



Efforts To Overcome The Crime Of Fish Theft In The Legal Area Of Gorontalo Regional Police Polair

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Abstract: This study aims to find out what factors led to the crime of fishing boat shipping without a permit in the police area of the Gorontalo Regional Police Water Police Unit (Polair) and how to deal with the crime of fishing boat shipping in the Police area of the Gorontalo Police Water Police Unit (Polair) . This research is empirical juridical research which in other words is a sociological research type and can also be called field research that examines the applicable legal provisions and what happens in reality in society. Based on the results of the study, shipping crimes that occurred in the Polairud Polda Gorontalo area generally arise and develop from several factors that cohere and affect one another, such as environmental factors and low awareness of laws and regulations in shipping crimes. In several laws and regulations as contained in Law Number 2 of 2002 concerning the Indonesian National Police, there are efforts made by the Police of the Gorontalo Police Water Police Unit (Polair), including; preventive and repressive measures.

Keywords: Countermeasures; Cruise; Fish ship.

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1. Introduction

According to Article 1 number 36 of Law Number 17 of 2008 concerning Shipping, a ship is a water vehicle of a certain shape and type, which is moved by wind power, mechanical power, other energy, towed or delayed, including vehicles with dynamic carrying capacity, vehicles under the surface of the water, as well as floating devices and floating buildings that do not move Ship is a water vehicle of a certain type and shape that transports passengers and goods through the waters to a certain area. Say for example such as crossing the island, delivering goods by sea, or used as a component in the floating market.

Article 1 paragraph (1) of Law Number 17 of 2008 concerning Shipping, Shipping is a unified system consisting of transportation in waters, ports, safety and security, and protection of the maritime environment. Indonesia is a shipping lane connecting the Pacific Ocean with the Indian Ocean, and the Asian Continent with the Australian Continent, for the benefit of trade in biological and non-living natural resources. Potential fish resources in Indonesia can be utilized by all citizens. However, for that, it is regulated through fish business licensing. with licensing intended to control as well as foster fisheries businesses which in turn will create a conducive and sustainable business climate.¹

Given the importance of the location of the sea area of the Unitary State of the Republic of Indonesia which is rich in living and non-living natural resources, the existence of the Government has an important power in regulating ships that are suitable and unfit to sail in the territory of the Unitary Republic of Indonesia as regulated in Law Number 17 of the Year 2008 concerning Shipping. As stated in article 219 paragraph (1) of Law Number 17 Year 2008 Concerning Shipping, the sailing approval letter is one of the important and mandatory documents issued by Syahbandar and must be owned by every ship making a voyage leaving the port. Even though the regulations regarding the Sailing Agreement Letter are so strict, there are still skippers who violate the rules. They still go on cruises without having an SPB document (Sailing Approval Letter).

Based on these matters, a new Shipping Law was drafted, namely Law Number 17 of 2008 which is a refinement of Law 21 of 1992, so that shipping operations as a system can provide maximum benefits to all people, nations and country. This Shipping Law regulates transportation in waters, ports, shipping safety and security and maritime protection.² A criminal act is a formulation of an act that violates the prohibition regulated by the rule of law which is punishable by criminal sanctions. The word crime comes from a term known in Dutch criminal law, namely *strafbaar fiet*, sometimes the term *delict* is also used, which comes from the Latin *delictum*. The

¹ Ir H. Djoko Tribawono M.Si, *Hukum Perikanan Indonesia* (PT Citra Aditya Bakti, 2018).

² Arief Laksamana, Erdianto Effendi, dan Widia Edorita, "Pelaksanaan Penegakan Hukum Tindak Pidana di Bidang Perikanan Berdasarkan Undang-undang Nomor 45 Tahun 2009 Tentang Perikanan di Kepolisian Resor Rokan Hilir" (Journal:eArticle, Riau University, 2015), <https://www.neliti.com/publications/34318/>.

criminal law of Anglo-Saxon countries uses the term offense or criminal act to mean the same thing. A criminal act is a formulation of an act that is prohibited from being carried out (in statutory regulations) accompanied by a criminal threat for who violates the prohibition. The deed (act) here is the main element of a criminal act that is formulated .³

