OPTIMIZATION OF PROMPTLY RELEASED AS PRIMUM REMEDIUM IN COMMITTING ILLEGAL FISHING AGAINST FOREIGN FISHERS

Maya Shafira
Erna Dewi
Maroni
Emilia Susanti
Mashuril Anwar

ABSTRACT

Promptly released or security deposit, which is currently not popular in law enforcement practice on illegal fishing. So far, Indonesia has never implemented a prompt release against illegal fishing actors, especially foreign fishers. Considering that the imposition of imprisonment is blocked by the provisions of international and national legal instruments, the prompt release becomes more prospective as a legal breakthrough in overcoming illegal fishing in Indonesia. Therefore, further studies are needed to optimize quick releases for perpetrators of criminal acts in the Indonesian fisheries management area. This research uses a statutory approach, an analytical approach, a conceptual approach, and a case approach. The results of the study show that promptly released have been adopted by Indonesian legal instruments. However, the regulation on the principle of prompt release has not fully resolved illegal fishing in Indonesia. The principle of promptly released has not been applied optimally because substantially and procedurally, there are still weaknesses. By complying with the principle of prompt release, the flag state indirectly admits that they are doing illegal fishing. Considering diplomatic relations and other bilateral cooperation, this recognition is undoubtedly difficult for a country to do. In addition, the regulation to be promptly released as a premium medium will also cause new problems, namely the financing of foreign convicts who are still in detention. Foreign nationals who do illegal fishing in Indonesian waters even tend to receive protection from their home countries. Considering that Indonesia's fisheries potential is increasingly threatened by illegal fishing practices, optimizing the application of the principle of prompt release can be one of the solutions to overcome it. Optimization of the prompt release will also balance the countries of origin of the illegal fishing actors and the coastal countries.

Keywords: Illegal fishing, promptly released, premium medium.

INTRODUCTION

The current criminal law policy tackling illegal fishing is not proportional and does not have an exact size. Therefore, in illegal fishing, a discourse of justice is attached (Anwar et al., 2021). So that illegal fishing is still a severe problem that must be addressed immediately because it is perilous for the preservation of resources and economically detrimental to the country. The Indonesian government has made various efforts to protect fishery potential, criminalizing illegal fishing (Anwar, 2020). To reconstruct the marine and fisheries sector, a breakthrough is needed to eradicate irresponsible fishing activities that have been going on for years (Pudjiastuti, 2016). Criminal law as a primum remedium in fisheries is an effort to protect fishery potential. It is intended to provide a deterrent effect to perpetrators, especially foreign nationals who commit illegal fishing in the Fisheries Management Area of the Republic of Indonesia (WPP RI). Indonesia's fishery potential is vulnerable to various issues that threaten the sustainability of fishery potentials, such as overfishing, marine pollution, coastal habitat degradation, and fishing theft. The principle of primum remedium is affirmed in the provisions of Article 104 of Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries (Fishing Law), regulating the provision of security deposits for foreign fishers who commit criminal acts in the field of fisheries. Known as "promptly released." Article 104, or the term "promptly released", is currently unpopular among law enforcement officials. This article has never been used to ensnare foreign illegal fishing actors because of its limitations and implications. So far, the Public Prosecutor (JPU) has always demanded a subsidiary fine of imprisonment/corporate. The prosecutor's consideration is to consider the legal situation that occurs when entirely referring to the provisions of Article 102 by looking at the impact of losses caused by the theft of fish by foreigners in Indonesian ZEE waters. The judge has always consistent with Article 102, where a verdict is a fine without a guarantee. The fine that the judge decides is usually lower than the value of the ship auction, although administratively, the fine cannot be paid from the results of the ship auction (Oktoza, 2015).

