

Law Enforcement Practice of Illegal Fishing In North Sulawesi Waters

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Abstract

Objectives of this study is to investigate the practices of law enforcement against illegal fishing in the waters of North Sulawesi , and to determine the constraints on law enforcement against illegal fishing practices in the waters of North Sulawesi .

Urgency (virtue) of this study are : Authority of law enforcement the practice of illegal fishing in the territorial waters of North Sulawesi include the authority handling the violations that occurred in this region . It is based on the provisions of international law which asserts that the coastal states (Coastal states) has a number of interests protected .

Methods This study was conducted the research approach of the two sides of the normative research (research literature and field research) to see the reality of law . Normative research is basic research in particular to examine aspects of territorial sovereignty and the rule of law , while the field of research , especially seeing cases of illegal fishing practices in the waters of North Sulawesi region.

Conclusions of this research are :

1. Law enforcement against illegal fishing practices in the waters of North Sulawesi conducted by North Sulawesi Police Water Police Directorate and implemented in accordance with the legislation in force through the process of arrest , investigation , investigation , prosecution and trial . In many cases the settlement process occurs misdemeanor that has been resolved and the other cases can not be processed further because of insufficient evidence meets the elements of a crime and some cases while assigned to the North Sulawesi Provincial Police for further processing . For administrative violations cruise resolved through coaching and obligations master and crew to take care of the necessary shipping documents .

2. Constraints in law enforcement , namely the lack of personnel Sulawesi Police Water Police Directorate in comparison with the total area of the Territorial waters of North Sulawesi to implement both operational duties in the field and the lack of facilities owned fleet . Other constraints such as limited operational costs and human resources . In the settlement process of law in violation of the waters of North Sulawesi many obstacles , because the information about the citizenship status of the crew requires a relatively long time from other countries coming crew .

Keywords: law enforcement, illegal fishing

1. Introduction

Since the publication of the Declaration dated December 13, 1957 the Indonesian government continues to fight for the conception of the island nation of law accepted and recognized international community . The struggle finally has resulted in the recognition of the international community , namely the universal acceptance of the setting of the principles and legal regimes archipelago (Archipelagic State) in Chapter IV of the United Nations Convention on the Law of the Sea 1982 . Convention has been ratified by the Government by Law No. 17 Year 1985 on Ratification of the United Nations Convention on the Law of the Sea . Change the position of the Republic of Indonesia as an archipelago very broad implications not only against national interests , but also to the international interest in Indonesian waters . International recognition of the principle of the state as the embodiment of the aspirations of the island nation of Indonesia , brings consequences that Indonesia must also respect the rights of the international community in the waters of what is now the national waters , especially the right of innocent passage and the right of archipelagic sea lanes passage for foreign vessels .

In connection with law enforcement in Indonesian waters , of course, based on the laws and regulations in force , relating to Indonesian waters . Conditions vast Indonesian archipelago inland water area exceeds the effective enforcement requires considering the condition are vulnerable to illegal fishing .

Based on data from the Indonesian National Police Police Regional Directorate North Sulawesi Waters List Case Handling North Sulawesi Police Water Police Directorate in 2009 , 2010 and 2011 , North Sulawesi waters , including areas that are prone to various forms of lawlessness , pelanggaran in the field of immigration , the necessary documents to shipping , timber smuggling , and other items without permission , fishing using bombs , waste disposal at sea , the ship's condition will have an accident but did not provide reporting .

The issue of theft and illegal fishing is a matter of Indonesia , including North Sulawesi . It is known that Southeast Asia is a region with boundaries maritime and continental long (with long maritime and continental frontiers) are very difficult to monitor and maintain it . Most of the members of ASEAN (Association of Southeast Asian Nations) are also " weak states " (weak states) and do not have the capacity to

effectively control their borders . Destructive fishing and illegal nature where the perpetrator is not the local population , using fish bomb (bomb fishing) .

A. Problem Definition

1. Instrument of law enforcement against illegal fishing practices in the waters of North Sulawesi has not been implemented to the fullest!
2. Constraints in the number of law enforcement against illegal fishing practices in the waters of North Sulawesi province.

B. Research Objectives

1. To find law enforcement against illegal fishing practices in the waters of North Sulawesi.
2. To find the constraints in law enforcement against illegal fishing practices in the waters of North Sulawesi.

C. Research Urgency

Authority of law enforcement against illegal fishing practices in the waters of North Sulawesi include authority over the handling of cases of abuse that occurred in this region. It is based on the provisions of international law which asserts that the coastal states (Coastal states) has a number of interests that are protected in the territorial waters adjacent to it. The main obligations of coastal states (coastal state) for the management of fishery resources in the EEZ (Exclusive Economic Zone), arranged in chapters 61 and 62 of the UN Convention on Law of the Sea (UN-KHL).

