

The Legal Process for Addressing Illegal Fishing Using Trawls in Banda Aceh

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Abstract: Article 9 paragraph (1) of Law Number 45 of 2009 amending Law Number 31 of 2004 on Fisheries prohibits the possession, control, carrying, and use of fishing gear that harms or disrupts the sustainability of fishery resources within Indonesia's fisheries management areas. One of the violations identified in Banda Aceh is the use of trawl nets by local fishers during fishing operations. This study aims to analyze the process of resolving illegal fishing crimes involving trawl nets in Banda Aceh and to identify the challenges encountered during the legal process. This research employs an empirical juridical method, combining library research to examine relevant literature, legislation, and scholarly opinions, with field research through interviews with key informants. The findings reveal that the settlement process begins with the arrest of offenders by the Marine Police, followed by preliminary examination, the drafting of official investigation reports, and the transfer of the case to the prosecutor's office before proceeding to trial at the Banda Aceh District Court. The main obstacles in law enforcement include limited facilities and infrastructure, low community awareness, and constraints faced by law enforcement officers. This study recommends strengthening monitoring facilities and enhancing legal education for fishers to prevent the continued use of trawl gear.

Keywords: settlement process, illegal fishing crime, trawl.

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Abstrak: Pasal 9 ayat (1) Undang-Undang Nomor 45 Tahun 2009 tentang Perubahan atas Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan menegaskan larangan kepemilikan, penguasaan, penggunaan, atau pembawaan alat penangkapan ikan yang dapat mengganggu atau merusak keberlanjutan sumber daya ikan. Salah satu pelanggaran terjadi di Kota Banda Aceh, yaitu penggunaan trawl oleh sebagian nelayan dalam aktivitas penangkapan ikan. Penelitian ini bertujuan untuk menjelaskan proses penyelesaian tindak pidana ilegal fishing menggunakan trawl di Kota Banda Aceh serta mengidentifikasi kendala yang dihadapi dalam penyelesaiannya. Metode penelitian yang digunakan adalah yuridis empiris melalui pendekatan kepustakaan untuk mengkaji literatur, peraturan perundang-undangan, dan pandangan sarjana, serta pendekatan lapangan melalui wawancara dengan informan terkait. Hasil penelitian menunjukkan bahwa proses penyelesaian tindak pidana ini dimulai dari penangkapan oleh Polisi Perairan, dilanjutkan dengan pemeriksaan awal, penyusunan Berita Acara Pemeriksaan (BAP), dan pelimpahan perkara ke kejaksaan hingga tahap persidangan di Pengadilan Negeri Banda Aceh. Hambatan utama dalam penyelesaian perkara meliputi keterbatasan sarana dan prasarana penegakan hukum, rendahnya kesadaran masyarakat, serta keterbatasan kapasitas aparat terkait. Penelitian ini merekomendasikan peningkatan fasilitas pengawasan dan edukasi hukum kepada nelayan untuk mencegah penggunaan trawl secara berulang.

Kata kunci: proses penyelesaian, tindak pidana ilegal fishing, trawl.

Introduction

Indonesia is a country characterized by a dual geographical identity, functioning both as an archipelagic and a continental state. It is uniquely positioned across two continents, Asia and Australia, and is bordered by two vast oceans, the Atlantic and the Indian Oceans. This strategic location, flanked by major oceans, endows Indonesia's marine and coastal areas with abundant natural resources. Among these resources, fish stands out for its vast quantity and remarkable diversity.¹

Crime can be defined as a pattern of behavior that harms society, either physically or materially, whether it is formally codified in law or not. Law functions as an integrated system comprising primary rules and secondary rules. Primary rules constitute informal provisions outlining the obligations of members of society, aimed at regulating social interactions and fulfilling communal needs. Secondary rules, on the other hand, include: (1) **rules of**

¹ Supriadi, *Hukum Perikanan di Indonesia*, (Jakarta: Sinar Grafika, 2011), 1.

recognition, which clarify which primary rules are legally valid according to their hierarchical status; (2) **rules of change**, which authorize the creation or modification of primary rules; and (3) **rules of adjudication**, which grant individuals the authority to determine legal sanctions for specific incidents when a primary rule is violated by members of society.²

In the current era, characterized by rapid and unstoppable societal developments, various problems have emerged, giving rise to violations and criminal acts within the community. Daily interactions among members of society inevitably occur, and these social engagements often generate events or incidents that can trigger legal consequences.³

As a maritime nation, Indonesia possesses significant and diverse fisheries potential. The country's fishery resources are estimated to reach approximately 12.54 million tons per year. These resources serve as a vital source of livelihood for communities residing in coastal areas, the majority of whom work as fishermen.⁴

The abundant fishery resources in Indonesian waters often drive uncontrolled and exploitative practices. Some actors take advantage of this abundance through illegal methods to gain substantial profits in a short period. Such practices are carried out not only by Indonesian citizens but also by foreign parties who illegally enter national waters. Common violations include the use of prohibited fishing gear, such as tiger nets and trawls, the operation of vessels without a Sailing Permit (SIB), and fishing activities conducted outside the scope of a Fisheries Business License (SIUP).⁵

Illegal fishing in Indonesia's territorial waters has been occurring since around the 1970s and continues to the present day. This activity affects all nine Indonesian Fisheries Management Areas (WPP), including the Malacca Strait, South China Sea, Java Sea, Makassar Strait and Flores Sea, Banda Sea, Seram

² Zainuddin Ali, *Sosiologi Hukum*, (Jakarta: Sinar Grafika, 2005), 2.

