

# Law Enforcement against Illegal Fishing Practices in Sea North Sulawesi Province

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**Submission date:** 28-Mar-2022 12:54PM (UTC+0700)

**Submission ID:** 1794811948

**File name:** w\_Enforcement\_against\_Illegal\_Fishing\_Practices\_in\_Sea\_North.pdf (195.87K)

**Word count:** 7348

**Character count:** 37294

## 2 Law Enforcement against Illegal Fishing Practices in Sea North Sulawesi Province

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### 2 Abstract

The authority enforcing the law against the practice of illegal fishing in the territorial waters of North Sulawesi include the authority handling of cases of violations that occurred in this region. It is based on the provisions of international law which stipulates that coastal states (Coastal states) has a number of interests protected. The Purpose of this study was to determine the enforcement of the law against the practice of illegal fishing in the waters of North Sulawesi, and to know the constraints in law enforcement against illegal fishing practices in the waters of North Sulawesi province. Methods applied research approach is carried out from two sides of the normative research (research literature and field research) to see the reality of the law. normative research is fundamental research in particular to examine aspects of territorial sovereignty and the rule of law, while field research practices in particular saw a case of illegal fishing in the territorial waters of North Sulawesi province. The results showed enforcement of the law against the practice of illegal fishing in the waters of North Sulawesi province carried out by North Sulawesi Police Water Police Directorate and implemented in accordance with the legislation in force through the process of arrest, investigation, investigation, prosecution and examination in court. In many cases the process of resolving the case of minor criminal offenses that have been completed and other cases can not be processed further because of insufficient evidence meets the elements of a crime and some cases temporarily transferred to the North Sulawesi Police for further processing. For administrative violations cruise resolved through guidance and liabilities master and crew to take care of the necessary shipping documents. Constraints in law enforcement, namely the lack of personnel Sulawesi Police Water Police Directorate in comparison with the area of Territorial waters of North Sulawesi to carry out both operational tasks in the field and the lack of facilities owned fleet. Other constraints such as limited operational costs and human resources. In the process of settling disputes lawlessness in North Sulawesi many obstacles, because information about the status of the nationality of the crew requires a relatively long time from other countries of the crew came from.

**Keywords:** Law Enforcement, illegal fishing, sea, north Sulawesi, Indonesia

### 1. Introduction

Since the announcement of the declaration dated December 13, 1957 the Government of Indonesia continues to fight for the island nation accepted conception of law and internationally recognized. The struggle ultimately has resulted in the recognition of the international community, namely the universal acceptance of the principles and arrangements regarding legal regime archipelago (Archipelagic State) in Chapter IV of the United Nations Convention on the Law of the Sea 1982.

The Convention has been ratified by the Government by Law No. 17 of 1985 on Ratification of the United Nations Convention on the Law of the Sea. Change the position of the Republic of Indonesia as an archipelagic country very broad implications not only against national interests, but also against the international interest in Indonesian waters. International recognition of the principle of an archipelago as embodying the aspirations of the Indonesian people, bringing the consequence that Indonesia must also respect the rights of the international community in waters that are now becoming national waters, especially the right of innocent passage and the right of archipelagic sea lanes passage for foreign vessels. Associated with law enforcement in the territorial waters of Indonesia, of course, based on the legislation in force, associated with the waters of Indonesia.

Conditions vast Indonesian archipelago territorial waters exceed the mainland requires effective law enforcement in view of the condition are vulnerable to illegal fishing. Based on data from the Indonesian National Police Regional Police Directorate of North Sulawesi Water Sign Case Management Directorate of Police Water Police of North Sulawesi in 2009, 2010 and 2011, North Sulawesi waters, including areas that are vulnerable to various forms of violations of the law, pelanggaran in the field of immigration, the documents required for shipping, timber smuggling, and other items without permission, catching fish using bombs, disposal of waste at sea, the ship will have an accident conditions but does not provide reporting.

The issue of theft and illegal fishing is indeed an issue of Indonesia, including North Sulawesi. It is known that Southeast Asia is a region with maritime boundaries and continents length (with long maritime and

continental frontiers) are very difficult to monitor and maintain it. Most members of ASEAN (Association of Southeast Asian Nations) is also "weak states" (weak states) and do not have the capacity to effectively control their borders. Destructive fishing and illegal nature of the perpetrators are not local residents, using fish bombs (bomb fishing). The purpose of this study was to determine the law enforcement against illegal fishing practices in the waters of North Sulawesi province. Knowing the constraints in law enforcement against illegal fishing practices in the waters of North Sulawesi province.

