

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 31 OF 2004
ON
FISHERIES

BY THE BLESSINGS OF ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the waters existing under the sovereignty and jurisdiction of the Unitary State of the Republic of Indonesia and Indonesian Exclusive Economic Zone (*Zona Ekonomi Eksklusif Indonesia*) as well as high seas by virtue of international provisions, contain a very potential fish resources and aquaculture area, constitute a blessing from the Almighty God having been entrusted to the People of Indonesia which has the Pancasila's Life Philosophy and the 1945 Constitution, to be utilized as much as possible for the prosperity and welfare of the people of Indonesia;
 - b. that within the framework of implementing national development program based on the Archipelago Concept, fish resources management is necessary to be executed based on justice and even distribution in making good use of it by giving priority to broadening work opportunity and increasing the standard of living of the fishers, fish farmers, and/or parties relating to fisheries, as

well as efforts to continue fish resources sustainability and its environment;

- c. that Law Number 9 of 1985 on Fisheries which prevails up to the present has not yet provided all management aspects on fish resources and it is insufficiently capable to anticipate the development of legal requirements as well as technological development within the framework of managing fish resources, therefore it should be amended;
- d. that based on the considerations as referred to in point a, point b and point c, it is necessary to make a Law on Fisheries in order to amend Law Number 9 of 1985 on Fisheries;

Observing : Article 20, Article 21 and Article 33 of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAS DECIDED:

To enact : LAW ON FISHERIES.

CHAPTER I
GENERAL PROVISIONS

Part One
Definitions

Article 1

In this Law:

1. Fisheries mean all activities relating to the cultivation and utilization of fish resources and its environment, starting from pre- production, production, processing until marketing, executed in a fisheries business system.

2. Fish resources mean potential of all kinds of fish.
3. Fish resources environment means any waters as a place of existence of fish resources, including its biota and its surrounding natural factors.
4. Fish means all kinds of organisms which are all or part of their cycle of life in waters Area.
5. Fishing means an activity to capture fish at waters area which is not being cultured, by using any tools or by method, including activities by ship for loading, transporting, storing, handling, processing and/or preserving fish.
6. Aquaculture means any activity to culture, raise, and/or breed fish and harvest its products in a controlled environment, including any activity using ship for loading, transporting, storing, refrigerating, handling, processing and/or preserving them.
7. Fisheries Management means all undertakings, including integrated process in collecting information, analysis, planning, consultation, decision making, allocation of fish resources, and law implementation and law enforcement of legislation in the field of fisheries, performed by the government or other authority which are directed to achieve sustainable waters biological resources productivity and agreed objectives.
8. Fish resources conservation means protection, preservation, and utilization of fish resources, including ecosystem, species, and genetic, in order to ensure its existence, availability and sustainability by consistently maintaining and increasing the quality of value and diversity of fish resources.
9. Fishery vessel means any ship, boat, or other floating gears used for capturing fish, supporting the operation for fishing, fish farm, fish transportation, fish processing, fisheries training, and fisheries research/exploration.
10. Fisher means any person whose livelihood is fishing.
11. Small fisher means any person whose livelihood is fishing in order to fulfill his/her daily needs.

12. Fish Farmer means any person whose livelihood is to conduct the aquaculture.
13. Small fish-farmer means any person whose livelihood is to conduct the fish farm in order to fulfill his/her daily needs.
14. Every person means any individual or corporation.
15. Corporation means any group of persons and/or any wealth which are well organized either a legal entity or non-legal entity.
16. Fisheries business license (*Surat Izin Usaha Perikanan*), hereinafter referred to as SIUP, means a written license which must be obtained by a fisheries company to operate fisheries business by using production facility specified in the said license.
17. License to capture fish (*Surat Izin Penangkapan Ikan*), hereinafter referred to as SIPI, means a written license which must be obtained by every fishery vessel to capture fish, which constitutes an integral part of SIUP.
18. Fish Carrier License (*Surat Izin Kapal Pengangkut Ikan*), hereinafter referred to as SIKPI, means a written license which must be obtained by every fishery vessel to transport fish.
19. Indonesian territorial sea means the sea area of 12 (twelve) nautical miles width which is measured from the base line of the Indonesian archipelago.
20. Indonesian waters means the Indonesian sea territorial including its inter-island waters and internal waters.
21. Indonesian Exclusive Economic Zone (*Zona Ekonomi Eksklusif Indonesia*), hereinafter referred to as ZEEI, means the outside area which borders on Indonesian territorial sea as stipulated by virtue of the prevailing laws on Indonesian waters covering the seabed, its subsoil thereof, and the water above it with the outer border 200 (two hundred) nautical miles measured from the base line of the Indonesian territorial sea.