³ Chairul Arasjid, *Dasar-Dasar Ilmu Hukum*, (Jakarta: Sinar Grafika, 2006), 41.

⁴ Masruqi Arrazy dan Rindy Primadini, "Potensi Subsektor Perikanan Indonesia Pada Provinsi-Provinsi Di Indonesia," *Jurnal Bina Bangsa Ekonomika* 14, No. 1 (2021), 1.

⁵ Gatot Supramono, *Hukum Acara Pidana dan Hukum Pidana di Bidang Perikanan*, Rineka Cipta, Jakarta, 2011, hlm. 194.

Sea to Tomini Bay, Sulawesi Sea to the Pacific Ocean, Arafura Sea, and the Indian Ocean, all of which are experiencing levels of overexploitation.⁶

The Directorate General of Marine and Fisheries Resources Surveillance of the Ministry of Marine Affairs and Fisheries (KKP) apprehended a total of 212 fishing vessels throughout 2024. The total state losses amounted to IDR 3,474,854,453,419, or approximately IDR 3.4 trillion. “As of November 2024, we successfully secured 212 fishing vessels. The total value of all seizures, after calculation, reached IDR 3.5 trillion. Imagine that—that is what we have recovered from illegal fishing,” officials reported. The total includes 182 Indonesian vessels, seven Malaysian, 17 Filipino, three Vietnamese, one Russian, and two from Sierra Leone. This figure represents an increase compared to 2023, when only 165 vessels were apprehended.⁷

Coastal areas are predominantly inhabited by communities whose primary livelihood is fishing. Within these communities, fishermen are generally categorized into traditional fishermen and mechanized (high-technology) fishermen. Traditional fishermen employ simple, conventional fishing gear such as nets, lines, traps, and fish pots. In contrast, mechanized fishermen use advanced fishing equipment, including trawl nets, purse seines, tiger nets, and even coordinated operations involving two vessels sharing a single trawl net. These fishermen are commonly referred to as trawl fishermen.⁸

The use of trawl nets has the potential to damage marine ecosystems and deplete marine resources, as fishing operations often disregard environmental considerations. Traditional fishermen, who rely on conventional fishing gear, typically harvest smaller yields compared to those using advanced technology. They argue that operations involving paired vessels and trawl nets can harm marine resources in both the short and long term. In the short term, trawl nets indiscriminately catch various fish species, including juveniles. Over the long

⁶ Sasminto, Wigit. A, “ Perspektif Hukum Pidana dan Kriminologi Terhadap Tindak Pidana Penangkapan Ikan Secara Ilegal (Illegal Fishing) di Indonesia”, *Jurnal Negara dan Keadilan*, Volume 10 Nomor 2, (2021), hlm. 100-101.

⁷ <https://www.detik.com/sumut/berita/d-7672246/kkp-tangkap-212-kapal-ikan-ilegal-sepanjang-2024-kerugian-capai-rp-3-4-triliun> (accessed on Wednesday, June 18, 2025, at 12.00 WIB)

⁸ Setyadi, I. Upaya Negara Indonesia Dalam Menangani Masalah Illegal Fishing di Zona Ekonomi Eksklusif Indonesia, *Jurnal Universitas Atma Jaya, Yogyakarta*, . (2014), hlm.15.

term, such large-scale fishing disrupts fish regeneration, threatening food security and depleting marine stocks. These dynamics contribute to conflicts among fishermen within coastal communities.⁹

One of Indonesia's regions, Aceh, is highly vulnerable to illegal fishing due to its strategic maritime location and substantial marine resource potential, encompassing both living and non-living natural resources. Aceh covers a land area of 57,365.65 km², bordered by the Indian Ocean to the southwest, the Malacca Strait, and the Andaman Sea to the north and east, with a coastline extending 2,666.27 km. Its waters span approximately 295,370 km², including 56,563 km² of territorial and archipelagic waters, and 238,807 km² of Exclusive Economic Zone (EEZ). Sustainable fishery potential is estimated at 272,700 tons per year, supported by 16,701 fishing vessels and a fishing community of 64,466 individuals.¹⁰

Several cases of illegal fishing have been reported in Aceh's waters. For example, in Pulo Aceh, illegal fishing has involved the use of explosives, resulting in damage to coral reefs and marine ecosystems. Foreign fishing vessels have also conducted unauthorized operations in North and East Aceh, as well as in the Malacca Strait. The relatively calm waters of North and East Aceh attract these activities, with vessels from Thailand and Malaysia frequently using tiger nets. Beyond causing environmental degradation, such illegal fishing activities pose significant challenges and threats, ultimately undermining national sovereignty and stability.¹¹

