

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATION

A. Conclusions

UNCLOS 1982 generally regulates about the sovereignty over the territorial sea and enforcement in Exclusive Economic Zone. Relating to the law enforcement of sovereignty over the territorial sea it is regulated in Article 2 UNCLOS 1982, The coastal state may enforce all its laws and even criminal law against foreign ships which is conducted in illegal fishing in the territorial sea of a coastal states on condition the violations have an impact on the coastal state or disrupt the security of the coastal state as defined in Article 27 Paragraph (1) UNCLOS 1982. While the law enforcement in Exclusive Economic Zone regulated in Article 73 UNCLOS 1982 states that the coastal states may take any measures, including boarding, inspection, arrest, and judicial proceedings as well as the ship and crew shall be released with the reasonable bond given to the coastal state.

The law enforcement on illegal fishing under Indonesian law regulated specifically in Law No. 45 Year 2009 in conjunction with Law No. 31 of 2004 on Fisheries. In order to combat illegal fishing, the perpetrator of illegal fishing in Indonesian territorial sea or Indonesia Exclusive Economic Zone may be imposed by the punishment of sinking vessel in accordance with Article 69 Paragraph 1 on Fisheries Law and to commit the sinking vessel it

shall be based on sufficient evidence which is regulated in Article 69 Paragraph 4 on Fisheries Law.

B. Recommendation

To further optimize the implementation of sinking vessel, it should be regulated on operational standards or guidance on the execution of the destruction of fishing vessels in which to regulate the implementation, mechanism, and procedures of ship extermination. The decisive action taken by Indonesia in enforcing the law and maintaining sovereignty by burning and/or sinking foreign ships is not enough, because it is a repressive act. Indonesia should also take effective precautions, namely more stringent supervision.