The city of Gorontalo is a small city surrounded by the sea, where most of the transportation of crossings and goods is carried out by ships⁴, where ships operating in the waters of the city of Gorontalo must have a valid permit issued by the Syahbandar. There are also many ships operating for public purposes such as fishing in the waters of the city of Gorontalo which do not have an SPB (Sailing Consent Letter). An example of a case that occurred in the city of Bone Waters, Bone Bolango Beach, in 2020, where a ship used to go to sea and catch fish sailed without a Sailing Approval issued by the Syahbandar as referred to in Article 219 paragraph (1).⁵ KMN ship. Inter Harapan/GT-21 who, together with 19 crew members, entered the territorial waters of Bone Pantai District, Bone Bolango Regency and had caught fish without being equipped with an SPB (Sailing Approval Letter) which when examined by members of the Directorate. Polairud Polda Gorontalo, the skipper could not show the Sailing Approval Letter and other documents. Dit. Polairud Polda Gorontalo succeeded in resolving cases of violations of law in the field of shipping committed by the captain of the KMN ship. Inter Harapan/GT-21.⁶

In addition to the case examples above, researchers conducted observations and interviews to collect initial data related to shipping cases, researchers were given data from The Directorate of Water and Air Police of the Gorontalo Regional Police regarding ships violating the Shipping Law. Researchers try to process the data.

The following is the initial data that researchers obtained from the Directorate of Water and Air Police of the Gorontalo Regional Police, namely data on shipping criminal cases:

Table 1
Number of cases of shipping crimes in 2019-2021

NO	YEAR	NUMBER OF SHIPPING CASES
1	2019	3 CASE
2	2020	4 CASES
3	2021	4 CASES
4	AMOUNT	11 CASES

Source: Dit Polair Polda Gorontalo

³ Eko Hermawan, "Kewenangan Penegakan Hukum Dilaut Oleh Korps Polisi Perairan Dan Udara Dalam Peraturan Perundang Undangan" (s2, UAJY, 2019), <http://e-journal.uajy.ac.id/20438/>.

⁴ Fenty Puluhulawa dan Mohammad Rusdiyanto Puluhulawa, "Plastic waste: Environmental legal issues and policy law enforcement for environmental sustainability," dalam *E3S Web of Conferences*, vol. 259 (EDP Sciences, 2021), 03006.

⁵ Fitri Eka Sari, "Penegakan Hukum Terhadap Penangkapan Ikansecara Ilegal Di Perairan Kota Banda Aceh," *Jurnal Hukum dan Keadilan" MEDIASI"* 8, no. 2 (2021): 91-101.

⁶ Pingkan Jeand'arc Angie Doodoh, "Tinjauan Yuridis Mengenai Penegakan Hukum Atas Hak Lintas Damai Untuk Kapal Asing di Laut Indonesia," *Lex Et Societatis* 6, no. 9 (2019).

The above data was obtained from BAMIN GAKKUM, Directorate of Water and Air Police, Gorontalo Police, Bripka Periyanto M. Halid, S. Si on Tuesday, January 23, 2023. From the data above, it can be seen that in 2019 to 2021 there were a number of cases of ships carrying out shipping crime committed by the captain of a fishing vessel

2. Method

The type of research used in this research is empirical juridical, which in other words is a type of sociological research and can also be called field research that examines the applicable legal provisions and what happens in reality in society.⁷

3. Efforts to Overcome Unlicensed Shipping Crimes in the Police Area of the Water Police Unit (Polair) of the Gorontalo Regional Police

The type of research used in this research is empirical juridical, which in other words is a type of sociological research and can also be called field research that examines the applicable legal provisions and what happens in reality in society. Efforts to Overcome Criminal Acts of Unlicensed Shipping in the Police Area of the Water Police Unit (Polair) of Gorontalo Regional Police. Shipping crimes that occur in the Gorontalo Police area generally arise and develop from several factors that cohesively influence and affect each other, such as environmental factors and low awareness of laws and regulations in shipping crimes. This similarity provides sufficient space for the emergence and increase of shipping crime cases. And can threaten the marine ecosystem due to unauthorized fishing without statistical data on the number of ships sailing in the jurisdictional zone so that it is necessary to find efforts to overcome it.⁸

Based on the author's interview with Mr. BRIPKA Ferdinand C. H Kumario, Panit Sidik Subdit Gakkum Police Water Police Unit. That the rise of fishing boats sailing without permission in the sea has made Gorontalo Police Polairud must take countermeasures so that in the future the crime of sailing fishing boats without permission can be prevented and minimized its existence considering that the ships sailing in the waters of Gorontalo Police Polairud are fishing boats that catch fish in the waters of Gorontalo Police Polairud.