One incident of illegal fishing occurred in Banda Aceh involving the defendant Saipul Bahri Bin Illiyas Amin, who served as the vessel captain. On Tuesday, 29 March 2022, at approximately 17:15 WIB, or at another time during March 2022, within the jurisdiction of Fisheries Management Area (WPP) 571 of the Republic of Indonesia in the Malacca Strait, off the northern

⁹ Arisandi, "Inkonsistensi Kebijakan Penggunaan Jaring Trawl (Studi Kasus Penggunaan Jaring Trawl Oleh Nelayan Wilayah Perairan Gresik)", JKMP (ISSN. 2338-445X), Vol. 4, No. 1, Maret 2016, hlm.3

¹⁰ Wahyuddin, Muksal, Nirzalin dan Zulfikar, "Pengaruh Praktik Illegal Fishing Terhadap Kesejahteraan Ekonomi Nelayan Di Provinsi Aceh", Seminar Nasional II USM 2017, Vol. 1, Oktober 2017, hlm. 411-412

¹¹ Fadli Afriandi, Fachriza Ariyadi, Ligar Abdillah dan Yeni Sri Lestari, "Analisis Illegal Fishing Di Perairan Aceh", Jurnal Sosial Ekonomi Kelautan dan Perikanan, Vol. 18, No. 2, Desember 2023, hlm. 150

coast of Aceh, at coordinates 05°20.700' N-097°21.800' E, the defendant was prosecuted under Article 84(2) of the Indonesian Criminal Procedure Code (KUHAP) at the Banda Aceh District Court, which has authority over this case. According to the defendant's own statement, illegal fishing using a trawl net was conducted 32 (thirty-two) times over the preceding eight months, and at the time of apprehension, 1,000 kg of unlawfully caught fish were recovered.¹²

Article 9 of Law Number 45 of 2009, which amends Law Number 31 of 2004 concerning Fisheries (hereinafter referred to as the Fisheries Law), stipulates that:

1. No person shall possess, control, carry, and/or use fishing gear or auxiliary fishing equipment on fishing vessels within the Indonesian Fisheries Management Areas if such equipment has the potential to disturb or damage the sustainability of fishery resources.
2. The types of fishing gear and/or auxiliary equipment deemed capable of disrupting or harming the sustainability of fishery resources, as referred to in paragraph (1), shall be further regulated through a Ministerial Regulation as implementing legislation.

Studies by Adwani and Sulaiman indicate that law enforcement against illegal fishing in Aceh remains weak due to ineffective inter-institutional coordination. Their research highlights structural issues and applies a socio-legal approach; however, it does not specifically address the use of trawl gear or the conditions of law enforcement within Banda Aceh City..¹³

Research by Soraya Devy and Siti Rahmi elaborates on the role of Panglima Laot in resolving illegal fishing cases in Pulo Aceh. The findings demonstrate that customary mechanisms possess strong local legitimacy, yet the study does not discuss the use of trawl gear and cannot be directly generalized

¹² Putusan Pengadilan Negeri Banda Aceh Nomor 184/Pid.Sus/2022/Pn.Bna

¹³ Adwani Adwani and Sulaiman Sulaiman, "Peningkatan Koordinasi Struktur Dalam Penegakan Hukum Illegal Fishing Di Aceh," *Kanun Jurnal Ilmu Hukum* 22, no. 3 (2020): 531-46.

to Banda Aceh, which operates under a more formalized surveillance and legal enforcement system.¹⁴

The study conducted by Lena Farsia, L. Sautunnida, and M. Iqbal titled “The Efforts to Resolve the Case of Illegal Fishing Conducted by Foreign Fishing Vessels in the Territorial Waters of Aceh” examines the efforts to address illegal fishing violations committed by foreign vessels in Aceh’s territorial waters. Their research analyzes the enforcement mechanisms employed by both regional and national authorities, including the role of law enforcement officers, the effectiveness of inter-agency coordination, and the barriers faced in prosecuting illegal fishing actors. The findings demonstrate that resolving illegal fishing cases does not rely solely on regulatory strength but also on institutional synergy and consistent law enforcement practices in the field. The study underscores that enhancing maritime surveillance capacity and strengthening international cooperation are crucial to preventing and prosecuting illegal fishing activities committed by foreign vessels.¹⁵

Previous literature has explored institutional coordination, customary settlement mechanisms, and judicial considerations in handling illegal fishing cases. Nevertheless, existing scholarship remains general and has not specifically examined violations involving the use of trawl gear—one of the most environmentally destructive prohibited fishing tools. In addition, no study has yet mapped the settlement process of offenses involving trawl gear in Banda Aceh, covering enforcement actions, investigations, prosecutions, and the institutional and socio-structural barriers that influence their effectiveness. This research gap highlights the urgency of a locality-based study with a focused examination of institutional dynamics and the specific characteristics of trawl-related violations.