## 2. Research Methods

### 2.1. Materials and Tools

Legal materials consist of primary legal materials (primary), secondary law and tertiary legal materials. The main legal materials needed in this research is, national legislation and international conventions, namely through the stages of identification and inventory of the literature related to Law Enforcement Against Illegal Fishing in North Sulawesi region. Besides the main ingredient and other necessary tools such as Textbook, Journals, Stationery Writing, Printer, ink, Laptop, Paper, device legislation and others. Secondary legal sources obtained through literature, scientific papers, scientific journals law, web associated with this research. Tertiary legal materials obtained from sources that are contained in legal dictionaries and others.

### 2.2. Research Methods

Conducted research approach of the two sides of normative research (research literature and field research) to see the reality of the law. Normative research is basic research in particular to examine aspects of territorial sovereignty and the rule of law, while the research field, especially seeing cases of the practice of illegal fishing in the territorial waters of North Sulawesi province.

### 2.3. Experimental Procedure

Preparation of relevant literature with the title of this research is tekait with legislation and the Convention on the Law of the Sea (UNCLOS 1982 and the instruments of law enforcement efforts towards the creation of security and order in ketenagan and tranquility in the waters of Indonesia, particularly in the area of North Sulawesi province. Survey to location who becomes the object of the research-related bodies that exist in the province of North Sulawesi. Conducting such research stages: the first stage, to identify cases of illegal fishing practices. The second phase of the analysis carried out by the law enforcement approach to legislation. Technique Data analysis is done after all the law-materials have been obtained. The analysis is conducted qualitatively and descriptively explained logically and systematically. The comparative analysis is also needed to compare between legal provisions applicable formal judicial, legal expert opinions regarding enforcement.

## 3. Results And Discussion

### 3.1. Law Enforcement Against Illegal Fishing Practices In North Sulawesi Sea

1. Authority Law Enforcement in North Sulawesi Sea Region

Under international law, coastal states (Coastal states) a number of protected interests in the territorial waters adjacent to it. The main obligations of coastal states (coastal state) for the management of fisheries resources in the EEZ, arranged in chapters 61 and 62 of UNCLOS. Article 61 of the EEZ living resources conservation and set the following obligations:

1. The coastal State shall determine the allowable catch (allowable catch) for EEZ fisheries;
2. The coastal State shall take into account the best scientific information (the best scientific information) is available;
3. The coastal State shall adopt measures to prevent over-exploitation (to Prevent over-exploitation);
4. The coastal State shall maintain or restore fish stocks to maximum sustainable yield (MSY), as determined by environmental, economic factors are relevant, and
5. Measures should take into consideration the effects on species associated with or dependent on harvested species to ensure that species is not threatened seriously (seriously threatened).

UNCLOS 1982 recognizes the right of coastal states to enforce civil and criminal law (coastal state's right to enforce civil and criminal laws) in the inland waters and territorial sea, to enforce laws designed to prevent abuses on customs, fiscal, immigration and sanitation in the additional zone (to Prevent infringements on its customs, fiscal, immigration, and sanitary laws within its contiguous zone), to exclusively manage the natural resources in the exclusive economic zone and continental shelf (to exclusively manage natural resources within its exclusive economic zone and continental shelf), and to enforce the laws that are intended to protect against damage by means of impurities (to enforced laws designed to protect against damage by marine pollutants). UNCLOS also recognizes this possibility by noting the broad powers of the port state to regulate foreign vessels on pollution at sea, including investigating the incident outside the port territory beyond national jurisdiction (Investigating incidents outside of the port State's areas of national jurisdiction), Jurisdiction over

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 12 exclusive economic zone is a right granted by UNCLOS, as part of the enforcement of the law and jurisdiction of the coastal state.

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 As a consequence of the rights of its EEZ, a coastal state may exercise legislative jurisdiction and enforcement of the rights in the EEZ (exercise legislative and enforcement jurisdiction regarding Reviews those rights in its EEZ), in order to preserve and protect the resources of life. Also, coastal state may exercise jurisdiction to prohibit the disposal of certain legislative area to its EEZ, or build sea lanes for ships crossing the EEZ. Enforcement of the law requires the ship crosses the EEZ should be improved to ensure effective oversight. Additionally, UNCLOS incorporate specific provisions (specific provisions) to ensure freedom of navigation of the fleet and marine vessels, and set firm limits on the jurisdiction to prevent violation of sovereignty by the coastal states are eager to expand aggressively unilateral authority over the sea. In fact, in territorial sea, where ships entitled to the right of innocent passage, the coastal State may exercise prescriptive and enforcement jurisdiction subject only to the limitation of this right, which is part of customary international law, under Article 21 paragraph (2) UNCLOS. If the vessel or foreign nationals into the territorial waters of Indonesia, then Indonesia as a coastal state has jurisdiction over them entirely.

