

ALTERNATIVE SANCTION TO IMPRISONMENT IN LAW ENFORCEMENT AGAINST ILLEGAL FISHING PERPETRATORS IN INDONESIA'S EXCLUSIVE ECONOMIC ZONE

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ALTERNATIVE SANCTION TO IMPRISONMENT IN LAW ENFORCEMENT AGAINST ILLEGAL FISHING PERPETRATORS IN INDONESIA'S EXCLUSIVE ECONOMIC ZONE

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Abstract

The problem of law enforcement against illegal fishing perpetrators in Indonesia's Exclusive Economic Zone or ZEEI needs to find a solution, especially related to imprisonment which cannot be imposed on the perpetrator. Practically, the imposition of fines also cannot be applied optimally with various existing obstacles. It is of course becomes a problem when the coastal state wants to impose a proper punishment for the perpetrators of illegal fishing in the ZEEI. In other words, when the coastal state wants to punish the perpetrator of illegal fishing, but what happens is a legal vacuum that causes the perpetrators of illegal fishing to go unpunished. The result of this, the perpetrators of illegal fishing in Indonesia not feeling threatened and deterred from repeating their actions. Based on this background, the focus of the problem in this study examines the urgency of alternative sanctions to imprisonment for illegal fishing perpetrators in ZEEI and alternative sanctions to imprisonment as a model of criminal sanctions policy against illegal fishing perpetrators in ZEEI. The problem approach in this study is several approaches such as the statute approach, analytical approach, conceptual approach, comparative approach, and case approach.

The results of the study shows that alternative sanctions to imprisonment as a model of criminal sanctions policy against illegal fishing perpetrators in ZEEI can optimize community services orders. The perpetrators of illegal fishing in the ZEEI must be responsible for their actions by taking immediate steps to correct the results of their actions through social work. The idea of community services orders that can be done by illegal fishing

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perpetrators is to actively work in marine and fishery conservation programs, such as coral reef conservation, mangrove planting, sweeping garbage in the sea or beach, and so on. This is due to the impact of illegal fishing itself which damages the environment and fishery ecosystem.

Keywords: Illegal Fishing, ZEEI, Community Services Orders.

Introduction

Indonesia is the biggest archipelago country in the world. Spreadly from Sabang to Merauke, Indonesia has 17,499 islands with a total area of around 7.81 million km². The total area is 3.25 million km² is ocean and 2.55 million km² is the Exclusive Economic Zone. Only about 2.01 million km² is land. That spread sea area, Indonesia has enormous marine and fishery potential. However, this potential can usually be enjoyed by fishermen from other countries who practice Illegal, Unreported and Unregulated or IUU Fishing. In Indonesia, the practice of IUU fishing is dominated by fishermen and foreign vessels with an estimated loss of 1 million tons/year (Rp 30 trillion/year). The ships is usually come from Thailand, Vietnam, Malaysia, China. In this research, will focus on illegal fishing crimes committed by foreign fishermen in the Indonesian Exclusive Economic Zone or ZEEI..

The practice of illegal fishing has caused economic losses such as the loss of state income which reaches Rp. 30 trillion per year and the loss of opportunities for 1 million tons of fish each year that must be caught (harvested) by Indonesian fishermen, instead being stolen by foreign fishermen. This also poses a threat to the sustainability of natural resources in the fisheries sector. This has brought the issue of illegal fishing to the attention of world and regional organizations and made illegal fishing one of the organized crimes that harm the country and threaten the sustainability of the world's fishery resources. Therefore, a special regulation is needed in order to tackle this illegal act.

As it is known that the special regulations related to the sea in the international scope are United Nations Convention on the Law of the Sea or UNCLOS 1982, as well as national legal instruments prohibiting the imposition of imprisonment on perpetrators of illegal fishing in the ZEEI. The provisions of UNCLOS have also been adopted by Article 102 of the Fisheries Law and the Circular Letter of the Supreme Court or SEMA Number 3 of 2015. In the SEMA, it is determined that IUU fishing perpetrators in ZEEI can only be sentenced to fines without being accompanied by imprisonment. In practice, the existence of SEMA has also caused problems between the judges of the panel in deciding cases of illegal fishing in the ZEEI area.