22. High seas mean part of the sea which does not include in ZEEI, Indonesian territorial sea, Indonesian archipelagic waters and Indonesian internal waters.
23. Fishing port means a place consisting of land with waters surrounding it and certain borders as a place for government activity and fisheries business system activity used as a place for the fishery vessel to moor, dock and/or load and unload fish equipped with navigation safety and fisheries support activity.
24. Minister means the minister in charge of fisheries affairs.
25. Government means the Central Government.
26. Local Government means the Provincial Government and/or Regency/Municipal Government.

Part Two

Principles and Objectives

Article 2

Fisheries management is conducted based on the principles of sustainable benefit, justice, partnership, distribution, integrity, openness, efficiency, and perpetuity.

Article 3

Fisheries management is performed for the following purposes:

- a. to increase the standard of living of small fishers and small fish farmers;
- b. to increase government income and foreign-exchange;
- c. to drive work opportunity and growth;
- d. to increase availability and consumption of source of fish protein;
- e. to optimize management of fish resource;
- f. to improve productivity, quality, added value, and competitive ability;
- g. to increase availability of raw material for fish processing industry;

- h. to achieve the benefit of fish resources, aquaculture area, and fish resources environment optimally; and
- i. to ensure the fish resources sustainability, aquaculture area, and spatial management.

CHAPTER II

SCOPE

Article 4

This Law is valid for:

- a. every person, either Indonesian citizen or foreign citizen and either Indonesian legal entity or foreign legal entity, which is doing fisheries activity in the fisheries management area of the Republic of Indonesia;
- b. every fishery vessel flying Indonesian flag and fishery vessel flying foreign flag performing fisheries activity in the fisheries management area of the Republic of Indonesia;
- c. every fishery vessel flying Indonesian flag capturing fish outside the fisheries management area of the Republic of Indonesia; and
- d. every fishery vessel flying Indonesian flag capturing fish, either individually or jointly, and in cooperation with foreign party(ies).

CHAPTER III

FISHERIES MANAGEMENT AREA

Article 5

- (1) Fisheries management area of the Republic of Indonesia for catching fish and/or cultivating fish covering :
 - a. Indonesian waters;
 - b. ZEEI; and
 - c. rivers, lakes, reservoirs, swamps and other water ponds which may be made a business as well as potential aquaculture areas in the territory of the Republic of Indonesia.

- (2) Fisheries management outside fisheries management area of the Republic of Indonesia, as referred to in section (1) is be organized by virtue of the legislation, requirements, and/or international standard in general.

CHAPTER IV FISHERIES MANAGEMENT

Article 6

- (1) Fisheries management in the fisheries management area of the Republic of Indonesia is performed in order to achieve optimal and sustainable benefit, as well as to ensure the fish resources sustainability.
- (2) Fisheries management for the interest of fishing and aquaculture must consider customary (*adat*) law and/or local wisdom as well as concern of public participation.

Article 7

- (1) Within the framework of supporting fish resources management policy, the Minister determines:
 - a. fisheries management plan;
 - b. potential and allocation of fish resources in the fisheries management area of the Republic of Indonesia;
 - c. total allowable catch in the fisheries management area of the Republic of Indonesia;
 - d. potential and allocation of aquaculture area in the fisheries management area of the Republic of Indonesia;
 - e. potential and allocation of broodstock and juvenile in the fisheries management area of the Republic of Indonesia;
 - f. type, number, and size of fishing gear;
 - g. type, number, size and placement of fishing accessories;
 - h. region, strip, and time or season of fishing;
 - i. requirements or standard of operational procedure for fishing;

- j. fishery vessel monitoring system;
 - k. new fish species for aquaculture;
 - l. fish species and re-stocking area as well as aquaculture-based fishing;
 - m. aquaculture and its protection;
 - n. protection against pollution and damage of fish resources and its environment;
 - o. rehabilitation and increase of fish resources and its environment;
 - p. minimum size or weight of fish species allowed to capture;
 - q. fish sanctuary;
 - r. epidemic and area of epidemic of fish disease;
 - s. fish species prohibited from being traded, imported and exported to and from the territory of the Republic of Indonesia; and
 - t. protected fish species.
- (2) Every person who undertakes and/or performs fisheries management is obligated to comply with the provisions as referred to in section (1) on:
- a. type, number and size of fishing gear;
 - b. type, number, size and placement of fishing accessories;
 - c. region, strip and time or season of fishing;
 - d. requirements or standard operating procedure for fishing;
 - e. fishery vessel monitoring system;
 - f. new fish species for aquaculture;
 - g. fish species and re-stocking area as well as fishing having aquaculture basis;
 - h. aquaculture and its protection;
 - i. protection against pollution and damage of the fish resources as well as its environment;
 - j. minimum size or weight of fish species allowed to capture;
 - k. fish sanctuary;
 - l. epidemic and area of epidemic of fish disease;

