to the public; Articles (91–94) pertain to fisheries activities including fishing, aquaculture, transportation, processing, and marketing of fish conducted without a Fisheries Business License (SIUP).

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Maya Shafira, M. S., Muhammad Farid, F., Damanhuri Warganegara, D. W., Aisyah Muda Cemerlang, A., Deni Achmad, D. A., & Fristia Berdian Tamza, F. B. T., *Konstruksi Kebijakan Hukum Pidana Administrasi Penanggulangan Illegal Fishing di Indonesia*, Lampung: LPPM UNILA, (2023).

¹³ *Ibid.*



Fisheries violations are offenses under fisheries law that relate to administrative matters or minor noncompliance with technical regulations but are nonetheless subject to administrative fines as a manifestation of the application of the principle of *ultimum remedium*. The articles governing these offenses in Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, are Articles 87, 89, 90, and 95–100, with the following details: Article (89) & (90): Offenses of administrative non-compliance, failure to meet the requirements for fish processing and quality assurance, and failure to obtain a health certificate for human consumption; Articles (95) & (96): Offenses involving the operation of a vessel without a license, or the operation of a fishing vessel in the fisheries management zone of the Republic of Indonesia that is unregistered or lacks approval; Articles (97) & (98) Offenses of non-compliance by the captain of a fishing vessel who does not possess a fishing permit and does not have a sailing permit; Articles (99) & (100) Offenses regarding fisheries research conducted by foreign nationals without a permit, as every foreign national conducting such research is required to obtain a permit from the government.

The above provisions, as stipulated in Law No. 31 of 2004, as amended by Law No. 45 of 2009 on Fisheries, in Article 103, paragraph (1) The criminal offenses referred to in Articles 84, 85, 86, 88, 91, 92, 93, and 94 are felonies; and Article 103(2): The criminal offenses referred to in Articles 87, 89, 90, 95, 96, 97, 98, 99, and 100 are misdemeanors.

In accordance with the application of the principle of *ultimum remedium* in fisheries law enforcement for misdemeanor offenses, the applicable provision is Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation as a Law, specifically Article 27A, paragraph (1) Any person who owns and/or operates an Indonesian-flagged fishing vessel engaged in fishing within the fisheries management area of the Republic of Indonesia and/or on the high seas, and who does not meet the business licensing requirements as referred to in Article 27, paragraph (1), shall be subject to administrative sanctions.

D. Predominant Forms of Criminal Offenses in the Jurisdiction of the Bitung PSDKP Base

The most common criminal offenses in the jurisdiction of the Bitung PSDKP include:

1. Illegal fishing, specifically destructive fishing involving the use of destructive and prohibited fishing gear, such as fish bombs.



Table 1. Number of cases uncovered involving illegal fishing and destructive fishing using prohibited and destructive fishing gear

No	Offenses under Articles 84 and 85 of the Fisheries Law	2024	2025	2026
1	Fishing using explosives, equipment, and/or methods that may harm and/or endanger the sustainability of fishery resources and their environment.	8 cases	Zero (efficiency)	2 cases

Source: KATIMJA Data on the Handling of Violations at the PSDKP Bitung Base, 2026.

2. Fishing without a permit or without the required SIUP/SIPI/SIKPI permits.

Table 2. Number of cases involving illegal fishing or fishing without the required permits

No	Offenses under Articles 92 in conjunction with Articles 93 and 94 of the Fisheries Law	2024	2025	2026
1	Engaging in fishing without the required business permits (SIUP/SIPI/SIKPI)	8 cases	5 cases	2 cases

Source: KATIMJA Data on the Handling of Violations at the PSDKP Bitung Base, 2026.

3. Violations of fishing zones or fishing areas by foreign fishing vessels (KIA) or Indonesian fishing vessels (KII).

Table 3. Number of violations of fishing zones or fishing areas by foreign fishing vessels (KIA) and Indonesian fishing vessels (KII)

No	Offense under Article 27A (1) in conjunction with Article 27 (1) and (2) of the Job Creation Law for the Maritime and Fisheries Sector	2024	2025	2026
1	By Foreign Fishing Vessels (KIA)	11 cases	14 cases	1 case
2	By Indonesian Fishing Vessels (KII)	13 cases	17 cases	2 cases

Source: KATIMJA Data on the Handling of Violations at the PSDKP Bitung Base, 2026.