From the perspective of upholding state sovereignty, it is not enough for a coastal state to just impose fines on perpetrators of illegal fishing

in the ZEEI area. Where in practice, the imposition of fines also cannot be applied optimally with various existing obstacles. This of course becomes a problem when the coastal state wants to impose a proper punishment for the perpetrators of illegal fishing in the ZEEI. In other words, when the coastal state wants to punish the perpetrators of illegal fishing, what happens is a legal vacuum that causes the perpetrators of illegal fishing to go unpunished. It is resulted in the perpetrators of illegal fishing in Indonesia not feeling threatened and deterred from repeating their actions. So that illegal fishing crimes will often occur in Indonesia, this is as shown in Table 1 below:

Table 1: Data on Illegal Fishing Cases in Indonesia for the Last 7 Years

No	Year	Number of Illegal Fishing Cases
1.	2016	163
2.	2017	95
3.	2018	106
4.	2019	66
5.	2020	44
6.	2021	167
7.	Early 2022	22

Source processed by the author

Based on the table above, it can be seen that every year illegal fishing often occurs in Indonesia. Including for the ZEEI area, illegal fishing also often occurs. According to the Indonesia Ocean Justice Initiative (IOJI), several foreign vessels from various countries such as Vietnam, China, Malaysia and the Philippines often practice illegal fishing in the ZEEI area such as the Natuna and the Malacca Strait. This actually shows that the perpetrators of illegal fishing are not afraid to take action because the number of illegal fishing cases continues to occur every year in Indonesia. The sanctions imposed by the Indonesian government on perpetrators of illegal fishing are the sinking of foreign fishing vessels that illegally catch fish in Indonesian waters. This is done based on Indonesian law, namely Law Number 45 of 2009 concerning Fisheries. However, this policy actually caused various controversies in the eyes of the international community and did not deter the perpetrators of illegal fishing. Meanwhile, related to illegal fishing sanctions in ZEEI, it has not yet created a deterrent and ineffective effect.

This is as regulated in Article 35 A paragraph (3) of Law no. 45 of 2009 Amendment to Law no. 31 of 2004 concerning Fisheries which stipulates that foreign fishing vessels that make arrests in the ZEEI using ABK are contrary to legal provisions and will be given administrative sanctions in the form of warnings, suspension of permits, or revocation of permits. These sanctions can be ineffective

because the law has stipulates that the captain cannot be detained, and investigators do not have a place to place suspects who are not detained so that it will be difficult to carry out supervision. Meanwhile, other obstacles are against the captain of the ship who is a foreign national and witnesses who are in the trial process, immigration as the institution that takes care of foreigners who will be repatriated to their country. So that in this case the perpetrators of illegal fishing do not get a deterrent effect because after the crime they have committed they are still released and returned to their country without any accountability.

Facing these problems and to fill the legal vacuum in law enforcement in the ZEEI area, it is important to formulate a policy related to the imposition of criminal sanctions other than imprisonment (alternative to imprisonment) for illegal fishing perpetrators in the ZEEI area for the realization of justice and sustainability of resources in the field of ZEEI. fishery. Besides, alignment between international and national provisions is needed in developing an integral policy of law enforcement against illegal fishing perpetrators in the ZEEI area. Based on the background above, the focus of the problems that will be researched and studied in this research are: 1. What is the urgency of alternative sanctions to imprisonment for illegal fishing perpetrators in ZEEI? 2. How is the alternative sanction to imprisonment as a policy model for criminal sanctions against illegal fishing perpetrators in ZEEI? This research is a normative juridical using several approaches such as statute approach, analytical approach, conceptual approach, comparative approach, and case approach.