- m. fish species prohibited from being traded, imported and exported to and from the territory of the Republic of Indonesia; and
 - n. protected fish species.
- (3) The Minister determines the potential and quantity of fish allowed to capture as referred to in section (1) point b and point c after considering the recommendation from the national committee which makes research on fish resources.
 - (4) The national committee as referred to in section (3) has been formed by the Minister and consists of experts in their respective fields of related institutions.
 - (5) The Minister determines the fish species and waters areas which are respectively protected, including marine national park, for the interest of sciences, culture and tourism and/or fish resources sustainability and/or its environment.
 - (6) Within the framework of accelerating fisheries development, the government has formed national advisory council for fisheries development chaired by the President, and its members consist of related ministers, fisheries association, and individuals who care about fisheries development.
 - (7) Further provisions regarding organizational structure and working system of national advisory council for fisheries development as referred to in section (6) is determined by a Presidential Decree.

Article 8

- (1) Every person is prohibited from fishing and/or aquaculture by using chemical substance, biological substance, explosive material, tools and/or manner and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment in the fisheries management area of the Republic of Indonesia.

- (2) The captain or the leader of a fishery vessel, fishing expert, and ship's crew capturing fish are prohibited from using chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources preservation and/or its environment in the fisheries management area of the Republic of Indonesia.
- (3) Owner of fishery vessel, owner of fisheries company, person in charge of fishing/fisheries company, and/or operator of fishery vessel are prohibited from using chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment in the fisheries management area of the Republic of Indonesia.
- (4) Owner of aquaculture business company, trustee of owner of aquaculture business company, and/or person in charge of aquaculture business company, undertaking aquaculture business are prohibited from using chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources sustainability and/or its environment in the fisheries management area of the Republic of Indonesia.
- (5) The use of chemical substance, biological substance, explosive material, tool and/or manner, and/or construction for fishing and/or aquaculture as referred to in section (1), are allowed for research only.
- (6) Further provisions regarding the use of chemical substance, biological substance, explosive material, tool and/or manner, and/or construction as referred to in section (5) are regulated by Government Regulation.

Article 9

Every person is prohibited from owning, possessing, carrying and/or using on board a fishing vessel in the fisheries management area of the Republic of Indonesia:

- a. fishing gear and/or fishing accessories which are not in conformity with the specified size;
- b. fishing gear which is not in conformity with the requirement or standard determined for certain gear; and/or
- c. prohibited fishing gear.

Article 10

- (1) For the interest of international cooperation, the Government:
 - a. may periodically publish any matters in connection with conservation and management of fish resources;
 - b. cooperates with neighboring countries or other countries within the framework of conservation and management of fish resources at high seas, enclosed , or semi-enclosed high seas and enclave.
 - c. notifies and submits related evidences to the flag State of suspected vessel to have done any activity which may cause any disruption to the fish resources conservation and management.
- (2) The Government actively participates as member in the regional and international body/institution/organization within the framework of regional and international fisheries management.

Article 11

- (1) For the interest of fish resources sustainability and utilization of aquaculture area, the Minister determines critical events which are deemed jeopardizing or may jeopardize fish stock, fish species or aquaculture area in the fisheries management area of the Republic of Indonesia.
- (2) The Minister announces and disseminates steps to overcome critical events as referred to in section (1).

Article 12

- (1) Every person is prohibited from taking action which

causes pollution and/or damage to fish resources and/or its environment in the fisheries management area of the Republic of Indonesia.

- (2) Every person is prohibited from culturing fish that jeopardizes fish resources, fish resources environment, and/or human health in the fisheries management area of the Republic of Indonesia.
- (3) Every person is prohibited from culturing fish produced from genetic modification which may jeopardize fish resources, fish resources environment, and/or human health in the fisheries management area of the Republic of Indonesia.
- (4) Every person is prohibited from using drugs in aquaculture which may jeopardize fish resources, fish resources environment, and/or human health in the fisheries management area of the Republic of Indonesia.
- (5) Further provisions regarding the matters as referred to in section (1), section (2), section (3) and section (4), are regulated by Government Regulation.

Article 13

- (1) Within the frame work of fish resources management, conservation of ecosystem, fish species and genetic conservation are undertaken.
- (2) Further provisions regarding conservation of ecosystem, fish species and genetic conservation as referred to in section (1), are regulated by Government Regulation.

Article 14

- (1) The Government regulates and/or develops the benefit of genetic resources relating to fish resources within the framework of preservation of ecosystem and selective breeding of fish resources.
- (2) Every person is required to preserve genetic resources related to fish resources.
- (3) The Government controls importation of new species

of fish from abroad and/or inter-islands traffic in order to secure genetic resources preservation related to fish resources.

