

ABSTRAK

PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEMALSUAN SURAT PERSETUJUAN BERLAYAR (Studi Putusan Nomor 249/Pid.B/2021/PN Ktp)

Faisal *

Tindak pidana pelayaran dilakukan karena kapal tidak memiliki surat dan dokumen pelayaran, serta diduga tanpa izin dari instansi terkait saat masuk perairan. Kasus berlayar tanpa dengan pemalsuan dokumen kapal berarti tidak memiliki surat persetujuan berlayar yang dikeluarkan oleh Syahbandar di Pelabuhan Perikanan. Rumusan masalah dalam penelitian ini adalah bagaimana pengaturan hukum tindak pidana Surat Persetujuan Berlayar menurut hukum yang berlaku di Indonesia, bagaimana pertanggungjawaban pelaku tindak pidana pemalsuan Surat Persetujuan Berlayar, bagaimana pertimbangan hukum hakim dalam Putusan Nomor 249/Pid.B/2021/PN Ktp.

Penelitian ini menggunakan metode deskriptif melalui pendekatan normatif (*legal research*) untuk memperoleh data sekunder. Data yang terkumpul tersebut akan dianalisa dengan seksama dengan menggunakan analisis kualitatif atau dijabarkan dengan kalimat dengan menganalisis Putusan Nomor 249/Pid.B/2021/PN Ktp.

Pengaturan hukum tindak pidana penangkapan ikan tanpa memiliki dokumen surat persetujuan berlayar diatur dalam Pasal 264 Ayat (1) Kitab Undang-Undang Hukum Pidana Jo Pasal 56 Ayat (1) Ke-2 Kitab Undang-Undang Hukum Pidana. Surat Persetujuan Berlayar bagi kapal penangkap ikan diterbitkan oleh syahbandar perikanan di pelabuhan perikanan, Surat Persetujuan Berlayar. Dokumen tersebut diterbitkan setelah memenuhi persyaratan standart keselamatan kapal serta administrasi lainnya. Pertanggungjawaban pelaku tindak pidana penangkapan ikan tanpa dokumen surat persetujuan berlayar dalam putusan putusan perkara pidana Register Nomor 249/Pid.B/2021/PN Ktp, menerapkan asas kesalahan.

Berdasarkan hasil pembahasan diketahui bahwa Pertimbangan hukum hakim dalam mengadili tindak pidana pelayaran berdasarkan putusan Pengadilan Negeri Ketapang Register Nomor 249/Pid.B/2021/PN Ktp, adalah tidak ada alasan yang dapat menjadi dasar untuk menghapuskan pidana atas diri terdakwa, baik alasan pemaaf maupun alasan pembeda sehingga terdakwa dinyatakan harus dapat mempertanggung jawabkan perbuatannya.

Kata Kunci: Penegakan Hukum Pemalsuan, Persetujuan Berlayar

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ABSTRACT

LAW ENFORCEMENT AGAINST THE CRIMINAL ACTION OF FORGICATORY OF SAILING APPROVAL (Study of Decision Number 249/Pid.B/2021/PN Ktp)

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The shipping crime was carried out because the ship did not have shipping letters and documents, and it was suspected that without permission from the relevant agency when it entered the waters. The case of sailing without falsification of ship documents means not having a sailing approval letter issued by the Syahbandar at the Fishery Port. The formulation of the problem in this research is how the legal arrangements for the crime of a Sailing Approval Letter according to applicable law in Indonesia, what is the responsibility of the perpetrators of the crime of forging a Sailing Approval Letter, what are the legal considerations of the judge in Decision Number 249/Pid.B/2021/PN Ktp.

This study used a descriptive method through a normative approach (legal research) to obtain secondary data. The collected data will be analyzed carefully using qualitative analysis or described in sentences by analyzing Decision Number 249/Pid.B/2021/PN Ktp.

Legal arrangements for the crime of fishing without having a sailing approval document are regulated in Article 264 Paragraph (1) of the Criminal Code in conjunction with Article 56 Paragraph (1) of the 2nd Criminal Code. A Sailing Approval Letter for fishing vessels is issued by the fishery harbormaster at the fishing port, a Sailing Approval Letter. The document is issued after fulfilling the requirements of ship safety standards and other administrations. The responsibility of the perpetrators of the criminal act of fishing without a sailing approval document in the decision on the criminal case decision Register Number 249/Pid.B/2021/PN Ktp, applies the principle of error.

Based on the results of the discussion, it is known that the judge's legal considerations in trying shipping crimes based on the decision of the Ketapang District Court Register Number 249/Pid.B/2021/PN Ktp, is that there is no reason that can be the basis for abolishing the crime against the defendant, both reasons for forgiveness and justification reasons so that the defendant is stated to be able to be held accountable for his actions.

Keywords: Counterfeit Law Enforcement, Sailing Consent.

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