### 3.2. Cases of Illegal Fishing in North Sulawesi waters

Crime can happen anywhere and anytime. The incidence of crime in the community indicate that there has been a social gaps, a lot going on unemployment. Organized crime in the form of illegal fishing in the sea, the currently booming conducted by fishing vessels in Indonesian waters. There are things that are usually forgotten, offenders generally only want to earn money with shortcuts, stealing marine wealth by robbing or merompak. The modus operandi of crimes at sea are grouped into a form of theft, smuggling and piracy. Theft of marine resources in the form of fish, mostly conducted by foreign fishermen. Fishing without permission, widely practiced in Indonesia's seas with full equipment generally they use trawling. The modus operandi of assortment, among others, by hiring local fishermen and foreign vessels wear the Red and White flag (the flag of the Republic of Indonesia), but they do not have permission to capture IKAP in marine waters of Indonesia. Theft of this kind of fish is quite detrimental to the state. Foreign fishermen have ever caught a fish caught as much as 20 tons.

As reported, the foreign ships that illegal fishing in Indonesian waters reached 1000 ship per day. Theft-prone waters, among others, the Natuna sea bordering the South China Sea, North Sulawesi waters bordering the Pacific Ocean and the Arafura Sea. Illegal fishing by foreign vessels is done openly, using trawling gear (trawlers) which captures ranging from seed to large fish. Indonesian losses due to illegal fishing every year around Rp. 30 trillion. Cases of law violations in the waters of northern Sulawesi that occurred in the month of January to December 2009, according to data obtained from the Police of the Republic of Indonesia North Sulawesi Regional Police Directorate of Water (source: List of Case Management Directorate of Police Water Police Sulut 2009) essentially as following:

1. Date 08-01-09 had checked the ship KM, Prima Utama Jaya and found 10 people crew Sea Work Agreement (PKL) it has expired;
2. On Monday, January 12, 2009 while conducting a routine patrol was checking out a ship named katinting ALDO and found two (2) people WN equipped with the Philippines without immigration documents;
3. The date of January 12, 2009 in the waters of Siau (Makalehi) happens big waves so that the rope raft belongs to man and man Simon Sengly penjasga raft drifting along the raft;
4. The date of January 15, 2009 has examined the ship LCT. Works bloom and found two people without street vendors;
5. Book sailor has expired;
6. The crew was not in the Certificate;
7. On Saturday date pkl January 31, 2009 around 11:00 pm, while conducting a routine patrol of the waters of the strait Lembe Bitung have checked the ship Km Partner Mina 06 and found a violation of 7 (seven) crewmembers are citizens of the Philippines without having immigration documents;
8. Has the type of Merbau timber transport as much as  $\pm$  50 M3 not equipped with documents or without permission;
9. Transporting wood mixture as much as  $\pm$  3 (three) M3 allegedly without permission from the relevant government agency;
10. Transporting wood types Walnuts much as  $\pm$  5 m3 undocumented or without permission;
11. There has been a penyebrotan vessel to be docking in PT. Bitung desire in the dock area of PT. Galaxi Bitung;
12. On Sunday, July 5, 2009 around 15:00 pm pkl have done AD-Hock ships suspected of committing criminal offenses fishery is sailing without a Permit Sailing (SIB);
13. On Wednesday 22-07-09 pkl date. 14:45 has investigated the events catch fish using bombs and received a report that a man had a backpack maxi maluntu green color that contains a bomb, while the examination of



