

The Absurdity of The Law In The Enforcement of Criminal Acts Fisheries (Illegal Fishing) in Indonesia

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Abstract: This research explores legal absurdities in Indonesian law enforcement for illegal fishing, focusing on the forms of absurdity and their impact. The author uses normative legal research to determine that the current legal absurdity in Indonesian law enforcement is due to the ratification of Law no. 11 of 2020 concerning Job Creation in the Maritime and Fisheries Sector, which disharmonizes norms with previous fisheries laws and regulations. This legal absurdity is evident in the unclear phrase "small fishermen," which creates confusion for law enforcement officials and causes unrest in small fishing communities regarding ship administration. The author suggests that the government should prioritize public interests over certain parties' interests in legislation and explore moral values in environmental management, particularly in the maritime sector, to prevent legal absurdities in law enforcement for illegal fishing crimes in Indonesia.

Keywords: Legal Absurdit; Law Enforcement; Illegal Fishing.

1. Introduction

Almost all people on this earth want a good life, with regularity in accordance with the moral values that live in the midst of communal society. Therefore, humans want the presence of a universal rule, of course, regulating or limiting what is good and right, as well as what is ethical and unethical. Thus was born some of the views of some scientists to think about how to make universal norms that provide more concrete specific indicators that determine the ethical and moral limits of man. Departing from that spirit, scientists are competing to find the formula. Today there is no single formula of absolute norms to be used as an indicator of ethical and moral boundaries universally, it is based on human characteristics that differ from one another. Estuary some human groups with natural evolution think they are in harmony with the richness of their point of view in seeing a problem and find solutions to these problems, not least with the search for Norm solutions to the above problems.

One view that seeks to find and remodel the order of the universal norm, with the essence of the search for the meaning of order to the absurdity of human meaning in the preparation of the order of the universal norm is the absurdity initiated by Albert Camus, he said that human life is absurd, absurd lies that one side of human life leads or leads to the future, while the future leads humans or brings humans closer to death. Because in the face of the absurd man often escapes by immersing himself in certain theological dogmas or choosing the path of suicide. Albert Camus believed that the only thing that could not be saved was death. Albert Camus ' death was a certainty. But the absurd remains and it is the precariousness of death that causes the absurd to grow and defeat some people with the aim

of deciding to commit suicide, hoping to break the chain of absurdities. Many people suspect that suicide is usually caused by depression, feeling that life is not worth living.¹

From the description of Albert Camus above, the author tries to use this point of view in criticizing the absurdity of legal issues in law enforcement of Fisheries crimes in Indonesia, this is relevant to Albert Camus' expression that human life is absurd, in line with that the set of norms produced by humans is not much the same. With human activity in the search for the ideal of universal norms in determining ethics and morals, today humans only repeat mistakes in making new norms, especially in the care of nature, especially in the wealth of the sea.

Indonesia is an archipelago that has abundant natural resources as a gift from God Almighty, which is priceless. With islands connected by Waters, Indonesia is able to maintain the unity of ideology, politics, culture, defense, and security within the framework of the Unitary State of the Republic of Indonesia. Indonesia's strategic geographical location, between the Indian Ocean and the Pacific Ocean, makes it an important location in global sea lanes, thus providing economic and political advantages. This makes Indonesia appear as a strong country in the international arena. This comparative advantage is reflected in the wealth of abundant marine natural resources, both biological and non-biological. Based on the calculations of experts and related institutions, Indonesia's Marine potential is estimated to reach a value of 149.94 billion US dollars or around Rp 14,994 trillion per year. The potential includes the fisheries sector of 31.94 billion US dollars, sustainable coastal areas of 56 billion US dollars, marine biotechnology 40 billion US dollars, marine tourism 2 billion US dollars, Petroleum 6.64 billion US dollars, and marine transportation 20 billion US dollars.² Indonesia's marine wealth in terms of its life includes various types of fish, shrimp, mollusks such as sea cucumbers, squid, sephia, sponges, sea turtles, marine mammals, and seaweed. The types of fish found in Indonesian waters include large pelagic fish such as tuna, skipjack tuna, marlin, tuna, lemuru, and bloating; demersal fish such as snapper, grouper, manyung, Ray, Pomfret, gulamah, layur, peperek, kuniran, and beloso; commercial reef fish such as rat grouper, red snapper, beronang, lencam, and yellowtail; and shrimp, lobster, and squid.