Immediate release of the implementation of foreign fishers is a crucial matter to address the problem of the limited application of criminal sanctions against foreign fishers. It is known that international legal instruments, namely UNCLOS 1982 and national legal instruments, prohibit the imposition of imprisonment on illegal fishing actors in the ZEEI (Sunatri et al., 2017). This UNCLOS provision was also adopted by Article 102 of the Fisheries Law and the Circular Letter of the Supreme Court Number 3 of 2015, which stipulates that convicted perpetrators of illegal fishing in the ZEEI can only be sentenced to a fine without being accompanied by imprisonment (Sunatri et al., 2017). Article 73 of UNCLOS 1982 regulates and authorizes coastal states to enforce their laws for foreign vessels committing violations that occur in the Exclusive Economic Zone (ZEE), especially violations of exploration, exploitation, conservation, and management of fishery resources. The coastal state has the authority to board, examine, detain, and submit to courts following violations of the law committed. The ship and its arrested, detained crew must be released immediately after a good bond, or another form of security is available (UNCLOS, 1982). Prompt release procedures are innovations and new sea and international law (Tanaka, 2015). This procedure needs to be optimized to balance interests between the coastal state and the flag state. If this prompt release is implemented, it can balance the coastal state and the flag state in realizing justice, benefit and sustainability in the management of fishery resources (Trevisanut, 2017).

This article aims perspective Indonesian criminal law being promptly released as a primum remedium in tackling illegal fishing against foreign fishers and to examine the implications of being promptly released as a primum remedium in tackling illegal fishing against foreign fishers to achieve a balance between the coastal state and the flag state while maintaining proper function. Criminal law prevents and repressively to create a sense of justice, usefulness and legal certainty in the future.

RESEARCH METHODS

This research is doctrinal legal research (doctrinal research) using a statute approach, an analytical approach, a conceptual approach, and a case approach (Fajar and Yulianto Achmad, 2013). The statutory approach is carried out to examine the legislation relating to the legal issues under study. Furthermore, a comparison approach and a case approach are used by examining several cases from countries that implement quick releases. The primary type of data in this study is secondary data sourced from literature studies. The secondary data consists of primary legal materials including the Criminal Code (KUHP), Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, official minutes, official state documents; secondary legal materials include: Draft Criminal Code Law, Fisheries Law Draft, Government Regulations, Ministerial Decrees, decisions of the Special Fisheries Court; and tertiary legal materials, including dictionaries, research results of scholars, criminal law literature, scientific journals/articles especially those related to administrative, criminal law and criminal law reform, encyclopedias and other sources from websites/internet.

RESULTS AND DISCUSSION

Indonesian Criminal Law Perspective on Prompt Release as Primum Remedium in Combating Illegal Fishing Against Foreign Fishermen

Provisions are promptly released in international and national legal instruments. The provisions in UNCLOS 1982 regarding prompt releases as regulated in 292, Article 220 (7), and Article 226 (1b), Use the terms “security deposit or other financial guarantee” and “other appropriate financial guarantee or security”. So in this context, the term security deposit or other financial guarantees in Article 73 (2) of UNCLOS 1982, in the view of the International Tribunal For the Law of the Sea (ITLOS), must be a security deposit or other guarantee of a financial nature (Parasian et al., 2017). Meanwhile, in national legal instruments, the prompt release is regulated in Article 15 of Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, more regulated explicitly in Article 104 paragraph (1) of Law Number 45 of 2009, has never been implemented and requires implementing regulations (Ariadno, 2021). This is a provision regarding the "bail system" (guarantee system) in the form of money. The provision is also unclear and definite regarding the nominal amount of the security deposit that must be paid based on the judge's determination. This provision is certainly not productive for the income of the state treasury because the judge does not control technical problems in fisheries and other matters related to these problems. It is better if the provision includes the role of the appointed appraisal element (Ministry of Law and Human Rights of the Republic of Indonesia, 2016). Therefore, there is a need for clarity regarding the technical implementation of Article 104 Paragraph (1). After a ship and its crew have been detained, the detention state (Indonesian law enforcement officials) is obliged to immediately notify the flag state of the detentions carried out (UNCLOS, 1982), submit all official reports regarding the detentions carried out and may request an exchange at any time. A view of the steps being taken, including efforts to free the ship and her crew employing a promptly released mechanism. Based on Article 104 of Law Number 45 of 2009, which states that an application to release a ship and person arrested for committing a crime in the fishery management area of the Republic of Indonesia as referred to in Article 5 Paragraph (1) letter b, can be made at any time before any a decision from the fisheries court by submitting an appropriate amount of security deposit, the determination of which is carried out by the fisheries court.