Discussion

1. Urgency of Alternative Sanction to Imprisonment for Illegal Fishing Perpetrators in ZEEI

Illegal fishing is still rife in Indonesia's EEZ. Of course, this fact cannot be denied, especially since the data and facts have been calculated based on the number of illegal vessels caught, not based on the actual number of ships operating in Indonesia's EEZ. During the period from 2016 to 2020, the results of the operation of the Fishery Supervisory vessel of the Ministry of Maritime Affairs and Fisheries Cq. The Directorate General for Supervision of Marine Resources and Fisheries has succeeded in catching 384 fishing vessels that carry out illegal fishing in Indonesia's EEZ. In addition, the Indonesia Ocean Justice Initiative (IOJI) recorded various illegal fishing crimes that occurred in the ZEEI area throughout 2021 as shown in the following table:

Table 2: Data on Illegal Fishing Cases in ZEEI

No	Times	Region	Number of Ships
1.	March 2021	Natuna Sea	51 Vietnam Fishing Boat
2.	April 2021	North Natuna Sea	100 Vietnam Fishing Boat
3.	May 2021	North Natuna Sea	24 Vietnam Fishing Boat
4.	June 2021	North Natuna Sea	11 Vietnam Fishing Boat
5.	June 2021	Sulawesi Sea	2 Filipina Fishing Boat
6.	June 2021	Malacca Strait	1 Malaysia Fishing Boat
7.	September 2021	North Natuna Sea	48 Vietnam Fishing Boat
8.	September 2021	Malacca Strait	4 Malaysia Fishing Boat
9.	September 2021	Indian Ocean	1 Srilanka Fishing Boat
10.	Oktober 2021	North Natuna Sea	4 Tiongkok Fishing Boat
11.	November 2021	North Natuna Sea	21 Vietnam Fishing Boat

Sources: <https://oceanjusticeinitiative.org/2021/>

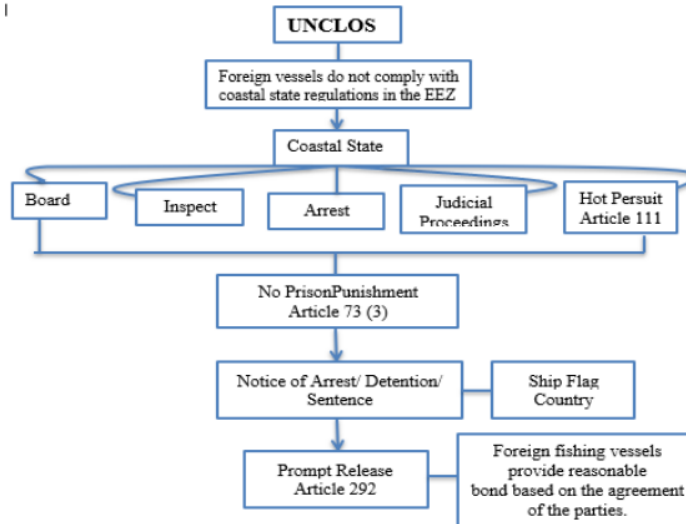
Based on table 2, it can be seen that throughout 2021 the ZEEI area is always threatened with illegal fishing. As for several fishing boats from other countries such as Vietnam, Sri Lanka, China, Malaysia, and the Philippines which are often caught doing illegal fishing practices in the ZEEI area. In addition, the ZEEI area which is often the target of illegal fishing is the Natuna Sea, Indian Ocean, Sulawesi Sea and the Malacca Strait. The frequent occurrence of illegal fishing by foreign ships reaching the territorial waters of the Indonesian State is in the spotlight because Indonesian waters are so wide and it is very difficult to monitor by related officials, both from the Indonesia Navy and maritime agencies and also the water police. It is resulting in a large number of small ships entering, stealing fish in Indonesian seas, of course it is very detrimental to the country. Because Indonesian marine products in the form of fish have a high selling value, they even export fish to neighboring countries.