This shows that the Indonesian sea has abundant resources that are not owned by other countries. However, this wealth of marine resources is often overlooked because the government's attention is more focused on the potential of natural resources on land. As a result, foreign fishermen often take advantage of this opportunity to illegally exploit Indonesia's marine wealth. Illegal fishing is an activity that is not in accordance with the laws and regulations in force in Indonesia. Illegal Fishing activities include not having a license, using false documents, fishing beyond the permitted limit, using prohibited equipment, and not reporting the catch. Illegal Fishing actors generally only seek profit without regard to the sustainability of marine ecosystems. This activity causes huge losses to Indonesia every year. According to the calculations of the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, losses due to Illegal Fishing reached USD 20 billion or about Rp 240 trillion in 2014.³ Meanwhile, throughout the year 2020 to 2021, according to the secretary general of

¹ Albert Camus, *Mite Sisifus: Pergulatan Dengan Absurditas* (Gramedia Pustaka Utama, 1999), Hlm. 71.

² Anonim, "Potensi Kekayaan Laut Indonesia Capai Rp 14.994 Triliun" Kompas, 6 November 2009, <http://one-geo-blogspot.com/2010/01/Potensi-Kelautan-Indonesia.Html>, Diakses pada tanggal 19 Juli 2024.

³ Detik Finance, "Menteri Susi: Kerugian Akibat Illegal Fishing Rp 240 Triliun," Detik Finance, 2014, [Www.Detikfinance.Com](http://www.detikfinance.com), Diakses pada tanggal 22 September 2022.

the Ministry of Maritime Affairs and fisheries, state losses reached Rp. 30 trillion.⁴ Furthermore, the director general of supervision of marine resources and Fisheries revealed the value of the losses obtained from 114 ships from Indonesia and 52 foreign ships. Indonesia is not only losing in terms of economy, but Indonesia is also losing in terms of politics and the environment due to Illegal Fishing.

The frequent occurrence of fish theft and other criminal acts in Indonesian waters raises questions about the effectiveness of law enforcement in Indonesian territorial waters. Law enforcement in the fisheries sector is very important and strategic to support regular and sustainable fisheries management, so that fisheries development can continue. Therefore, legal certainty becomes an indispensable thing. International legal arrangements that regulate law enforcement in the fisheries sector related to marine resource management are United Nations Convention on the Law of the Sea (UNCLOS).⁵ UNCLOS, established in 1982, includes rules regarding the enforcement of laws in territorial waters and the determination of the boundaries of a country's Exclusive Economic Zone (EEZ). Meanwhile, the basic management of marine resources at the national level is regulated by Article 33 of the Indonesian constitution 1945.⁶ Establish that the earth, water, and natural resources in it are controlled by the state and utilized as much as possible for the welfare of the people. This provision is the constitutional basis and guidelines in regulating various matters related to fish resources.⁷ Article 2 classification No. 5 of 1990 on the Conservation of living Natural Resources and ecosystems⁸, set the principle of conservation of Natural Resources in a harmonious and balanced.⁹ UURI No. 6 Tahun 1996 Tentang Perairan Indonesia.¹⁰ Contains rules that discuss the calculation of measuring the coastline as a confirmation of the territorial area of Indonesia. While the management, supervision and sanction of illegal Fishing is regulated in UURI No. 45 of 2009 p.a classified No.31 of 2004 on Fisheries, and UURI No. 32 Year 2014 About Marine¹¹, as well as UURI No. 11 year 2020 on job creation in Kelutan and Fisheries¹². In terms of regulations to accommodate the rules of criminal procedure stipulated in UURI No. 8 of 1981 on the Code of Criminal Procedure (hereinafter referred to as the code of Criminal Procedure).¹³

From the above description, The author becomes more confused, this is because humans pledge to preserve the natural environment especially in the marine sector, this is manifested from legal norms, to regulate human actions in the utilization of the sea. From these legal norms, the authors increasingly give certainty about the absurdity of their legal forms, which is why they constantly update legal norms. However, these legal norms every

⁴ Leo Prima and Teri, "Selama Pandemi, Kerugian Negara Akibat Illegal Fishing Capai Rp 30 Triliun," PT Kapuas Media Sarana, 2021, <https://kumparan.com/hipontianak/selama-pandemi-kerugian-negara-akibat-illegal-fishing-capai-rp-30-triliun-1vXP9oN7Hy4/1>, Diakses pada tanggal 11 Mei 2022.

