



Crime of Illegal Fishing in Indonesian Exclusive Economic Zone in the Perspective of Economic Crime

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Abstract

The losses arising from illegal fishing in Indonesian EEZ are IDR 101,040,000,000. Economic losses related to fisheries resources are a form of violation in the economic field so that it can be included in terms of crime in the economic field. The problems raised in this study include what are the legal consequences of the crime of illegal fishing in Indonesia's exclusive economic zone and how it is viewed from an economic crime perspective. This study applies a normative juridical method by reviewing the relevant legal materials of legislation and theories to the results of the research as the following: 1) fishing in the area of the Exclusive Economic Zone, based on jurisdictional theory, can be regulated by the Indonesian state as a sovereign coastal country where the regulation is strictly in accordance with Article 5 of the Indonesian Exclusive Economic Zone Law; moreover, if the obligation to have a Fishing Approval Letter (SIPI) and a Fish-Carrier Ship Approval Letter (SIKPI) is violated, violators will be subject to punishment in accordance with Articles 93, 94 and 94A of Law No. 45 of 2009, 2) losses incurred as a result of the crime of illegal fishing in the Exclusive Economic Zone can be detrimental to the country's economy in the field of fisheries resources; so, according to the theory of economic approaches and broad economic crime definitions, the crime of illegal fishing in EEZ Indonesia is part of economic crime.

Keywords: Fishing; Exclusive Economic Zone; Economic Crime

Introduction

Indonesia is a maritime country that has abundant natural resources. The wealth of Indonesia's natural sea consists of biological resources and sources of mineral wealth.¹ Biodiversity resources include fish, coral reefs, and various other types of marine animals. The abundance of biodiversity in the Indonesian Sea provides enormous benefits for the people of Indonesia. This is indicated by the large number of Indonesians who have a livelihood as fishermen and make fishing in the Indonesian sea zone. However, not only Indonesian fishermen, foreign fishermen also conduct fishing in the Indonesian Exclusive Economic Zone.

Crimes related to illegal fishing in the Indonesian Exclusive Economic Zone are crimes that are very detrimental to the state. The large potential of marine products in the region benefits Indonesia as a

¹ Magdariza, Ferdi, 2012, *Introduction to the Law of the Sea*, Andalas University Press, Padang, page 60.

country that has jurisdiction over the entire Indonesian Exclusive Economic Zone. If the potential is taken in a way that is not permitted under Indonesian legislation, it will have an economic loss for the country of Indonesia. Based on data obtained through the Directorate General of Supervision and Control of Marine and Fisheries Resources in 2014, Dr. Dina Sunyowati revealed that the material loss of Indonesia due to Illegal Fishing was IDR 101,040,000,000,000.²

Emergency Law of the Republic of Indonesia No. 7 of 1955 concerning the Investigation, Prosecution and Justice of the Economic Crime still regulates the economic crime in the strict sense and economic crime in the broad sense. Economic crime in the strict sense regulated in Article 1 and the economic crime in the broad sense is regulated in Article 2. Economic crime in a broad sense, one of which is property crime.

According to Takdir Rahmadi, one of the common properties is natural resources found in the sea. The existing economic value will make everyone compete to take advantage of natural resources.³ Exclusive Economic Zone stores abundant fish resources and is beneficial for economic benefits which ultimately makes people greedy and does not pay attention to the rules of countries that have jurisdiction over the Exclusive Economic Zone.

Fishing in the Exclusive Economic Zone must comply with the regulations set by the Indonesian government. One of the rules is by obtaining an approval letter for fishing in the exclusive economic zone. However, many foreign fishermen or foreign ships make arrests without obtaining approval letter.

