

Law Enforcement toward Fisheries Criminal at South Sulawesi Waters

Sabir*, Said Karim, Sufirman Rahman**, Nasrullah Arsyad****

**Student of the Law Doctoral Program, Postgraduate of the Muslim University of Indonesia*

***Lecturer of the Faculty of Law, Muslim University of Indonesia*

Corresponding Author: Sabir

Abstract: This research conducted with the aim of 1) To study, analyze and discover the nature of law enforcement in combating criminal acts in the field of fisheries; 2) To study, analyze and find factors that influence law enforcement in combating criminal acts in the field of fisheries; 3) To analyze, find out and find the ideal form of law enforcement against the eradication of criminal acts in the field of fisheries. This type of research is a combination of normative legal research (legal research) and empirical legal research (empire legal research). This research begins with an inventory of legal regulations or laws and regulations related to fisheries criminal law enforcement.

Keywords: Fisheries, Law Enforcement, Field of Fisheries

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I. INTRODUCTION

The Unitary State of the Republic of Indonesia (NKRI) as referred to in the 1945 Constitution of the Republic of Indonesia has sovereignty and jurisdiction over the territorial waters of Indonesia, as well as the authority in determining the provisions regarding the utilization of fish resources, both for fishing and cultivation activities while increasing prosperity and justice, for the maximum utilization of the interests of the nation and the state while still taking into account the principle of the preservation of fish resources and their environment and the sustainability of national fisheries development (General Explanation of Law No. 31 of 2004 concerning Fisheries).

The definition of fisheries that have been determined in Article 1 number 1 of Law No. 31 of 2004 Jo. Law Number 45 of 2009 concerning Fisheries:

“Fisheries are all activities related to the management and utilization of fish resources and the environment starting from preproduction, production, processing, to marketing carried out in a fisheries business system.”

Therefore, a legal basis for managing fish resources is needed that can accommodate all aspects of managing fish resources and anticipating the development of legal and technological needs. The presence of Law No. 31 of 2004 concerning Fisheries is expected to be able to anticipate and at the same time be a solution to the very large changes in the field of fisheries, both related to the availability of fish resources, environmental sustainability of fish resources, as well as the development of fisheries management methods that are more effective, efficient, and modern. On the other hand, there are several issues in fisheries development that need attention from all parties, including the government, the community and other parties related to fisheries development. These issues include the symptoms of over fishing, fish theft, and other fisheries criminal acts which not only cause losses to the state, but also threaten the interests of fishermen and fish-hatchers, the industrial climate, and the national fisheries business. These problems must be resolved in earnest, so that law enforcement in the field of fisheries becomes very important and strategic in order to support fisheries development in a controlled and sustainable manner.

The existence of legal certainty is a condition that is absolutely necessary in handling criminal acts in the field of fisheries. But in reality, Law Number 31 Year 2004 regarding Fisheries is still unable to anticipate technological developments and the development of legal needs in the framework of managing and exploiting the potential of fish resources and has not been able to answer these problems. Therefore, it is necessary to make changes to several substances, both regarding management aspects, bureaucracy, and legal aspects.

II. STATEMENT OF THE PROBLEM

1. What is the nature of law enforcement in the field of fisheries?
2. What factors affect law enforcement in combating criminal acts in the fishery sector?
3. What is the ideal form of law enforcement in combating criminal acts in the fishery sector?

III. THEORETICAL FRAMEWORK

A. Theoretical basis

1. Law Enforcement Theory

a. Definition of Law Enforcement

In general, law enforcement can be interpreted as an act of implementing certain legal instruments to impose legal sanctions to ensure compliance with the stipulated provisions. Law enforcement is an attempt to uphold legal norms, as well as the values behind these norms. (Siswanto Sunarso, 2003: 203).

Law enforcement can also be interpreted as, a series of activities in the context of implementing legal provisions that are both enforcement and prevention, covering all technical and administrative activities carried out by law enforcement officers, so as to create a safe, peaceful and orderly atmosphere for strengthening legal certainty in society (Abdusalam, 1979: 17).

In this sense, as a rule of law enforcement also means a series of activities in the framework of implementing the applicable legal provisions, both legal and preventive in nature, covering all technical and administrative activities carried out by law enforcement officers, so as to give birth to an atmosphere safe, peaceful and orderly for strengthening legal certainty in society.

b. Law Enforcement Officials

Law Enforcement Officials are apparatuses that carry out the process of upholding or functioning of legal norms as a real guideline for behavior in traffic or legal relations in social and state life, to guarantee and ensure the enforcement of the law, if necessary, the law enforcement apparatus allowed to use forced power.

Law enforcers are law enforcement agencies whose job is to realize and enforce the law in the midst of society and the environment. Viewed from the organizational aspect, legal institutions are not static but dynamic. The organizational structure of this legal institution is actually an institution in a state of motion. If law enforcement agencies start to move, there will be an interaction between the institution and the community and the environment (Satjipto Rahardjo, 2009).

c. Factors Affecting Law Enforcement

According to Soerjono Soekanto (1983: 5), law enforcement is not merely the implementation of legislation, there are factors that influence it, namely:

- 1) The legal factors themselves;
- 2) Law enforcement factors, namely those who form and apply the law;
- 3) Factors of facilities or facilities that support law enforcement;
- 4) Community factors, namely environmental factors where the law applies or is applied;
- 5) Cultural factors, namely as a result of work, creativity and taste
- 6) based on human initiative in the association of life.