If the above provisions are examined closely, two things become the substance of the regulation, namely regarding the deadline for applying release and the submission of an appropriate security deposit based on the determination of the Fisheries Court. Regarding time, an application for the release of the ship and crew can be made at any time before a court decision is made. This implies that as long as there is no court decision on the case in question, a request or application for the release can be made by submitting an appropriate amount of security deposit, starting from the time the ship is arrested and detained by the competent legal apparatus, the investigation stage, the investigation stage, the investigation stage, and the investigation stage. Prosecution by the Public Prosecutor, up to the trial process in the Court provided that there is no decision yet. However, if the case has received a decision from the Fisheries Court, then automatically, the right to apply for the release of the ship and crew becomes invalid (Hidayatullah, 2019). One of the essential things that have not been explained in the provisions of Article 104 of Law Number 45 the Year 2009 is who has the right to apply for an immediate release and to whom/where the application is submitted. This needs further regulation to avoid confusion in its implementation.

Long before the enactment of Law No. 45 of 2009, security deposits were also known in Law No. 8 1981 concerning the Criminal Procedure Code (KUHAP) as a condition for the suspension of detention. The legal basis for the existence of a guarantee for the suspension of detention is regulated in Article 31, Paragraph (1) That at the request of the suspect or defendant, investigators or public prosecutors or judges, following their respective authorities, may hold a suspension of detention with or without guarantees of money or guarantees of people, based on the specified conditions. As a further regulation of the Criminal Procedure Code, in Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code (PP Implementation of the Criminal Procedure Code), it is regulated that in the request for a suspension of detention, there are guarantees required, one of which is in the form of money guarantees (Article 35 PP Implementation of the Criminal Procedure Code and its explanation):

1) The money guarantee is determined by the competent authority following the level of examination and kept at the clerk of the district court;
2) If the suspect or defendant escapes and after 3 (three) months is not found, the security deposit becomes the property of the state and is deposited in the State Treasury;
3) Submission of the security deposit to the clerk of the district court is carried out by the guarantor himself, and for that, the clerk gives a receipt;
4) A copy of the deposit receipt by the clerk shall be submitted to the authorized official following the level of examination.

The regulation regarding the application for a suspension of detention gives a bit of fresh air to the suspect or defendant. However, regarding the suspension of detention, this is also not free from shortcomings, and of course, it can cause a new problem for people looking for legal certainty (Khambali, 2018). Article 31 of the Criminal Procedure Code only states that a suspect or defendant can request a suspension; investigators can grant the suspension, public prosecutors, judges following their respective authorities by determining whether or not there is a guarantee of money or people based on certain conditions and if these conditions are violated. The suspension may be revoked, and the suspect or defendant may be detained again. The regulation is deemed significantly less clear in implementing the suspension of detention in the practice of criminal proceedings.

Furthermore, the prompt release also received attention in the phenomenal rule that carries the concept of omnibus law, namely Law Number 11 of 2020 concerning Job Creation. This is considered appropriate considering that the marine and fisheries sector is one of the priority sectors in Indonesia's development agenda. In the 2020-2024 RPJMN, there are 15 indicators for the management targets of the marine and fisheries sector. Efforts to achieve these indicators must be following the provisions stipulated by the 1945 Constitution. At least there are several essential points of changes to criminal sanctions in the Job Creation Law as shown in the following table:

Table 1. Comparison of criminal sanctions in the Fisheries Law and the Job Creation Law