Cases of foreign ships that do not have approval occur in the Indonesian Exclusive Economic Zone; Natuna sea area, Riau Islands. On September 17, 2011, the ORCA 02 Fisheries Supervision Ship from the Directorate General of Marine Resource Monitoring (PSDKP) has captured foreign ships belonging to the state of Vietnam that are carrying out fishing in the Natuna region. The ORCA 2 Fisheries Supervision Ship has found a violation in which the Vietnamese state ships do not have approval letters to carry out fishing in the Indonesian Exclusive Economic Zone especially Natuna waters.⁴

The ships that were captured by the Directorate General of Marine Resources Supervision (PSDKP) during January-September 2017 were 107 illegal ships consisting of 68 foreign ships with Vietnam flag, 4 foreign ships with Philippine flag, and 9 ships with Malaysia flag. The arrest was carried out because the ships did not have the approval to carry out fishing in the Indonesian Exclusive Economic Zone especially Natuna Waters.

The cases were then processed by Civil Servant Investigators (PPNS) from the Batam PSDKP Base Fisheries with suspicion on fisheries crime as stipulated in Law No. 31 of 2004 as amended by Law No. 45 of 2009 concerning Crime of Fisheries with a maximum criminal penalty of 6 years and a maximum fine of 20 billion.⁵ Illegal fishing cases in the Exclusive Economic Zone especially Natuna Waters are not only focused on fisheries crime which is regulated in the Fisheries Law alone but also a violation of Law No. 5 of 1983 concerning the Exclusive Economic Zone. In addition, the action against the violation of the approval letter can also be reviewed in terms of economic crime in the Emergency Law of the Republic of Indonesia No. 7 of 1955 concerning Investigation, Prosecution and the Justice of the Economic Crime.

² Nurfaika Ishak, 2014, Impact of IUU-Fishing Activities in Indonesia, Surveillance and Fishing in Exclusive Economic Zone, Thesis for Faculty of Law, Hasanuddin University, <http://repository.unhas.ac.id>, accessed on November 22, 2018.

³ Takdir Rahmadi, 2011, *Environmental Law in Indonesia*, Rajawali Press, Jakarta, page 9.

⁴ Website Kompas ; https://nasional.kompas.com/read/2017/09/23/05245851/indonesia-kembali_tangkap-dua-kapal-ikan-asing-ilegal-di-laut-natuna (last visited on October 16 2018 at 1:03 p.m.)

⁵ *Ibid.*

Research Method

This type of research is conducted by applying a normative juridical approach; i.e. research that is focused on studying the application of rules or positive legal norms.⁶ The consideration is the starting point of research for analyzing fishing crime in the Exclusive Economic Zone in the perspective of the economic crime. Thus, the focus of the study is positive legal norms that govern the crime of illegal fishing and its relation to the principles of economic crime.

Primary legal material consists of legislation that is sorted by hierarchy.⁷ It is in line with the legislation relating to Law No. 31 of 2004 as amended by Law No. 45 of 2009 concerning Crime of Fisheries Jo. Law No. 5 of 1983 concerning Exclusive Economic Zones, and Emergency Law No. 7 of 1955 concerning the investigation, prosecution and trial of economic crime. In addition, this study uses secondary legal material which includes text books on crime illegal fishing, exclusive economic zones, international law, and books on economic crime. Tertiary legal materials in this study include legal dictionaries and websites.

Legal materials reviewed and analyzed in normative legal research include primary, secondary and tertiary legal materials. The technique for reviewing and collecting the three legal materials is to use documentary studies.⁸ The documentary study is a study that examines various documents relating to legislation and other documents. This research is more specialized in existing legislation.

Results and Discussion

1. Crime of Illegal Fishing in Exclusive Economic Zone Based on Economic Approach

Fulfillment of living needs related to fisheries resources has a broad impact on entrepreneurs in the fisheries sector. Available fish resources, especially those that are in the Indonesian Exclusive Economic Zone, benefit the Indonesian people and the international community. Based on what Posner stated, living things take action to fulfill their needs and prioritize economic values. Fulfillment of these needs is met by ways of violating applicable law so that it harms some parties.