2. Research Method

Place and Time Research:

This research was conducted in the library is supported by using the Internet facilities , and held for 5 months in 2013 in North Minahasa reGENCY of North Sulawesi Province

Materials and Equipment :

Legal materials consist of primary legal materials (primary) , secondary law and legal materials tertiary . Primary legal materials needed in this study is , national legislation and international conventions namely through the stages of identification and inventory of the literature related to Law Enforcement Against Illegal Fishing in North Sulawesi region . Besides the main ingredients and other necessary tools such as Text Books , Journals , Writing Stationery , printers , ink , laptop , paper , the legislation and others. Secondary legal sources obtained through literature , scientific papers , scientific journals of law , the web related to this research . Tertiary legal materials obtained from sources contained in the dictionary and other laws .

Research Methods

Conducted research approaches of the two sides of the normative research (research literature and field research) to see the reality of law . Normative research is basic research in particular to examine aspects of territorial sovereignty and the rule of law , while the field of research , especially seeing cases of illegal fishing practices in the waters of the province of North Sulawesi .

Experimental Procedure / Review

Preparation of literature relevant to the title of this study related with legislation and the Convention on the Law of the Sea (UNCLOS 1982 and law enforcement instruments which seek to create safety and order leads to ketenangan and tranquility in the waters of Indonesia, especially in the province of North Sulawesi . Survey to location who becomes the object of the research -related institutions that exist in the province of North Sulawesi . Conducting such research stages : the first stage , identifying cases of illegal fishing practices . second stage analysis approach to enforcement with legislation . Techniques data analysis was performed after all - legal materials have been obtained . analysis conducted qualitatively and descriptively explained logically and systematically . comparative analysis is also needed to compare the legal provisions applicable formal judicial , legal experts opinion regarding enforcement.

3. Result and Discussion

LAW ENFORCEMENT AGAINST ILLEGAL FISHING IN PRACTICE waters of North Sulawesi

1 . Authority Law Enforcement in North Sulawesi Sea region

According to international law , coastal states (Coastal states) has a number of interests protected in the territorial waters adjacent to it. The main obligations of coastal states (coastal state) for the management of fishery resources in the EEZ , arranged in chapters 61 and 62 of UNCLOS . Article 61 of the EEZ living resources conservation and establishes the obligation as follows :

- 1 . The coastal State shall determine the allowable catch (allowable catch) for the EEZ fisheries ;
- 2 . Coastal State shall take into account the best scientific information (the best scientific information) are available ;

- 3 . Coastal State shall adopt measures to prevent excessive exploitation (to Prevent over- exploitation) ;
- 4 . The coastal State shall maintain or restore fish stocks to maximum sustainable yield results (MSY) , as determined by environmental and economic factors are relevant , and
- 5 . Measures should consider the effects on species associated with or dependent on the species harvested to ensure that species are not threatened seriously (seriously threatened) .

UNCLOS 1982 recognizes the right of coastal states to enforce civil and criminal law (coastal state 's right to enforce civil and criminal laws) in the area of internal waters and territorial sea , to enforce laws designed to prevent violations over customs , fiscal , immigration and sanitation in the additional zone (to Prevent infringements on its customs , fiscal , immigration , and sanitary laws within its contiguous zone) , to exclusively manage the natural resources in the exclusive economic zone and continental shelf (to exclusively manage the natural resources within its exclusive economic zone and continental shelf) , and to enforce the laws that are intended to protect against damage by means of impurity (to enforced laws designed to protect against damage by marine pollutants) . UNCLOS also recognizes this possibility by noting the extensive powers over the port state to regulate foreign vessels on pollution at sea , including investigating the incident outside the port territory beyond national jurisdiction (Investigating incidents outside of the port State 's areas of national jurisdiction) . Jurisdiction over the exclusive economic zone is a right granted by the United Nations Convention on Law of the Sea , as part of the enforcement of the laws and jurisdiction of the coastal state .

As a consequence of the rights of its EEZ , a coastal state may exercise legislative jurisdiction and the enforcement of rights in the EEZ (exercise legislative and enforcement jurisdiction regarding those rights in its EEZ) , in order to preserve and protect the living resources . Also , coastal state may exercise jurisdiction to prohibit the disposal of certain legislative areas to its EEZ , or build sea lanes for ships crossing the EEZ . Law enforcement across the EEZ requires ships to be repaired to ensure effective oversight .