With the rise of various criminal acts of illegal fishing in the ZEEI area, it shows that Indonesian legal regulations related to marine and fisheries have not run optimally. After a long time of implementing Law Number 31 of 2004 concerning Fisheries (hereinafter referred to as the Fisheries Law), it turns out that this law has not been able to

anticipate technological developments in legal needs of management context and it has not been able to answer these problems, both in law enforcement and formulation sanctions and coordination between law enforcers in the field of fisheries. For this reason, Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries was issued (hereinafter referred to as the Fisheries Law). One of the factors that must be considered is in terms of the authority to carry out investigations, because there are many agencies that have the authority to carry out investigations, this will create a stimulant for the occurrence of collusion and nepotism so that the process of resolving cases of illegal fishing will not result in a deterrent effect on the perpetrators.

However, before being regulated in national law, regulations related to marine and fisheries have been regulated by international law in UNCLOS 1982. As for the EEZ, UNCLOS 1982 has given coastal countries the right to enforce the law and apply their national legal rules regarding fishing in their Exclusive Economic Zones. Law enforcement against violations of fishing in the EEZ has its own efforts, this is because apart from the interests of the coastal state, there are also the interests of the flag state. Therefore, based on international law regarding law enforcement against illegal fishing in the EEZ, there are provisions that can be illustrated by the following chart:

Chart 1: Law enforcement against IUU Fishing in the EEZ Based on UNCLOS 1982



Source: Processed by the author

The following is ⁴ explanation of Chart 1, namely:

a. Article 73 paragraph (1) of UNCLOS 1982 explains that if a foreign ship does not comply with the fisheries laws and regulations of the coastal state in the EEZ, the coastal state can board, inspect, arrest and carry out judicial proceedings against the foreign vessel, as necessary to ensure compliance with the laws and regulations established in accordance with the provisions of UNCLOS 1982.

b. Meanwhile, in carrying out its authority in accordance with Article 73 paragraph (1) of UNCLOS 1982, the coastal state is equipped with provisions in Article 111 UNCL⁵ 1982 which authorizes the coastal state to carry out hot pursuit of foreign fishing vessels based on sufficient preliminary evidence that the vessel has violated the laws and regulations¹¹ of the coastal state.

c. Then it is explained in Article 73 paragraph (3) of UNCLOS 1982 that the punishment given to foreign fishing vessels may not include confinement or imprisonment, if there is no agreement between the countries concerned.

d. Furthermore, it is regulated in Article 73 paragraph (4) of UNCLOS 1982 regarding the arrest or detention of foreign fishing vessels, the coastal state must immediately notify the flag state of the vessel through the appropriate channel, regarding the actions taken and about any penalties subsequently imposed by the coastal state on the vessel. foreign fisheries.

e. Furthermore, the prompt release is regulated in Article 292 of UNCLOS 1982. In this article, it is stated that the coastal state that catches a foreign fishing vessel must immediately release the vessel or its crew after being given a proper security deposit.

However, in practice, the amount of the security deposit has not yet been regulated either by UNCLOS 1982 or by law in Indonesia. The determination of the security deposit is based on the agreement of the parties only, this is explicitly stated in Article 292 of UNCLOS 1982. Therefore, there is often a difference because the amount of the security deposit set by the coastal state is too large, while other parties feel that the security deposit is too large. So the country refuses to pay the security deposit. This causes the length of detention carried out by the coastal state against the vessel and the crew of the foreign fishing vessel, it is due to the failure to reach an agreement regarding the security deposit imposed by the national court of the coastal state. This happens because there is no stipulation of the amount of the security deposit in the national legislation of the coastal state. To anticipate this happening, Article 292 of UNCLOS 1982 recommends that it be submitted to The International Tribunal for the Law of the Sea (ITLOS). Henceforth, the amount of the security deposit will be

determined, so that the coastal state that holds it must release it immediately after the deposit is submitted.