⁵ Lihat "UNCLOS 1982" (n.d.).

⁶ Lihat Pasal 33 Undang-Undang Dasar Negara Republik Indonesia 1945.

⁷ Abdullah Marlang and Rina Masyana, *Hukum Konservasi Sumber Daya Hayati Dan Ekosistemnya*, Mitra Wacana Media (Aspublishing, Makassar, 2011), Hlm. 32.

⁸ Lihat Pasal 2 "Undang-Undang Nomor 5 Tahun 1990 Tentang Konservasi Sumber Daya Alam Hayati Dan Ekosistemnya".

⁹ *Ibid.*

¹⁰ Lihat "Undang-Undang Republik Indonesia No. 6 Tahun 1996 Tentang Perairan Indonesia".

¹¹ Lihat "UURI No. 45 Tahun 2009 Tentang Perubahan Atas UURI No. 31 Tahun 2004 Tentang Perikanan" dan "Undang-Undang Republik Indonesia No. 32 Tahun 2014 Tentang Kelautan".

¹² Lihat "Undang Undang Republik Indonesia No. 11 Tahun 2020 Tentang Cipta Kerja Bidang Kelautan dan Perikanan".

¹³ Lihat "Undang-Undang Republik Indonesia No. 8 Tahun 1981 Tentang Hukum Acara Pidana (KUHAP)".

day create their own confusion because of the irrelevance between one norm and another, in the end this is the form of absurdity of the norm that the author intends from the description above. Departing from the unrest, the author wants to conduct research on what form of legal absurdity that occurs in the enforcement of fisheries crime law in Indonesia and how the impact of legal absurdity on the enforcement of fisheries crime law in Indonesia.

2. Method

This research is a type of legal research that is normative (juridical normative). Normative legal research is carried out by reviewing library materials.¹⁴ In this study, library materials serve as the basic data included in the category of secondary data according to research science. In this study, the authors apply the statutory approach (statute approach). This approach involves an in-depth review of all laws and regulations relevant to the legal issue under discussion.¹⁵ In this legal research, the author seeks to examine the legislation that is relevant to the issue under study, namely the criminal liability in the case of unlicensed mining

3. Results and Discussion

3.1 Forms Of Legal Absurdities That Occur In Law Enforcement Fisheries Crime In Indonesia.

Absurdity or absurdism comes from the word “absurd”, which when Heard will make us think about something unclear. Etymologically, “absurd ” means something strange and incoherent in latin, and in philosophical contexts, it usually refers to something illogical or irrational, not analyzable. However, although absurdity has a certain meaning, this concept is difficult to understand and cannot be compared with reality and life experience. We can imagine it in the mind, but it is difficult to apply in everyday life. Philosophically, absurdism is part of the study of post-modern philosophy, which is a branch of the philosophy of existentialism. When discussing absurdism in the context of philosophy, we will meet one of its characters, Albert Camus, through his work entitled *The Myth of Sisyphus*.

Albert Camus himself mentioned that there is a Greek myth that describes humans who want to get rid of the burden of life. He was a creature who used to worship the gods but because of his carelessness he was cursed by the gods, the creature was named Sisyphus. The gods had cursed Sisyphus not to stop pushing a boulder up the mountain, and it would be allowed to roll down again and again. They argued, according to Albert Camus for various reasons, that there is no punishment more terrible than that hopeless and futile work. Albert Camus considered Sisyphus to be the wisest man, but other beliefs Sisyphus discarded to undergo work as a road maker. Various opinions contradict each other about the reason he became a vain worker of the underground world. At first Sisyphus was accused of being

¹⁴ Soerjono Soekanto and Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: PT. Raja Grafindo Persada, 2014), Hlm. 13-14.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2010), Hlm. 92.

perfunctory to the gods, until the condemnation of his deeds took away the secrets belonging to the gods.¹⁶

From the debate about the myth of Sisyphus, Albert Camus used the story of the myth of Sisyphus to lift the stone up the mountain over and over again. According to Albert Camus in contemporary life as it is today what Sisyphus does is a depiction of the human self today. They do the routine of their lives over and over again and often fail to reflect on the meaning of the life they live every day, this is what is called by Albert Camus absurdity.