In addition , UNCLOS incorporate special provisions (specific provisions) to ensure freedom of navigation and fleet of ships , and set firm limits on jurisdiction to prevent violations of sovereignty by coastal states that are eager to expand aggressively unilateral authority over the sea . In fact , in territorial sea , where the ships are entitled to the right of innocent passage , the coastal State may exercise prescriptive and enforcement jurisdiction subject only to the limitation of this right which is part of customary international law , based on Article 21 paragraph (2) of the UN Convention on Law of the Sea . If the vessel or foreign nationals entered Indonesian waters , the coast of Indonesia as a country has jurisdiction over them entirely .

2 . Cases of Illegal Fishing In North Sulawesi waters

Crime can happen anywhere and at any time . Incidence of crime shows that there has been a gap in the social community , a lot going on unemployment . Organized crime in the form of illegal fishing in the sea , the currently booming conducted by fishing vessels in Indonesian waters . There are things that are usually forgotten , offenders are generally just want to earn money with shortcuts , stealing marine wealth by robbing or merompak . The modus operandi of the crimes at sea are grouped into a form of theft , smuggling and piracy . Theft of marine resources in the form of fish , mostly done by foreign fishermen . Fishing without a license , many conducted in Indonesian waters with their full equipment generally use trawling . Modus operandi assortment among others, by hiring local fishermen and foreign -flagged ships to wear the Red and White (flag of the Republic of Indonesia) , but they do not have permission to capture IKAP in marine waters of Indonesia. Theft of this kind of fish is quite detrimental to the state . Foreign fishermen have never caught a fish caught as much as 20 tons .

As reported, the foreign vessels steal fish in Indonesian waters up to 1000 boats per day . Waters are prone to theft , among others , the Natuna Sea bordering the South China Sea , North Sulawesi waters bordering the Pacific Ocean and the Arafura Sea . Illegal fishing by foreign vessels carried openly , using trawling gear (trawling) which captures ranging from seeds to large fish . Indonesian losses each year due to illegal fishing around Rp . 30 trillion .

Case law violations in northern Sulawesi waters that occur in the month of January to December 2009, according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling North Sulawesi Police Water Police Directorate in 2009) essentially as the following :

- 1 . 08-01-09 date have examined the ship KM , Prima Utama Jaya and crew of 10 people found the Employment Agreement Sea (PKL) was already expired ;
- 2 . On Monday, January 12, 2009 while carrying out a routine patrol was checking a ship named ALDO katinting and found 2 (two) WN Philippines without the necessary immigration documents ;
- 3 . Date of January 12, 2009 in waters Siau (Makalehi) large waves that occur raft rope belonging to men and men Sengly Simon penjasga rafts drift with rafts ;
- 4 . Date of January 15, 2009 have examined the vessel LCT . The work of 2 people found blooming and without street vendors ;

