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CASE STUDIES OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU-F) IN HULU SUNGAI TENGAH REGENCY OF INDONESIA

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ABSTRACT

Hulu Sungai Tengah Regency is a very strategic area for fishing activities. Usually people of Hulu Sungai Tengah fishing with various tools used, from traditional to modern tools. Starting from the tools that are allowed to be used to the tools that are prohibited. One of the tools that people are prohibited from using to catch fish is a stun. This tool is prohibited because it can cause damage to aquatic ecosystems. This condition cause's people to take unlawful actions called Illegal, unreported and unregulated fishing. This study aims to analyze case studies of illegal, unreported and unregulated fishing (IUU-F) in Hulu Sungai Tengah Regency. This research was conducted in the fisheries area of Hulu Sungai Tengah Regency, South Kalimantan Province. Case studies of illegal, unreported and unregulated fishing (IUU-F) in Hulu Sungai Tengah Regency in the last 5 years during 2015-2020 there were 13 cases of IUU-Fishing found. This condition is continuous with the allocation of funds provided by the HST Regency government for PNS patrols, non-PNS patrols, Polairud and Pokmaswas.

KEY WORDS

Case study, illegal fishing, IUU-F, Indonesia.

The swamp water ecosystem in South Kalimantan is divided into two, namely lebak swamp and tidal swamp, both of which are habitats for various types of swamp fish, especially fish species that have a labyrinth as a tool. This condition causes the waters of South Kalimantan as a very strategic water area to be used as a fishing area, especially freshwater and swamp fish (Akbar, 2012).

Hulu Sungai Tengah Regency (HST) is one of the regencies in South Kalimantan Province. The district capital is Barabai. The HST area is a very strategic area for fishing activities. It is not uncommon for HST people to catch fish using various tools, ranging from traditional to modern tools. Starting from tools that are allowed to be used to tools that are prohibited. One of the tools that the public is prohibited from using to catch fish is a stun, either in the form of a generator or batteries. This tool is prohibited because it can cause damage to aquatic ecosystems. This condition causes people to take unlawful actions called Illegal, Unreported And Unregulated Fishing.

Theft of fish and the act of catching fish with equipment that endangers aquatic ecosystems or often also known as illegal fishing. The definition of Illegal Fishing refers to the definition issued by the International Plan of Action (IPOA) – Illegal, Unreported, Unregulated (IUU). The definition of Illegal Fishing is explained as follows. Illegal fishing is known as Illegal, Unregulated, and Unreported (IUU) Fishing is a transnational crime that has a very detrimental impact not only on the fishing industry, but also includes environmental problems. Illegal fishing is a term popularized by legal experts in Indonesia which later became a popular term in the mass media and was used as an interesting legal study for researchers and even activists (Affandi, 2017).

Generally, IUU-Fishing policy tools are limited to (1) improving fishing and management efficiency; and (2) make allocations for the use of fish resources that may be caught. Indonesia has a formal legal instrument for fisheries management. Fishery management is an obligation as mandated by Law no. 31 of 2004 on fisheries. which was reaffirmed in the revision of the law, namely Law no. 45 of 2009 concerning fisheries. This



study aims to analyze case studies of illegal, unreported and unregulated fishing (IUU-F) in Hulu Sungai Tengah Regency.

MATERIALS AND METHODS OF RESEARCH

This research was conducted in the fisheries area of Hulu Sungai Tengah Regency, South Kalimantan Province. This research is maximized for 4 months, covering the preparation period, research implementation and report generation.

The qualitative and quantitative approach methods produce data in the form of written or written words from the people and actors observed. Meanwhile, according to Brannen (2005) qualitative research refers to concepts and categories with theoretical objectives, especially in testing theory in a case study. While in the quantitative approach of Brannen (2005), the aim is to support the descriptive results of the compilation of data to be analyzed. Respondents in this study are IUU-Fishing actors and the HST District government related to IUU-Fishing. The selection of locations and respondents was determined by purposive sampling method (deliberately).

The data collected in the form of primary data and secondary data. Primary data will be taken in areas that often have illegal fishing cases, namely in Pandawan District, Kayu Rabah Village and North Labuan Amas District, Tabat Village, because these two areas have Polairud Posts. The HST District Fisheries Service, the Police as the Fisheries PPNS Korwas, the District Court, the Attorney General's Office, Polairud members serving in the HST district, and the fisheries supervisors involved. The IUU-Fishing data and all data related to the research objectives are in the form of a biography of HST Regency, regional regulations and cases of illegal fishing for the last 5 years.