The present study aims to comprehensively analyze the settlement process of illegal fishing offenses involving trawl gear in Banda Aceh, encompassing the

¹⁴ Soraya Devy and Siti Rahmi, “Peran Panglima Laot Dalam Penyelesaian Tindak Pidana Illegal Fishing Di Perairan Pulo Aceh,” *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 8, no. 1 (2019): 103–19.

¹⁵ Lena Farsia, Lia Sautunnida, and M Putra Iqbal, “The Efforts to Resolve the Case of Illegal Fishing Conducted by Foreign Fishing Vessels in the Territorial Waters of Aceh,” in *International Conference on Law, Governance and Islamic Society (ICOLGIS 2019)* (Atlantis Press, 2020), 297–99.

stages of law enforcement, the effectiveness of regulatory implementation, and the institutional and social barriers that affect the handling of such cases.

Method

This study employs an empirical juridical approach, integrating the analysis of legal norms with their practical implementation in the field. This approach allows for an examination of the effectiveness of fisheries law enforcement, particularly concerning the use of trawl nets, by investigating how regulations are applied by law enforcement authorities and how fishing communities respond to their enforcement. Empirical juridical research is used to depict law in action, ensuring that findings are based not only on written legal norms but also on actual practices in Banda Aceh.

The research was conducted within the legal jurisdiction of Banda Aceh, involving institutions responsible for handling illegal fishing cases, such as the Banda Aceh Police, the Banda Aceh District Court, and local fishing communities. Informants were selected through purposive sampling, considering their direct involvement in law enforcement, investigation processes, or field experience. Key respondents included investigators from the Banda Aceh Police and personnel from the Water Police (Polisi Airud), while supporting informants were drawn from fishing communities with knowledge of trawl net use and fishing practices in the area.

Data were collected using two primary techniques.¹⁶ First, field research, which involved in-depth interviews with respondents and informants to obtain primary data that are both relevant and scientifically verifiable. Second, library research, which entailed reviewing secondary sources such as books, scholarly journals, court decisions, legal documents, and academic literature related to fisheries law enforcement. The combination of these two data sources enhances the validity and reliability of the research findings.¹⁷

The collected data were analyzed using descriptive qualitative methods. The data were systematically organized, categorized according to research themes, and interpreted to address the study's focus on the process of resolving

¹⁶ Jonaedi dan Jhonny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, Prenadamedia Group, Depok, 2018, hlm.149.

¹⁷ Nufian dan Wayan Weda, *Teori dan Praktis: Riset Komunikasi Pemasaran Terpadu*, UB Press, Malang, 2018, hlm. 49

illegal fishing offenses involving trawl nets, as well as the accompanying challenges. The analysis linked field findings with the applicable legal framework, providing a comprehensive understanding of the effectiveness of fisheries law enforcement in Banda Aceh.

Result and Discussion

The Process of Resolving Illegal Fishing Offenses Using Trawl Nets

Fisheries-related criminal acts are an integral part of Indonesia's maritime dynamics, as all fishing activities occur within national waters. The high economic value of fishery resources has driven an increase in violations within this sector, involving not only foreign vessels but also those flying the Indonesian flag. Various illegal methods are employed to obtain large catches quickly, including the use of explosives and chemicals that force fish to the surface. These practices have severe consequences for the sustainability of marine ecosystems, destroying habitats and contravening environmental law principles that emphasize conservation. Beyond causing state losses, such actions also harm fishermen who comply with regulations and use legally sanctioned fishing gear.¹⁸

Article 9 of Law Number 45 of 2009, amending Law Number 31 of 2004 concerning Fisheries, establishes a strict prohibition on the use of fishing gear that damages fishery resources. Paragraph (1) stipulates that no person shall possess, control, carry, or use fishing gear or auxiliary fishing equipment on vessels operating within Indonesian Fisheries Management Areas if such equipment disrupts or damages the sustainability of fishery resources. Paragraph (2) emphasizes that the types and criteria of fishing gear considered destructive are further regulated through a Ministerial Regulation.

Article 7 of the Ministry of Marine Affairs and Fisheries Regulation Number 18 of 2021 concerning the Placement of Fishing Gear and Auxiliary Fishing Gear in Indonesian Fisheries Management Areas and the High Seas, as well as the Organization of Fishing Grounds (Andon), provides detailed regulations on prohibited types of fishing gear (API). The regulation clarifies

¹⁸ I Nyoman Rama Cahyadi Putra, I Nyoman Gede Sugiarta dan Luh Putu Suryani, "Sanksi Pidana Terhadap Pencurian Ikan (Illegal Fishing) di Laut Indonesia yang Dilakukan Oleh Kapal Asing", *Jurnal Preferensi Hukum*, Vol. 2, No. 3–November 2021, hlm. 604

that prohibited fishing gear, as referred to in Article 5(2)(b), includes equipment proven to disrupt and damage the sustainability of fishery resources. Such gear encompasses equipment that threatens the preservation of marine biota, damages habitats, or endangers user safety.