Therefore, the view of Albert Camus looking at the absurd side of contemporary life the author uses to see how the absurdity of the law. Legal absurdity is a condition in which the rules of law appear to be incompatible with logic and reality. This can happen when the law is rigidly applied without taking into account the specific context or situation, resulting in unfair or unreasonable norms. This phenomenon can also refer to situations in which the law fails to address or explain the complexities of real life, thus making it appear irrelevant or ineffective.

The absurdity of the law, we can see in the law enforcement of illegal fishing in Indonesia. According To M. Fauzi Ramadhan in his book entitled diving into the Sea of criminal acts of Fisheries (illegal fishing), argues that the enforcement of criminal acts in the field of illegal fishing fisheries in Indonesia, experienced several obstacles such as, still weak some substance of the rule of law. Made worse by the establishment of UURI No. 11 of 2020 concerning job creation in the Marine and fisheries sector which has several problems, starting from changes in the form of granting permits, the lack of clarity in the definition of small fishermen so that it has an impact on granting permits for sailing approval letters, as well as the error of changing the form of criminal sanctions to administrative sanctions which gives the impression that the government is not firm in enforcing the law to eradicate criminal acts in the field of illegal fishing.¹⁷ From the description of M. Fauzi Ramadhan, we can draw the conclusion that the problem of law enforcement of criminal acts in the field of illegal fishing in Indonesia there are problems that are actually repeated and classified as absurd.

According to the author, the form of legal absurdity is very visible in the enforcement of criminal acts in the field of illegal fishing in Indonesia. Begins the absurdity of the law in the enforcement of inconsistent laws, in law No. 45, 2009 p.a UU No. 31 of 2004 on Fisheries not only regulates all activities related to the management and utilization of fish resources and their environment from preproduction, production, management, to marketing, which is carried out in a fisheries business system, but with marketing, which is carried out in a fisheries business system, but also specifically regulates criminal acts in the field of Fisheries, Investigation Authority, prosecution and examination in fisheries court hearings. the problem that then raises the polemic in Article 92 s.d Article 94 of Law No. 45, 2009 p.a U.S.

¹⁶ Albert Camus, *Mite Sisifus: Pergulatan Dengan Absurditas*, Op.Cit, Hlm. 141.

¹⁷ Abd. Asis and Muhammad Fauzi Ramadhan, *Menyelami Lautan Tindak Pidana Perikanan* (Makassar: Yayasan Antropos Indonesia, 2023), Hlm. 213.

No. 31 of 2004 on fisheries. According to the sound of the norm, the provisions of Article 92 s.d Article 94 of Law No. 45, 2009 p.a U.S. No. 31 of 2004 on fisheries is formulated to be cumulative, but its application is precisely “alternative”. See also 92 s.d Article 94 of Law No. 45, 2009 p.a U.S. No. 31 of 2004 on fisheries reads thus:

Article 92

Any person who intentionally in the fisheries management area of the Republic of Indonesia conducts fishery business in the field of catching, cultivating, transporting, processing, and marketing fish, who does not have a SIUP as referred to in Article 26 paragraph (1), shall be punished with a maximum imprisonment of 8 (eight) years and a maximum fine of Rp.1.500.000.000.00, - (one billion five hundred million rupiah).

Article 93

1) Any person who owns and/or operates an Indonesian-flagged fishing vessel fishing in the fisheries management area of the Republic of Indonesia and / or on the high seas, which does not have SIPI as referred to in Article 27 paragraph (1), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 2.000.000.000.00 (two billion rupiah).

2) Any person who owns and/or operates a foreign-flagged fishing vessel fishing in ZEEI that does not have SIPI as referred to in Article 27 paragraph (2), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 20,000,000,000.00 (twenty billion rupiah).