Since the enormous loss of violations of illegal fishing in the Exclusive Economic Zone, the aim of the punishment and selection of criminal sanctions must be evaluated in law enforcement against illegal fishing in the Indonesian Exclusive Economic Zone. It began with the Indonesian economic conditions and changes in the world trade system (in the form of free trade) supported by a tradition of culture of collusion and nepotism of fishers and greed of countries that want to exploit fish resources in EEZ Indonesia.

Economically, millions of tons of Indonesian fisheries resource every year can be utilized for economic interests for the people of Indonesia themselves and also the people who go through Indonesian EEZ. Therefore, the link between the Economic Criminal Law and the illegal fishing crime in EEZ Indonesia needs to be reviewed further.

Economic criminal law is a part of criminal law which is a distinctive style; i.e. the economic style.⁹ Moch Anwar defines economic criminal law as a set of economic sector regulations which contain provisions concerning obligation/ duty and/ or prohibition which are threatened with punishment.¹⁰ Crime of illegal fishing in EEZ Indonesia is also linked to the theory conveyed by Moch. Anwar, in which the Fisheries Law has provisions regarding fishing approvals and also has restrictions which are threatened with punishment.

⁶ Peter Mahmud Marzuki, 2005, *Legal Research*, Prenada Media Group, Jakarta, page 34.

⁷ *Ibid*, page 39.

⁸ *Ibid*, page 19.

⁹ Edi Setiadi, Rena Yulia, *Op.Cit*, page 32.

¹⁰ Moch Anwar, *Op.Cit*, page 10.

Article 27 paragraph (1) to paragraph (5) of the Fisheries Law states the obligation to obtain approval in fishing for Indonesian and foreign fishermen in EEZ Indonesia. Then, Article 28 paragraph (1) to paragraph (4) contains the matter of the obligation to transport fish in a ship sailing on EEZ Indonesia. Prohibition or criminal provisions of the obligation are included in Article 93 paragraph (1) to paragraph (4) for violations of fishing approval. The prohibition on criminal provisions on the obligation to approve fish transportation in the Indonesian EEZ is stated in Article 94. In addition, foreign citizens in particular are not permitted to get prison sentences because they are contrary to Article 102 of the Fisheries Law.

Based on the provisions of the Fisheries Law, the relationship between illegal fishing crimes in the Indonesian EEZ and the rules regarding economic crime can be seen from the process of proceedings through special investigators and special courts in accordance with Emergency Law No. 7 of 1995. Article 2 of the Law related to economic crime states that in addition to those regulated by economic crime Article 1 is part of economic crime. Then the crime of illegal fishing is part of economic crime in a broad sense.

Emergency Law No. 7 of 1995 also explained that there is economic crime in a broad sense. Academically, the definition of economic crime in a broad sense can be defined as an act of someone who violates government regulations in the economic field.¹¹ B. Mardjono provided an understanding of economic crime as any act that violates laws and regulations in the economic and financial fields and has criminal sanctions.¹² Based on these two meanings, a definition of economic crime in the broadest sense is any act that violates the provisions of government regulations covering the economic and other financial fields.

Prof. Muladi said that the definition and scope of economic crime had been put forward by many scholars. If a technical approach is used, economic crime is more revealing as a crime in the business environment. In other words, special knowledge about business is needed to assess the current cases.¹³ The limitation that can be put forward is that every act carried out by a person or legal entity, without using violence, is against the law, which essentially contains elements of fraud, gives a picture of wrongdoing, embezzlement, manipulation, violation of trust, trickery or circumvention of regulations.¹⁴

A broad approach to economic crime can be seen also from what is stated by a social approach that focuses on the interests of the state and society in the sense that these actions violate the interests of the state and society. Due to the interests of the state and society, it means that these actions do not only violate individual interests but have an impact on interests on a national scale. Illegal fishing in EEZ Indonesia harms the Indonesian state in the fisheries sector. The large number of fishing carried out by each individual will have an impact on the loss of fisheries resources in the EEZ Indonesia which will also have an impact on the economic losses of the Indonesian state.