- the man escaped and made chase, but is concerned not stop until the suspect was stopped with a precise shot in the leg his right so that the perpetrators are stopped;
14. On Wednesday at the date 22-07-09. 18:00 has conducted investigations fishing using bombs in the village Tumbak excl. Posumaen kab. Partners and find the motorboat with no one on it in gray contain a mixture of fish  $\pm 1.5$  tonnes of explosives (bombs);
  15. At the date 03-09-09 pkl investigation. 1:30 pm have checked the taxi boat load of fuel types as much as 16 gallons of gasoline without permission;
  16. At the date 15-09-09 o'clock. 00:47 pm had checked the ship. KLM. Good Hope which dinahkodai by Hamidin man and found captikus much as 5 dostanpa permits;
  17. Date 15-09-09 pkl. 2:00 pm had checked the vessel KLM. Divine grace which dinahkodai by Jamaludin and diesel fuel types found as many as 8 drum without permission;
  18. Date 25-09-09 pkl. 14:30 pm have found the man Framy Framy Talakua alias and his colleagues have done a waste disposal into the sea to make use of a bucket taken from the tank kpl LCT. Periodic Prima +;
  19. Since March s / d in May 2008 a man Markus buy fish of the reporting melakukam 5 times without payment;
  20. On Monday 02 November 2009 at. 12:00 pm men Ko Chen Hua died aboard KM. Yungin previous 08 victims feel chest pains about a week on the way to Dobo Irian.
  21. On Thursday December 3, 2009 pkl date. 5:00 pm have come across and inspect a ship called KM. Kitai Megumi who dinahkodai by Septianus A Luke and found four strangers WN Philippines undocumented immigration.

Cases of law violations in North Sulawesi that occurred in the month of January to December 2009, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Handling Spill Ship BKO Police BAHARKAN 2009) essentially as following:

1. On Monday, January 26, 2009 approximately at. 2:00 pm has been discovered and conduct an examination of a ship called KM. Gem Island I with a cargo of fish mix  $\pm 2$  Ton who was sailing towards the port of Bitung after which the examination is held when the ship sailed KKM not above the ship and the ship is not equipped with safety equipment as required in the certificate of airworthiness and manning of fishing vessels;
2. On July 6, 2009 at 08:00 pm double check the ship KM. ALBAROKAH which was sailing without having SLO SIB and letters;
3. On July 7, 2009 and on that position had checked the ship KM. Rice interest that dinahkodai by Jafar Ladaku man and found  $\pm 145$  sacks of alcohol types captikus without permission;
4. On the day of the date and the position has been inspecting the vessel KLM. Five Go Go E and found the coal charge as much as  $\pm 250$  tons without permission;
5. On the day of the date and the positions have checked the ship KM. Sari Cakalang 08 and found the fish cargo  $\pm 4$  tons;
6. On Tuesday dated November 3, 2009 at. 18:00 pm have come across and inspect the vessel MT. Gemilang maritime shipping and discovered the violations and suspected violations in the field of oil and gas;

Several cases of violations of the law in North Sulawesi that occurred in the month of January to December 2010, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Management Directorate of Police Water Police Sulut 2009) at its core as follows:

1. On Wednesday, February 24, 2010 taggal o'clock. 13:45 pm had found and conduct an examination of the ship KM. Bright moon 05 and KM. Bright moon 06 dasn found doing the cruise without having immigration documents
2. On December 17, 2009 pkl. 09.00 am has come a wise man over woman Vilicia martin Tan as power PT. Emmanuel works bembawa 12 org yg suspected Philippine citizens;
3. On Sunday KMN Pelita 01 examined by Kp. Tarsiers and found violations of the Immigration and Fisheries;
4. On Sunday KM. Karisma Talaud II examined by Kp. Tarsiers and found violations of the Immigration and Fisheries;
5. On Saturday date June 19, 2010 Km. Jaguar triple checked by KP. Tarsier 609 and found violations of immigration;
6. On Thursday July 22, 2010 around 06.30 pm by using KP 102 are conducting patrol the waters of the strait Lembah people can report the theft has occurred on board Km. Satria One then go directly to the ship Km. Satria One and find the perpetrators amount to 5 org;
7. Alleged destruction that allegedly cut the anchor rope raft of Ponton and rafts that can not be used that occurs in TKG 14 September 2010;
8. On Friday, October 22, 2010 has received reports from members Examiner through HP that ship KM. Doro Londa will load captikus alcohol types which will be brought into Papua without permission

9. On Friday 12 November 2010 ship date Kp Safe Boat 012 perform a routine patrol and had checked the ship Km Kramat Jaya and found a red timber ship carrying as much as  $\pm 9$  M<sup>3</sup> Redwoods without permission;
10. At the date of 15 November 2010 Senint Kp ships 012 Boat Safe conduct routine patrol and had checked the vessel Eternal Crown Km 12 and was found on the ship carrying as many as 59 fish Tuna fish in the hold and on the rear hatch and 32 tail tuna no not included in the manifest / bill of lading;

Several cases of violations of the law in northern Sulawesi waters that occurs in the month of January to December 2010, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Handling Spill Ship BKO Baharkam Police in 2010 as follows:

1. On the date Wednesday, February 24, 2010 pkl. 13:00 pm had found and conduct an examination of the ship KM. Bright moon 01, was at anchor and found a fishing boat without SIPI, License SIKPI and employ crew WN Philippines without disijil;
2. On the date Wednesday February 24, 2010 pkl. 13:00 pm had found and conduct an examination of the ship KM. Bright moon 02, was at anchor and found a fishing boat without SIPI, SIUP;
3. At the time of Kp Patrol. 637 Swamp cucak has conducted an examination of Km Park Beautiful and found violations of Fisheries;
4. When a patrol Kp. 637 Swamp cucak have checked Km. Glory 9 which was docked in ports Belang and allegedly did fishing without SLO
5. At the time of Balarama 521 Kp Patrol has conducted an examination of the Km Delta Rainbow 01 dan find WN Philippines without immigration documents;
6. At the time of Balarama 521 Kp Patrol has conducted an examination of 06 Km Sea Princess 01 dan find WN Philippines without immigration documents;
7. At the time of executing Patrol KP. 637 Swamp cucak has conducted an examination of the ship TB. TOB 08 and found a violation of the cruise.

Cases of law violations in North Sulawesi that occurred in January to December 2011, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Management Directorate of Police Water Police Sulut In 2011, as follows:

1. On January 8, 2011 approximately at. 6:30 pm have come across and inspect the vessel KLM. Rahmatullah which has been lowered / dispose of timber types ironwood various sizes as much as  $\pm 16$  M<sup>3</sup> tidak accompanied by documents and by the crew of a ship sailing towards the West Sulawesi Kalimantan because of an engine failure then drifted down to the waters of Manado and the ship's dinahkodai by the suspect. Samsul Maarif and discovered the crime of shipping and forestry. Article 50, paragraph 3 HRF (h) jo psl 78 paragraph 7 by Law No. 41 of 1999 in conjunction with Article 323 paragraph 1 by Law no. 17 of 2008;
2. On February 2, 2011 the waters of the Pacific Ocean / Bitung shoves toward the city have been transactions of sale and purchase of diesel fuel as much as  $\pm 40$  tons (forty) tons were taken from tengki ship LCT. Continent Kingdom V to ship wood species complainant did not know what the name of the ship. Rapporteur sees and knows the incident as rapporteur at the time were in the ship LCT. Continent Kingdom V when there trnasaksi of diesel fuel sales of diesel fuel as for As for the PT. Shipping branch of the Indonesian Maritime Hub Bitung, so PT. Shipping branch of the Indonesian Maritime Hub Bitung feel aggrieved by the above-mentioned incident and reported the matter to Ditpolair North Sulawesi Police for further proceedings. Gar article or Fraud and Embezzlement Article 378 or 372 of the Criminal Code;
3. On February 9, 2011 the waters of the East island of Nain or 11 nautical miles from the island of Nain. I took off my pontoon, then on February 22, 2011 I check my pontoon, pontoon turned out I had nothing, then on the date February 23, 2011 around 09.00 pm I got the information from Hi. Kasmin that pontoon mine were Nain island and some ropes and pontoon has been sold to man Charles Sala on 10 February 2011 and according to Charles Salasa man that bought the pontoon and some rope to Hi. Risman Tamengge on February 10, 2011 and before the pontoon named Maranatha 02 then been removed and coated with paint by Hi man. Risman Tamengge Gar vandalism or theft pontoon referred Dlm Article 406, Article 410 and Article 378 of the Criminal Code;
4. On Tuesday March 2, 2011 date around pkl. 2:00 pm on board KM. Sea horses that dock at the fishing port of Bitung has happened theft ship with threatening with a knife / machete carried by Danilo man Golang (WN Philippines) against Agie Nalong and Eutopio Galola Jr., the incidence of the three men started dating from outside in a drunken state while carrying alcohol above the ship KM. Sea horse after finishing drinking alcohol together danilo golang man took the knife / machete then hit the man Agie Nalong and Eutopio Galola Jr. who is the crew aboard Km. Sea horses and said the rope and lifting anchor but events carried off the ship belongs to Ko Pey can be pursued by ship and stopped Perikani Bitung waters under Biaro and then returned to the fishing port of Bitung, theft offense primary as referred to in Article 363 paragraph (1) point (4) of the Criminal Code subs Article 362 of the Criminal Code of the theft;
5. On Sunday, March 6, 2011 at. 2:00 pm vessel KM theft has occurred. Grace prosperity conducted by Bilboy