Meanwhile, the regulation regarding legal fishing law enforcement in the ZEEI area has been contained in Law no. 5 of 1983 concerning the Indonesian Exclusive Economic Zone or the ZEEI Law. The ZEEI Law has regulated that in the context of exercising sovereign rights, other rights, jurisdictions and obligations as referred to in the ZEEI Law, the competent law enforcement apparatus of the Republic of Indonesia may take law enforcement actions in accordance with Law no. 8 of 1981 concerning the Book of the Criminal Procedure Code (KUHP) with the following exceptions:

- a. Arrest of ships and/or people suspected of violating the Indonesian EEZ includes actions to stop the ship until the ship and/or people are handed over at the port where the case can be processed further;
- b. The delivery of the ship and/or people must be carried out as quickly as possible and must not exceed a period of 7 (seven) days, unless there is a force majeure situation;
- c. For the purpose of detention, the criminal acts regulated in Article 16 and Article 17 are included in the category of criminal acts as referred to in Article 21 Paragraph (4) letter b UU no. 8 of 1981 concerning the Criminal Procedure Code.

Furthermore, related to law enforcement against illegal fishing that occurs in the ZEEI area, the law in Indonesia does not impose a prison sentence. This is based on Article 102 of Law Number 31 of 2004 concerning Fisheries, namely: "The provisions regarding imprisonment in this Law do not apply to criminal acts in the field of fisheries that occur in the fishery management area of the Republic of Indonesia as referred to in Article 5 Paragraph (1) letter b, unless there has been an agreement between the Government of the Republic of Indonesia and the government of the country concerned." As for this sanction for the perpetrators, it has not caused a deterrent effect and not effective. These sanctions can be said to be ineffective because the law has stipulates that the captain cannot be detained, and investigators do not have a place to place suspects who are not detained so that it will be difficult to carry out supervision. Meanwhile, other obstacles are against the captain of the ship who is a foreign national and witnesses who are in the trial process, immigration as the institution that takes care of foreigners who will be repatriated to their country. So that in this case the perpetrators of illegal fishing do not get a deterrent effect because after the crime they have committed they are still released and returned to their country without any responsibility.

The need for alternative sanctions to imprisonment for illegal fishing perpetrators in the ZEEI is because the surveillance capabilities,

especially the national surveillance fleet (monitoring vessels) are still very limited compared to the need to control vulnerable areas. The vastness of the sea area under Indonesian jurisdiction and the fact that Indonesia's EEZ is very open bordering the high seas¹² has become a magnet to attract foreign and local fishing vessels to carry out illegal fishing. In addition, it is well known that law enforcement is essential and substantial in the concept of a rule of law like in Indonesia. As stated by Sudikno Mertokusumo, one of the elements to create or³⁹ restore the balance of order in society is law enforcement. Meanwhile, the perception and cooperation of law enforcement officers in handling illegal fishing cases is still not strong, especially the understanding of legal action and the commitment to operating supervisory vessels in the EEZ area. So that strict law and law enforcement regulations with deterrent effects are needed to prevent foreign fishermen from doing illegal fishing in the ZEEI area.

As known that the law in Indonesia has a great passion in eradicating illegal fishing, but in practice, illegal fishing still occurs. In the future, the government should be able to think of an effective way to increase security in the territorial waters. This is based on the observation that if people are allowed to manage natural resources in an exploitative and destructive manner, such as illegal fishing, in the long term it will harm the wider community, both economically and ecologically. Therefore, from now on, various actions need to be taken to prevent illegal fishing from happening again.

Illegal fishing will result in extinction and damage to the environment and ecosystems around the sea. Thus, it is hoped that the Indonesian government can continue to strive for cooperation between⁴⁴ countries as a form of prevention of illegal fishing because after all Indonesia is an archipelagic country that has a wealth of fish, it will be unfortunate if the wealth is actually enjoyed by other parties, not Indonesian citizens themselves. In addition, good cooperation between law enforcement agencies in the field of fisheries is also needed by continuously coordination that prioritizes the interests of the nation and state. Sanctions imposed on perpetrators of illegal fishing must be in accordance with the losses suffered by the Indonesian people.