Further elaboration in paragraph (3) specifies categories of fishing gear deemed destructive. Within the group of trawl nets, prohibited types include dogol, pair seine, cantrang, and bottom lampara. In the seine net category, banned gear includes bottom set gill nets with bars, shrimp bottom seines, twin board bottom seines, two-vessel bottom seines, two-vessel midwater seines, and fish seines. Additionally, jumping fish traps within the gill net group and muro-ami fishing devices are classified as destructive and are therefore prohibited.

These regulations demonstrate the government's commitment to sustaining fishery resources and ensuring that fishing practices adhere to marine ecosystem conservation principles. They also serve as an essential juridical basis for enforcement actions against the use of prohibited fishing gear, including trawls.

From a governmental perspective, the use of trawl nets is considered a practice that threatens marine ecosystem sustainability and leads to the depletion of fishery resources. The damage occurs because fish regeneration is disrupted: undersized fish that are not yet suitable for capture are caught and discarded without use. Other ecological impacts include coral reef destruction, as trawl nets can snag and drag coral structures, eliminating critical habitats for various marine organisms.¹⁹

Trawl nets operate by first lowering the cod-end, followed by the body and wings, and then gradually deploying the otter boards. Once the towing cable is extended to the seabed and the entire trawl structure rests on the ocean floor, the vessel begins to tow the net in the intended direction for fishing. The towing process typically lasts approximately four hours, with vessel speeds ranging from 2 to 5 knots. Upon completion, the trawl is hauled onto the vessel to retrieve the catch, and the process is repeated as operationally required.

¹⁹ Irma Yuliana dan Fitriyana, "Implementasi Kebijakan Pelarangan Penggunaan Alat Tangkap Trawl Di Kecamatan Talisayan Kabupaten Berau", *Jurnal Pengelolaan Sumberdaya Perairan*, Vol. 7 No. 2 Desember 2023, hlm. 161

The use of trawl nets falls under the category of fishing gear that is strictly regulated under Indonesian fisheries law. Article 8 of Law Number 45 of 2009, amending Law Number 31 of 2004, prohibits any person from engaging in fishing or aquaculture using chemicals, biological agents, explosives, tools or methods, and/or structures that may harm or threaten the sustainability of fishery resources or aquatic environments. This prohibition applies to vessel captains, fishing experts, crew members, vessel owners, responsible company officials, and fishing vessel operators.

Exemptions are granted only for scientific research purposes. Moreover, the use of prohibited tools, substances, or methods must be specifically regulated through Government Regulations to ensure consistent law enforcement and protection of aquatic ecosystems. These regulations emphasize that trawl fishing, as well as other destructive methods, can damage ecosystems, disrupt marine biota regeneration, and disadvantage fishermen who comply with the law.

Article 9 of Law Number 45 of 2009, amending Law Number 31 of 2004, reinforces the prohibition against any person possessing, controlling, carrying, or using fishing gear on vessels operating within Indonesian Fisheries Management Areas. This prohibition includes: (a) fishing gear or auxiliary equipment not meeting prescribed size requirements; (b) fishing gear that fails to satisfy applicable standards for specific types of equipment; and/or (c) fishing gear explicitly banned for use.

These provisions underscore the principle of sustainable fisheries management by clearly defining the types and specifications of permissible fishing gear and providing the legal basis for enforcement against violations, including the use of banned trawl nets.

Fundamentally, all persons are prohibited from engaging in illegal fishing, as stipulated in the Indonesian Marine and Fisheries Law. The law clearly delineates which fishing gear is permitted and which is prohibited. Such regulation is crucial given the widespread environmental degradation caused by some fishermen using non-compliant gear. Among the illegal fishing tools still frequently employed is the trawl, also known as the tiger net (pukat harimau),

due to its destructive impact on marine habitats and its threat to the sustainability of fishery resources.²⁰

A legal incident occurred in Banda Aceh involving the illegal use of trawl fishing gear. The event took place on Tuesday, 29 March 2022, at approximately 17:15 WIB, within the jurisdiction of Fisheries Management Area (WPP) 571 of the Republic of Indonesia, located in the Malacca Strait off the northern coast of Aceh. The action was carried out by individuals without a valid fisheries permit, in violation of applicable laws and regulations.

At the time, the Marine and Fisheries Resources Surveillance team was conducting operations in the area and identified the vessel KM. BUNGA SEROJA I, suspected of using a trawl net. The vessel was registered to the defendant, Saipul Bahri Bin Illiyas Amin. Upon inspection, the vessel had already completed its fishing activities. Crew members were examined, and key vessel documents—including the Fisheries Business License (SIUP), Vessel Registration Certificate (SIPI), Safety Certificate (SLO) from Fisheries Surveillance, and the Port Clearance (SPB) from the Harbor Master—were found to be expired or invalid. Due to the lack of proper permits, the vessel and its crew were directed to the PSDKP Lampulo base for further legal processing.

