

## PEMBAHARUAN HUKUM PIDANA TERHADAP *ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING* SEBAGAI KEJAHATAN TRANSNASIONAL

### INTISARI

Oleh:

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Penelitian ini bertujuan untuk menelaah urgensi pembaharuan hukum pidana terhadap *Illegal, Unreported, and Unregulated (IUU) Fishing* sebagai kejahatan transnasional serta pengaturannya di masa yang akan datang.

Penelitian ini menggunakan metode penelitian hukum normatif empiris yang bersifat deskriptif. Data dikumpulkan melalui studi kepustakaan yang komprehensif terhadap bahan hukum primer, sekunder, dan tersier, serta wawancara dengan responden maupun narasumber. Data yang dikumpul kemudian dianalisis secara kualitatif deskriptif.

Penelitian ini menyimpulkan bahwa pendekatan *IUU Fishing* sebagai masalah pengelolaan administratif biasa adalah sebuah kelemahan, mengingat sifat kompleks dan dampak kerugian ekonomi, ekologis, serta sosial yang substansial. Implementasi UU Cipta Kerja bidang kelautan dan perikanan justru menimbulkan tantangan signifikan bagi penegakan hukum di sektor perikanan. Perubahan kebijakan seperti penghapusan lembaga ilmiah (Komnaskajiskan), pergeseran paradigma perizinan yang mengutamakan investasi, dekriminalisasi sanksi pidana, dan kerancuan *strict liability*, berpotensi melemahkan efektivitas penegakan hukum dan menurunkan reputasi internasional Indonesia dalam upaya memerangi *IUU Fishing*. Oleh karena itu, reformulasi hukum pidana untuk memerangi *IUU Fishing* sebagai kejahatan transnasional adalah suatu keharusan yang mendesak. Reformulasi ini diperlukan guna mengatasi kelemahan regulasi yang ada (khususnya implikasi dari UU Cipta Kerja). Substansi reformulasi harus mencakup kriminalisasi eksplisit terhadap *unreported* dan *unregulated fishing*, pengaturan sanksi pidana minimum yang substansial sesuai standar internasional, serta perluasan cakupan tindak pidana perikanan melalui pendekatan multi-rezim hukum. Selain itu, penting untuk mereformulasi kewenangan peradilan perikanan agar mampu menangani *IUU Fishing* dan tindak pidana perikanan terkait secara lebih efektif, serta perlu untuk memperhatikan perluasan yurisdiksi teritorial melalui pengadopsian asas proteksi, asas universal, dan asas nasional aktif guna menjamin penegakan hukum yang efektif terhadap kejahatan lintas batas ini.

**Kata Kunci:** *IUU Fishing*, Tindak Pidana Perikanan, Kejahatan Transnasional, Kejahatan Terorganisasi Transnasional, Pembaharuan Hukum Pidana.

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## **CRIMINAL LAW REFORM ON ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING AS A TRANSNATIONAL CRIME**

### **ABSTRACT**

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*This research aims to examine the urgency of criminal law reform against Illegal, Unreported, and Unregulated (IUU) Fishing as a transnational crime and its regulation in the future.*

*This research uses a descriptive empirical normative legal research method. Data were collected through a comprehensive literature study of primary, secondary, and tertiary legal materials, as well as interviews with respondents and informants. The data collected were then analyzed qualitatively descriptively.*

*This study concludes that the approach of IUU Fishing as a matter of ordinary administrative management is a weakness, given the complex nature and substantial economic, ecological, and social losses. The implementation of the Job Creation Law in the marine and fisheries sector actually poses significant challenges for law enforcement in the fisheries sector. Policy changes such as the elimination of scientific institutions (*Komnaskajiskan*), a shift in the licensing paradigm that prioritizes investment, decriminalization of criminal sanctions, and the ambiguity of strict liability, have the potential to weaken the effectiveness of law enforcement and reduce Indonesia's international reputation in efforts to combat IUU Fishing. Therefore, reformulation of criminal law to combat IUU Fishing as a transnational crime is an urgent necessity. This reformulation is needed to overcome the weaknesses of existing regulations (especially the implications of the Job Creation Law). The substance of the reformulation must include explicit criminalization of unreported and unregulated fishing, the regulation of substantial minimum criminal sanctions in accordance with international standards, and the expansion of the scope of fisheries crimes through a multi-legal regime approach. In addition, it is important to reformulate the authority of the fisheries court to be able to handle IUU Fishing and related fisheries crimes more effectively, and it is necessary to pay attention to the expansion of territorial jurisdiction through the adoption of the principle of protection, the universal principle, and the active national principle to ensure effective law enforcement against this transnational crime.*

**Keywords:** *IUU Fishing, Fisheries Crime, Transnational Crime, Transnational Organized Crime, Criminal Law Reform.*

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