

**STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP
AGAINST ILLEGAL FISHING IN INDONESIA**

UNDERGRADUATE THESIS



This Undergraduate Thesis is submitted as one of the requirements to obtain the degree of Bachelor of Law at Faculty of Law Universitas Muhammadiyah Yogyakarta

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FACULTY OF LAW

UNIVERSITAS MUHAMMADIYAH YOGYAKARTA

2017

DECLARATION PAGE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the Undergraduate Thesis which is entitled “**STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP AGAINST ILLEGAL FISHING IN INDONESIA**” its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethnic in the scientific community. On this statement, I am ready to bear the risk/any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of scientific ethnics, I am willing to accept the sanctions.

Written by

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Yogyakarta, July 22nd, 2017



Dania
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MOTTO

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

“If you’re not prepared to be wrong, you’ll never come up with anything original.” – Ken Robinson

“Giving up is the only sure way to fail.” – Gena Showalter

“Failure should be our teacher, not our undertaker. Failure is delay, not defeat. It is a temporary detour, not a dead end. Failure is something we can avoid only by saying nothing, doing nothing, and being nothing.”- Denis Waitley

“There is no failure except in no longer trying.” – Chris Bradford

“The only real mistake is the one from which we learn nothing.” – Henry Ford

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ إِنَّ اللَّهَ مَعَ
الصَّابِرِينَ

”O you who have believed, seek help through patience and prayer. Indeed, Allah is with the patient.” (Al-Baqarah (2):153)

فَإِنَّ مَعَ الْعُسْرِ يُسْرًا ٥

“For indeed, with hardship [will be] ease.” – (Ash-Sharh (94):5)

إِنَّ مَعَ الْعُسْرِ يُسْرًا ٦

“Indeed, with hardship [will be] ease.” - (Ash-Sharh (94):6)

DEDICATION

This undergraduate Thesis dedicate to

My Lord, Allah SWT
Prophet Muhammad SAW

My beloved parents
Deni Ruhiyat
Masruroh

My beloved Brother
Muhammad Denis Al Fatih

My beloved Sisters
Feby Auliya Rahmah
Helma Masita Putri

FOREWORD

Alhamdulillah Walhamdulillah tsumma Alhamdulillah, thank you Allah SWT, The Most Merciful and The Most Gracious who has given me His blessing and an opportunity to accomplish my Undergraduate Thesis as the final work to fulfill the degree of Bachelor of Law entitled **STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP AGAINST ILLEGAL FISHING IN INDONESIA** at International Program for Law and Sharia, Faculty of Law, Universitas Muhammadiyah Yogyakarta.

First of all, I would like to express deeply my gratitude to my family, my parents Deni Ruhayat and Masruroh for always being there for me, my little brother Muhammad Denis Al Fatih, and my sisters Feby Auliya Rahmah and Helma Masita Putri, I love you so much ever and thank you for the prayer, support, guide and love. Extraordinary thanks to both advisors Dr. M. Nur Islami, S.H., M.Hum. and Yordan Gunawan, S.H., Int. MBA., M.H. who guided me with patient, wisdom and compassion. I also thanks to Mariska Intan Sari, MA. who did a great deal to correct and improve my English. Then, allow me also to express my deepest gratitude to Nasrullah, S.H., S.Ag., MCL, and all the lecturers of Faculty of Law for their assistance and inspiration for my great future.

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In the end, I realize that so many mistakes in my undergraduate thesis. The comments and suggestions are very welcome in order to develop my research. Finally, I do expect the thesis will give benefit for readers and future research.

Yogyakarta, July 22nd, 2017

Dania Amareza Pratiwi

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International

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Treaty of Amity and Cooperation 1976

Indonesia

Indonesian 1945 Constitution
Law No. 17 Year 1985 on the Enactment of United Nations Conventions on
the Law of the Sea
Law No. 31 Year 2004 on Fisheries
Law No. 45 Year 2009 on the Amendment of Law No. 31 Year 2004 on
Fisheries

LIST OF ABBREVIATION

UNCLOS 1982	United Nations Conventions on the Law of the Sea 1982
IUU Fishing	Illegal, Unreported, and Unregulated Fishing
EEZ	Exclusive Economic Zone
ILC	International Law Commission
TAC	Treaty of Amity and Cooperation 1976