Additionally, statements from a local fisherman, Mr. Massykur, who has been working in the fisheries sector for 15 years, highlighted differing behaviors among fishermen regarding illegal practices. He explained that when fishing in these waters, he only uses conventional nets and avoids trawl nets, motivated by legal awareness that using trawl nets is illegal and subject to sanctions. This attitude reflects the local fishing community's understanding of fisheries regulations and the ecological impact of illegal fishing gear.

This incident underscores the tension between illegal trawl fishing practices and compliance among law-abiding fishermen. The case also emphasizes the importance of effective law enforcement, strict surveillance, and public education for fishing communities on the use of environmentally friendly and legally compliant fishing gear.²¹

²⁰ Firdaus, Airud Police of Banda Aceh City, the interview was conducted on Monday, July 28, 2025.

²¹ Massykur, Fisherman of Banda Aceh City, interview was conducted on Sunday, July 27, 2025

The duration of fishing activities varies depending on travel distance and the location of the catch; in some cases, operations last only one day and one night, while in other instances, they may extend beyond a single day. The use of trawl nets has significant negative impacts on marine ecosystems, as these large nets are dragged along the seabed, potentially causing damage to coral reefs and other critical habitats for marine organisms.²²

The Water Police (Polisi Airud) play a central role in monitoring and enforcing regulations against illegal fishing practices. The initial stage in addressing illegal fishing offenses involves direct apprehension by maritime police officers or other authorized officials, typically during instances when fishermen are engaged in trawl net operations within national waters.²³

Observations indicate that perpetrators of illegal fishing using trawl nets are often repeat offenders, with most having committed similar violations multiple times. This practice is particularly concerning due to its direct impact on marine ecosystems, including habitat degradation and the decline of fishery resource sustainability.²⁴

The use of trawl nets has the potential to damage coral reefs and capture protected marine species, and is therefore legally prohibited. This type of fishing gear is conical in shape, with a wide mouth that tapers toward the opposite end, which can be opened or closed. The net is dragged along the seabed at specific speeds and durations, causing ecosystem destruction and the loss of vulnerable marine organisms.²⁵ Following apprehension by the Maritime Police, the vessel, along with the captain and crew involved in illegal trawl fishing, is brought ashore. Subsequently, the captain and crew are handed over to the relevant law enforcement authorities for further investigation and legal proceedings.²⁶

According to Article 1(2) of the Indonesian Criminal Procedure Code (KUHAP), an investigation is a series of actions carried out by an investigator

²² Massykur, Fisherman of Banda Aceh City, interview was conducted on Sunday, July 27, 2025

²³ Firdaus Police Airud Banda Aceh City, interview was conducted on Monday, July 28, 2025.

²⁴ Firdaus, Airud Police of Banda Aceh City, the interview was conducted on Monday, July 28, 2025.

²⁵ Massykur, Fisherman of Banda Aceh City, interview was conducted on Sunday, July 27, 2025

²⁶ Firdaus, Airud Police of Banda Aceh City, the interview was conducted on Monday, July 28, 2025.

in accordance with the procedures set forth in KUHAP, aimed at seeking and collecting evidence that can clarify a criminal offense and identify the suspect. The duties of the investigator include: first, collecting evidence (Article 1(2) KUHAP); second, preparing official reports on the implementation of investigative actions (Article 8(2) KUHAP); and third, submitting the case file to the Public Prosecutor (Article 8(2) KUHAP).

In the context of illegal fishing offenses, the evidence typically includes the vessel, the trawl nets used, and the quantity of fish caught on board. This evidence forms the basis for prosecution at the Banda Aceh District Court to enforce the law against perpetrators of illegal fishing.²⁷

Evidence is a central aspect of court proceedings. Legally, it encompasses provisions that serve as guidelines for the proper procedures to establish the defendant's alleged guilt. Evidence regulations also define the types and forms of proof recognized by law, which judges may use to determine whether a violation has occurred. During trial proceedings, judges are prohibited from acting arbitrarily and must adhere to established legal procedures in evaluating and affirming the defendant's culpability.²⁸

The operation of trawl fishing gear begins with lowering the cod-end, followed by the body and wings of the net. Next, the otter boards are gradually deployed, and the towing cable is extended to reach the seabed. Once the cod-end, body, wings, and otter boards are positioned on the seafloor, the net is towed by the vessel along a predetermined route for approximately four hours at speeds ranging from 2 to 5 knots. After the towing process is completed, the trawl is hauled aboard to retrieve the catch. This procedure is repeated continuously as required for fishing operations.²⁹

Once the evidence is deemed sufficient, investigators are authorized to apprehend the perpetrators of illegal fishing and seize the relevant items. Given

²⁷ Tadarus, Investigator of the Banda Aceh City Police, the hearing was held on Tuesday, July 29, 2025