No	Law Number 31 of 2004 concerning Fisheries jo. Law Number 45 Year 2009	Law Number 11 of 2020 concerning Job Creation
1.	**Article 93** (1) Any person who has and / or operate a fishing vessel flagged Indo Eng fishing in the management area peri right of the Republic of Indonesia and / or on the high seas, who does not have SIPI referred to in Article 27 paragraph (1), with imprisonment for a maximum of 6 (six) years and a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah). (1) (2) Any person who owns and/or operates a fishing vessel with a foreign flag to catch fish in ZEEI that does not have SIPI as referred to in Article 27 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) years and a fine of not more than 6 (six) years. Rp20,000,000,000.00 (twenty billion rupiah).	**Article 27 number 27** (1) Any person who owns and/or operates a fishing vessel with an Indonesian flag catching fish in the fishery management area of the Republic of Indonesia and/or on the high seas, who does not have a Business Licensing as referred to in Article 27 paragraph (1), shall be subject to criminal sanction. with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah). (1) (2) Everyone who owns and/or operates fishing vessels with foreign flags catching fish in ZEEI that does not have a Business License as referred to in Article 27 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) years or a fine. at most Rp. 30,000,000,000.00 (thirty billion rupiah).
2.	**Article 94** Everyone who owns and/or operates fish transporting vessels in the Indonesian Republic's fishery management area that carries out fish transportation or related activities that do not have SIKPI as referred to in Article 28 paragraph (1), shall be sentenced to a maximum imprisonment of 5 (five) year and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah).	**Article 27 number 28** Any person who owns and/or operates a fish transporting vessel with an Indonesian flag or a foreign flag in the Indonesian fishery management territory that carries out fish transportation or related activities that do not have a Business License as referred to in Article 28 paragraph (1) and paragraph (2), shall be sentenced to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah).

Based on table 1 above, the provisions for imprisonment for foreigners who commit criminal acts of fishing in the ZEEI without a business permit cannot be enforced unless there is an agreement between the Indonesian government and the perpetrator's country of origin. This is regulated in the United Nations Convention on the Law of the Sea. In practice, it is challenging for countries to make agreements that "agreed" their citizens to be sentenced to imprisonment in the country where they committed the crime. Furthermore, the value of the criminal fine is increased by the Job Creation Law, from Rp. 20,000,000,000.00 to Rp. 30,000,000,000.00 will not be effective and will instead burden the prosecutor's office in carrying out the execution. Field actors in fisheries crimes, namely the captain and his crew, will not be able to pay large fines. Shipowners who are abroad, in practice, always avoid legal liability.

Therefore, the paradigm of punishment in IUU fishing carried out by foreign nationals needs to be carried out following UNCLOS, namely through establishing bonds for immediate release. With this mechanism, the coastal state will get some money from the shipowner (if paid) at a reasonable value. The appropriate value is the accumulation of the value of the captured vessel, the value of the catch (if any), the value of goods other than the catch (e.g. fishing gear or other objects that have a high valuation value), and the maximum acceptable value of the provisions the law of the country that made the arrest. The absence of regulation regarding establishing bonds and promptly releasing in the Job Creation Law does not mean that it cannot be implemented. In its

implementation, the Job Creation Law must be implemented in tandem with Law Number 17 of 1985 concerning the ratification of UNCLOS, which regulates this matter. The government needs to immediately draw up implementing regulations regarding the stipulation of guarantees and immediate release for foreign nationals of IUU fishing who use foreign-flagged fishing vessels as part of the implementation of Law No. 17 of 1985. The Indonesian government retains the right to detain vessels, skippers and crew members of IUU perpetrators Fishing before the bond is paid by the shipowner, and even if the shipowner pays the guarantee, the criminal legal process does not mean it is stopped.

Implications of Prompt Release as Primum Remedium in Combating Illegal Fishing for Foreign Fishermen

Provisions for prompt release have been regulated in national and international legal instruments. However, in practice, the application of the principle of prompt release has not been optimal. So far, only Australia has applied the principle of prompt release to the case of the Russian-flagged Volga, which was resolved through ITLOS. Apart from the case of the Russian-owned Volga ship, very few cases are being tried by ITLOS. There are no signs in the international community that this principle will be the object of a multilateral agreement. One of the reasons is that the promptly released has not become a factor that can threaten the disruption of world order and peace. However, the principle of prompt release in Indonesian legal policy is the primum remedium or the primary means of tackling illegal fishing. This is an effort to protect the potential of fisheries and is also intended to provide a deterrent effect to perpetrators, especially foreign nationals who commit illegal fishing. However, until now, Indonesia has never applied the principle of being released promptly in tackling illegal fishing. In addition, juridically promptly released as primum remedium has positive and negative implications.