Bitung's strategic location, bordering international waters, makes it vulnerable to criminal activity and fisheries violations.

E. The Law Enforcement Process at the Bitung PSDKP Base and Its Challenges

The enforcement process begins with the deployment of marine and fisheries patrol vessels; apprehension; investigation and inquiry; transfer of cases from the PPNS to the prosecutor's office for prosecution; and finally, the judicial process at the Bitung Fisheries District Court. Civil Servant Investigators (PPNS)



in Bitung have special authority to handle fisheries crimes in accordance with applicable laws and regulations.

Some of the challenges identified include: (a) Limited monitoring facilities and infrastructure, specifically a shortage of patrol vessels; (b) The vastness of the maritime monitoring area and the fact that judicial proceedings are conducted solely at the Bitung District Fisheries Court for a monitoring area covering the entire island of Sulawesi; (c) Extreme weather and sea conditions; (d) a lack of coordination among law enforcement agencies, with patrol vessels operating independently of one another; and (d) increasingly sophisticated *modus operandi* employed by offenders.

Discussion

A. Legal Analysis of the Enforcement of Fisheries Criminal Law

From a legal perspective, the enforcement of fisheries criminal law within the jurisdiction of the Bitung PSDKP Base is supported by a strong and comprehensive legal foundation. The Fisheries Law grants authority to Fisheries Patrol Vessel Crew, Fisheries Inspectors, and Fisheries Special Investigators (PPNS) to take repressive actions against perpetrators of fisheries crimes. According to Tarussy, law enforcement, in theoretical terms, is not merely about imposing sanctions on individuals or legal entities that violate laws and regulations; it is also related to the concept of preventive law enforcement. However, the implementation of these legal norms still needs to be optimized.¹⁴ This is evident from the persistently high number of fisheries violations occurring within the operational area of the Bitung PSDKP Base.

B. Effectiveness of Law Enforcement

The effectiveness of law enforcement can be analyzed through three aspects: (1) Legal substance: It is sufficiently adequate, but there are still legal loopholes that offenders exploit; (2) Legal structure: Law enforcement officials have been working within their authority, but are still hampered by coordination and capacity issues; (3) Legal culture: Legal awareness among fishing communities and fisheries business operators remains low. According to Lawrence M. Friedman, the effectiveness of law enforcement is influenced by three main elements: legal substance, legal structure, and legal culture. These are explained as follows: (1) Legal substance refers to the entirety of rules, norms, and provisions that form the basis for the administration of law. Friedman explains that legal substance encompasses not only written laws and regulations but also various decisions issued by legal institutions, as well as the “living law” that evolves within society. Thus, the success of law enforcement is largely determined by the quality and relevance of existing rules to the needs of society; (2) legal

¹⁴ Tarussy, R., *Penegakan Hukum Terhadap Tindak Pidana di Bidang Perikanan Menurut Undang-Undang Nomor 45 Tahun 2009 Tentang Perikanan, Lex Crimen*, Vol. 7, No. 4, (2018), p. 91, 92.



structure pertains to the institutions and officials responsible for carrying out law enforcement functions. In the Indonesian criminal justice system, as regulated by Law No. 8 of 1981 on Criminal Procedure, subsequently amended by Law No. 20 of 2025 on the National Code of Criminal Procedure (KUHAP) establishes a legal framework comprising the Police, the Prosecutor's Office, the Courts, and Correctional Institutions. Each institution possesses the authority granted by law and is required to carry out its duties professionally, independently, and free from interference by any party. No matter how well-crafted the regulations may be, the objectives of the law will not be achieved if they are not supported by law enforcement officials who possess integrity, competence, and credibility. Therefore, the presence of officials capable of consistently enforcing the law is a crucial factor in realizing justice; (3) legal culture refers to the attitudes, values, perspectives, and level of public trust in the law and the prevailing legal system. According to Friedman, legal culture influences how society complies with, utilizes, and even circumvents the law. The level of public legal awareness serves as a key indicator in fostering a sound legal culture. The higher the public's legal awareness, the greater the likelihood of compliance with regulations and the realization of an orderly social life.