2. Theory of Authority

a. Understanding Authority

Indroharto (1994: 65) argues that legally the definition of authority is the ability given by the laws and regulations to cause legal consequences. in het bestuurechtelijke rechtsverkeer "that authority can be explained as a whole of rules relating to the acquisition and use of governmental authority by the subject of public law in public law.

b. Source of Authority

Tubagus Ronny Rahman Nitibaskara (2002: 65), explains: "In law there is a principle of legality known as its main pillar and is one of the main principles that is used as the basis in every administration and state in every state of law, especially for the law and continental countries. "

According to Indroharto that authority is obtained by attribution, delegation, and mandate, attribution authority is usually outlined through the division of state power by the Basic Law, delegation and mandate authority is authority that comes from delegation.

c. Nature of Authority

The nature of authority is generally divided into 3 (three) types, namely bound, facultative (optional) and free. This is closely related to the authority of making and publishing decisions (besluiten) and decrees (beschikkingen) by government organs so that there are known bound and free decisions.

d. Limitation of Authority

In the rule of law, the principle of legality is known as the main pillar and is one of the main principles that is used as the basis in every administration and state in every state of law, especially for the countries of law and the continental system. Philipus M Hadjon stated that authority was obtained through three sources namely *atribus*, delegation, mandate. The authority of *atribus* is usually outlined through the division of state power by the Basic Law, the authority of the delegation and the mandate is the authority that comes from delegation. Each authority is limited by the content or material of the area and time. Defects in these aspects can lead to disability of authority.

3. Theory of Consciousness and Legal Obedience

a. Legal Awareness

Legal awareness is interpreted separately in a language in which the word “consciously” knows and understands, and as a whole is knowing and understanding about the law, according to Ewick and Silbey: “Legal Awareness” refers to the ways in which people understand the law and legal institutions, that is, understandings that give meaning to people’s experiences and actions.

For Ewick and Silbey, “legal awareness” is formed in actions and therefore is a matter of practice to be empirically examined. In other words, legal awareness is a matter of “law as behavior”, and not “law as rules of norm or principle”

b. Legal observance

1) The problem of observance of law

Legal sociology has a very important role in the effort to socialize the law in order to increase positive legal awareness, both from the community as a whole, as well as from law enforcers. Legal awareness according to the big Indonesian dictionary is one’s awareness of the knowledge that a certain behavior is regulated by law. Legal awareness at a certain point is expected to be able to encourage someone to obey and carry out or not carry out what is prohibited and or what is ordered by the law. Therefore, increasing legal awareness is an important part of efforts to realize law enforcement.

2) Obligation to Obey the Law

One important issue that always appears repeatedly in law is whether or to what extent there is an obligation to obey the law (an obligation to obey the law). By an obligation to obey (an obligation to obey), the general reference in that case is usually due to a moral obligation, where a legal obligation to obey the law (a legal obligation to obey the law).

3) Types of legal observance

Legal compliance itself is still distinguished in the concepts put forward by Achmad Ali (2009: 348) based on the concept of H.C. Kelman (1996: 140), as follows:

- a) Compliance is compliance, that is if someone obeys a rule, just because he is afraid of sanctions. The disadvantage of this type of obedience is that it requires constant supervision.
- b) Identification obedience, that is if someone obeys a rule, only for fear that his good relationship with another party will be damaged.
- c) Internalization obedience, that is if someone obeys a rule in accordance with the intrinsic values it adheres to.

4. Criminal Theory

Muladi (1985: 49) termed goal theory as teleological theories and merger theory was called an integrative view of theological retributivism which assumed that punishment had a plural objective, which was a combination of a utilitarian view which stated that the goal of punishment must have beneficial consequences which can be proven, justice must not be through the imposition of suffering that is acceptable for the purpose of suffering itself and the retributivist view which states that justice can be achieved if theological objectives are carried out using a measure based on the principles of justice, for example that the criminal suffering must not exceed the reward that the criminal offender should receive.

a. Absolute / Retributive Theory

According to this theory the crime was imposed solely because people committed a crime or a crime (*quia peccatum est*). Criminal is an absolute consequence that must exist as a retaliation to the person who commits a crime. So the basis for justification of a crime lies in the existence or occurrence of the crime itself. Thus it can be said that the theory considers as the legal basis of criminal or criminal purpose is the nature of the mind for retaliation (*vergeldings*).

b. Goal / Relative Theory

Adherents of this theory see the criminal as something that can be used to achieve benefits, both relating to the guilty person, for example, making him a better person, as well as relating to the world, for example by isolating and correcting criminals or preventing potential criminals, will make world of a better place.

c. Combined Theory / Verenigings Theorien

According to this flow, the goal of punishment is plural, because it connects the principles of purpose and the principles of retaliation in a unity. Therefore such a theory is called the combined theory or some call it integrative flow. This view suggests the possibility of articulating a criminal theory that integrates several functions at once as well as retribution and which is "utilitarian" for example prevention and rehabilitation which are all seen as targets to be achieved in the criminal plan. Criminal and criminal offense consists of a process of activities against the perpetrators of crime, which in a certain way is expected to be able to assimilate the convicted person back into the community.

B. Definition and Types of Criminal Acts

1. Definition of Criminal Acts

Foreign Criminal Law experts use the term Criminal Acts or Criminal Acts, with the Dutch term "strafbaar feit", "criminal act" in English, "actus reus" in Latin. In translating the words of the strafbaar feit, there are various kinds of terms used by several scholars and also in various laws.

Andi Hamzah (1994: 72 and 88) in his book Principles of Criminal Law provides a definition of offense, namely: Delict is "an act or action that is prohibited and threatened with punishment by law (criminal)."

Moeljatno in the book Chazawi Adami (2002: 72), defines Strafbaarfeit as follows: Strafbaarfeit is actually "a human behavior that is threatened with crime by statutory regulations."