According to Barda Nawawi Arief, there are 2 (two) ways to deal with crime, namely non-penal (non-criminal) and penal (criminal). Non-penal (non-criminal) terms can also be understood as preventive measures or by taking precautions before a crime occurs. Meanwhile, penal (criminal) or recessive efforts are a form of law enforcement efforts based on criminal law. That means, efforts to deal with criminal acts are carried

⁷ SHI Jonaedi Efendi, SH Johnny Ibrahim, and MM Se, *Method Study Law : Normative And Empirical* (Prenada Media, 2018).

⁸ Haeril Haeril, Ruslan Renggong, dan Yulia A. Hasan, "PELAKSANAAN FUNGSI DIREKTORAT KEPOLISIAN PERAIRAN DAERAH SULAWESI SELATAN DALAM PENEGAKAN TINDAK PIDANA ILLEGAL FISHING DI WILAYAH PERAIRAN SULAWESI SELATAN," *Indonesian Journal of Legality of Law* 5, no. 2 (2023): 454–61.

out after the occurrence of a crime has been committed, so preventive efforts are very important in law enforcement.⁹

Efforts that are preventive in nature are important in enforcing criminal law which are symptomatic in nature which are only a temporary cure when a crime occurs. Meanwhile preventive efforts are more quantifiable or as a remedy for the causes of a crime. After the researchers conducted interviews at the Gorontalo Police Water Police Unit, the Gorontalo Police Air Police had also made efforts to deal with the rampant cases of criminal acts of fishing boats without a permit.¹⁰

In several laws and regulations as contained in Law Number 2 of 2002 concerning the Indonesian National Police that there are efforts made by the Police of the Gorontalo Police Water Police Unit (Polair), including:

1. Preventive Efforts

Effort preventive or can also be called effort prevention carried out by party Police Unit The Water Police (Polair) of the Gorontalo Regional Police are as form :

- a. Unified patrols, this is a form of activity in the form of combing port areas which are included in the jurisdiction of the Gorontalo Air Police carried out by officers of the Gorontalo Regional Police.
- b. Conduct outreach to ship owners and ship captains who often want to sail in the waters of the Gorontalo Police Water Police.
- c. Give advice to the surrounding community to always take care of documents before and after sailing.

2. Repressive Efforts

Repressive efforts made by the Gorontalo Police Water Police Unit (Polair) are as follows:

- a. Do stage investigation And investigation as arranged _ in Book Constitution Law Criminal Code (KUHP).
- b. Do operations in the region waters Polairud The lively Gorontalo Police happening follow criminal cruise boat fish without permission. Attempts made _ the based on by a number of Regulation Legislation like in Article 15 Paragraph (1) of the Law about Indonesian National Police which reads :
 - 1) Receive reports and complaints;
 - 2) Assist in resolving community disputes that may disturb public order;
 - 3) Preventing and overcoming the growth of community diseases.

⁹ Bayuaji Yudha Prajas, Naungan Harahap, dan Yuyut Prayuti, "Penegakan Hukum Terhadap Illegal Fishing Oleh Korps Polisi Perairan Dan Udara," *Jurnal Hukum Media Justitia Nusantara (MJN)* 11, no. 2 (2021): 159-75.

¹⁰ Abdul Ahmad, "Rekonseptualisasi Lembaga Keamanan Laut Sebagai Upaya Mewujudkan Indonesia Menjadi Negara Poros Maritim. AUTHOR: Alfian Nur Salsabila, Gayatri Galuh Pertiwi, Popi Fitriyah Dewi," 2020.