Parameter data observed in this study were analyzed descriptively and the results are presented in the form of graphs and tables. To answer the research objectives, descriptive qualitative analysis is used, which is to systematically describe the facts or characteristics of certain populations in certain fields specifically and factually from the data that has been collected. Descriptive method is a method that aims to solve problems that exist in the present an object by collecting data, compiling, analyzing, explaining and drawing conclusions. The descriptive method is a fact finding with the right interpretation of objects in society (Nasir, 2003).

RESULTS OF STUDY

Hulu Sungai Tengah Regency (HST) is one of the regencies in South Kalimantan province. The district capital is located in Barabai. This district has an area of 1,770.77 km² or 3.92% of the total area of South Kalimantan Province (HST District in figures, 2020).

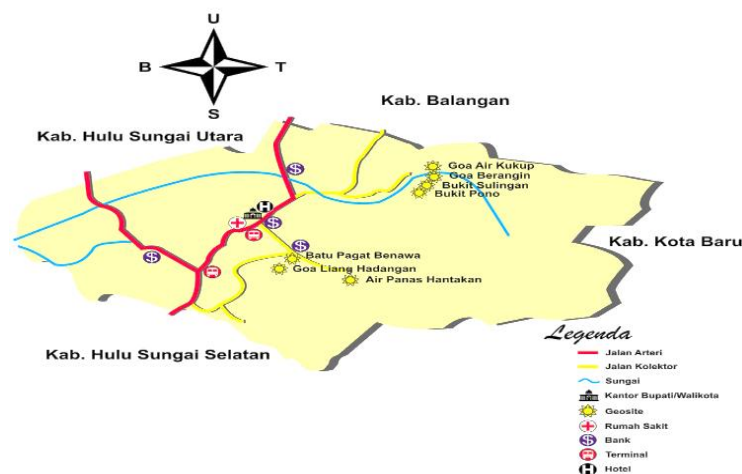


Figure 1 – Hulu Sungai Tengah Maps



Its geographical location is at 2°.27' – 2°.46' South Latitude and 115°.5' – 115°.31' East Longitude. Administratively, Hulu Sungai Tengah Regency has the following territorial boundaries:

- North side: Balangan Regency;
- East side: Kotabaru Regency;
- South side: Hulu Sungai Selatan Regency;
- West side: Hulu Sungai Utara Regency.

Table 1 – Data on Fisheries Crime in Hulu Sungai Tengah Regency from 2015 to 2021

Year	Cases	Status
2015	3 Case	Inkracht
2016	0 Case	-
2017	4 Case	1 Inkracht, 2 cases only evidence dan 1 case where the suspect MD closed with the authorities
2018	1 Case	Only evidence
2019	0 Case	-
2020	5 Case	Inkracht
2021	1 Case	Inkracht

Based on the Cooperation Agreement for Supervision and Control of the Utilization of Fishery Resources Number: 523/43-KAN/DISNAKKAN/2016 and Number B/387/XI/2016/DITPOLAIR dated November 1, 2016, the regional government shall allocate funds for the Supervision and Control of the Utilization of Fishery Resources. allocated for PNS patrols, non-PNS patrols, Pokmaswas and Polairud. The purpose of the IUU-Fishing fund is to accelerate the eradication of IUU-Fishing in order to overcome various problems that have existed so far and to develop the quality of IUU-Fishing action. The allocation of IUU-Fishing funds for the last four years, namely from 2017 to 2020 can be seen in Figure 2:

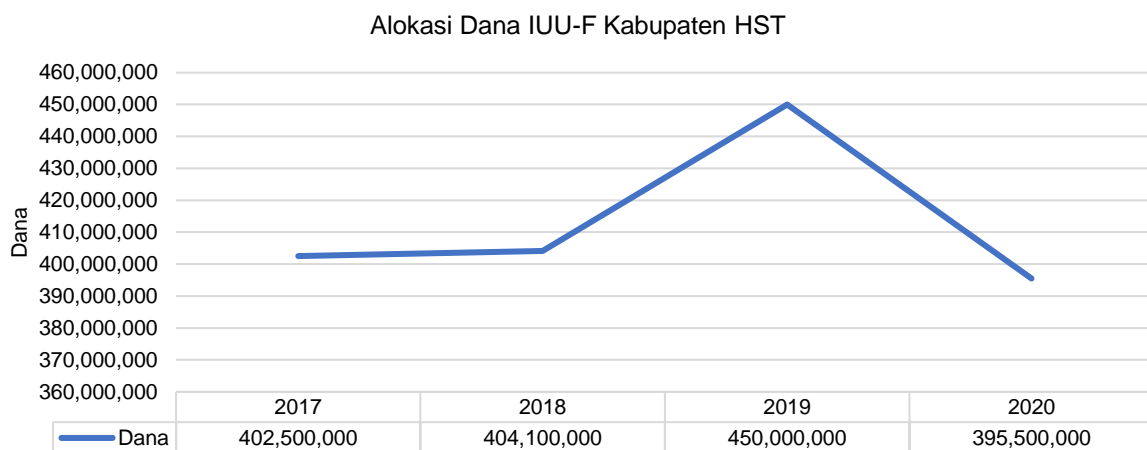


Figure 2 – Allocation of IUU-Fishing Funds in HST District

Some of the evidence of fisheries crimes that have occurred during the last 5 years such as fishing gear, motorized vessels, catches, and fishery crime filings until they are transferred to the prosecutor's office can be described as follows.

The fishing gear used in committing the crime. The findings in the field of evidence in the form of 1 generator and its circuit. Where the workings of the tool from the generator engine rotation drive the generator on the generator engine to produce 220 volts AC electricity with an electrical power capacity of 2.5 KW (kilo watts) which is used to electrocute fish can be seen in Figure 3:



Figure 3 – Evidence of the generator and its circuit

From the rotation of the generator engine, the generator on the generator engine produces 220 volt AC electricity with an electrical power capacity of 2.5 KW (kilo watts). Then it is forwarded to the AC condenser and branched to DC diodes as a component of converting AC electricity to DC which is flowed to the electric shock absorber and that is the electric current used to electrocute the fish. Shock stun can be seen in Figure 4.



Figure 4 – Evidence of electric shock

The findings in the field of evidence in the form of 1 battery along with a coil and condenser in which the way it works causes electrical induction in the coil, when an iron core is wrapped around two coils (primary and secondary), in this case the primary coil is connected to a source of electric current and the coil The secondary is connected to a galvanometer measuring instrument. This induction principle is applied to the ignition coil for high voltage generators as shown in Figure 5:



Figure 5 – Evidence of batteries and coils



In this system there is a condenser that functions as a temporary storage place for electric current to protect platinum damage (burning) and will also help induce electric voltage in the windings. Stun sticks can be seen in Figure 6:



Figure 6 – Evidence of a stun stick

The catch obtained by the perpetrator of the crime. The findings in the field of evidence in the form of catches obtained by the suspect can be seen in Figure 7 below:



Figure 7 – Evidence in the form of 10 (ten) haruan fish (cork)



Figure 8 – Evidence in the form of 4 haruan fish (cork), 4 Siamese sepat fish and 1 eel



Figure 10 – Evidence in the form of a fruit basin with a net cover containing 1 (one) kilogram of sepat siam and (half) kilogram of sepat fish



DISCUSSION OF RESULTS

Illegal fishing known as Illegal, Unregulated, and Unreported (IUU) Fishing is a transnational crime that has a very detrimental impact not only on the fishing industry, but also includes environmental problems (Febrica, 2017). Illegal Fishing according to the International Plan Of Action (IPOA) which is defined as IUU-Fishing (Illegal, Unreported, Unregulated) Fishing is a fishing activity that is carried out illegally, activities that are not regulated by existing regulations, or whose activities are not reported by the head of an institution or existing fisheries management institutions (Aris Subagiyo, 2017).

According to the Fisheries Law, illegal fishing is theft carried out for catching fish without SIUP and SIPI, using explosives, toxic materials, and hazardous materials that cause damage and extinction of fish resources (Akhmad et al, 2010). According to Idrus (2017), Illegal Fishing is very detrimental to the state and traditional fishermen. Traditional fishermen are Indonesian people, so the coastal communities are also affected and theft of fish.

Sanctions against illegal fishing are regulated in the Fisheries Law, contained in several articles including Articles 84 to 104. Various efforts have been made by the Government in the context of preventing and prosecuting illegal fishing. natural resources for the national interest (Nurisman et al., 2016).