Basically, fishing is part of the framework of economic activities aimed at the prosperity of the community. Indonesia Exclusive Economic Zone has abundant fishery resources so that the rules regarding fishing in the area are clearly and explicitly stipulated by the Government of Indonesia. These rules and restrictions are intended to anticipate the loss of the interests of the Indonesian state and society in general and also fisheries management companies that have been approved by the Indonesian government.

Based on the above explanation, the crime of illegal fishing in EEZ Indonesia is part of an economic crime that is broader than other than what is stipulated in Emergency Law No. 7 1955. Violation rules stipulated in the fisheries law against approval in fishing in EEZ Indonesia are related to

¹¹ Vervloet and M. Yusuf, 1959, *Economic Violations in Indonesia*, Van Hoeve, page 11.

¹² B. Mardjono, Reksodiputro, 1989, *Positive Law Regarding Economic Crime in Banking*, Ghalia Indonesia: Jakarta, page 4.

¹³ Edi Setiadi and Rena Yulia, *Op.Cit*, page 36.

¹⁴ Muladi, *Indonesia's Concept of Crime in the Economy: Understanding Crime in the Economy*, 1994, Faculty of Law, Parahyangan Catholic University: Bandung, page 7.

economic crime. In this case, the crime of illegal fishing in EEZ Indonesia, based on an economic approach, is very detrimental to Indonesia.

The analysis is in accordance with what was formulated in the elements of economic crime by Muladi. According to Muladi, there are three elements of economic crime as follows¹⁵:

- a. These actions are carried out within the framework of economic activities which are basically normal and legitimate.
- b. These actions violate or harm the interests of the state or society in general, not only individual interests.
- c. These actions include actions in a business environment that harm other companies or other individuals.

Based on what was conveyed by Muladi, the three elements in the economic crime are the classification of crime that occurs in every economic activity. Illegal fishing in EEZ Indonesia is a violation of economic activities in the fisheries sector. Prof. Andi Hamzah also classified that the crime rules stipulated in the fisheries law, especially in fishing approval in EEZ Indonesia, are part of economic crime. According to Sunarjati Hartono, economic crime is broader than business crime, because it causes losses not only economically but also socially and even has a political impact.¹⁶

The Indonesian fisheries law, especially those that regulate violations of the approval, aims to prevent Indonesia's losses in the economic and social aspects. As a consequence of the rules regarding the utilization of fisheries resources in EEZ Indonesia by the Indonesian people as well as the international community, in this case foreign citizens, economic activities in the fisheries sector will be very promising.

Indonesian countries that have jurisdiction over the EEZ need to limit these actions to regulations that have specific criminal threats related to economic losses. The fisheries law has expressly stated the threat of criminal sanctions for parties that do not comply with all provisions contained in the fisheries law, especially for fishing in EEZ Indonesia. The existence of business developments in the use of fishing in Indonesia Exclusive Economic Zone is very promising so that the economic losses from all violations that occur in fishing can be reviewed based on the economic approach.

2. *Crime of Illegal Fishing in Indonesian EEZ Based on the Perspective of Economic Crime*

Economic crime is a special crime because the purpose of the economic crime law is to achieve a recovery in the socio-economic balance and thus can also secure development for the people's welfare.¹⁷ Crime of illegal fishing in the Indonesian EEZ as regulated in the Fisheries Law is a special crime because the procedure for organizing the law enforcement process is regulated separately. Law on special fisheries programs refers to the provisions of the Criminal Procedure Code; however, the investigation into the crime was regulated separately.

This regulation regarding the law on fisheries crimes can then be seen and reviewed from Emergency Law No. 7 1955. The specificity of the procedural law occurs in the case of investigations and investigations of crime, especially in the crime of illegal fishing in EEZ Indonesia. Therefore, it can be analyzed by the characteristics that this crime can be considered to be part of economic crime.

Crime in fisheries is a special law. This law regulates several provisions which are exceptions to the Criminal Procedure Code, including:

- a. Investigators of the fisheries sector are carried out by Investigators of Civil Servants of Fisheries, Officers of the Indonesian Navy, and Police Officers of the Republic of Indonesia

¹⁵ Muladi, *Ibid*, page 8.

