

**PERANAN KEPOLISIAN PERAIRAN DALAM PENEGAKAN HUKUM
TINDAK PIDANA PERIKANAN
(Studi Penelitian di Pol Airud Kabupaten Batubara)**

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ABSTRAK

Tindak pidana dalam penangkapan ikan sering terjadi di perairan Indonesia khususnya perairan Batubara telah melanggar ketentuan sebagaimana diatur dalam Undang-Undang Nomor 45 Tahun 2009 Tentang Perikanan dan Peraturan Menteri Kelautan dan Perikanan Republik Indonesia Nomor 37/Permen-Kp/2017 Tentang Standar Operasional Prosedur Penegakan Hukum Satuan Tugas Pemberantasan Penangkapan Ikan Secara Ilegal (*Illegal Fishing*)

Permasalahan dalam tesis ini adalah bagaimana pengaturan hukum tindak pidana perikanan, bagaimana pertanggungjawaban pidana pelaku tindak pidana perikanan (*illegal fishing*) di wilayah perairan Batubara, bagaimana hambatan dan solusi bagi Kepolisian Perairan dalam menegakan hukum di perairan Batubara.

Penelitian yang dilakukan adalah penelitian normatif dan didukung dengan data yuridis empiris yaitu melakukan wawancara dengan Kasat Kepolisian Air dan Udara (Pol Airud) Batubara dan analisis data yang digunakan adalah data kualitatif.

Berdasarkan hasil penelitian diketahui bahwa pengaturan hukum tindak pidana perikanan diatur dalam Undang-Undang Nomor 31 Tahun 2004 jo Undang-Undang Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan. Pengaturan perizinan penangkapan ikan di wilayah Republik Indonesia diatur dalam Pasal 27 ayat (1) dan (2) UU No. 45 Tahun 2009 Tentang Perikanan, bahwa setiap orang yang memiliki dan/atau mengoperasikan kapal penangkap ikan berbendera Indonesia/asing yang dipergunakan untuk melakukan penangkapan ikan di wilayah pengelolaan perikanan Republik Indonesia dan/atau laut lepas wajib memiliki SIPI. Pertanggungjawaban pidana pelaku tindak pidana perikanan (*illegal fishing*) di wilayah perairan Batubara adalah meliputi sanksi pidana maupun sanksi berupa denda. Hambatan Kepolisian Perairan dalam menegakan hukum di perairan Batubara adalah keterbatasan sarana dan prasarana lemahnya kesadaran masyarakat serta penyuluhan atau sosialisasi ini kurang diminati oleh masyarakat. Upaya pencegahan adalah upaya pre-emptif seperti melakukan kegiatan patroli rutin serta melakukan penyuluhan hukum, Upaya Preventif seperti melakukan tindakan lanjutan untuk mencegah terjadinya tindak pidana penangkapan ikan secara ilegal serta upaya represif yaitu berupa penegakan/penindakan sesuai hukum yang berlaku

Kata Kunci: Kepolisian, Penegakan Hukum, Penangkapan Ikan.

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**THE ROLE OF THE WATER POLICE IN LAW ENFORCEMENT OF
FISHERY CRIMES
(Research Study at the Batubara Regency Water Police)**

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ABSTRACT

Criminal acts in fishing that occur in Indonesian waters, especially Batubara waters, have violated the provisions as stipulated in Law Number 45 of 2009 concerning Fisheries and Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 37/Permen-Kp/2017 Concerning Standard Operating Procedures for Law Enforcement of the Illegal Fishing Eradication Task Force.

The problems in this thesis are how the legal regulations for fisheries crimes are regulated, how the criminal liability of perpetrators of fisheries crimes (illegal fishing) in Batubara waters, what are the obstacles and solutions for the Water Police in enforcing the law in Batubara waters.

The research conducted is normative research and is supported by empirical legal data, namely conducting interviews with the Head of the Batubara Water and Air Police (Pol Airud) and the data analysis used is qualitative data.

Based on the results of the study, it is known that the legal regulations for fisheries crimes are regulated in Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Regulations for fishing permits in the territory of the Republic of Indonesia are regulated in Article 27 paragraphs (1) and (2) of Law No. 45 of 2009 concerning Fisheries, that every person who owns and/or operates an Indonesian/foreign-flagged fishing vessel used to catch fish in the fisheries management area of the Republic of Indonesia and/or the high seas must have a SIPI. Criminal liability for perpetrators of fisheries crimes (illegal fishing) in the Batubara waters includes criminal sanctions and sanctions in the form of fines. The obstacles for the Water Police in enforcing the law in the Batubara waters are limited facilities and infrastructure, weak public awareness and this counseling or socialization is less popular with the public. Prevention efforts are pre-emptive efforts such as conducting routine patrols and conducting legal counseling, Preventive Efforts such as taking further action to prevent the occurrence of illegal fishing crimes and repressive efforts in the form of enforcement/action in accordance with applicable laws

Keywords: Police, Law Enforcement, Fishing.

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