While Jonkers in his book Chazawi Adami (2002: 75) also formulates that Strafbaarfeit as a criminal event which means: "an unlawful act (wederrechtelijk) relating to intentional or wrongdoing by people who can be accounted for."

2. Types of Criminal Acts

- a. According to the Criminal Code system, the distinction between crimes contained in book II and violations contained in book III.
- b. According to the way they are formulated, a distinction is made between formal criminal acts and material criminal acts.
- c. Based on the form of error, distinguished between deliberate criminal acts (dolus) and unintentional criminal acts (culpa).
- d. Based on the type of action, it can be distinguished between active / positive criminal acts which can also be called commission crimes and passive / negative criminal acts, also called omission crimes.
- e. Based on the time and period of occurrence, it can be distinguished between criminal acts that occur instantaneously and criminal acts that occur in a long time or last long / continue.
- f. Based on the source, it can be distinguished between general and specific criminal offenses.
- g. Viewed from the point of view of the subject, it can be distinguished between communia crime (a crime that can be carried out by all people) and a propria crime (a crime that can only be committed by a certain qualified person).
- h. Based on the need for complaints in terms of prosecution, it is distinguished between ordinary criminal acts and criminal offenses.
- i. Based on the severity of the crimes that are threatened, it can be distinguished between the principal forms of crime, the aggravated crimes and the crimes that are commuted.
- j. Based on the interests of protected law, criminal acts are not limited to types, highly dependent on the interests of law protected in a statutory regulation.
- k. From the point of view of the number of changes to become a ban, it is distinguished between a single criminal act and a series of criminal acts.

C. Criminal Theory of Illegal Fishing

In the territorial waters of Indonesia, illegal fishing is often done by Indonesian-flagged local fishermen using chemicals or other substances used to kill fish and can endanger the surrounding environment, which is contrary to Article 8 paragraph (1) of Law Number 31 The year 2004 was amended by Law No.45 of 2009 concerning Fisheries which states:

"Everyone is prohibited from fishing and / or cultivating fish using chemicals, biological materials, explosives, tools and / or endangering the sustainability of fish resources and / or the environment in the territory of the Republic of Indonesia fisheries management."

Violations of the article are threatened with criminal Article 84 paragraph (1) of the Law No. 31 of 2004 which has been amended by Law No.45 of 2009 Concerning Fisheries, the act constitutes a criminal act.

Even though these rules already exist, it does not mean everyone will obey them, there are often violations of these provisions. In order to strengthen and comply with the administrative provisions, then in Law No.45 of 2009 concerning Amendment to Law No. 31 of 2004 concerning Fisheries contained a criminal threat which is a policy in criminal law (penal policy).

As mentioned earlier that the penal policy is an attempt to realize criminal legislation in accordance with the circumstances of the situation at a time and for the future. In connection with that the government has enacted Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries, which in the law contains criminal threats.

1. Definition of Criminal Acts in the Field of Fisheries

Illegal fishing is a term popularized by legal experts in Indonesia, which later became a popular term in the media and was used as an interesting legal study for environmental activists. In terminology, illegal fishing from literal understanding is derived from English, which consists of two words illegal and fishing. "Illegal" means illegal, prohibited or contrary to the law "Fish" means fish or meat and "fishing" means fishing as a livelihood or catching place. (John M. Echols and Hassan Shadil, 2002: 311).

Law Number 45 of 2009 concerning Fisheries states that fishing is an activity to obtain fish in waters that are not being cultivated by any means or means, including activities that use ships to load, transport, store, store, cool, handle, process, and / or preserve it.

Crime of fisheries refers to based on Law Number 31 of 2004 and Law Number 45 of 2009. In Law Number 31 of 2004 concerning Fisheries, several articles that regulate criminal acts in the fishery sector are included. There are 2 (two) categories regarding fisheries crime, namely the violation category and the crime category. 18 Judges who will adjudicate violations in the field of fisheries are also special, namely ad hoc judges consisting of two ad hoc judges and one career judge. Trial hearings can be carried out in absentia. Similarly detention is specifically regulated. There are 17 (seventeen) articles governing the formulation of fisheries offenses starting from Article 84 to Article 100.

2. Types of fisheries criminal offenses

Types of fisheries criminal acts, namely fishing without a permit (Fisheries Business License (SIUP) and Fishing License (SIPI) or Fish Transport Vessel License (SIKPI)), have a license but violate the provisions as stipulated (violation of the fishing area , violation of fishing gear, violation of obedience based,) falsification / manipulation of documents (procurement documents, registration, and licensing of ships), transshipment at sea, not activating transmitters (specifically for vessels required to install and capture destructive fishing using destructive fishing) using chemicals, biological materials, explosives, tools and / or methods, and / or buildings that endanger the preservation of fish resources (<http://firarosalina.blogspot.com/2012/10/illegal-fishing.html>).

But there are also clearer types of illegal fishing, namely:

- 1) Fishing without possessing or falsifying permits Permits in fishing were previously regulated under Article 32 of Law Number 31 of 2004 concerning Fisheries.
- 2) Using explosives / fish bombs
- 3) Using chemicals or fish anesthesia
- 4) Fishing by violating fishing ground (fishing ground)

IV. DISCUSSION

A. The Nature of the Implementation of Criminal Law Enforcement in the Field of Fisheries

1. Administrative Law

The legal position of the fisheries business has been regulated in various regulations or regulations both in the Law, Government Regulations and ministerial regulations. This proves that the implementation of this fishery business is inseparable from the rules that become the reference stone in carrying out all activities related to the business sector. The legal basis of the fishing company as stated in the Regulation of the Minister of Fisheries and Maritime Affairs of the Republic of Indonesia Number Per.30 Men / 2012 concerning Capture Fisheries Business in the Republic of Indonesia's Fisheries Management Area in Chapter I General Provisions Article 4 which reads:

"Fishing companies are companies that carry out business in the field of fisheries, both legal entities and non-legal entities."