From the positive side, promptly released as primum remedium is an implementation of the mandate. Article 15 of Law Number 5 of 1983, and more regulated explicitly in Article 104 paragraph (1) of Law Number 45 of 2009, adopted Article 73 paragraph (2) of UNCLOS 1982. However, because there is a legal vacuum, a good implementation of Article 104 paragraph (1) of the Fisheries Law has not yet been able to materialize. Provisions regarding prompt release are contained in Article 104 of Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries, but this has never been implemented and this requires implementing regulations. Even though this provision can be used as a source of non-tax state revenue when viewed from the number of illegal fishing crimes that occur in the EEZ (Risnain, 2017). This can be due to several factors including, there are no further provisions regarding standard operating procedures regarding the implementation of security deposits, the absence of regulations in the international world regarding the responsibility of the ship's flag state, and there is no good intention from the ship owner or foreign ship owner company to pay the security deposit. In the case of an Indonesian vessel caught in Australia, this UNCLOS provision has been applied. In this case, KM Perintis Jaya 19 (an Indonesian-flagged vessel) was arrested by the Australian authorities for violations committed in the Australian EEZ. Then the company that owns KM Perintis Jaya 19 gave a security deposit to the Australian government to release the ship and its crew (Kusumaatmadja, 1990).

Based on these juridical implications, Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries must be implemented effectively and efficiently, so that law enforcement can create a deterrent effect and restore state losses. This law should also be revised because the overlap is very clear. And the fisheries law should include the application of a penalty in lieu of a fine with a prison sentence. And Indonesia must carry out efforts to be promptly released, especially for large foreign vessels with high economic value. Likewise, the procedure for burning ships with a comprehensive environmental analysis by eliminating complicated procedures, without requiring a court order if it is deemed more effective and efficient.

Furthermore, on the other hand, promptly released as primum remedium also raises non-juridical implications from positive and negative aspects. From a positive aspect, the regulation of being promptly released as a primum remedium can reduce losses due to illegal fishing. The results immediately released can be used for the welfare of the Indonesian marine and fisheries community. With a guarantee of a certain amount that goes into the state treasury, it is hoped that it can improve the welfare of the nation, especially the welfare of fishermen (Simanjuntak, 2017). With the large number of foreign fishing vessels (KIA) carrying out illegal fishing and being caught in the ZEEI area (more than 50 KIA per year), especially KIA from Vietnam, Malaysia, the Philippines, and Thailand, Indonesia has the potential to obtain a reasonable security deposit (Reasonable Bond). from these countries. Meanwhile, the amount of reasonable bond determined must take into account the selling value of fish from illegal fishing, the value of the price of ships, fuel and lubricants, the value of fishing equipment, as well as fines for the captain or owner. The proceeds from the bond can be considered as non-tax state revenue from the marine and fisheries sector, which can be used directly for improving the welfare of fishermen and the welfare of law enforcement officers. Furthermore, the regulation on prompt release as a primum remedium has the opportunity not to increase Indonesia's losses because it has to bear the living costs of the perpetrators of violations during detention and can minimize IUU fishing losses with a reasonable bond.

Meanwhile, the rules for being promptly released as primum remedium are challenging to optimize from the negative aspect. By complying with the principle of prompt release, the flag state indirectly admits that they are doing illegal fishing. Considering diplomatic relations and other bilateral cooperation, this recognition is undoubtedly difficult for a country to do. Furthermore, the rules for being promptly released as primum remedium will cause problems if a foreign convict does not pay a security deposit, then the Indonesian immigration authorities will not allow a foreign convict to leave the territory of Indonesia before completing their legal obligations, namely paying a fine, if this is not fulfilled then the immigration authorities have the right do blocking. As a result of the ban, a new problem will arise, namely the financing of foreign convicts who are still in the shelters of law enforcement officers in the Indonesian territory (Adianandaet al., 2018). The regulation of being promptly released as a primum remedium will also impact the diplomatic relations of a country, especially Indonesia. For example, in the practice of the prompt release of Indonesian illegal fishing in Australia. Although the Indonesian government has tried to enforce the law, namely conducting investigations, investigations, arrests, or pursuits of illegal fishing perpetrators, the implementation of Article 69 and Article 93 of Law Number 45 of 2009 has been following the principle of the prompt release, which still leaves problems. However, taking into

