

ABSTRAK

KONSTRUKSI KEBIJAKAN INTEGRAL PENANGGULANGAN *ILLEGAL FISHING* BERBASIS KEADILAN DAN KEBERLANJUTAN SUMBER DAYA PERIKANAN DI INDONESIA

Oleh

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Penelitian ini bertujuan untuk menganalisis kondisi eksisting kebijakan penanggulangan *illegal fishing* di Indonesia, menganalisis urgensi kebijakan integral penanggulangan *illegal fishing* serta menganalisis konstruksi kebijakan integral penanggulangan *illegal fishing* berbasis keadilan dan keberkelanjutan sumber daya perikanan di Indonesia..

Penelitian ini merupakan penelitian sosiolegal dengan pendekatan perundang-undangan, pendekatan kasus, pendekatan analitis, dan pendekatan perbandingan serta didukung dengan beberapa sumber data dan bahan hukum. Penelitian dilengkapi dengan wawancara secara mendalam kepada beberapa narasumber yang selanjutnya dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan kebijakan integral menjadi penting sebagai penyeimbang antara kebijakan non penal dan penal yang keberhasilannya bergantung pada keterpaduan aspek substansi, struktur dan budaya hukum, serta aspek penegakan hukum dalam tahap formulasi, aplikasi dan eksekusi. Kebijakan non penal meliputi optimalisasi tindakan dan sanksi administratif, kerjasama internasional dan nasional, pemberdayaan kearifan lokal dan pengawasan berbasis masyarakat. Kebijakan penal meliputi gagasan *single agency of investigation*, gagasan model *plea bargaining* dan *deferred prosecution agreement* terhadap korporasi, alternatif sanksi pidana dan optimalisasi eksekusi pidana denda berdasarkan KUHP Nasional, konstruksi prinsip *ultimum remedium* dan *primum remedium* serta mengimplementasikan nilai-nilai Pancasila pada seluruh aspek kebijakan guna mewujudkan keadilan dan keberlanjutan sumber daya perikanan di Indonesia.

Saran kepada Legislatif dan Pemerintah serta Penegak Hukum, diperlukan penyempurnaan pada aspek substansi, struktur hukum melalui kebijakan formulasi, aplikasi, dan eksekusi sebagai kebijakan penal di bidang perikanan, sebagai acuan aparat penegak hukum dalam penerapannya. Masyarakat nelayan (aspek kultur hukum/non penal) diharapkan berperan aktif bersinergi dengan penegak hukum dalam upaya penanggulangan *illegal fishing* secara integral berbasis keadilan dan keberlanjutan sumber daya perikanan dalam paradigma Cita Hukum Pancasila.

Kata kunci: kebijakan integral, *illegal fishing*, keadilan, keberlanjutan, Pancasila

ABSTRACT

CONSTRUCTION OF AN INTEGRAL POLICY TO TACKLE ILLEGAL FISHING BASED ON JUSTICE AND SUSTAINABILITY FISHERIES RESOURCES IN INDONESIA

By

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This study aims to analyze the existing state of illegal fishing prevention policies in Indonesia, the urgency of an integral illegal fishing prevention policy, and the construction of an integral illegal fishing prevention policy based on justice and the sustainability of fisheries resources in Indonesia.

This research is a socio-legal study using legislative, case studies, analytical, and comparative approaches, supported by several data sources and legal materials. The research is complemented by in-depth interviews with several informants, which are then analyzed qualitatively.

The research results and discussion indicate that integral policies are crucial as a balance between non-penal and penal policies, whose success depends on the integration of legal substance, structure, and culture, as well as law enforcement aspects in the formulation, application, and execution stages. Non-penal policies include optimizing administrative actions and sanctions, international and national cooperation, empowering local wisdom, and community-based oversight. Penal policy encompasses the concept of a single agency of investigation, the concept of plea bargaining and deferred prosecution agreements for corporations, alternative criminal sanctions and optimization of fines based on the National Criminal Code, the construction of the principles of ultimum remedium and primum remedium, and the implementation of Pancasila values in all aspects of policy to achieve justice and sustainability of fisheries resources in Indonesia.

Recommendations for the Legislature, Government, and Law Enforcement, improvements are needed in the substance and legal structure through policy formulation, application, and execution of penal policies in the fisheries sector, as a reference for law enforcement officials in their implementation. Fishing communities (legal culture/non-penal aspects) are expected to play an active role in synergy with law enforcement in efforts to combat illegal fishing in an integral manner based on justice and sustainability of fisheries resources within the paradigm of the Pancasila Legal Ideal.

Keywords: integral policy, illegal fishing, justice, sustainability, Pancasila