¹⁶ Edi Setiadi and Rena Yulia, *Op.Cit*, page 34.

¹⁷ Aziz Syamsudin, 2017, *Special Crime*, Sinar Grafika, Jakarta, page 133.

- b. In addition to investigators from the Indonesian Navy, Fisheries Civil Servant Investigators have the authority to carry out investigations into crimes in the fisheries sector that occur in EEZ Indonesia.
- c. Investigation of crimes in the fisheries sector that occur in fishing ports is carried out mainly by Fisheries Civil Servant Investigators.
- d. For the purposes of investigation, the investigator can hold detention for a maximum of 20 (twenty) days and can be extended by the public prosecutor for a maximum of 10 (ten) days. After a period of 30 (thirty) days, the investigator must have issued a suspect from prison for the sake of law.
- e. Prosecution of fisheries crimes is carried out by public prosecutors determined by the Attorney General and/ or appointed officials.
- f. For the purposes of prosecution, the public prosecutor can give detention for a maximum of 10 (ten) days. If the investigation has not been completed, the extension of detention may be extended by the Chairperson of the authorized District Court no later than 10 (ten) days.
- g. Examinations at court are conducted by fishery court judges consisting of career and ad hoc judges.
- h. In a period of no longer than 30 (thirty) days from the date of receipt of the case from the public prosecutor, the judge must have a decision. Fisheries case decisions can be made by the judge without the presence of the defendant.

Based on these provisions, in fisheries procedural law, there are special investigators called fisheries investigators. The establishment of fisheries investigators is motivated by the idea that investigations should be carried out by specialist investigators who master knowledge in the field of fisheries.¹⁸ Fisheries investigators, in accordance with the fisheries law, there are 3 (three) types consisting of Investigators from Civil Servants, Investigators from the Indonesian Navy, and Investigators from the Police of the Republic of Indonesia, which are stipulated in Article 73 paragraph (1) Fisheries Law.

The regulation states that fisheries investigators number more than one investigator because there are 3 agencies related to the fisheries management area. The Indonesian fisheries management area is very extensive so that the three agencies can maintain Indonesia's marine security, especially in the field of fishing, especially in the EEZ Indonesia. Investigators from Civil Servants come from the Ministry of Maritime Affairs and Fisheries, the Indonesian Navy's duty is to maintain maritime security which directly or indirectly safeguarded security in the Indonesian fisheries management area so that its members could be relied on as investigators, and investigators from the Indonesian Police are appointed and served as a fisheries investigator based on the Fisheries Law.

The investigation of crime that occurred in the EEZ Indonesia is based on Article 73 paragraph (2) of the Fisheries Law which states that the investigation of violations that occurred in EEZ Indonesia is carried out by the investigators from the Indonesian Navy and Civil Servants. The Republic of Indonesia police are not included in the investigating team because the police duty is limited to maintaining the security of the territorial territory. Meanwhile, the Indonesian Navy has authority in every crime of fisheries.

The specificity found in fishing crime investigations at EEZ Indonesia proves that there is particularity in criminal fisheries procedural law. This specificity is also consistent with the characteristics of the third economic crime; i.e. investigations of economic crime are usually carried out by special investigators.

¹⁸ Gatot Supramono, *Op.Cit.*, page 94.

Special investigators in the crime of illegal fishing are firm in terms of law enforcement against fishing crimes that occur in EEZ Indonesia. The reason for the illegal fishing crime in EEZ Indonesia is for unilateral economic benefits from everyone who violates the provisions set by the Indonesian government. Every form of crime and violation always overrides or even eliminates business ethics in fulfilling needs, especially in business competition.¹⁹ Violations that occur in EEZ Indonesia on illegal fishing will allow excessive exploitation of fisheries resources in the area.