account the case of Indonesian illegal fishing that occurred in Australia can compare the level of awareness of a country against international law (Thontowi, 2017). As for the implementation of promptly released in Indonesia, one thing that has not been revealed is whether the Indonesian government provides an offer or opportunity to provide guarantees before the burning and destruction actions are carried out; it seems that in practice, there is no clarity. The existence of protests and negative reactions from friendly countries needs special attention (Thontowi, 2017).

Based on the description above, the optimization of promptly released as a primum remedium in preventing illegal fishing for foreign fishers is prospective to be implemented. Optimization of promptly released as primum remedium can also provide a balance between the country of origin of the perpetrators of illegal fishing and coastal countries. However, as a step to optimize the prompt release as primum remedium, there should be a regulation requiring the defendant or the defendant's State to pay a certain amount of money as collateral on consignment during the trial process. In addition, to maintain good relations between countries, investigators must coordinate with the relevant Embassy Office immediately after an arrest is made to apply the provisions in Article 104 Paragraph 4 of Law 31 of 2004 (security deposit).

CONCLUSION AND SUGGESTION

Provisions for prompt release have been regulated in national and international legal instruments. However, in practice, the application of the principle of prompt release has not been optimal. So far, only Australia has applied the principle of prompt release to the case of the Russian-flagged Volga, which was resolved through ITLOS. The principle of prompt release in Indonesian legal instruments is primum remedium (the primary means). However, until now, Indonesia has never applied the principle of being released promptly in tackling illegal fishing. From the positive side, being promptly released as a primum remedium is an implementation of the legislation's mandate. In addition, the regulation of being promptly released as a primum remedium can reduce losses due to illegal fishing. The results immediately released can also be used for the welfare of the Indonesian marine and fisheries community. With a guarantee that a certain amount goes to the state treasury, it is hoped that it can improve the welfare of the nation, especially the welfare of fishermen. However, because there is a legal vacuum, the implementation of prompt release has not been realized optimally. From a negative aspect, the rules for being promptly released as primum remedium are challenging to optimize. By complying with the principle of prompt release, the flag state indirectly admits that they are doing illegal fishing. Considering diplomatic relations and other bilateral cooperation, this recognition is undoubtedly difficult for a country to do. In addition, the regulation to be promptly released as a primum remedium will also create new problems, namely the financing of foreign convicts who are still in detention.

REFERENCES

Adiananda , IDAM et al. (2018). Law Enforcement Problems in Illegal Fishing Crimes in Indonesian EEZ Waters. *Journal of Master of Law Udayana* , 8 (2), 237-248.

Anwar, Mashuril . (2020). Criminal Law Policy in Combating Destructive Fishing in Sustainable Development Regimes. *Journal of the Ocean of Justice*, 15 (2) , 237-250.

Anwar, Mashuril et al . (2021). Examining Justice in Policies to Combat Illegal Fishing in Indonesia: Perspectives on the Concept of Justice Thomas Aquinas. *SASI*, 27(2), 126-135.

Ariadno, Melda Kamil . (2019). Evaluation of Enforcement of Illegal Fishing Eradication and Projection of Legal Development in the Natural Resources and Environment Sector, <https://www.bphn.go.id/data/document s /melda_kamil_fgd_dphn.pdf .>, accessed 10 June 20 21 .

Fajar , Mukti and Yulianto Achmad . (2013 *). Dualism of Normative & Empirical Legal Research* . Yogyakarta : Student Library .