- 4) Supervise currents that can cause division or threaten the unity of the nation;
- 5) Issuing police regulations within the scope of police administrative authority;
- 6) Carry out case examination as part;
- 7) Perform the first act on the scene;
- 8) Taking fingerprints and other identification and photographing a person;
- 9) Looking for information and evidence;
- 10) Issued a National criminal information center;
- 11) Providing permits and/or certificates needed in the context of community service;
- 12) Providing security assistance during trials and implementation of court decisions, activities of other agencies, and community activities;
- 13) Receive and temporarily store found items.

Preventive efforts carried out by the Police of the Water Police Unit (Polair) Polda Gorontalo are in accordance with the provisions of Article 15 paragraph (1) especially the letter which states that one of the police's powers is to prevent the growth of community diseases (crime). Meanwhile, the repressive efforts carried out by the Police of the Water Police Unit (Polair) of the Gorontalo Regional Police are in accordance with what is regulated in Article 5 and Article 7 paragraph (1) of the Criminal Code (KUHP) which regulates the powers of investigators and investigators.¹¹

Water Police Unit (Polair) in dealing with the crime of fishing boat shipping without a permit, Mr. Another way to deal with the crime of shipping without a permit with weighting is to take several ways, namely:

1. Pre-emptive effort

Pre-emptive efforts are the police's initial efforts (early efforts) to prevent criminal acts from occurring with a persuasive approach. In this effort, activities are carried out to seek and find the roots of problems in society that are cross-sectoral (ethnic, social, cultural, political). Then also displays good values or norms so that those values or norms live tolerance in a person. If there is an opportunity to commit a crime/violation, it will not be realized because there is no intention.

Based on an interview with Mr. Ferdinand C. H Kumario, Panit Sidik Sub-directorate of Gakkum, some of the pre-emptive efforts that have been made by the Police of the Gorontalo Police Water Police Unit (Polair) in tackling fishing boat shipping without a permit are as follows:

- a. The Gorontalo Regional Police Water Police Unit (Polair) gives an appeal to the public which is carried out through banners and/or pamphlets containing

¹¹ Ananda Nurafifah Angraeni, "Implementasi Penegakan Hukum Pidana terhadap Praktik Illegal Fishing di Kabupaten Raja Ampat berdasarkan UU No. 45 Tahun 2009 tentang Perubahan UU No. 31 Tahun 2004 tentang Perikanan," *Jurnal Riset Ilmu Hukum*, 2021, 52–61.

content inviting the public to always make sailing documents before and after the ship sails to create orderly shipping, especially in the Polairud Polda Gorontalo area.

- b. Collaborating with the Syahbandar of fisheries so that the community, especially fish fishermen, can arrange sailing documents in an orderly and orderly manner
- c. Improving the quality and quantity of members of the Water Police Unit (Polair) Polda Gorontalo, namely increasing quality by holding education and training programs as well as the large number of incoming cases will greatly burden the members of the Police Water Police Unit (Polair) Polda Gorontalo as a result the tasks that must be carried out so that it is necessary improve the quality of members.
- d. Holding community policy activities (community policing/polmas), namely conducting personal and social relations with the local community. The expected result of this activity is to provide understanding to the public so that they realize that the law enforcement process is also a shared responsibility.¹²

2. Preventive Efforts

The Gorontalo Police Water Police Unit (Polair) in the realm of crime prevention through a non-penal (non-criminal) approach, which is more advanced preventive measures carried out before the occurrence of criminal acts. Therefore, the main target is to deal with factors conducive to the occurrence of criminal acts that center on problems or social conditions that directly or indirectly cause or lead to crime (Mahmud Mulyadi, 2008: 15). In this case, this preventive step is sought so that intention and opportunity do not meet, which is a factor that causes crime or criminality (Sadjijono and Bagas Teguh Santiso, 2017: 147).

Some of the preventive efforts that have been carried out by the Gorontalo Police Water Police (Polair) in tackling the crime of unlicensed fishing boat shipping are as follows:

- a. Regular patrols and raids 8 (eight) hours a day on a sudden or direct action in the middle of the sea which is prone to fishing vessels sailing without permission. This is a preventive measure that aims to control the situation to prevent, reduce, eliminate the occurrence of criminal acts of fishing boat shipping without a permit in the Polairud Polda Gorontalo area.
- b. Collaborate with the Fisheries Syahbandar to be more stringent in carrying out checks regarding the documents needed before and after the ship sails.
- c. Provide legal counseling to ship owners regarding the provisions of documents that must be completed before sailing and after sailing.
- d. Providing understanding to owners of small vessels and large vessels regarding the applicable laws regarding shipping crimes.