Based on violations committed for unilateral economic interests, seizure and seizure of proceeds and illegal fishing crime instruments in EEZ Indonesia in addition to reducing or eliminating the economic motives of criminals also to enable large amounts of funds to be collected to prevent and eradicate crime. Confiscation and deprivation correct the allocation of economic resources from crime and the use of crime to the interests of the community as a whole.²⁰

Furthermore, the specificity of the process of enforcing illegal fishing law in EEZ Indonesia is the existence of in absentia judiciary. In absentia judiciary is a trial that is carried out/ conducted outside the presence of the defendant where after the procedure of summoning is legally carried out but the defendant is not present. In the Fisheries Act, the provision is regulated in Article 79 which states that the examination in a court session can be carried out without the presence of the defendant. The regulation of the court in absentia in the fisheries court is influenced by the brief detention time given to investigators and prosecutors.²¹

Regarding the detention of illegal fishing in EEZ Indonesia, there are two differences of opinion. The first opinion mentioned that detention could not be carried out on the suspect/ defendant because it referred to Article 104 of the Fisheries Law which states that any actions threatened with imprisonment cannot be applied in fisheries cases that occur in EEZ Indonesia. The second opinion stated that the detention can be carried out in the interest of case examinations in accordance with Article 21 paragraph (1) of the Criminal Procedure Code so that the suspect/ defendant does not flee, damage or remove evidence and does not repeat the act again.

The in-absentia trial is a trial that was carried out/ conducted outside the presence of the defendant; i.e. after the legal summons procedure is carried out but then the defendant is not present. The presence of the accused before the court is not only to fulfill the rights of the defendant but also to realize the principle of due process of law which is a universal principle and is one of the characteristics of the state of law.²² Emergency Law No.7 of 1955 concerning in absentia judiciary can be seen in the provisions stated in Article 16 as follows:

If there is a reason to suspect that someone died before the case obtained a decision that cannot be changed again after committing crime, for the prosecutor's demands for a court decision, the judge may:

- a. Decide on the seizure of goods regulated by this law that applies commensurately.
- b. Decide that the disciplinary action referred to in Article 8 sub c and d is carried out by burdening it on the property of the deceased person.

Provisions regarding in absentia judiciary are also adopted in the fisheries crime law. This is based on Article 79 of the fisheries law which stipulates that the examination in a court session can be carried out without the presence of the defendant. Proof of fisheries cases that are tried in absentia is carried out by reading out the statements of witnesses in the deeds of the investigator and proof of the submitted documents. The judge only orders the public prosecutor to read it.

Based on these provisions, there are similarities between the fisheries law and the economic crime law. This shows that illegal fishing crimes in EEZ Indonesia are part of economic crime; even

¹⁹ Romli Atmasasmita, 2010, *Globalization of Business Crime*, Kencana, Jakarta, page 122.

²⁰ *Ibid*, page 123.

²¹ Gatot Supramono, *Op.Cit*, page 114.

²² Edi Setiadi and Rena Yulia, *Op.Cit*, page 44.

though it is basically that different in the judiciary because the crime of illegal fishing in EEZ Indonesia is being tried with the Indonesian fisheries court not an economic justice. However, if it is viewed on the principle and theory, the characteristic of economic crime is that it has special investigators and special courts authorized to handle cases of economic crime; hence, illegal fishing in Indonesian EEZ is included in economic crime.

The next theory is that some of the provisions reflected in economic crime are confiscation and seizure of assets originating from fishing of fish resources by not getting approval at EEZ Indonesia. Deprivation of these assets is an additional crime to recover losses caused by illegal fishing in Indonesian EEZ because it is part of the loss of the country's economy in the fisheries sector. Although EEZ Indonesia in principle is a high seas area that can be utilized by other countries, however, the provisions for its use must be in accordance with the provisions already implemented by the Indonesian government.