Table 1: Recapitulation of Fisheries Permit Data for 2014-2018

No	Year	Number of permits issued			Information
		SIUP	SIPI	SIKPI	
1	2	3	4	5	6
1	2014	8	124	425	-
2	2015	20	45	402	-
3	2016	-	23	375	-
4	2017	1105	5	225	-
5	2018	888	-	127	-
Total		2.201	197	1502	-

Source: Director General of KKP Licensing and Services, 2018

Based on the recapitulation of fisheries permit data for 2014-2018, it shows that there are still weaknesses in the inspection of the dossier so that they do not pay attention to physical inspection in the field, which results in many vessels having different specifications with the permits they have obtained. This could become one of the modus operandi to deceive the licensor for the benefit of the ship owner only.

Granting permits granted to ship owners can of course have a negative impact on the availability of sustainable potential in a particular area. So far, the issuance of permits is carried out without taking into account the availability of fish resources in the area. The main obstacle is the problem of implementation in the field which in fact is not easy to calculate the availability of fish resources in certain areas.

2. Description of Respondents Response Indicators The Nature of Law Enforcement

Description is an explanation in the form of an analysis of respondents' responses through questionnaires. The following is a recapitulation of the respondent's answer score:

Table 2: Recapitulation of the respondent's answer score for the Law Enforcement Implementation Indicators in the Makassar, Pangkep and Selayar Islands waters

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	Law enforcement	Law enforcers are increasingly strict in implementing law enforcement in Indonesian waters	0	0	0	20	30
Total			0	0	0	40%	60%
		Law enforcement means a series of activities in the context of implementing the applicable legal provisions, both enforcement and prevention, covering all technical and administrative activities carried out by law enforcement officials, so as to create a safe, peaceful and orderly atmosphere for certainty law in society.	0	0	0	21	29
Total			0	0	0	42%	58%
		Law Enforcement Apparatus is the apparatus that carries out a process of endeavoring to uphold	0	0	0	19	31

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		or properly functioning legal norms as guidelines for behavior in traffic or legal relations in the life of the community and state.					
Total			0	0	0	38%	62%

Source: Data processed, 2019

Based on table 2, it can be seen the description of the frequency of the results of respondents' answers for each statement from law enforcement increasingly decisive in the implementation of law enforcement in Indonesian waters, the number of respondents who answered agreed as many as 20 respondents or by 40%, and respondents who answered strongly agreed as many as 30 respondent or 60%. So the conclusion is that law enforcement has become more assertive in the implementation of law enforcement in Indonesian waters that can carry out their duties properly.

For the second statement, law enforcement means a series of activities in the context of implementing the applicable legal provisions, both legal and preventive in nature, covering all technical and administrative activities carried out by law enforcement officials, so as to give birth to a safe, peaceful and peaceful atmosphere. orderly to strengthen legal certainty in the community. the number of respondents who answered agreed as many as 21 respondents or 42%, and respondents who answered strongly agreed as many as 29 respondents or as much as 58%. It can be concluded that law enforcement in waters in Indonesia, especially in the waters of Makassar, Pangkep and Selayar.

For the third statement, Law Enforcement Officials are apparatuses that carry out the process of upholding or functioning of legal norms as a real guideline for behavior in traffic or legal relations in the life of society and state. 38%, and respondents who answered strongly agreed as many as 31 respondents or by 62%. It can be concluded that law enforcement officers have carried out the process well and are trying to uphold the function of legal norms in society.

Table 3: Recapitulation of respondents' answer scores for Indicators of Legal Authority in the waters of Makassar, Pangkep and Selayar Islands

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	Legal authority	Broadly speaking, the authority of agencies involved in the implementation of law enforcement at sea includes, (1) authority of investigation, (2) authority of prosecution, and (3) authority of justice	0	0	0	23	27
Total			0	0	0	46%	54%

Source: data processed, 2019.

Based on table 3 the data can be seen a description of the frequency of the results of respondents' answers for each statement of legal authority, the number of respondents who answered agreed as many as 23 respondents or 46%, and respondents who answered strongly agreed as many as 27 respondents or by 54%. The conclusion is that law enforcement agencies have carried out investigative authorities well in terms of conducting law enforcement at sea.

3. Supervision

One discussion of administrative law is related to supervision. According to Gatot Supramono (2011: 57), states that fisheries surveillance is an activity to prevent deviant acts or to take repressive actions for violations of deviant acts or to carry out repressive actions against violations of the laws and regulations in the field of fisheries. In brief, fisheries supervision is tasked to deal with deviations or violations so that fisheries are in force.