2. Alternative Sanction to Imprisonment as a Policy Model for Criminal Sanctions Against Illegal Fishing Perpetrators in ZEEI

It is the duty of the state and the duty of the government to protect all natural resources including biological natural resources for the happiness of all Indonesian people and all mankind. The existence of foreign fishing vessels that catch fish illegally in Indonesia has caused huge losses. Countermeasures do not only rely on the arrest of illegal fishing perpetrators, other comprehensive methods and law enforcement are needed that can have a deterrent effect.

Criminal law reform in the future has meaning as an effort to reorient and reform criminal law in accordance with the central values of socio-political, socio-philosophical and socio-cultural society. So that future legal regulations (ius constituendum), especially regulations regarding existing penalties can be formulated better, in accordance with the purpose of sentencing. In an effort to reform the Criminal Code which is currently stand, it is maintained as an alternative sanction to imprisonment which it is said to be deprivation of liberty. The alternative formulation, among other things, means that the judge is given the opportunity to choose the type of punishment offered or included in the article concerned.

The policy of the criminal system in an effort to tackle the crime of illegal fishing has now undergone various changes which these changes were made because criminal acts in the field of fisheries has developed so rapidly. The crime of illegal fishing is an obstacle to the management of marine resources, this is because the consequences of illegal fishing are very detrimental to state finances. This condition encourages the existence of criminal law policies, especially in the field of fisheries, especially the crime of illegal fishing. Changes in criminal law policies in tackling the crime of illegal fishing by the development of fisheries crimes that are adapted to the needs of the community. To improve their welfare, it is necessary to support the existence of several legal regulations regarding the eradication of illegal fishing. Based on these conditions, it is appropriate if there is an improvement in the formulation policy of the criminal and criminal system, which can be done as follows::

- a. Criminal sanctions should not be formulated cumulatively, but in their formulation it can be done in an alternative/choice way or in a cumulative way in order to provide concessions at the application stage based on related problems. The formulation of criminal sanctions alternatively will provide the option of imposing the main punishment in the form of imprisonment or a fine based on the purpose of the criminal act by the perpetrator which will be taken into consideration by the judge to make a decision.
- b. The type of crime is only in the form of imprisonment and/or fines which are formulated cumulatively. There are no additional penalties or types of action sanctions that are integrated into the criminal system. As an effort to overcome the crime of illegal fishing, additional types of punishment or alternative sanctions can be arranged.

Alternative sanctions were originally suggested in 1975 by the Danish Director General of Corrections, William Rentzman. He proposed 23 types of alternative punishment. In 1985, the member states of the Council of Europe also stated the same thing, namely an alternative punishment as a substitute for a short term of imprisonment. There

are several examples of alternative crimes, including: Criminal fines; Suspended sentence; Weekend Crime; Parole; Revocation of Certain Rights; Social Work Criminal or criminal work for the public interest. In addition, there are daily fines in Scandinavian countries; China introduced the criminal control or surveillance crime, as the lightest form of punishment. In Portugal, weekend detention was introduced. This means that people only go to prison on weekends, namely on Saturdays and Sundays.

One type of alternative sanctions is community service orders. As an alternative crime, community service orders has the potential to replace imprisonment. community service orders can be accepted as an alternative punishment because community service orders serves the purpose and use of imprisonment which is considered ineffective, namely the purpose of rehabilitation. In addition, community service orders can achieve alternative (non-punitive) goals that cannot be achieved by imprisonment, namely restoration. Community service orders have been implemented in several countries as an alternative to short-term imprisonment, while in Indonesia community service orders have been implemented in the Juvenile Criminal Justice System Act. Furthermore, the formulation has also been accommodated in the Draft Criminal Code. This community service orders is very likely to be often used as an alternative to punishment rather than imprisonment which has always been the mainstay of criminal sanctions in Indonesia. Basically, community service orders have fulfilled the elements of coaching and providing protection to the community. Effective community service orders will be imposed on perpetrators of criminal acts for a period of not more than 6 (six) months. The community service orders that will be applied in Indonesia are still a concept in the 2010 Draft Criminal Code Bill. However, we can observe the model of implementing community service orders in the provision stipulated in the Draft Criminal Code Bill. However, the concept of community service orders in the Draft Criminal Code Bill still has several shortcomings, namely related to the regulation of who supervises prisoners while doing social work and the absence of health insurance and the agency that oversees the sanctions needs to be perfected..