²⁸ Ganang Widyo Nindito, "Pengabaian Alat Bukti Petunjuk Oleh Hakim Sebagai Alasan Kasasi Penuntut Umum dan Pertimbangan Mahkamah Agung Memutus Perkara Penggelapan Dalam Jabatan (Studi Putusan Mahkamah Agung Nomor 1243/K/Pid/2015)", *Verstek*, Volume 7 No. 1 Januari-April 2019, hlm. 96

²⁹ Firdaus, Airud Police of Banda Aceh City, the interview was conducted on Monday, July 28, 2025.

that illegal fishing constitutes a special criminal offense, law enforcement requires coordinated efforts among authorized agencies. In this context, the Water Police (Polisi Airud) collaborates with investigators from the Banda Aceh City Police (Polresta) to follow up on the case. Upon completion of the investigation, a formal Investigation Report (Berita Acara Pemeriksaan, BAP) is prepared for the suspect. If the suspect is found to have committed a violation, the legal process proceeds to trial at the District Court, where the panel of judges renders a verdict based on the evidence and testimonies presented.³⁰

In the case that occurred in Banda Aceh, the defendant, Saipul Bahri Bin Illiyas Amin, was legally and convincingly proven guilty of the criminal offense of “catching fish using fishing gear that disrupts and damages the sustainability of fishery resources,” as stated in the second alternative charge. The panel of judges sentenced the defendant to ten (10) months of imprisonment and imposed a fine of IDR 25,000,000 (twenty-five million rupiah), with the provision that, if the fine is not paid, it would be replaced by three (3) months of imprisonment. The punishment imposed on the defendant is relatively light compared to the ecological impact of the offense committed.

The process for resolving illegal fishing offenses involving trawl nets begins with apprehension by the Maritime Police at sea. Once the vessel and perpetrators are brought ashore, the relevant law enforcement authorities, in this case the Banda Aceh City Police (Polresta), conduct an investigation and collect evidence. If a violation is established, an Investigation Report (Berita Acara Pemeriksaan, BAP) is prepared, and the case files are subsequently submitted to the Public Prosecutor for prosecution. The final stage involves a trial at the Banda Aceh District Court, where the panel of judges renders a decision based on the submitted evidence and established legal facts.

Challenges in Resolving Illegal Fishing Offenses Using Trawl Nets

A criminal offense is an act that contravenes or violates established legal norms, as codified in the Indonesian Criminal Code (KUHP). One of the primary measures to prevent and control unlawful behavior is the imposition of criminal

³⁰ Tadarus, Investigator of the Banda Aceh City Police, was interviewed on Tuesday, July 29, 2025

sanctions on the perpetrators. Such sanctions serve both as a deterrent and as a guarantee that individuals comply with the applicable legal norms.

Criminal sanctions are characterized by their severity compared to other forms of penalties, such as administrative or civil sanctions. The imposition of criminal penalties is grounded in the need to provide the ultimate enforcement mechanism (*ultimum remedium*) to ensure the effective implementation of legal norms. Consequently, criminal law functions as the last line of defense within the legal system, ensuring that every violation incurs consequences commensurate with the severity of the offense.³¹

The primary objective of the investigation process is to gather as much information as possible from evidence and facts related to a criminal offense. This process allows investigators to clearly map out the actions that occurred based on the facts obtained. Investigators play a crucial role in handling criminal cases, including managing field operations, identifying evidence, and collecting materials that can clarify the offense under investigation. Upon completion of the investigation, the case file along with the suspect is submitted to the Public Prosecutor (Jaksa Penuntut Umum, JPU) for the prosecution phase.³²

In enforcing laws against illegal fishing using trawl nets, the Banda Aceh City Police face several challenges. A primary factor stems from the law enforcement personnel themselves. Legal enforcement involves the practical application of legal norms, with the police playing a central role at the initial stage, including determining whether an act constitutes a criminal offense, collecting evidence through witnesses, experts, documents, physical clues, and suspect statements.

In practice, however, internal challenges exist within the police force. Some officers experience difficulties operating the technology necessary to support investigations. Considering that illegal fishing involves the use of advanced fishing gear such as trawl nets and occurs across vast areas, these

³¹ Fathun Naim, "Pertanggungjawaban Pidana Terhadap Tindak Pidana Perusakan Barang (studi Putusan Nomor 29/Pid.B/2021/.Jmb)", Skripsi, Universitas Negeri Islam Thafa Saifuddin Jambi, Jambi, 2022, hlm.2

³² Tadarus, Investigator of the Banda Aceh City Police, the hearing was held on Tuesday, July 29, 2025

technical limitations pose a significant obstacle to effective law enforcement. This situation underscores the need to enhance human resource capacity and implement adequate technological support to enable officers to perform their duties optimally.³³

Current law enforcement practices face significant challenges, one of which is weak coordination among law enforcement agencies. The lack of synergy hampers the ability of officers to carry out their duties in accordance with applicable legal provisions. Strengthening coordination mechanisms among enforcement institutions is therefore crucial. Effective coordination enables officers to perform law enforcement tasks professionally, minimizes procedural errors, and enhances the public image of the police.