The following data shows the administrative sanctions applied by the Fishery Supervisor / Fisheries PPNS, the Directorate of Violation Management, the Directorate General of Marine Resources and Fisheries (PSDKP) as follows:

Table 4: Number of Cases and Administrative Sanctions of Makassar Port Police in 2014-2018

No	Year	Number of Cases	Administrative Sanctions
1	2	3	4
1.	2014	9	8
2.	2015	18	16
3.	2016	11	10
4.	2017	20	20
5.	2018	25	23
Total		83	77

Source: Directorate General of Marine and Fisheries Resources, 2019

Based on the data above, from 2014 to 2018 there were 83 marine and fisheries crimes. 2018 was the year where the most fisheries crime occurred, namely 25 cases or 30%. Then in 2017 there were 20 cases or 24%, following in 2015 there were 18 cases or 21%, then in 2016 there were 11 cases or 13%. In 2014 the number of cases was 9 cases or 10%. Meanwhile, from 2014 to 2018 the handling of violations provided 77 administrative sanctions or 89% of 83 cases. The following data shows administrative sanctions on the Pangkep Regional Police are as follows:

Table 5: Number of Cases and Administrative Sanctions of Pangkep Regional Police in 2014-2018

No	Year	Number of Cases	Administrative Sanctions
1	2	3	4
1.	2014	6	6
2.	2015	3	3
3.	2016	7	6
4.	2017	4	4
5.	2018	5	5
Total		25	24

Source: Directorate General of Marine and Fisheries Resources, 2019

Based on the data above, from 2014 to 2018, there were 7 marine and fisheries crimes. 2016 was the year where the most fisheries crime occurred, namely 7 cases or 28%. Then in 2014 there were 6 cases or 24%, following 2017 there were 4 cases or 16%, then in 2014 there were 6 cases or 28%. In 2015 the number of cases was 3 cases or 12%. Meanwhile, from 2014 to 2018 the handling of violations provided administrative sanctions of 24 or 90% of 25 cases.

Table 6: Number of Cases and Sanctions for Selayar District Police 2014-2018

No	Year	Number of Cases	Administrative Sanctions
1	2	3	4
1.	2014	5	5
2.	2015	7	7
3.	2016	12	12
4.	2017	8	8
5.	2018	1	1
Total		33	33

Source: Directorate General of Marine and Fisheries Resources, 2019

Based on the data above, from 2014 to 2018 there were 33 criminal acts in the fishery sector. 2016 was the year where the majority of fisheries crimes occurred, namely 12 cases or 36%. Then in 2017 there were 8 cases or 24%, following in 2015 there were 7 cases or 21%, then in 2018 the number of cases would be at least 1 case or 3%. Meanwhile, from 2014 to 2018 the handling of violations provided administrative sanctions for all violations, namely 33 cases or 100%.

Based on data from the Makassar Port Police, the Pangkep Regional Police and the Selayar Regional Police, the administrative sanctions imposed by the government are revocation of licenses. Therefore, fisheries permit is a government control tool in the management of fisheries resources and business, by issuing and allocating fisheries licenses, the government can find out how much the existing fisheries resources are managed and utilized.

4. Criminal law

a. Problems with Fisheries Criminal Arrangement

Illegal fishing or illegal fishing according to the International Plan of Action-Illegal, Unreported and Unregulated Fishing (IPOA-IUU Fishing) is a fishing activity carried out by a certain country or a foreign ship in waters that are not its jurisdiction without permission from the country that owns jurisdiction. IUU Fishing can also be interpreted as fishing activities that are contrary to the laws and regulations of the country (Activities conducted by national or foreign vessels in waters under the jurisdiction of a state, without permission of that state, or in contravention of its laws and regulations).

For types of criminal penalties in the field of fisheries only recognize the main criminal, while additional crimes are not regulated in Law number 31 of 2004 jo. Law Number 45 of 2009. Concerning the principal penalties that can be imposed by the judge with fisheries cases in the form of criminal and criminal fines. Although Law number 31 of 2004 Jo. Law Number 45 of 2009 does not specifically regulate additional crimes, but fisheries judges can still impose additional penalties based on Article 10 of the Criminal Code. Criminal penalties in the fisheries sector are mostly cumulative, both directed against criminal offenses and offense offenses.

Table 7: Classification of Fisheries Crimes According to Law Number 31 of 2004 Jo. Act Number 45 of 2009 concerning Fisheries

No 1	Crime 2	Violation 3
1)	Every person who intentionally in the territory of the Republic of Indonesia fisheries management catches fish and / or cultivates fish using chemicals, biological materials, explosives, tools and / or methods, and / or buildings that can harm and / or endanger the preservation of resources fish and / or their environment (Article 84 paragraph 1);	Any person who intentionally in the territory of the Republic of Indonesia fisheries management damages the nuftah plasma related to fish resources (Article 87 paragraph 1), which due to negligence in the territory of the Republic of Indonesia fisheries management results in damage to the nuftah plasma related to fish resources (Article 87 paragraph (2).
2)	The captain or leader of a fishing vessel, fishing expert, and the crew who intentionally in the fisheries management area of the Republic of Indonesia conducts fishing using chemicals, biological substances, explosives, tools and / or methods, and / or buildings that can harm and / or endanger the sustainability of fish resources and / or the environment (Article 84 paragraph 2);	Everyone who handles and manages fish that does not meet and does not apply the requirements for fish processing feasibility, quality assurance systems, and safety of fishery products (article 89).
3)	The owner of the fishing vessel, the owner of the fishing company, the person in charge of a fishing company, and / or a fishing boat operator who intentionally in the fisheries management area of the Republic of Indonesia conducts fishing business using chemicals, biological substances, explosives, tools and / or methods, and / or endanger the sustainability of fish resources and / or the environment (Article 84 paragraph 3);	Everyone who handles and manages fish that does not meet and does not apply the requirements for fish processing feasibility, quality assurance systems, and safety of fishery products (Article 89).
4)	The owner of the fish cultivation company, the authority of the owner of the fish cultivation company,	Any person who intentionally imports or ejects fish and / or territory of the Republic