Apart from the lack of social work sanctions, there are also benefits derived from the implementation of social work sanctions, namely through the internalization of the purpose of punishment as a form of local wisdom. The sanction must be really useful by the community as a guarantee for the damage to the criminal act that has been committed by the convict. At least people affected by the crime or people from the convict's place of origin can feel the responsibility of the perpetrators. The existence of community service orders from the perpetrators is expected to achieve justice for the people and the state. The implementation of community service orders focuses on

upholding justice because philosophically justice is the main element in achieving legal goals. Justice will achieve the ideals or in accordance with the idea and meaning. Therefore community service orders are the right sanctions to provide a deterrent effect to perpetrators of illegal fishing in ZEEI. Although according to international law, the perpetrators of illegal fishing in the EEZ cannot be imprisoned, the coastal state has the sovereignty to provide alternative sanctions as a form of law enforcement for the perpetrators of the crime of illegal fishing.

By the implementation of community service orders for illegal fishing actors in the EEZ, it will have a deterrent effect for the perpetrators and to prevent the perpetrators from repeating their actions. As with the concept of criminal responsibility, that holding someone accountable in criminal law does not only mean that it is legal to impose a sentence on that person, but also it can be fully believed that it is in the right place to ask for responsibility for the crime he has committed. Thus, the perpetrators of illegal fishing in ZEEI must be held responsible for their actions by taking immediate steps to correct the results of their actions. The idea of community service orders that can be done by illegal fishing perpetrators is to actively work in marine and fishery conservation programs, such as coral reef conservation, mangrove planting, sweeping garbage in the sea or beach, and so on. This is due to the impact of illegal fishing itself which damages the environment and fishery ecosystem.

Conclusions

Based on the discussion above, it can be concluded that the urgency of alternative sanctions to imprisonment for illegal fishing actors in the ZEEI is due to the rise of various illegal fishing crimes in the ZEEI area which shows that Indonesian legal regulations related to marine and fisheries have not run optimally. The provisions related to illegal fishing according to international law regulated in UNCLOS also cause several problems, namely: Often no agreement is reached regarding the guarantee deposit in the process of releasing illegal fishing actors in the EEZ; There are provisions of the coastal state which are prohibited from imposing imprisonment for illegal fishing perpetrators, which these provisions do not cause a deterrent effect for the perpetrators. The Fisheries Law also stipulates that the perpetrators of illegal fishing in ZEEI are not sentenced to prison but are only subject to criminal sanctions. So that strict law and law enforcement regulations with deterrent effects are needed to prevent foreign fishermen from doing illegal fishing in the ZEEI area. This is due to the vast area of Indonesia's seas which makes marine officers limited to overseeing all Indonesian marine areas and the impact of

illegal fishing that threatens the environment. Thus, it is necessary to have an alternative sanction to imprisonment for illegal fishing perpetrators in ZEEI so that the perpetrators are deterrent and do not repeat their actions.

Alternative sanctions to imprisonment as a policy model for criminal sanctions against illegal fishing perpetrators in ZEEI, namely using community services orders. The perpetrators of illegal fishing in the ZEEI must be held responsibility for their actions by taking immediate steps to correct the results of their actions through community services. The idea community services orders that can be done by illegal fishing actors is to actively work in marine and fishery conservation programs, such as coral reef conservation, mangrove planting, sweeping garbage in the sea or beach, and so on. This is due to the impact of illegal fishing which damages the environment and fishery ecosystem.

Acknowledgement

The author⁴¹ presses gratitude for the support from various parties, especially the Institute for Research and Community Service at the Universitas Lampung or LPPM UNILA. From this support, the author success to carry out this research because the author received an applied research grant. In addition, the authors⁴² express gratitude for the support from other parties such as the Faculty of Law, Universitas Lampung and the Criminal Law Departement of the Universitas Lampung.

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