Hidayatullah, Arief . (2019). Head of Sub-Division of Law at the Directorate for Handling PSDKP Violations . Jakarta: Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia .

Ibrahim, Johnny . (2007) . *Normative Legal Research Theory and Methodology* . Malang : Bayumedia Publishing.

Indonesian . Und ang Law No. 45 of 2009 T Entang Fisheries . The State Gazette of the Republic of Indonesia (LNRI) of 2009 Number 154, and Supplement to the State Gazette (TLN) Number 5073 .

Ministry of Law and Human Rights of the Republic of Indonesia . (2016). *Final Report Legal Analysis and Evaluation in the Context of Eradicating Illegal Fishing Activities (IUU Fishing)* . Jakarta: Center for Analysis and Evaluation of National Law National Law Development Agency .

Khambali, Muhammad . (2018). Suspension of Detention with Guarantee in Criminal Cases. *Journal of Responsive Law*, 6(6), 44-54.

Kusumaatmadja, M. (1990). Some of the Key Issues Around the Announcement of Indonesia's Exclusive Economic Zone. *Law and Development Magazine* , X (4) , 389-390 .

Oktoza, Rovi . (2015). Criminal Law Policy in Overcoming the Crime of Illegal Fishing in the Indonesian Exclusive Economic Zone (Review of Article 10 2 of Law Number 31 of 2004 as Amended by Law Number 4 5 of 2009 concerning Fisheries. Thesis on the Masters Program in Law at the Islamic University of Indonesia. Yogyak arta: UII.

Parasian, Kevin Vilio et al. (2017). Payment of Guarantee Money in Law Enforcement Efforts Against Iuu Fishing in the Perspective of International Law (Study of the Volga Case, Prompt Release) . *Diponegoro Law Journal*, 6 (1), 1-19.

Pudjiastuti, Susi . (2016). Annual Report of the Penang Eradication Task Force when Fish Illegally 2016 . Jakarta: Ministry of Maritime Affairs and Fisheries.

Risnain, M. (2017). Reconception of Illegal Fishing Prevention and Eradication Model in Indonesia. *Padjadjaran Journal of Law* , 4(2): 379-398 .

Simanjuntak , Mangisi . (2017). Ti terminaon Special Form of Combustion And / Or Sinking Fishing Vessel Crime Conducting Foreign Fishing Zone in the Indonesian Exclusive Economic. *Journal of To-Ra Law* , 3 (2), 583-596.

Sunatri , Tatik et al. (2017). *Optimization of the Execution of Penalty Executions Related to Article 102 of Law Number 31 of 2004 concerning Fisheries* . Jakarta: MISWAR .

Tanaka, Yoshifumi . (2015). *The International Law of the Sea* , 2nd Edition . Cambridge University Press: United Kingdom .

Thontowi , Jawahir . (2017). Burning and Sinking of Foreign Fishing Vessels in the Perspective of National and International Maritime Law . *Pandecta* , 12 (2) , 152-164.

Trevisanut, Seline . (2017). Twenty Years of Prompt Release of Vessels: Admissibility, Jurisdiction, and Recent Trends . *Ocean Development & International Law* , 48 , 300–312 , https://doi.org/10.1080/00908320.2017.1325694.

United Nations Convention on the Law of the Sea (UNCLOS) , December 10, 1982 .

Maya Shafira
Fakulty of Law,
Lampung University, Bandar Lampung, Lampung-Indonesia
E-mail: maya.shafira@fh.unila.ac.id

Erna Dewi
Fakulty of Law,
Lampung University, Bandar Lampung, Lampung-Indonesia
E-mail: ernadewi00@yahoo.co.id

Maroni
Fakulty of Law,
Lampung University, Bandar Lampung, Lampung-Indonesia
E-mail: maroni.1960@fh.unila.ac.id

Emilia Susanti
Fakulty of Law,
Lampung University, Bandar Lampung, Lampung-Indonesia
E-mail:amildwantara@gmail.com

Mashuril Anwar
Fakulty of Law,
Lampung University, Bandar Lampung, Lampung-Indonesia
E-mail: mashurilanwar97@gmail.com