

INTISARI

PROSPEK KEIKUTSERTAAN INDONESIA DALAM *THE CAPE TOWN AGREEMENT OF 2012* SEBAGAI UPAYA PENINGKATAN KUALITAS KESELAMATAN KAPAL PENANGKAP IKAN

Jogi Wiliam Hutabarat*

The Cape Town Agreement of 2012 adalah sebuah *agreement* yang lahir berdasarkan perkembangan yang dilakukan oleh International Maritime Organization (IMO) menyikapi ketidakmampuan *1977 Torremolinos Convention* dan *1993 Torremolinos Protocol* untuk mencapai tahap *entry into force*. Indonesia, sebagai salah satu negara maritim yang menjadi anggota IMO telah mengikuti perkembangan dari *The Cape Town Agreement of 2012* dan menyatakan ketertarikan dengan ketentuan-ketentuan dan tujuan yang ingin dicapai *agreement* tersebut. Dalam satu sisi, ada kendala terkait kesiapan dari Indonesia untuk meratifikasi *agreement* ini mengingat armada kapal penangkap ikan yang terdata beroperasi di Indonesia didominasi dengan kapal-kapal yang dioperasikan oleh masyarakat nelayan yang sudah mewariskan keahlian untuk melaut secara turun temurun (tradisi). Sedangkan di sisi lain, pengaturan yang baku belum pernah ada dan akan sulit apabila ketentuan dalam *agreement* ini terkait keselamatan kapal penangkap ikan diterapkan secara penuh. Pertimbangan ini harus dikaji secara matang, agar hukum yang akan tercipta nantinya dapat melindungi kegiatan profesi mereka dalam penangkapan ikan di laut sambil tetap memberikan pengawasan terhadap keselamatan kapal penangkap ikan yang digunakan.

Penelitian ini merupakan penelitian normatif empiris. Teknik pengumpulan data dilakukan dengan wawancara setelah melakukan studi pustaka yang menciptakan suatu kerangka pikiran dan pemahaman terkait permasalahan yang akan diteliti. Setelah itu diadakan pengambilan data lapangan berkaitan dengan kondisi kenyataan di masyarakat yang kemudian dianalisis untuk diciptakan dalam suatu bentuk kesimpulan. Penelitian dilakukan di Dinas Kelautan dan Perikanan Provinsi Jawa Tengah.

Hasil dari penelitian ini menunjukkan bahwa Pemerintah Indonesia melalui Lembaga Kementerian telah berupaya untuk meningkatkan kesadaran masyarakat untuk mulai menaruh perhatian terhadap keselamatan kapal penangkap ikan, dan menunjukkan bahwa kondisi di Indonesia setidak-tidaknya mempunyai prospek yang baik untuk meratifikasi *The Cape Town Agreement of 2012* mengingat *agreement* ini memberikan suatu dispensasi bagi negara-negara yang tertarik terhadap pengaturan yang mampu disediakan namun masih mengalami kendala teknis dalam pembentukan aturan dan kondisi nasional di negara tersebut.

Kata Kunci: keselamatan, kapal penangkap ikan, International Maritime Organization (IMO), *The Cape Town Agreement of 2012*

ABSTRACT

THE PROSPECT OF INDONESIA'S PARTICIPATION IN THE CAPE TOWN AGREEMENT OF 2012 FOR AS AN EFFORT TO IMPROVE THE QUALITY OF FISHING VESSEL SAFETY

Jogi Wiliam Hutabarat*

The Cape Town Agreement of 2012 is an agreement which was born based on the failure of both Torremolinos Convention 1088 and 1993 Torremolinos Protocol to enter into force. As a member of IMO, Indonesia has been following this agreement's progress and showing interest in both its rules and purpose. In one hand, there's a few constraints from Indonesia to ratified this agreement considering how Indonesia's fishing fleet mainly dominated by small and traditional fishing vessels and its fishermen mainly got their skills from hereditary knowledge and experience. On the other hand, there's no clear and specific rule in Indonesia about the safety of fishing vessel, thus making ratification of all international rule about the safety fishing vessel is a bit problematic. Nevertheless, this consideration has to be studied closely, so that the law that emerged as the end result could protect fishermen in their activities on catching fish at sea, while also creating a standard and supervision on the safety of operational fishing vessels.

This research is an empirical-normative research. The data was collected using interview after an extensive library study to create a baseline on the matter in this research. Then the field data was analyzed after observing the fact in real life to create a conclusion and useful recommendation. This research was conducted at The Department of Marine and Fisheries, Central Java Province.

The result of this research showed that Indonesian Government through Ministry of Fisheries has been striving to make its fishermen aware and paid a considerable attention about the safety of their fishing vessel. Based on progress of the Central Java Province Department of Marine and Fisheries, the relation of fishermen and government showed a promising result and thus proofing that Indonesia has a good prospect to ratified The Cape Town Agreement of 2012 about the Safety of Fishing Vessel due to the agreement provide its member with dispensation to enforce its rule progressively and not immediately. By using this approach, Indonesia could make a few adjustments to the rules to enforce based on its national condition and technical beaurocracy.

Keywords: Fishing vessel, safety, International Maritime Organization (IMO), *The Cape Town Agreement of 2012.*