Legal substance, legal structure, and legal culture are three interconnected components that cannot be separated from one another. All three must operate in a balanced and mutually supportive manner so that the legal system can function optimally in creating order, security, and justice in society. Based on Lawrence M. Friedman's theory, the effectiveness of law enforcement in the fisheries sector is greatly influenced by the roles and performance of law enforcement agencies, such as the Marine and Fisheries Resources Surveillance Agency (PSDKP), the Police, the Indonesian Navy, Civil Servant Investigators (PPNS), and the Attorney General's Office. The Fisheries Law has granted investigators the authority to handle and take action against fisheries crimes occurring in Indonesian waters; therefore, coordination and professionalism among law enforcement agencies are critical factors in achieving effective law enforcement in the fisheries sector.

These three aspects indicate that law enforcement is already being carried out to the fullest extent within the jurisdiction of the Bitung PSDKP Base, but there are still many obstacles, particularly regarding the promotion of legal awareness among the public and fisheries business operators. According to Tarussy, in general, law enforcement regarding criminal offenses in the fisheries sector faces various obstacles or challenges that can be categorized as follows: (1) Legal substance; (2) Law enforcement officials; (3) Facilities and resources; (4) Public awareness.¹⁵

¹⁵ *Ibid.*



C. The Role of the Directorate General of PSDKP in the Fisheries Criminal Justice System

The Directorate General of PSDKP plays a strategic role as the frontline agency for oversight and enforcement, as mandated by the Fisheries Law. Within the criminal justice system, the Directorate General of PSDKP functions as a specialized investigative agency that coordinates with the police, the prosecutor's office, and the courts. However, in practice, there are often overlapping jurisdictions among agencies, which can hinder law enforcement efforts in the field.

D. Analysis of Law Enforcement Constraints and Efforts to Optimize Its Implementation

The constraints faced can be analyzed from the following perspectives: (a) Juridical: There is a lack of synchronization among several regulations; (b) Technical: Limitations in tools and human resources; (c) Sociological: Economic factors in society that drive violations. Therefore, an approach that is not only repressive but also preventive and educational is needed, as well as the use of effective surveillance technology. According to Akbar & Hamamah, one of the main challenges in law enforcement against fisheries crimes is the lack of synchronization in legal regulations at the national and international levels.¹⁶ In many cases, domestic law has not yet accommodated stricter provisions against illegal fishing practices, allowing criminals to exploit existing legal loopholes.

As for efforts to improve the effectiveness of law enforcement, the following are necessary: (a) Strengthening regulations and harmonizing legislation; (b) Enhancing the capacity of law enforcement human resources; (c) Modernizing technology-based monitoring tools (e.g., Vessel Monitoring System); (d) Increasing inter-agency and international cooperation; (e) Educating fishing communities and fishery business actors about fisheries law extensively and consistently.

E. Theories of Fisheries Law and Applicable Legal Principles The theory of fisheries law

when analyzed from Law No. 31 of 2004 as amended by Law No. 45 of 2009 on Fisheries, can be concluded as follows: (1) Theory of State Sovereignty; (2) Theory of Sustainability; (3) Theory of the Tragedy of the Commons; (4) Environmental Theory; (5) Law Enforcement Theory; (6) Criminology Theory; (7) Social Justice Theory; (8) Administration Theory. The legal principles that can be applied to the enforcement of fisheries law may include: (1) Principles Derived from the Fisheries Law, namely Law Number 45 of 2009 concerning Fisheries, Article 2 states that fisheries management is based on the principles of: (a) Benefit; (b) Justice; (c) Togetherness; (d) Partnership; (e) Independence; (f)

¹⁶ Akbar, S., & Hamamah, F., Fishery Crimes: Law Enforcement Challenges in Protecting Marine Resources, *Barakuda 45: Jurnal Ilmu Perikanan Dan Kelautan*, Vol. 6, No. 2, (2024), p. 257-267.