- Baldonado man crew aboard the status of KM. Anegerah Prosperity where the vessel is brought to the Philippines without my knowledge as I know the owner of the ship and the ship KM. Anegerah prosperity has been in the Philippines on March 28, 2011 from the master of the vessel;
6. On Wednesday May 4 at 12.00 pm 2011 sekitar joint patrol of police and members of the public waters of Bunaken Manado check Pin of owned vessels Resort Panorama, then man Swen Maneger Panorama Resort Dive Center issued a harsh word, menghinadan threaten and expel members of the Patrol ship with curses and insults. Art 369 and Article 310 of the Criminal Code;
  7. On Thursday, May 5, 2011 a joint police patrols and community by using the ship Bunaken in southern waters Popereng based sprin task Section Head Hall Bunaken No. PT.85 / SPTNW.II / 2011 at around 17:00 pm a patrol found the man DIDI and Udin doing Sero installation (fish trap) where material is suspected of mangrove trees are cut, collected and taken off Bunaken is precisely the area Lambere Bodies Popereng kec gaze districts. Minsel. Art 19 and 21 psl Republic Act No. 1990 ttg KSDA 5 yrs;
  8. On Tuesday June 21, 2011 at around 16:00 pm Here Takaseheng man went to sea by boat ketinting red white waters of white stone and has yet to return so that the suspect man lost Takaseheng Here we report on the incident to Ditpolair for further processing;
  9. On Saturday June 25, 2011 at around 17:45 pm Police Safe Boat 012 boat patrol has captured one ship unit pambout named King Artemio together with 18 (twelve delaqpan) crew who were fishing in waters Miagas Kepl Talaud district;
  10. At around the end of 2009 men Mamu Yunus told a group of fishermen East Ratatotok that ship pajeko has done fishing waters Kema then until now never reported his income;
  11. On Sunday, August 14th, 2011 pkl. 3:00 pm, a man palemai alias rudy Rudy Hartono KKM KM. Sentosa IV took fuel types as much as  $\pm$  22 gallons of diesel fuel from the main tank KM. Sentosa IV that dock at the pier waters PT. Budi Sentosa Abadi to be sold to man Maulana alias Andris and then dipindhkan jointly by Baharudin Bawoel Opo alias, alias Frans Berdame Lutang boat belonging to the man Andris existing at the time of the incident, docked beside Km. Sentosa IV without the knowledge of the owner of the vessel.
  12. On Monday 12th september 2011 pkl 14:00 pm, the man Word Ayuba ship's captain Km. Sea birds ask unlance vessels in connective assembled Km. Sea birds remember at the time there were three ships were mooring assembled so that the bias resulted in a raft is broken or the barrel but the Master KM. Anugerah hill force for mooring in the raft and threatened to throw stones at the other ship's captain who was on the spot and Paul Kowimbin man with intentionally rammed the stern of a ship in nahkodainya to bow portside hull KM. Sea birds thus resulting in the ship suffered minor fraction and some cracking in the bow portside hull;
  13. On Tuesday around 12.30 pm Patrol vessel 013 is holding an examination of the ship Klm. Morut and can breach that ABK's voyage Norhen Lalorie seaman book is not in accordance with the ID card and a list of Certificates identitasdi crew and two crews are not included in the list of the vessel's Certificate;
  14. On Tuesday, October 11, 2011 at 23:30 hours pm KP.08 water police patrol vessel while conducting routine patrols, has checked and penangkapan ship Km. Emmanuel 02 skippered by Zekeus Bukananung and 7 (seven) people ABK, during examination by members of Polair Sulut Patrol found that the suspect Zekeus cruise violations Bukanaung menakhodai fishing vessels Km. Emmanuel 02 sailed from the port of Bitung to Manado bring three (3) passengers (2 adults and 1 small child) is not equipped with a passenger list / list of additional crew, who are required by law to be on board and be known by the harbormaster.
  15. On Friday, October 21, 2011 at around 23:15 pm Hours UKL team that uses 013 patrol boat has conducted an examination of the ship Klm. Sympathy Jaya allegedly committed the crime / offense and after the examination is found in the front part Palka; transporting liquor store types Captikus as much as  $\pm$  15 (fifteen) sacks are packed preformance aqua-size bottle of 600 ml without permission;
  16. On the date Wednesday 30 November 2011 at around 11:00 pm Km ship menakhodai actors, King Steward of marine fishery harbor entrance Bitung then stopped and inspected the documents and found violations of the cruise ship where the boat captain can not show the vessel crew list because it does not fit with crew aboard as referred to in Article 560, 561 of the Criminal Code;
  17. On Monday, December 19, 2011 at 7:20 pm, has conducted an examination of the vessel KLM. Karya Jaya I, which sailed from OBI waters into the waters of the strait lembeh Bitung and found on board two (2) units of cars each Avansa blue no.pol: DB 40050AD and Xenia silver nopol: DB 4097 AI and alleged embezzlement results / theft because the copy of the letter does not match the physical vehicle the vehicle;
  18. On Friday, December 16, 2011 approximately pkl. 1:20 pm has been carrying out investigations lembeh Bitung waters of the strait and have found and checked a motor boat without a name dinahkodai by a man named yunus pulingkareng along with four (4) other counterparts and were found on the boat types of diesel oil as much as  $\pm$  1 200 liters of oil was transported by man rahman of KKM ship TB. Jasmine scheduled to be brought to the shelter mother owned oil. Yati lembeh island.