- 5 . Books sailors have expired ;
 - 6 . Crew not in siji ;
 - 7 . On Saturday date January 31, 2009 around 11:00 pm pkl , while carrying out a routine patrol in the waters of the strait Lembe Bitung has examined the ship Km Partner Mina 06 and found violations of 7 (seven) crew of Philippine citizens without immigration documents ;
 - 8 . Has been kind of Merbau timber transport as much as ± 50 M3 without equipped with documents or without permission ;
 - 9 . Transporting timber mix as much as ± 3 (three) M3 allegedly without permission from the relevant institutions ;
 - 10 . Transporting wood types Walnuts as much as ± 5 m3 undocumented or without permission ;
 - 11 . Has occurred penyebrotan will ship docking at PT . Desire Bitung in the dock area of PT . Bitung galaxy ;
 - 12 . On Sunday, July 5, 2009 around 15:00 pm pkl has done AD - Hock ship suspected of committing a crime without a fishery that is sailing Sailing Permit (SIB) ;
 - 13 . On Wednesday 22-07-09 pkl date . 14:45 has investigated the events to catch fish using bomb and received a report that a man has a maxi maluntu green backpack containing the bomb , while the examination of the man escaped and made chase but the question does not stop until the suspect finally overpowered with a precise shot in leg his right so that the perpetrators are stopped ;
 - 14 . On Wednesday date 22-07-09 at . 18:00 has investigated fishing using bombs in the village Tumbak excl . Posumaen district . Partners and find a motor boat with no one on it is gray mixture containing fish ± 1.5 tons of explosives (bombs) ;
 - 15 . The time to investigate pkl date 03-09-09 . 1:30 pm have checked the boat taxi fuel containing up to 16 Gallons of Gasoline kind without permission ;
 - 16 . O'clock On the date 15-09-09 . 0:47 pm have checked the ship . KLM . Good Hope is dinahkodai by Hamidin men and found as many as 5 dostanpa captikus permission ;
 - 17 . Pkl date of 15-09-09 . 02:00 pm aboard KLM have checked . Divine grace which dinahkodai by Jamaludin and found as many as 8 of diesel fuel drum without permission ;
 - 18 . Pkl date of 25-09-09 . 14:30 pm 've found the man Framy Talakua aka Framy and his friends have done the disposal of waste into the sea to make use of a bucket that is taken from the tank MPA LCT . Periodic Prima + ;
 - 19 . Since March s / d May 2008 boys Markus buying fish from the reporting melakukam 5 times without payment ;
 - 20 . On Monday 02 November , 2009 at . 12:00 pm Ko Chen Hua man died on board KM . Yungin 08 victims who previously felt pain in the chest about a week on the way to Dobo Irian .
 - 21 . On Thursday December 3, 2009 pkl date . 5:00 pm had found and inspect a ship called KM . Kitai Megumi who dinahkodai by Septianus A Luke and found 4 strangers WN Philippines undocumented immigration .
- Law violation cases in North Sulawesi waters that occur in the month of January to December 2009, according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling Vessel Spill BKO Police BAHARKAN 2009) essentially as the following :
- 1 . On Monday, January 26, 2009 at around . 2:00 pm had found and conduct an examination of a ship called KM . Gem Island I with charge ± 2 Ton mix of fish that was sailing to the port of Bitung after which the examination is held while the ship is sailing KKM not be on board and the ship is not equipped with safety equipment as required by airworthiness certificate and manning of fishing vessels ;
 - 2 . On July 6, 2009 at 08.00 pm aboard KM double check . ALBAROKAH sailing without having SIB and letters SLO ;
 - 3 . On July 7, 2009 and in that position has been checking the ship KM . Flower Fields are dinahkodai by Jafar Ladaku men and found 145 bags of alcohol \pm captikus kind without permission ;
 - 4 . On the day of the date and the position has been inspecting the vessel KLM . Five Go Go E and found the charge as much as ± 250 tons of coal without a permit ;
 - 5 . On the day of the date and the position has been checking the ship KM . Skipjack cider and find loads of fish 08 ± 4 tons ;
 - 6 . On Tuesday dated November 3, 2009 at . 18:00 pm had found and inspect the vessel MT . Bright and maritime shipping violation found and the alleged existence of violations in the field of oil and gas ;
- Several cases of law violations in the waters of North Sulawesi which occurred in the month of January to December 2010, according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling North Sulawesi Police Water Police Directorate in 2009) at its core as follows :
- 1 . Taggal On Wednesday February 24, 2010 at . 13:45 pm had found and conduct an examination of the vessel KM . 05 and KM bright moon . Bright moon sailed 06 dasn found without having immigration documents
 - 2 . On December 17, 2009 pkl . 09.00 am has come a wise man over woman Vilicia martin Tan as the attorney PT . Immanuel work pembawa 12 people it suspected of Philippine citizens ;