3) Any person operating an Indonesian-flagged fishing vessel in the fisheries management area of the Republic of Indonesia, who does not carry the original SIPI as referred to in Article 27 paragraph (3), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

4) Any person operating a foreign-flagged fishing vessel in ZEEI, who does not carry the original SIPI as referred to in Article 27 paragraph (3), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 20,000,000,000.00 (twenty billion rupiah).

Article 94

Any person who owns and / or operates a fishing vessel in the fisheries management area of the Republic of Indonesia that transports fish or related activities that do not have the SIKPI as referred to in Article 28 paragraph (1), shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah).

Article 94A

Any person who falsifies and / or uses false SIUP, SIPI, and SIKPI as referred to in Article 28A shall be punished with a maximum imprisonment of 7 (seven) years and a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah).

It seems clear that the formulation of sanctions under Article 92 to Article 94 of Law No. 45, 2009 p.a UU No. 31 of 2004 on fisheries is cumulative (not alternative). However, in practice, the sanction is applied alternatively, only with the criminal sanction of a fine without imprisonment, and the amount of the fine varies. This can be seen, among others, from the verdict of the Pontianak Fisheries Court judges as mentioned below:

1. Fisheries Court decision at the Pontianak District Court Number: 12 / Pid.Prkn/2009 / PN.PTK dated November 24, 2009, which reinforced the decision of the Pontianak High Court Number: 09/PID/2010/PT.PTK dated January 28, 2010, in amarnya stated:¹⁸
 - a) Mr. PE FU CHANG was found legally and convincingly guilty of committing fisheries crimes, namely 3 intentionally in the fisheries management area of the Republic of Indonesia conducting fisheries business in the field of fishing that does not have a SIUP, and operating fishing vessels using prohibited fishing gear/trawls in the fisheries area of the Republic of Indonesia.
 - b) Hand over to the accused Mr. PE FU CHANG with a fine of Rp. 3,000,000,000.00 (three billion Rupiah), with information if not paid replaced by imprisonment of 3 (three) months.
 - c) Establish evidence in the form of 1 (one) unit KM Gui Qin Yu 12661 made of iron measuring 300 GT seized for the state.
2. Fisheries Court decision on the Pontianak District Court Number: 17 / PID.PRKN/ / 2009 / PN.PTK, dated November 24, 2009, which reinforced the decision of the Pontianak High Court Number: 10/PID/2010/PT.PTK dated January 28, 2010, in amarnya stated:¹⁹
 - a) Mr. CHEN JIAN was found legally and convincingly guilty of committing a fishery crime:³ Deliberately in the fisheries management area of the Republic of Indonesia in ZEEI conducting fisheries business in the field of fishing that does not have a SIUP, and deliberately operating foreign-flagged fishing vessels in the Fisheries Management Area of the Republic of Indonesia in ZEEI with no SIPI and deliberately in the fisheries management area of the Republic of Indonesia in ZEEI carrying and using prohibited fishing gear.

¹⁸ Lihat Pengadilan Negeri Pontianak, "Putusan PN Pontianak 12/Pid.Prkn/ 2009/PN.Ptk" (24 November 2009).

¹⁹ Lihat Pengadilan Negeri Pontianak, "Putusan PN Pontianak 17/Pid.Prkn/ 2009/PN.Ptk" (24 November 2009).

- b) Punish the defendant therefore with a fine of Rp. 1,000,000,000. 00 (one billion Rupiah), with information if a number of fines are not paid then replaced by imprisonment of 3 (three) months.
- c) Establish evidence in the form of 1 (one) unit KM Gui Bei Yu 60016 made of iron measuring 300 GT seized for the state.

As can be seen from the above ruling, the judge did not apply the penalty of imprisonment, but only applied the penalty of a fine. In fact, both sanctions should be applied simultaneously due to their cumulative nature. This is one of the forms that the author says is legal absurdity in law enforcement of illegal fishing in Indonesia.