The handling of fisheries crime cases in HST District that occurred during the last 5 years (2015-2020) has not referred to the HST District Government policy regulations regarding IUU-Fishing. The Government's policy regulation on "IUU Fishing Number 6 of 2011 concerning Protection of Fish Resources and the Prohibition of Fishing with Stun and Putas or the Like in Hulu Sungai Tengah Regency" reads. Fisheries crime cases in HST Regency that have occurred so far refer to Government regulations Article 86 (1) and or Article 84 paragraph (1) of the Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Article 100b of the Maritime and Fisheries Sector of the Republic of Indonesia Law No. 11 of 2020 concerning Job Creation.

Article 86 (1) and/or Article 84 paragraph (1) of the Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries in conjunction with Article 100b of the Marine and Fishery Sector Law of the Republic of Indonesia Number 11 of 2020 concerning Copyright Work with a discussion of the following elements:

Article 86 paragraph (1) of the Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Marine and Fisheries Sector Law of the Republic of Indonesia Number 11 of 2020 concerning Copyright, which reads:

"Everyone intentionally commits actions that result in pollution and or damage to fish resources and or their environment".

Article 84 paragraph (1) of the Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. Marine and Fisheries Sector Law of the Republic of Indonesia Number 11 of 2020 concerning Copyright, which reads:

"Every person intentionally catches fish using chemicals, biological materials, explosives, tools or methods and or buildings that are detrimental to the preservation of fish resources or the environment".

Article 100B of the Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. The Marine and Fisheries Sector Law of the Republic of Indonesia Number 11 of 2020 concerning Copyright, which reads:

"Criminal Acts Committed by Small Fishermen and/or Small Fish Cultivators".

Regional Government Regulations as well as the laws of the Republic of Indonesia both regulate IUU-Fishing. However, the reality that has been faced so far is that the handling of fisheries crimes that occur must always refer to the Law of the Republic of Indonesia. However, the two regulations regulate the IUU-Fishing crime in the community.



The two regulations can be the basis for handling cases of criminal acts of IUU Fishing to be maximized, but the Legal Power of Invitations is Higher than Regional Regulations.

IUU-Fishing funds are funds sourced from the APBN that are intended for villages which are transferred through the Regency/City Regional Revenue and Expenditure Budget (APBD) used to finance government administration, implementation of development, community development and community empowerment. Determination of the definition, allocation and transfer mechanism for this Fund is regulated in Article 35 of Law Number 33 of 2004 concerning Financial Balance between the Central Government and the Daesh Government.

CONCLUSION

Case studies of illegal, unreported and unregulated fishing (IUU-F) in Hulu Sungai Tengah regency in the last 5 years during 2015-2020 there were 13 cases of IUU-F found. This condition is continuous with the allocation of funds provided by the HST Regency government for PNS patrols, non-PNS patrols, Polairud and Pokmaswas.

REFERENCES

1. Affandi Idrus, 2017. Kajian Hukum Terhadap Pencurian Ikan dilaut Berdasarkan UU Nomor 45 Tahun 2009 tentang Perubahan Atas UU Nomor 31 Tahun 2004 tentang Perikanan, JurnalLex Privatum, Volume V, Nomor 5, hlm. 116.
2. Akbar, J.2012. Ikan Betok Budidaya dan Peluang Bisnis. Eja Publisier. Yogyakarta.
3. Brannen, Julia. 2005. Memadu Metode Penelitian Kualitatif dan Kuantitatif. Pustaka Pelajar. Yogyakarta.
4. Nasir, Mohammad. 2003. Metode Penelitian. Ghalia Indonesia. Jakarta.
5. Aris Subagiyo, 2017. Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil, (Malang: UB Press), hlm.97.
6. Febrica, S. (2017). Maritime Security and Indonesia: Cooperation, Interests and Strategies. New York: Taylor & Francis.
7. Akhmad Solihin. 2010. Politik Hukum Kelautan & Perikanan. Bandung: Nuansa Aulia.
8. Idrus Affandi. 2017. Kajian Hukum Terhadap Pencurian Ikan dilaut Berdasarkan UU Nomor 45 Tahun 2009 tentang Perubahan Atas UU Nomor 31 Tahun 2004 tentang Perikanan. Jurnal Lex Privatum. 5 (5).
9. Nurisman.E. dan Rahmi A. 2016. Analisis Penerapan Hukum Dan Pertanggungjawaban Pidana Illegal Fishing Dalam Putusan NO.107/PID.B/2009/PN.TPI.RNI. Journal of Judicial Review. 18 (2): 1-13.