- 3 . Kmn Pelita On Sunday 01 examined by Kp . Tarsier and found violations of the Immigration and Fisheries ;
 - 4 . On Sunday KM . Charisma Talaud II examined by Kp . Tarsier and found violations of the Immigration and Fisheries ;
 - 5 . On Saturday date June 19, 2010 Km . Jaguar triple checked by KP . Tarsier 609 and found violations of immigration ;
 - 6 . On Thursday July 22, 2010 at around 6:30 pm using the KP 102 are conducting patrols the waters of Lembah strait people can report the theft had occurred on board Km . The knight then go directly to the ship Km . Satria One and find the perpetrators numbered 5 org ;
 - 7 . Alleged destruction that is thought to anchor rope cut from a pontoon raft and raft so can not be used tdk happened on 14 September 2010 ;
 - 8 . On Friday, October 22, 2010 has received reports from members Examiner by HP that the ship KM . Doro Londa will load captikus type of alcohol that will be taken to Papua without permission
 - 9 . On Friday 12 November 2010 ship date Kp 012 Boat Safe conduct routine patrols and have checked the ship Km Kramat boom and found a red wooden boat carrying as much as $\pm 9 M^3$ Red Wood without permission ;
 - 10 . Senint On 15 November 2010 the ship date Kp 012 Boat Safe conduct routine patrols and have checked the ship Km Crown Eternal 12 and was found on the boat carrying as many as 59 fish Tuna fish on the hatch and the rear hatch and 32 tail tuna not included in the manifest / bill of lading ;
- Several cases of lawlessness in northern Sulawesi waters that occur in the month of January to December 2010, according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling Vessel Spill BKO Baharkam Police in 2010 as follows :
- 1 . On Wednesday, February 24, 2010 pkl date . 13:00 pm had found and conduct an examination of the vessel KM . 01 bright moon , was moored fishing boats anchor and found no SIPI , SIUP SIKPI and employs sailors without disjil WN Philippines ;
 - 2 . On Wednesday February 24, 2010 pkl date . 13:00 pm had found and conduct an examination of the vessel KM . 02 bright moon , was moored fishing boats anchor and found no SIPI , Business License ;
 - 3 . At the time Kp Patrol . Cucak swamp has conducted an examination of 637 Km beautiful garden and found violations of Fisheries ;
 - 4 . The time patrol Kp . Cucak swamp has examined 637 Km . Glory 9 which was docked in ports and allegedly did Striped fishing without SLO
 - 5 . At the time Kp Balarama Patrol has conducted an examination of 521 Km Delta Rainbow 01 dan find WN Philippines without immigration documents ;
 - 6 . At the time Kp Balarama Patrol has conducted an examination of 521 Km Sea Princess 06 01 dan find WN Philippines without immigration documents ;
 - 7 . Patrol When implementing KP . 637 Swamp cucak has conducted an examination of the vessel TB . TOB 08 and found violations of the cruise .
- Law violation cases in North Sulawesi waters that occurred in January and ending in December 2011 , according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling North Sulawesi Police Water Police Directorate in 2011 , as follows :
- 1 . On January 8, 2011 at around . 6:30 pm had found and inspect the vessel KLM . Rahmatullah who have lowered / dispose of timber types ironwood various sizes as much as $\pm 16 M^3$ tidak accompanied by documents and crew of a sailing ship to the West Sulawesi Kalimantan because of an engine failure then drifted down to the waters of Manado and the ship 's dinahkodai by the suspect . Samson Maarif and discovered the crime of shipping and forestry . Article 50 paragraph 3 of the HRF (h) psl jo UURI No. 78 , paragraph 7 . 41 of 1999 in conjunction with Article 323 paragraph 1 UURI no. 17 of 2008 ;
 - 2 . February 2, 2011 On the waters of the Pacific Ocean / Sorong has happened to the city of Bitung buying and selling of diesel fuel as much as ± 40 tons (forty) tons were taken from the ship tengki LCT . Continent Kingdom V to ship wood species complainant did not know what the name of the ship. Reporting the incident to see and know as rapporteur at the time were on board LCT . Continent Kingdom V in the event of the sale of fuel types diesel trnasaksi The fuel type diesel as for the PT . Maritime shipping hub branch Bitung Indonesia and PT . Maritime shipping hub Bitung Indonesia branch was harmed by the incident above and report the matter to the Police Ditpolair Sulut for further proceedings . Gar or Embezzlement and Fraud Article 378 and Article 372 of the Criminal Code or ;
 - 3 . February 9, 2011 On the waters of the east island Nain or 11 nautical miles from the island of Nain . I took off my pontoon , then on the date of February 22, 2011 I checked my pontoon , pontoon turns out I had nothing , then on the date February 23, 2011 at about 09.00 am I got the information from Hi . I belonged to that pontoon Kasmin 're on an island Nain and some straps and pontoons have been sold to Charles Sala man on February 10, 2011 and according to Charles Salasa man that bought pontoon and some rope to Hi . Risman Tamengge on February 10, 2011 and previously was named Maranatha pontoon 02 has been removed and then coated with paint by male Hi . Risman Tamengge Gar vandalism and theft pontoon or referred to within Article 406 , Article

410 and Article 378 of the Criminal Code ;

4 . On Tuesday March 2, 2011 date around pkl . 2:00 pm on board KM . Sea horses are docked at the port of Bitung fishing boat theft has occurred by threatening with a knife / machete carried by men Danilo Golang (WN Philippines) against Agie Nalong and Eutopio Galola Jr. , the incident began with the three men dating outside drunk while carrying KM ship up alcohol . Sea Horse after the completion of drinking alcohol with danilo golang man took a knife / machete then hit him Agie Nalong and Eutopio Galola Jr. who was crew aboard Km . Sea horse and said the rope and lift the anchor , but the incident carried off the ship belonging to Ko Pey be pursued by the ship and stopped perikani Bitung waters Biaro and then returned to the fishing port under Bitung , theft offense as referred to in Article 363 paragraph primary (1) clause (4) of the Criminal Code Article 362 of the Criminal Code subs on theft ;