No	Crime	Violation
1	2	3
	and / or fish cultivation that intentionally conducts fish cultivation business in the territory of the Republic of Indonesia fisheries management using chemicals, biological substances, explosives, tools that can harm and / or endanger the preservation of resources fish and / or their environment (article 84 paragraph 4);	of Indonesia that is not equipped with a health certificate for human consumption (Article 90).
5)	The owner of the fish cultivation company, the authority of the owner of the fish cultivation company, and / or fish cultivation that intentionally conducts fish cultivation business in the territory of the Republic of Indonesia fisheries management using chemicals, biological substances, explosives, tools that can harm and / or endanger the preservation of resources fish and / or their environment (article 84 paragraph 4);	Everyone who operates a fishing vessel in the territory of the Republic of Indonesia fisheries management that does not register the fishing vessel as an Indonesian fishing vessel (Article 96).
6)	Any person who intentionally in the fisheries management area of the Republic of Indonesia commits an act that results in pollution and / or damage to fish resources and / or the environment (Article 86 paragraph 1), raising fish that can endanger fish resources and / or human health (Article 86 paragraph 2), breeding genetically engineered fish that can endanger fish resources and / or human health (Article 86 paragraph 3), use drugs in fish cultivation that can endanger fish resources and / or the environment of fish resources and / or human health (article 86 paragraph 4);	The captain who operates a foreign-flagged fishing vessel that during his stay in the territory of the Republic of Indonesia fisheries management does not keep a fishing gear in the hold (article 97 paragraph 1) which already has a fishing license with 1 (one) other type of fishing gear (Article 97 paragraph 2), which has obtained a fishing license, which does not keep fishing equipment in the hold while in the territory of the Republic of Indonesia (Article 97 paragraph 3).
7)	Any person who intentionally enters, excludes, procures, distributes, and / or maintains fish that harms the community, fish cultivation, fish resources, and / or the environment of fish resources into and / or outside the territory of the Republic of Indonesia fisheries management (Article 88);	The fishing boat captain does not have a sailing approval letter as referred to in Article 42 paragraph 3 Article 98).
8)	Everyone who intentionally uses raw materials, food additives, supporting materials, and / or the environment in carrying out fish handling and processing (Article 91);	Every foreigner who conducts fisheries research in the territory of the Republic of Indonesia fisheries management does not have a permit from the government (Article 99).
9)	Any person who intentionally in the territory of the Republic of Indonesia fisheries management carries out a fishery business in the field of catching, cultivating, transporting, processing and marketing fish, which does not have SIUP (Article 92);	Everyone who violates the stipulated provisions as referred to in Article 7 paragraph 2 (Article 100), that is, every person who conducts and / or fisheries activities must comply with the provisions: type / number / size of fishing gear, type / amount / size and placement of fishing aids, fishing area / line / time or season, requirements or standard operating procedures for fishing and re-stocking areas and culture-based fishing.
10)	Everyone who owns and / or operates an Indonesian-flagged fishing vessel conducts fishing in the territory of the Republic of Indonesia fisheries management and / or in the high seas, which does not have SIPI as referred to in Article 27 paragraph (1) (Article 93 paragraph 1);	Fish cultivation and protection;
11)	Every person who operates a foreign-flagged fishing vessel conducts fishing on EEZ that does not have SIPI as referred to in Article 27 paragraph 2 (Article 93	Prevention of pollution and damage to fish resources and the environment; minimum size or weight of fish species that can be

No	Crime	Violation
1	2	3
	paragraph 2);	caught; fishery sanctuary; outbreaks and areas of fish disease outbreaks, types of fish that are prohibited from being traded, imported, and excluded from the territory of the Republic of Indonesia; and protected fish species.
12)	Everyone who operates an Indonesian-flagged fishing vessel, which does not carry the original SIPI flag as referred to in Article 27 paragraph 3 (Article 93 paragraph 3);	
13)	Everyone who operates a foreign-flagged fishing vessel in ZEEI, who does not carry the original SIPI as referred to in article 27 paragraph 3 (Article 93 paragraph 4);	
14)	Everyone who owns and / or operates a fish-carrying vessel in the fisheries management area of the Republic of Indonesia that carries out transportation or related activities that do not have a SIKPI (Sura Permit for Fishing Boat) (Article 94);	
15)	Any person who falsifies and / or uses fake SIUP, SIPI, and SIKPI as referred to in Article 28A (Article 94A).	

In cumulative criminal sentences (prisons) with criminal penalties applied at once. Here there is no reason for the judge not to impose the two crimes, nor does the judge choose one sentence to be handed down, but must impose both the principal crime.

b. Illegal Fishing Criminal Investigation and Investigation

Law enforcement against criminal acts in Indonesia is carried out through criminal justice processes in which every form of criminal act that occurs is handled through the Pre Adjudication, Adjudication and Post Adjudication stages. Pre Education: At this stage Law enforcement agencies or agencies are directly involved, namely investigators (Police, Navy and Civil Servant Investigators) and Prosecutors (Prosecutors). Law enforcers take an action based on information and reports regarding the existence of a criminal offense of Illegal Fishing.

B. Factors in the Implementation of Law Enforcement in the Eradication of Criminal Acts in the Field of Fisheries

Based on existing data, half of Indonesia’s territory is the sea, which is 3.1 Million square kilometers with a coastline length of 81,000 square kilometers, consisting of 17,504 islands. This fact also confirms Indonesia as the largest archipelago country in the world (Indonesian Central Statistics Agency, 2016, Statistics Indonesia 2016, p. 9). Geographical facts that classify the territory of Indonesia as a maritime or maritime country can illustrate what the activities of residents who inhabit it. Surely the life of the population in Indonesia will be more related to the sea such as shipping, fisheries, and so on.

1. Respondents regarding the factors that influence law enforcement in combating fisheries criminal offenses in the waters of Makassar City, Pangkep Waters and Selayar Islands.