According to Article 7 sub c and d of the Law, the Economic crime determines additional criminal decisions; i.e. seizure of non-permanent goods and fixed items stated as follows:

- a. Sub c states that deprivation including tangible and intangible goods with or concerning economic crime is carried out or wholly or partially obtained by the economic crime, as well as the price of the opponent of goods replacing the item, no matter whether or not the goods or the price of the opponent belongs to law.
- b. Sub d states that deprivation includes tangible and intangible fixed goods including the company of the condemned, where the economic crime is carried out, as well as the price of the opponent replacing those items, no matter whether or not the goods or prices of the opponent belong to the law as long as the goods are of the same type and related to the crime concerned with goods that can be seized according to sub provisions e.

Illegal fishing crimes cases in EEZ Indonesia, based on fisheries procedural law, are contained in Article 76 A of the Fisheries Law which states that "objects and/ or tools seized from fisheries crime can be confiscated for the state or destroyed after approval by the head of the district court". Furthermore, Article 76 C Paragraph (5) states that "objects/ tools which are seized from the results of crime fisheries in the form of ships can be submitted to a group of joint fishermen and/ or fisheries cooperatives".

There are certain differences regarding the criminal offense. The difference is that the deprivation intended in the economic crime is at the time of an additional crime on the judge's decision. However, the Fisheries Law stipulates that seizure is carried out during the investigation. For evidence in the trial, it leaves little of the spoils. Criminal confiscation in the Economic crime provides provisions concerning tangible and/ or intangible goods that are fixed or not fixed to the convicted person. Provisions for seizure of illegal fishing crimes in EEZ Indonesia according to fisheries procedural law are in the form of ships or fish catches obtained by suspects. It is aimed at overcoming losses due to illegal fishing in EEZ Indonesia.

Based on the economic crime law, illegal fishing in EEZ Indonesia is included in the economic crime because the purpose of the seizure is to recover losses from illegal fishing in EEZ Indonesia. Losses, in this case, are losses in terms of the economy. Based on Andi Hamzah's theory in his book on economic crime, the losses incurred by the crime of illegal fishing in the EEZ include state losses in the field of fisheries resources in Indonesia.²³

Based on the provisions mentioned above and also the theories mentioned, the crime of illegal fishing in the Indonesian EEZ is included in the economic crime. For this reason, economic justice can also be applied in terms of procedural law. In the provision of fines that exist in economic justice, Article 6 Paragraph (2) states that if the price of goods with or regarding the economic crime is carried out or is obtained higher than the quarter of the highest penalty referred to in paragraph (1) sub a to d, the penalty can be determined at a maximum of four times the price of the item.

²³ Andi Hamzah, 2017, *Economic Crime*, Erlangga, Jakarta, page 223.

Based on the provisions of the article, the amount of the fine that can be imposed on the goods from the economic crime proceeds can be increased to four times the price of the goods. If it is associated with illegal fishing in the EEZ Indonesia where the amount of the fine against illegal fishing in the EEZ can be increased to 4 times that of the fish catch, it can restore losses to Indonesian fisheries effectively. This is in accordance with the purpose of the regulation on economic crime. If the crime of illegal fishing in EEZ Indonesia is linked to the economic crime law, it can overcome the state's economic losses from fisheries resources in EEZ Indonesia.

Conclusion

After the research on fishing crime in EEZ Indonesia was carried out, it can be concluded as follows:

1. Illegal fishing in the Indonesian Exclusive Economic Zone has legal consequences. The legal consequences arising from the crime are penalties for fines and imprisonment of anyone who does not have an approval letter for fishing in EEZ Indonesia. In addition, it also applies to every person who does not have an approval letter for a fish carrier. Then, another provision is the overthrow of ships with foreign flag carrying out illegal fishing in EEZ Indonesia. The number of ships that have been sunk by the Ministry of Maritime Affairs and Fisheries in the 2014-2018 period is 488 ships.
2. Based on the economic crime perspective, it is concluded that the crime of illegal fishing in EEZ Indonesia is part of economic crime that is very detrimental to the state and meets the elements of economic crime in the broadest sense; i.e. crime that is detrimental to the economy in the field of fish resources. If this crime occurs, it is resolved by a special court by investigators from special officials to handle the case.

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