5 . On Sunday, March 6, 2011 at . 2:00 pm theft has occurred vessel KM . Prosperity boon done by a man who is a Bilboy Baldonado KM crew aboard . Prosperity Anegerah where the vessel was brought to Filipinos without my knowledge as I know the owner of the vessel and the vessel KM . Anegerah prosperity has been in the Philippines on March 28, 2011 from ship captain ;

6 . On Wednesday May 4 at 12:00 pm 2011sekitar joint patrol of police and members of the public waters of Bunaken Manado check Pin of ships belonging Resort Panorama , then man Swen Maneger Panorama Resort Dive Center issued a rant , menghinadan threatened and expelled members of the Patrol ship with invective and insult . Art 369 and Article 310 of the Criminal Code ;

7 . On Thursday, May 5, 2011 Police and Community Patrol combined with using Bunaken ship in the southern waters by sprin task Popereng Section Head Hall Bunaken PT.85/SPTNW.II/2011 Number patrol around 17:00 pm found the man DIDI and UDIN are doing the installation Sero (fish trap) in which the material of the mangrove trees allegedly cut , collected and taken from Bunaken is precisely the area Lambere Aquatic Popereng gaze district excl . Minsel . Psl psl 19 and 21 of Law No. 5 yrs RI in 1990 know about KSDA ;

8 . On Tuesday date June 21, 2011 about 16:00 pm Here Takaseheng men go to sea using a long-tail boat to the red white waters of white stone and has yet to return so men suspected missing Takaseheng Here we report the incident to Ditpolair for further processing ;

9 . On Saturday June 25, 2011 at around 17:45 pm Police boats Safe Boat patrols have arrested 012 1 pambout ships named King Artemio along with 18 (twelve delaqpan) crew who were fishing in waters Miagas Kepl Talaud district ;

10 . At around the end of 2009 men Mamu Yunus told a group of fishermen East Ratatotok that ship has pajeko fishing waters Kema then until now never reported his income ;

11 . On Sunday, August 14, 2011 pkl . 3:00 pm , a man aka Rudy Rudy Hartono palemali KKM KM . Sentosa IV took the fuel type as much as ± 22 gallons of diesel fuel from the main tank KM . Sentosa IV is docked at the pier waters PT . Budi Sentosa Abadi to be sold to men Andris Maulana aka andi and then dipindahkan jointly by Baharudin Bawoel Opo alias , alias Frank Berdame Lutang boat belonging to the man Andris existing at the time of the incident , docked beside Km . Sentosa IV without the knowledge of the owner of the vessel .

12 . On Monday the 12th of september 2011 pkl 14:00 pm , a man Ayuba Word Master ship Km . Sea Bird asked unlance ships in connective assembled Km . Sea birds remember at the time there were 3 ships mooring assembled so that the bias resulted in the raft broke up or the barrel but the Master KM . Hill Award for mooring force on the raft and threatening to throw stones at other ships Master residing in the place and the man Paul Kowimbin with segaja banging on nahkodainya the stern to the bow portside hull KM . Sea birds resulting in the ship suffered minor fractions and some cracking in the bow portside hull ;

13 . On Tuesday around 12.30 pm The patrol vessel 013 is holding an examination of the ship Klm . Morut and can cruise offense is ABK 's Norhen Lalorie seaman book does not match the ID card and a list identitasdi sijnal 2 person crew and crew are not included in the list sijnal ship ;

14 . On Tuesday, October 11, 2011 at 23:30 pm KP.08 water police patrol boat while carrying out routine patrols , has conducted inspections and arrests vessel Km . Immanuel 02 dinakhodai by Zekeus Bukananung and 7 (seven) ABK , while water police patrol inspection by members of the North Sulawesi Police found a violation is suspected Zekeus cruise Bukanaung menakhodai fishing vessels Km . Immanuel 02 sailed from the port of Bitung to Manado bring three (3) passengers (2 adults and 1 small child) is not equipped with a passenger list / list of additional crew members , who are required by law to be on the vessel and is known by the harbormaster .

15 . On Friday October 21, 2011 around 23:15 pm Hours UKL teams that use patrol vessel 013 has conducted an examination of the vessel Klm . Jaya sympathy allegedly committing a crime / offense and after examination held Palka found in the front ; transporting liquor store types Captikus as much as ± 15 (fifteen) bags are packed performance aqua -size bottle of 600 ml without permission ;

16 . On date Wednesday 30 November 2011 around 11.00 pm perpetrators menakhodai ship Km , King Steward of marine fisheries harbor entrance Bitung then stopped and examined the documents and found violations of the cruise ship where the ship captain can not show the crew list of the ship because it does not conform the boat crew as referred to in Article 560 , 561 of the Criminal Code ;