1. Infrastructure and Facilities

Law enforcement facilities, particularly patrol vessels, remain limited relative to the vast maritime areas that require supervision. This situation constitutes a significant obstacle in addressing illegal fishing offenses, especially those involving trawl nets. The scarcity of patrol vessels makes it difficult for officers to reach expansive and high-risk areas. Additionally, high operational costs further impede enforcement, as substantial resources are required to conduct comprehensive patrols and interventions.³⁴

The limited number of patrol vessels constrains the performance of the Maritime Police in maintaining security over territorial waters against illegal fishing practices, whether committed by local or foreign fishers. This limitation reduces the scope of monitoring and law enforcement operations. To address this challenge, the Banda Aceh Maritime Police have submitted a request for additional patrol vessels, which is expected to enhance the effectiveness of their duties and enforcement authority.³⁵

2. Community Factors

Indonesia is a country characterized by rich ethnic and cultural diversity, resulting in distinct social norms and practices across regions. Law enforcement

³³ Tadarus, Investigator of the Banda Aceh City Police, the hearing was held on Tuesday, July 29, 2025

³⁴ Firdaus, Airud Police of Banda Aceh City, interview was conducted on Monday, July 28, 2025.

³⁵ Firdaus, Airud Police of Banda Aceh City, the interview was conducted on Monday, July 28, 2025.

officers assigned to a particular area are required to understand the social characteristics and societal layers of the local population. Such understanding is essential to ensure that law enforcement processes, including investigations, are conducted effectively and within the local context.

Within communities, significant social stratification exists, typically between higher and lower socioeconomic groups. The lower strata often have limited understanding of applicable legal mechanisms, including the investigative procedures carried out by the police. This lack of awareness frequently poses challenges for investigators in explaining the criminal acts committed and the legal procedures that the community must follow. Limited comprehension can affect the effectiveness of communication and coordination between law enforcement officers and individuals involved in criminal cases.³⁶

Moreover, perpetrators often refuse to admit their actions, even when the available evidence is clear and compelling. This denial or evasion occurs even among individuals who have repeatedly committed similar offenses, posing additional challenges for law enforcement officers in ensuring that the investigative process is conducted effectively and in accordance with proper procedures.³⁷

Based on the discussion above, the obstacles in the resolution of illegal fishing offenses using trawl nets are primarily attributed to three main factors: the limitations of law enforcement personnel, the scarcity of supporting facilities and infrastructure, and the attitudes and understanding of the community regarding the violations that occur.

Conclusion

This study demonstrates that the resolution of illegal fishing offenses involving trawl nets in the Banda Aceh area proceeds through a structured, hierarchical law enforcement process. The procedure begins with the capture of offenders by the Marine Police, who then transport both the perpetrators and the seized

³⁶ Tadarus, Investigator of the Banda Aceh City Police, the hearing was held on Tuesday, July 29, 2025

³⁷ Tadarus, Investigator of the Banda Aceh City Police, the hearing was held on Tuesday, July 29, 2025

evidence to the shore for initial examination. When violations are confirmed and the use of trawl nets is identified as an illegal fishing method, the case is transferred to the Banda Aceh Police for the preparation of the Investigation Report (Berita Acara Pemeriksaan). Upon completion of the entire investigative process, the case file is forwarded to the Public Prosecutor's Office for prosecution, culminating in examination and adjudication by the Banda Aceh District Court. This mechanism reflects a formal and procedural model of fisheries criminal law enforcement, although it has not yet proven fully effective in producing a deterrent effect.

The study also finds that the effectiveness of resolving illegal fishing offenses using trawl nets continues to face several obstacles. The most prominent challenges include the limited capacity of law enforcement personnel, inadequate maritime surveillance facilities and infrastructure, and low legal awareness among coastal communities. This situation indicates that illegal fishing is not solely a legal issue but is also influenced by social, economic, and institutional factors.

The study has several limitations, primarily the research scope, which is confined to Banda Aceh and therefore does not capture variations in law enforcement practices across other coastal areas of Aceh. The data relied heavily on informant accounts and institutional documents, meaning potential information bias cannot be entirely eliminated. Another limitation is the absence of quantitative analysis regarding the frequency of violations and the effectiveness of sanctions, rendering the study largely descriptive.

Based on these findings, future research is recommended to develop comparative studies across various coastal regions of Aceh to obtain a more comprehensive understanding of law enforcement practices. Subsequent research should also incorporate quantitative approaches, such as analyses of violation trends and the effectiveness of criminal sanctions, to provide stronger empirical contributions. Furthermore, an in-depth examination of the behaviors and economic motives of illegal fishing actors could enhance understanding of the socio-economic factors driving the widespread use of trawl nets in coastal areas. Such an approach would enable the formulation of more targeted and effective policies for combating illegal fishing

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