Cases of law violations in North Sulawesi that occurred in January to December 2011, according to



data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Handling Spill Ship BKO BAHARKAM Police in 2011:

1. On the 19th of April 2011 in the waters of the strait lembeh Bitung KM.God ship Bless 02 carried out an examination by a police vessel Manyar KP 636 and alleged violation of Article 561 of the Criminal Code voyage.
2. At the time of carrying out patrol saw boats laden klotok fuel types HSD / diesel fuel in the lease by Siling Lahama at 16:30 pm after KP 636 Manyar perform the checks being conducting filling the fuel that is not authorized and can not show the transport business license. Article 53 letters b and d Law No. 22 of 2001 on oil and gas;
3. At the time of Manyar KP 636 are conducting patrols have captured ship called KM. True bow sailing in the territorial waters of Manado without a helmsman is not accompanied by a letter of approval to sail. Article 323 paragraph (1) in conjunction with Article 219 paragraph (1) in conjunction with Article 138 paragraph (1) of Law No. 17 Year 2008 on the voyage;
4. When carrying out patrols and have arrested and inspect the vessel KM. Kiberta which was sailing in the territorial waters of the strait lembeh Bitung without having documents and not accompanied by foreign crews aboard the complete document;
5. At the time of carrying out patrols in the waters of Bangka island have come across and inspect the vessel KM. Thanks to the 02 men who dinahkodai by R Gregorio Cortez and the alleged nationality Philippines and alleged to have violated the cruise;
6. At the time of carrying out patrol the waters of the Strait of Lembah see the ship Km. Grace or KM. Turbeki-02 sedang anchored region PELRA Bitung port after inspection helmsman and crew could not speak Indonesian and suspected foreigners (Philippines) and not be able to show a valid identity document as well;
7. On Tuesday, December 27, 2011 at 11:00 pm around the waters of the Strait of Lembah Bitung PTIK exactly in front of the dock, the vessel LCT Setiawan Star 88 has been stopped and inspected by Sea Reader KP. Krishna 507 and found violations of the cruise.

#### 1. Implementation of Practice of Law Enforcement Against Illegal Fishing in North Sulawesi waters

What government against illegal fishing vessels? Director General of Supervision and Control of Fishery Resources said; "Sinking conducted on the fight against illegal foreign vessels patrol supervisor when arrested. Illegal vessels whose condition is not feasible and spending high cost also drowned. In addition drownings also performed on foreign vessels illegally seized were piled many years in the port and inhibit flow of shipping.

In a police operation nets held on 9 and 28 December 2010 in an area prone to illegal fishing like in North Sumatra, Riau, West Kalimantan, Maluku, North Sulawesi and Papua can uncover dozens of cases of illegal fishing in which hundreds of people were arrested. With details that serve as many as 194 suspects, terdri than 144 Vietnamese and 50 Indonesian citizens, as well as the ship as evidence amounted to 31 vessels (gresnews.com).

Implementation of law enforcement on cases of violations of the law in North Sulawesi, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi Water (source: List of Case Handling Spill Ship BKO BAHARKAM Police in 2009, 2010 and 2011, are as follows :

Settlement process, the case of 2009 amounted to 39 cases consists of:

1. Case P-21 = 9 cases
2. Case Examiner is not proven = 17 cases
3. Case Tipiring = 5 case
4. Case SP3 = 7 case
5. Case affluent = 1 case

Settlement process, the case of 2010 amounted to 45 cases consists of:

1. Case P-21 = 5 case
2. Case Phase I = 1 case
3. Case Examiner is not proven = 21 cases
4. Case Tipiring = 3 case
5. Case SP3 = 10 cases
6. Case affluent = 5 case

Settlement process, the case of 2010 amounted to 31 cases consists of:

1. P-21 = 3 case, first cruise, 2 theft
2. Fingerprint = 2 case, two cruise
3. Examiner = 2 cases, 1 suspected embezzlement / theft, one gas
4. affluent = 5 cases, 2 shipping, 1 insults and threats, one KSDA, 1 immigration.
5. Tipiring = 9 cases, 7 cruise, 2 MIRAS



6. Not enough evidence = 10 cases, 1 Examiner missing persons already discovered, 3 oil and gas, one theft, one voyage, one fraud, one fishery, one vandalism, one immigration

From these data show a lot of cases that have been dealt with as part of law enforcement in waters off northern Sulawesi province many cases proved to be a misdemeanor and there are still some things that are delegated to the North Sulawesi Police for further processing and there are cases that did not continue the process completion, due to insufficient evidence. Concern for our country in combating crime in the area of fisheries (illegal fishing) not only make the rules in the form of legislation and policies, but also participate with other countries jointly carry out the movement against the crime.

Activity waste B-3 are carried out by a group of people who are not responsible in marine waters, for example, ever "caught" in the sea, the beach island of Batam. They must know that the B-3 waste discharged into the sea will definitely spread and undermine governance aquatic life and <sup>24</sup>man health. Development of Bunaken in Manado as a tourist area that has not been planned properly joined <sup>24</sup>contribute to the deterioration of the marine environment. Construction sites with the rudimentary lodgings has allowed household waste including plastic and detergent solution, threatening growth Bunaken marine park, undisturbed coral growth, fish berimbiose also contaminated. If this is not done, the beauty of Bunaken marine park will be a distant memory, marine tourism activities that have been able to inflict economic activities can be gone no beautiful impression.

### <sup>2</sup>3.3. Bottlenecks practice law enforcement against illegal fishing in waters North Sulawesi Province

It is very difficult, vast sea area of Indonesia is only guarded by some fruits RI Navy patrol boats, Water Police. Cooperation between traditional fishermen and the marine security officers need to be improved to avert the occurrence of illegal fishing. Severe penalties should be applied to a deterrent effect on the fish thieves. Currently the only supervision carried out by 21 vessels patrol the operational time of the operating time of 120 days per tahun. Tahun 2009 will be increased to 180 days. How to improve supervision, increase the fleet needs to be done before the fish thieves rampant. There are cases where an operation requires a naval vessel to intercept the merchant ship along with the captain of the merchant ship, to minimize the delay in the trial, about the legal business. Implementation of law enforcement on cases of violations of the law in the waters of northern Sulawesi, according to data obtained from the Indonesian National Police Regional Police Directorate of North Sulawesi waters, has the following constraints:

1. Lack of personnel;
2. Fleet North Sulawesi Police Water Police Directorate, still less, compared to the area of North Sulawesi Territory with an area that is 15472.98 km<sup>2</sup>;
1. Fleet facility which is owned by the Water Police Directorate Police Sulut measuring only C1, C2, C3 and if in view of the breadth of the territorial waters of North Sulawesi, should have been using a fleet size of B1. Total fleet of only 14 pieces;
2. Operational costs are limited;
3. HR (Human Resources) who understand the sea <sup>25</sup>is very minimal, especially in North Sulawesi;
4. In the process of settling disputes lawlessness in the waters of North Sulawesi as the arrest of foreign nationals (citizens of the Philippines) have problems, because information about the status of the nationality of the crew from the Philippines Consulate takes approximately 2 months, thus hindering the process of settling disputes.

### <sup>2</sup>4. Conclusion

Enforcement of laws <sup>2</sup>against the practice of illegal fishing in the waters <sup>24</sup>of North Sulawesi province carried out by North Sulawesi Police Water Police Directorate and implemented in accordance with the legislation in force through the process of arrest, investigation, investigation, prosecution and examination in court. In many cases the process of resolving the case of minor criminal offenses that have been completed and other cases can not be processed further because of insufficient evidence meets the elements of a crime and some cases temporarily transferred to the North Sulawesi Police for further processing. For administrative violations cruise resolved through guidance and liabilities master and crew to take care of the necessary shipping documents. Constraints in law enforcement, namely the lack of personnel Sulawesi Police Water Police Directorate in comparison with the area of Territorial waters of North Sulawesi to carry out both operational tasks in the field and the lack of facilities owned fleet. Other constraints such as limited operational costs and human resources. In the process of settling disputes lawlessness in the waters of North Sulawesi many obstacles, because information about the status of the nationality of the crew requires a relatively long time from other countries of the crew came from.

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