17 . On Monday December 19th , 2011 at 7:20 pm , has conducted an examination of the vessel KLM . Jaya works I set sail from waters entering into the waters of the strait OBI lembeh Bitung and found on board two (2) units of each blue Avansa No.Pol : DB 40050AD and silver Xenia nopol : DB AI 4097 and allegedly the result of fraud / vehicle theft because a copy of the letter is not in accordance with the physical vehicle ;

18 . On Friday December 16, 2011 around pkl . 1:20 pm has been carrying out investigations lembeh Bitung waters of the strait and have found and check a motor boat without a name by a man named yunus dinahkodai pulingkareng along with four (4) other colleagues and found the boat on the type of oil as much as \pm 1 200 liters of diesel oil is transported by man rahman KKM ship from TB . Jasmine is now scheduled to be taken to shelters mom's oil . Yati lembeh island .

Law violation cases in North Sulawesi waters that occurred in January and ending in December 2011 , according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling Vessel Spill BKO BAHARKAM Police in 2011 :

1 . On the 19th of April 2011 in the waters of the strait lembeh Bitung Bless KM.God 02 ships inspected by ship Manyar 636 and KP police alleged violation of Article 561 of the Criminal Code in shipping .

2 . At the time of carrying out patrol saw a boat laden klotok HSD type of fuel / diesel in the lease by Siling Lahama at 16:30 pm after KP Manyar 636 checks that are conducting activities unofficial petrol and can not provide the transportation business license . Article 53 letter b and d Law No . 22 of 2001 on oil and gas ;

3 . Manyar At KP 636 are conducting patrols have captured a ship called KM . True bow sailing in the territorial waters of Manado without captain was not accompanied by an approval of sailing . Article 323 paragraph (1) in conjunction with Article 219 paragraph (1) in conjunction with Article 138 paragraph (1) of Law No . 17 of 2008 on the voyage ;

4 . The time and had been carrying out patrols to catch and inspect the vessel KM . Kiberta which was sailing in the territorial waters of the strait without having documents lembeh Bitung Foreign crew and ship complete with documents ;

5 . At the time of carrying out patrols in the waters of Bangka island have discovered and examine the ship KM . Thanks to the 02 men who dinahkodai by R Gregorio Cortez and Philippine nationality suspected and alleged to have violated the cruise ;

6 . At the time of carrying out a patrol boat in the waters of Lembeh strait look Km . Grace or KM . Turbeki - 02 ssedang anchored region Pelra Bitung port after the captain and crew examination can not speak Indonesian and suspected foreigners (Philippines) and can not show a valid identity document as well ;

7 . On Tuesday, December 27, 2011 at 11:00 pm about Lembeh Strait Bitung PTIK exactly in front of the dock , the vessel LCT Setiawan Star 88 has been stopped and inspected by the Sea Reader KP . Krishna and found 507 violations of the cruise .

3 . Implementation Practice of Law Enforcement Against Illegal Fishing In North Sulawesi waters

What did the government against illegal fishing boats ? Director General of Fisheries Resources and Control said ; " Sinking ship carried on the fight against illegal foreign ships patrol supervisor when arrested . Ships illegal poor condition and high cost also drowned . In addition it is also done on a sinking ship confiscated illegal aliens that were piled many years in the ports and shipping lanes hamper .

In a police operation nets held September 9 to December 28, 2010 in an area prone to illegal fishing such as in North Sumatra , Riau , West Kalimantan , Maluku , North Sulawesi and Papua can uncover dozens of cases of illegal fishing in which hundreds of people were arrested . With the details that have been charged as much as 194 people , 144 people terdri from Vietnam and 50 citizens , as well as evidence ships totaling 31 ships (gresnews.com) .

Implementation of law enforcement against violations of law in the waters of North Sulawesi , according to data obtained from the Indonesian National Police Police Regional Directorate North Sulawesi waters (source : List of Case Handling Vessel Spill BKO Police BAHARKAM 2009 , 2010 and 2011 , are as follows :

The process of settlement , the case of 2009 amounted to 39 cases consist of :

- 1 . The Case P - 21 = 9 cases
- 2 . Examiner Case not proven = 17 case
- 3 . Cases Tipiring = 5 case
- 4 . The Case SP3 = 7 case
- 5 . Cases affluent = 1 case

The process of settlement , the case in 2010 amounted to 45 cases consist of :

- 1 . The Case P - 21 = 5 case
- 2 . Cases Phase I = 1 case
- 3 . Examiner Case not proven = 21 case
- 4 . The Case Tipiring = 3 case
- 5 . Cases SP3 = 10 case

6. Cases affluent = 5 case

The process of settlement , the case in 2010 amounted to 31 cases consist of :