¹² Asrul Asrul dan Asdar Djabbar, "Upaya Kepolisian Perairan Resor Biak Numfor Dalam Mencegah Penangkapan Ikan Laut Yang Tidak Layak Dan Tidak Dibenarkan Oleh Hukum (Illegal Fishing).," *Jurnal Ilmu Hukum Kyadiren* 2, no. 1 (2019): 55-63.

3. Repressive efforts

Countermeasures crime in matter This done after happening follow criminal , that is with method give punishment . Perpetrator will be dealt with in accordance with his deeds as well as meant to be the perpetrator aware And repair his deeds so that No will repeat later day¹³ . Effort This use means Which law / law focuses on And crackdown after police do series action investigation case follow criminal cruise And drag perpetrator to advance court so that sentenced punishment worth it (proof do), ie meant For restore shaky situation consequence torn to pieces behavior villain . (M. Kholid And Sadjijono . 2007:58)

Effort repressive This done by enforcer law Police Unit Water Police (Polair) Polda Gorontalo by subdit Which Gakkum be beginning ongoing a judicial process criminal , that is based on interview with Mr. Ferdinand C. H Kumario , Panit print subdit No a number of business cope follow criminal cruise boat fish without permission as following :

- a. Receiving a report regarding the criminal act of fishing vessels without a permit.
- b. Arresting perpetrators of sailing violations without permits who were reported, held or caught red-handed regarding the alleged occurrence of a criminal act of fishing boat shipping without a permit will be investigated against the person concerned. Which, if proven to have committed a crime of shipping without a permit, the perpetrator is arrested for legal processing at the next level. It is hoped that the arrest of the perpetrators will give a deterrent effect to the perpetrators and give the effect of fear to the public so they will not take related actions.
- c. Calling, arresting and examining the perpetrators of the crime of shipping fishing vessels without a permit and processing case files up to the court level in order to obtain legal certainty and create a deterrent effect on the perpetrators.
- d. Hold deliberations with the ship owner for an amicable solution if sailing without a permit is light. If the effort is not successful, it will be legally processed.

4. Conclusion

Based on the discussion that has been presented previously, several conclusions can be drawn to solve problems that are considered important, namely:

The frequent occurrence of unauthorized fishery vessel voyage criminal offense in Gorontalo Police area is caused by the lack of awareness of the ship owner of the rule of law itself. As well as the understanding of indigenous people that going to sea is a

¹³ Mellisa Towadi, Apriyanto Aj Pauweni, dan Julius T. Mandjo, "Desa mandiri maritim: wujud ketahanan maritim melalui penguatan kapasitas masyarakat pesisir di Desa Ponipingan, Sulawesi Tengah," *Akuntansi dan Humaniora: Jurnal Pengabdian Masyarakat* 1, no. 2 (2022): 99-107.

habit that has been carried out for generations from their ancestors because nature is a place of dependence on life, going to sea is a source of life for coastal communities by understanding natural weather conditions, and the right time to make a voyage looking for fish, according to the understanding of the indigenous people themselves. so that many fishermen are found while sailing without using a sailing license to catch fish.

As in the analysis of efforts to overcome criminal acts of unlicensed fishing vessels in practice carried out by the water police pre-emptive, repressive against criminal acts of shipping has not been effective. Based on the analysis of the legal provisions that determine the validity of the Sailing Permit, namely; 1×24 hours. So it seems that competent efforts are needed in handling and analyzing by the Gorontalo Police Polairud of the applicable legal provisions by looking at the suitability / harmony of conditions both geographically, economically and educationally to the application and enforcement of applicable laws in society. So that efforts to overcome these criminal acts can be minimized by efforts to adjust the law in society. So that the law grows and develops in the body of society and becomes a culture that exists in society so that there is benefit, harmony in the development of life.

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