The position of the law as supreme supremacy in the order of the state society, is not something that just happens. The long process has continued until communities around the world agree to place the law as one of the written guidelines that must be obeyed in order to achieve order, security and justice together. However, in the implementation process, various problems occur so that the law cannot just be enforced. The following are some responses of respondents regarding the factors that influence the implementation of law enforcement as in the table below:

Table 8: Recapitulation of respondents' answers to scores of factors affecting the law enforcement in eradicating criminal acts in the waters of Makassar, Pangkep and Selayar Islands

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	The legal factor itself	The practice of law enforcement in the field often results in conflicts between legal certainty and justice.	0	0	0	24	26
Total			0	0	0	48%	52%
2	Personality Factors (mental) Law Enforcement	Law enforcers are role models in society, who should have certain abilities in accordance with the aspirations of the community.	0	0	0	30	20
Total			0	0	0	60%	40%
3	Facilities and Infrastructure Factors	Without certain facilities or facilities, it is impossible for law enforcement to run smoothly.	0	0	0	23	27
Total			0	0	0	46%	54%
4	Factors of Public Law Awareness and Compliance	Indonesian people have a great tendency to interpret the law and even identify it with officers.	0	0	0	19	31
Total			0	0	0	38%	62%
5	Cultural Factors	The legal culture (system) basically includes the values that underlie the applicable law, the values which are abstract conceptions of what is considered good (so embraced) and what is considered bad (so avoided)	0	0	0	29	21
Total			0	0	0	58%	42%

Source: Data processed, 2019

From the respondent's data in table 8, it can be seen a description of the results of the respondents' answers to each statement of the factors that influence law enforcement regarding the legal factors themselves who answered agree as many as 24 people or 48% and those who answered strongly agreed as many as 26 people or as big as 52%, then statements regarding personality factors and mentality of law enforcement respondents who answered agreed as many as 30 people or 60%, and respondents who answered strongly agreed as many as 20 people or by 40%, then the factor facilities and infrastructure of the respondents who gave a statement agreed as much as 23 people or 46% and respondents who answered strongly agree as many as 27 people or as much as 54%, the awareness / legal compliance factor of the respondent community gave a statement of agree as many as 19 people or 38% and strongly agreed as many as 31 people or as much as 62% and finally the cultural factor the respondent gave statement of agreement for 29 people or 58% and very I don't agree as many as 21 people or 42%.

2. Description of Respondents' Responses regarding Criminal Acts and Types of Criminal Acts in the Field of Fisheries

Table 9: Indicators of criminal offenses and fisheries in the waters of Makassar, Pangkep and Selayar Islands

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	Fisheries criminal offenses	Illegal fishing can also be said that fishing activities carried out by fishermen are not responsible and contrary to the code of conduct of fishing which is included in the mall practices in the utilization of fishery resources and is an illegal activity.	0	0	0	25	25
Total			0	0	0	50%	50%
2	Types of fisheries criminal offenses	Fishing without a permit (Fisheries Business License (SIUP) and Fishing License (SIPI) or Fish Transport Vessel License (SIKPI);	0	0	0	21	29
Total			0	0	0	42%	58%
		Using explosives / fish bombs;	0	0	0	25	25
Total			0	0	0	50%	50%
		Using chemicals (fish anesthesia);	0	0	0	28	22
Total			0	0	0	56%	44%
		Using Trawl / Cantran;	0	0	0	27	23
Total			0	0	0	54%	46%
		Encroach on fishing territory.	0	0	0	35	15
Total			0	0	0	70%	30%

Source: Data processed, 2019

Respondent data in table 9, it appears that respondents gave answers to each statement regarding the offense of fishing illegally stating agreed as many as 25 people or by 50% and those who answered strongly agreed also as many as 25 people or by 50%, then statements about types of fishing crime divided into several parts, namely fishing using explosives / fish bombs, respondents who answered agreed as many as 25 people or by 50%, and respondents who answered strongly agreed as many as 25 people or by 50%, then types of fishing crime using drugs, respondents who gave the agreement agreed by 28 people or 56% and respondents who answered strongly agreed as many as 22 people or 44%, then the type of fishing by using trawl / cantran respondents gave statements of agree as much as 27 people or 54% and strongly agree as many as 23 people at au at 46% and the latest statement is that fishermen violated the fishing area of the respondent gave a statement agreeing as many as 35 people or 70% and strongly agree as many as 15 people or as much as 30%.

3. Deviations and disturbances in Makassar waters

The following are data of irregularities and disruptions in Makassar waters during the period of 2014 to 2018 obtained by the Makassar Port Police Department as follows:

Table 10: Data on Irregularities and Disorders in Makassar Waters.

Case	2014	2015	2016	2017	2018
Illegal Fishing	7	13	9	16	22
Shipping (documents)	0	5	2	3	8
Chemicals / anesthetics	5	1	0	2	8
Explosives	2	5	4	11	6
Cantrang / Troll Net	0	2	3	0	0

Source: Data processed, 2019

Based on the data in the above table, it can be concluded that the illegal fishing cases that occurred in Makassar waters show that in 2018 the most frequent cases were 22 cases in the form of shipping cases (documents) and cases of chemical or drug use by 8 cases, following in 2017 the number of cases was 16, with the most cases being the use of explosives (fish bombs). Then in 2014, there were at least 7 cases. For more details, the following can be seen in the interference fishing (illegal fishing) data diagram for the Makassar waters area.