Another form of legal absurdity that is very visible today in the criminal act of illegal fishing in Indonesia, lies in the absurdity of legal norms that are quite confusing in implementing them. This is due to the vagueness of the phrase in the legislation in regulating fisheries crime in Indonesia. In the ideal legislation, the regulation is able to explain every part of the regulation so that it does not cause doubts from the regulated community. This view is in line with the principle of clarity of formulation in the formation of legislation which must meet the technical requirements for the preparation of legislation, Systematics, choice of words or terms, as well as legal language that is clear and easy to understand by the general public, so as not to cause various interpretations in its implementation.²⁰

Many times we find the phrase "self-explanatory" in the subchapter general explanation of legislation, which often sparks debate among law enforcement officers or the public regarding its application. This problem often arises and is considered one of the factors affecting law enforcement. In addition, phrases in the general explanation subchapter that already have an explanation may be biased because they do not correspond to the articles in the body of the legislation.

Establishing the definition of a fisherman is not an easy task, given that there are various aspects to consider, such as whether the definition focuses on the type of work, place of residence or employment status. This situation arises in the interpretation of small fishermen in three different laws and regulations, namely UU RI No. 31 of 2004 on fisheries, law no. 45 of 2009 on fisheries, law no. 11 of 2020 on job creation in the field of Marine and Fisheries, as well as Indonesian law No. 7 of 2016 on the protection and empowerment of fishermen, fish farmers, and salt farmers.²¹

Regulations issued by the government further confirms the vagueness of the definition of small fishermen. The vagueness of the phrase in the law in relation to small fishermen appears in the measure of Gross Tonnage (GT). Differences in the size of small fishing boats

²⁰ Maria Farida Indrati, *Ilmu Perundang-Undangan 2: Proses Dan Teknik Pembentukannya* (Yogyakarta: Kanasius, 2007), Hlm. 146.

²¹ Muhammad Fauzi Ramadhan, Abd Asis, and Audyna Mayasari Muin, "Law Enforcement Of The Crime Of Illegal Fishing In The Waters Area Of Pangkajene Regency And The Islands," *LEGAL BRIEF* 11, no. 3 (2022): 1904–1909.

regulated in law no. 31 of 2004 on Fisheries and law no. 45 of 2009 on fisheries, compared with law no. 7 of 2016 on the protection and empowerment of fishermen, fish farmers, and salt farmers, causing increasingly complex problems. Fishing areas that were previously the exclusive rights of fishermen with boats measuring 5 GT can now also be used by fishermen with boats measuring 6 GT. Vessels with a size of ≥ 6 GT are equipped with more advanced fishing gear technology and have a larger load capacity, so they can utilize more fish resources than vessels of ≤ 5 GT in the same area, which can cause envy among fishermen. This phenomenon becomes problematic when the problematic regulations remain in force simultaneously, since each regulation has the same legal force. In other words, anyone can refer to one of the laws and regulations as a guideline in interpreting the size of small fishing boats.

The presence of UU RI No. 11 of 2020 on job creation in the field of Marine and Fisheries actually adds confusion in the interpretation of the definition of small fishermen. Instead of clarifying the GT size of small fishing boats, this regulation instead creates a new definition that focuses more on the subject of small fishermen themselves. This change resulted in a definition that is not clear and has no strict limits, in contrast to the definition in the previous regulations.

Legal absurdity refers to a situation in which the rule or practice of law becomes unreasonable, inconsistent, or ineffective in achieving its objectives. This is what the author describes in the discussion above on the forms of legal absurdity in the criminal act of illegal fishing.

3.2 Impact of Legal Absurdity on Law Enforcement of Fisheries Crime In Indonesia

The consequences of the vagueness of the phrases in the three laws and regulations are seen in the granting of permits, the protection of subsidies for small fishermen, as well as the actions of law enforcement officers. Based on the mandate of the law, the government stipulates that small fishermen are not required to have a SIUP, as stipulated in Article 26 paragraph 2,²² SIKPI Article 27 verse 5,²³ SIKPI Article 28 verse 4,²⁴ UURI 31 year 2004 on fisheries p.a classified No. 45 Of 2009 On Fisheries. As a form of relief, candy-CTF No. Per.30/Men / 2012 concerning fishing business in the Fisheries Management Area of the Republic of Indonesia stipulates that small fishermen only need to register their vessels. With the RI law No. 7 of 2016 on the protection and empowerment of fishermen, fish farmers, and salt farmers, the licensing administration system has changed, where ships measuring ≥ 6 GT are no longer required to have a license because they are considered small fishermen. At present, ships of the size of ≥ 6 GT can be treated on a par with small fishermen as a

²² Lihat Pasal 26 Ayat 2, “Undang-Undang Republik Indonesia No. 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang No.31 Tahun 2004 Tentang Perikanan”.