- 1 . The P - 21 = 3 cases , 1 cruise , 2 thefts
- 2 . Sidik = 2 cases , 2 Voyage
- 3 . Examiner = 2 case , one might expect fraud / theft , 1 gas
- 4 . Affluent = 5 cases , 2 shipping , 1 insults and threats , 1 KSDA , 1 immigration .
- 5 . Tipiring = 9 cases , 7 cruise , 2 MIRAS
- 6 . Not enough evidence = 10 cases , 1 Examiner missing person has been found , 3 gas , 1 theft , 1 cruise , one fraud , one of Fisheries , 1 vandalism , 1 immigration

From these data indicate that many cases have been dealt with as part of law enforcement in the waters of northern Sulawesi many cases proved to be a minor criminal offenses , and there are still some things that are delegated to the North Sulawesi Provincial Police for further processing , and there are those cases that have not followed the process solution , due to insufficient evidence .

Concern for our country in combating crime in the area of fisheries (illegal fishing) not only make the rules in the form of legislation and policies , but also participate with other countries jointly commit a crime against the motion .

Activity dispose of waste B - 3 is performed by a group of people who are not responsible in marine waters , for example, ever " caught " in the sea , the coast of Batam Island . They must know that the B - 3 waste being dumped into the sea will surely spread and destroying the aquatic life and human health .

The development of the island of Bunaken in Manado as a tourist area that is not well planned joined contributed to damage the marine environment . Development of tourist spots with rudimentary accommodations have allowed household waste including plastic and detergent solution , threatens the growth of Bunaken marine park , disturbed coral growth , fish berimbiose also contaminated .

If this is not immediately addressed , the beauty of Bunaken marine park will be a distant memory , marine tourism activities that have atmospheres cause economic activities to vanish no beautiful impression .

A. CONSTRAINTS PRACTICE LAW ENFORCEMENT AGAINST ILLEGAL FISHING IN WATERS NORTH SULAWESI

It is very difficult , Indonesia's vast marine territory is only guarded by a few pieces of Navy patrol vessels RI , Water Police . Cooperation between traditional fishermen and marine safety officers should be increased to prevent the occurrence of illegal fishing . Heavy penalties need to be applied to a deterrent effect on the fish thieves .

Currently monitoring is only done by 21 patrol boats operating time operating time of 120 days per years. This year 2009 will be increased to 180 days . How to improve supervision , increase the fleet needs to be done before the rampant illegal fishing . There are cases where an operation requires a naval ship to intercept merchant ships along the merchant ship captain , to minimize the delay in the trial , about his business legal . Implementation of law enforcement against violations of law in the waters of northern Sulawesi , according to data obtained from the Indonesian National Police Regional Police Directorate waters of North Sulawesi , has the following constraints :

- 1 . Lack of personnel ;
- 2 . Fleet Sulawesi Police Water Police Directorate , still less , compared with an area of territorial waters of North Sulawesi with an area that is 15472.98 km² ;
- Fleet facility which is owned by North Sulawesi Police Water Police Directorate measuring only C1 , C2 , C3 , and if in view of the breadth of the territorial waters of North Sulawesi , should have been using a fleet size of B1 . Total fleet of only 14 pieces ;
- 3 . Limited operational costs ;
- 4 . The HR (Human Resources) who understand the sea was very minimal , especially in North Sulawesi ;
- 5 . Settlement process in violation of the law in the waters of North Sulawesi such as the arrest of foreign nationals (citizens Philippina) have problems , because information about the citizenship status of the crew of the Consulate Philippina require approximately 2 months , thus inhibiting the settlement process .

4. Conclusion

1 . Law enforcement against illegal fishing practices in the waters of North Sulawesi province conducted by Pol Dit North Sulawesi Regional Police Air and implemented in accordance with the applicable legislation going through the process of arrest , investigation , investigation , prosecution and examination in court. In the process of settlement is a lot lighter criminal acts that occurred were resolved and other cases can not be processed further because there was insufficient evidence to meet the elements of a crime and some cases while pours into North Sulawesi Regional Police for further processing. For administrative violations resolved by the construction and sailing master and crew obligation to manage the necessary navigational documents .

2 . Constraints are constrained in law enforcement, namely lack of personnel Dit Pol Air Regional Police in North Sulawesi province wide , compared with the Territorial waters of North Sulawesi operational to perform tasks in the field and the lack of facilities owned fleet . Other constraints such as limited operational costs and human resources . In the process of settlement is a violation of law in the waters of North Sulawesi experienced many obstacles , because the information about the citizenship status of the crew takes a relatively long time from the rest of the crew came from.

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