Equity; (g) Integration; (h) Openness; (i) Efficiency; (j) Sustainability; (k) Sustainable development. (2) Principles Derived from the Criminal Code that can be applied to the enforcement of specific fisheries crimes include: (a) Principle of Legality; (b) Principle of Territoriality; (c) Principle of Active Nationality; (d) Principle of Passive Nationality; (e) Principle of Universality (Limited applicability according to specific interpretation); (f) *Principle of Non-Retroactivity*; (g) *Principle of Lex Specialis Derogat Legi Generali*; (h) *Principle of Ultimum Remedium*.

F. Legal Basis for Fisheries

The legal basis for the enforcement of special fisheries criminal law includes: (1) The 1945 Constitution of the Republic of Indonesia, Article 33 paragraph (3) The earth, water, and natural resources are controlled by the state and used for the prosperity of the people; (2) Law Number 1 of 1946 as repealed by Law Number 1 of 2023 concerning the Criminal Code; (3) Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries; (4) Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law; (5) Government Regulation Number 28 of 2025 concerning the Implementation of Risk-Based Business Licensing, Marine and Fisheries Subsector; (6) Minister of Marine Affairs and Fisheries Regulation Number 36 of 2023 concerning the Placement of Fishing Gear and Fishing Aids in Measured Fishing Zones and the Management Area of the Republic of Indonesia's Inland Waters; (7) Minister of Marine Affairs and Fisheries Regulation Number 4 of 2025 concerning Amendments to Minister of Marine Affairs and Fisheries Regulation Number 47 of 2020 concerning the Implementation of Fisheries Supervisor Duties; (8) Minister of Marine Affairs and Fisheries Regulation Number 8 of 2025 concerning the Management of Marine and Fisheries Supervisory Vessels.

CONCLUSIONS

Based on the research and discussion results, it can be concluded that law enforcement against special fisheries crimes in the working area of Pangkalan PSDKP Bitung has a strong and comprehensive legal basis, especially based on Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries and its implementing regulations. Law enforcement officers, including Fisheries Supervisors, Supervisory Ship Crew, and Civil Servant Investigators (PPNS) in Fisheries, have carried out their duties and authorities in accordance with the applicable regulations. However, in its implementation, the law enforcement has not been running optimally. This is caused by various obstacles, including limited monitoring facilities and infrastructure, the vastness of the waters that need to be monitored, extreme geographical and weather conditions, and the suboptimal coordination between law enforcement agencies. In addition, the low legal awareness among fishing communities and fishery entrepreneurs also affects the effectiveness of law enforcement. Thus, the effectiveness of law enforcement against fisheries crimes in the



PSDKP Bitung working area still needs to be improved thru a comprehensive approach, both in terms of legal substance, legal structure, and legal culture, in order to achieve sustainable, just, and sovereign management of fishery resources.

SUGGESTIONS

1. **Strengthening Supervision Facilities and Infrastructure** The government needs to increase the number and quality of patrol vessels, monitoring technology, and other supporting infrastructure to enhance the effectiveness of supervision in vast maritime areas.
2. **Enhancement of Human Resource (HR) Capacity** Fishery law enforcement officers, particularly PPNS and fishery supervisors, need to receive continuous training related to investigation techniques, technology usage, and up-to-date legal understanding.
3. **Optimization of Inter-Agency Coordination** Strengthening the synergy between PSDKP, the Police, the Navy, and the Prosecutor's Office is necessary thru a clear and integrated coordination mechanism to avoid overlapping authority in law enforcement.
4. **Strengthening Regulations and Legal Harmonization** The government needs to evaluate and harmonize legislation in the fisheries sector to close legal loopholes that can be exploited by fisheries criminals.
5. **Increasing Public Legal Awareness** Intensive socialization and education need to be conducted for fishermen and fishery entrepreneurs regarding the importance of legal compliance, in order to build a good legal culture.

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