²³ Lihat Pasal 27 Ayat 5, “Undang-Undang Republik Indonesia No. 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang No.31 Tahun 2004 Tentang Perikanan”.

²⁴ Lihat Pasal 28 Ayat 4, “Undang-Undang Republik Indonesia No. 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang No.31 Tahun 2004 Tentang Perikanan”.

result of the enactment of Indonesian law No. 7 of 2016 on the protection and empowerment of fishermen, fish farmers, and salt farmers.

In general, the policy used as a means of solving problems using a variety of alternative solutions.²⁵ Policy as a tool to manage the potential and community in the field of marine and fisheries is a basic operational instrument in government. When such policies fail to address the complexities of development, especially in the Marine and fisheries sectors, governments will have difficulty carrying out their implementation functions. The difference in the size of the ship based on the rules in the RI law No. 31 of 2004 on fisheries, law no. 45 of 2009 on Fisheries, and law no. 7 of 2016 on the protection and empowerment of fishermen, fish farmers, and salt farmers resulted in differences in understanding of the definition of small fishermen. According to Ingram and Schneider, the definition of implemented can be interpreted differently depending on the understanding of the policy implementers in achieving the goals and objectives set.²⁶

The impact of legal absurdity on the law enforcement of Fisheries crimes in Indonesia is very informative and detrimental, especially in legal uncertainty which causes uncertainty about the applicable rules, so that the perpetrators of Fisheries crimes are not clear about the limits and sanctions they face. This uncertainty can reduce the effectiveness of law enforcement and further increase the embryonic likelihood of law violations. On the other hand, difficulties in law enforcement, inconsistencies in the application of the law and the contradictions between different regulations make law enforcement difficult, especially for law enforcement officers who have difficulty determining the actions to be taken and dealing with them in a consistent manner. The lack of clear authority and responsibility among law enforcement agencies can also lead to overlap or emptiness in the handling of cases. This can hinder the coordination and cooperation needed to effectively deal with Fisheries crimes. Further uncertainty and absurdity in the law can open up opportunities to pave the way for other specific criminal acts, such as corruption and collusion. Perpetrators of criminal acts may exploit legal loopholes or attempt to influence law enforcement officials to avoid punishment. The impact is a decrease in compliance, vagueness in regulations and sanctions can reduce compliance among fishermen and other fishers, if the regulations are considered unclear or unfair, the perpetrators may leave all positive norm. While the impact on the economy and the Environment, Legal absurdity can result in damage to fishery resources and the environment, because fishery crimes are not handled properly. This can have a negative impact on the local economy dependent on the fishing sector. In the end, this writing aims to provide criticism for the current Indonesian government in asking for its promises in the management of natural resources that are complete, so that the rule of law passed no longer only smells of interest, but has the ultimate meaning in providing protection of society

²⁵ Hariadi Kartodihardjo, *Analisis Kebijakan Pengelolaan Sumber Daya Alam: Diskursus, Politik, Aktor, Jaringan* (Bogor: Sajogyo Institute, 2017), Hlm. 25.

²⁶ Helen Ingram and Anne Schneider, "Improving Implementation Through Framing Smarter Statutes," *Journal of Public Policy* 10, no. 1 (1990): 67–88.

and the environment. So that the wealth of Indonesia's natural resources in the field of Fisheries is enjoyed by the next generation.

4. Conclusion

In this conclusion, the author explains that without our realizing it, there has been a legal absurdity in law enforcement of illegal fishing crimes in Indonesia, this is marked by the ratification of Law No. 11 of 2020 on job creation in the field of Marine Affairs and Fisheries, which experienced a disharmony of norms with the previous fisheries legislation, further forms the legal absurdity that is very visible from the vagueness of the phrase "small fishermen". The impact of this legal absurdity then gives confusion from law enforcement officers in realizing the wishes of Law No. 11 of 2020 on job creation in the Marine and fisheries sector, while in the community, especially small fishermen. Cause discomfort will be the management of ship administration.

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