4. Deviations and disturbances in Pangkep Waters

Table 11: Data on Irregularities and Disorders in Pangkep Waters

Case	2014	2015	2016	2017	2018
Illegal Fishing	5	2	7	16	8
Shipping (documents)	1	1	0	3	1
Chemicals / anesthetics	1	0	1	2	1
Explosives	3	0	2	11	5
Cantrang / Troll Net	0	1	4	0	1

Source: Data processed, 2019

Based on the data in the table above, it can be concluded that the illegal fishing cases that occurred in Pangkep waters show that in 2017 the most frequent cases were 16 cases of explosives in 11 cases, followed in 2018 in 8 cases the case with the most cases is the use of explosives (fish bombs). Then in 2015, there were at least 2 cases. For more details, the following can be seen in the data diagram of disturbance (illegal fishing) for the waters of Pangkep.

5. Deviations and disturbances in Selayar Waters

Table 12: Data on Irregularities and Disorders in Selayar Waters

Case	2014	2015	2016	2017	2018
Illegal Fishing	5	7	12	8	1
Shipping (documents)	1	1	1	2	1
Chemicals / anesthetics	1	1	1	1	0
Explosives	2	5	10	5	0
Cantrang / Troll Net	1	0	0	0	0

Source: Data processed, 2019

Based on the data in the table above, it can be concluded that the illegal fishing cases that occurred in Selayar waters show that in 2016 showed the most cases, namely 12 cases in the form of explosives by 10 cases, followed in 2017 the number of cases was 8 the case with the most cases is the use of explosives (fish bombs). Then in 2018 it was the fewest cases, namely 1 case. For more details, the following can be seen in the interference fishing (illegal fishing) data diagram for the Selayar waters area.

C. The Ideal Form of Law Enforcement in Eradication Criminal Acts in the Field of Fisheries

1. Form of Law Enforcement Coordination in the Settlement of Criminal Acts in the Field of Fisheries

Table 13: Indicators of the form of coordination, certainty and cooperation in law enforcement in the waters of Makassar, Pangkep and Selayar Islands

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	Coordination between law enforcement agencies in fisheries criminal offenses	Coordination between law enforcement agencies in this case the Indonesian Navy, the National Police and the Marine and Fisheries Service needs to be synergized with each other so as to create legal certainty.	0	0	0	5	45
Total			0	0	0	10%	90%

Source: Data processed, 2019

Based on the table above that the form of coordination, between law enforcement agencies from the results of respondents' answers to each statement from law enforcement in implementing law enforcement, respondents who answered agreed as many as 5 people or by 10%, and those who answered strongly agreed as many as 45 respondents or by 90%. So the conclusion is that coordination, certainty and cooperation between law enforcement officers in the implementation of law enforcement should be carried out so that there is no imbalance of authority in decision making.

2. Settlement of Criminal Acts in the Field of Fisheries in the Fisheries Court

Table 14: Indicator of the form of law enforcement in the field of Fisheries in terms of the settlement of criminal acts of Fisheries in the waters of Makassar, Pangkep and Selayar Islands

No	Indicators	Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	The ideal form of law enforcement in solving crimes in the field of fisheries	Forms of settlement and eradication of criminal offenses in the fishery sector are multi-institutional forms.	0	0	0	20	30
Total			0	0	0	40%	60%

Source: Data processed, 2019

Based on the table above, the form of fisheries criminal act settlement, between law enforcement agencies from the results of respondents' answers for each statement from law enforcement in implementing law enforcement, respondents who answered agreed as many as 20 people or as much as 40%, and those who answered strongly agreed as much as 30 respondents or 60%.

In order to lead to the ideals of Indonesia as the world's maritime axis, the Ministry of Maritime Affairs and Fisheries and related institutions are committed to law enforcement at sea. Marine and fisheries development in the next five years must be based on three integrated pillars, namely aspects of sovereignty, sustainability and prosperity.

To realize Indonesia as the world's maritime axis in implementing law enforcement that is authoritative and decisive, and indiscriminately (non-discriminatory). need coordination, cooperation, synchronization,

transparency so that it can realize the ideal law enforcement in the prevention and eradication of Illegal Unreported and Unregulated (IUU) Fishing so that optimal law enforcement can be achieved in the field of fisheries based on the criminal justice system, thus legal certainty and a sense of community justice. can be achieved well.

V.CONCLUSION

1. The Nature of the Implementation of Criminal Law Enforcement in the Field of Fisheries, where the legal basis of the fishing company as stated in the Regulation of the Minister of Fisheries and Maritime Affairs of the Republic of Indonesia Number Per.30 Men / 2012 concerning Capture Fisheries Business in the Fisheries Management Region of the Republic of Indonesia in Chapter I General Provisions Article 4 This means that the efforts made by the government to improve the dynamics of fisheries development are to simplify the licensing of fisheries in the operation of fishing vessels, clarify the authority of the administration of fisheries permits and provide opportunities for the Indonesian fishing community to increase their business through vessel purchases, additional fishing fleets with priority results increased production.

2. Factors in the Implementation of Law Enforcement in the Eradication of Criminal Acts in the Field of Fisheries in the waters of Makassar, the Pangkep Islands and the Selayar islands are; the legal factor itself; personality factors or mentality of law enforcement; facility factors or facilities that support law enforcement; the level of legal awareness and legal compliance of the community; and cultural factors.

3. Forms of law enforcement of criminal acts in the fishery sector, namely the existence of coordination, cooperation, transparency and resolution of fisheries criminal acts between subsystems that exist in the legal system both the substance of the law (laws), legal structure (law enforcement officers) and legal culture (mental attitude of law enforcement officers) because if there is no coordination, cooperation will emerge sectoral egos from each institution which will hamper the process of resolving criminal cases in the field of fisheries and cause legal uncertainty in the sense that law enforcement officials must be professional, modern and reliable .

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