- (4) Every person is prohibited from damaging genetic resources related to fish resources.
- (5) Further provisions regarding the utilization and preservation of genetic fish resources as referred to in section (1), section (2) and section (3) are regulated by Government Regulation.

Article 15

The Government regulates importation and/or exportation of species of prospective broodstock, broodstock and/or fish seed to and from the fisheries management area of the Republic of Indonesia.

Article 16

- (1) Every person is prohibited from importing, exporting, supplying, distributing, and/or culturing fish which may ruin the public, aquaculture, fish resources, and/or fish resources environment to and/or from the fisheries management area of the Republic of Indonesia.
- (2) Further provisions regarding importing, exporting, producing, supplying, and/or raising fish as referred to in section (1), are regulated by Government Regulation.

Article 17

The Government regulates and develops the use of facility and infrastructure of aquaculture within the framework of developing aquaculture.

Article 18

- (1) The Government regulates and fosters water advantages system and area of aquaculture.

- (2) The regulation and fostering of water advantages system and area of aquaculture as referred to in section (1) are done within the framework of ensuring water quantity and water quality for the interest of aquaculture.

Article 19

- (1) The Government determines requirement and standard of carrier, storage unit of aquaculture product and fish health management unit and its environment.
- (2) The government supervises carrier, storage unit of aquaculture product and fish health management unit and its environment.
- (3) The government and the public implement fish health management and its environment as referred to in section (1).
- (4) Further provisions regarding the requirement and standard as well as supervision of carrier, storage unit of aquaculture product and fish health management unit and its environment as referred to in section (1) and section (2) as well as implementation of fish health management and its environment as referred to in section (3) are regulated by Government Regulation.

Article 20

- (1) Fish processing and fisheries product are required to meet the requirements for good manufacturing practices, quality control system and safety of fisheries product.
- (2) Quality control system and safety of fisheries product as referred to in section (1), consist of the following sub-system:
 - a. supervision and control of quality;
 - b. development and application of requirement or standard of raw material, requirement or standard

of sanitation and technique of handling and processing, requirement or standard of product quality, requirement or standard of facility and infrastructure, as well as requirement or standard of testing method; and

c. certification.

- (3) Every person who carries on fish handling and processing is obligated to meet and apply requirements for good manufacturing practices, quality control system and safety of fisheries product.
- (4) Every person who meets and applies for good fish processing requirement as referred to in section (3), obtains and applies requirements for good manufacturing practices.
- (5) Every person who meets and applies for requirement of quality control system implementation of fisheries product, as referred to in section (3) obtains Integrated Quality Management Program Application Certificate.
- (6) Captured fish and/or aquaculture of must meet standard of quality and safety of fisheries product.
- (7) Fisheries processing product must meet the requirement and/or standard of quality and safety of Fisheries product as referred to in section (2) point b.
- (8) Fish processing industry which is not regulated in this Law is performed in accordance with the prevailing legislation.

Article 21

Every person who performs importation or exportation of fish and/or fisheries product to and/or from the territory of the Republic of Indonesia must accompany the same with health certificate of fisheries product intended for human consumption.

Article 22

Further provisions regarding quality control system and safety of fisheries product, certificate of good manufacturing

practices, integrated quality management program application certificate as referred to in Article 20, and health certificate as referred to in Article 21, are regulated by Government Regulation.

Article 23

- (1) Every person is prohibited from using raw materials, food supplement materials, auxiliary materials, and/or any devices which may jeopardize human health and/or the environment in performing fish handling and processing.
- (2) The Government determines raw materials, food supplement materials, auxiliary materials and/or any devices which may jeopardize human health and/or the environment as referred to in section (1).

Article 24

- (1) The Government encourages the increase of added value of fisheries product.
- (2) The Government may restrict export of raw materials of fish processing industry in order to secure availability of such raw material domestically.
- (3) Further provisions regarding the increase of added value of fisheries product as referred to in section (1) and guarantee of availability of raw material for domestic fish processing industry as well as restriction of exportation of raw material as referred to in section (2), are regulated by the Government Regulation.

CHAPTER V

FISHERIES BUSINESS

Article 25

Fisheries business is performed by fisheries business system covering pre-production, production, processing and marketing.

Article 26

- (1) Every person who undertakes fisheries business in the field of fishing, aquaculture, carrier, processing and marketing of fish in the fisheries management area of the Republic of Indonesia is obligated to have SIUP.
- (2) The obligation to have SIUP as referred to in section (1), is not mandatory for small fishers and/or small fish-farmer.

Article 27

- (1) Every person who owns and/or operates fishing vessel flying Indonesian flag used for fishing in the fisheries management area of the Republic of Indonesia and/or in the high seas is obligated to have SIPI.
- (2) Every person who owns and/or operates fishing vessel flying foreign flag used for fishing in the fisheries management area of the Republic of Indonesia is obligated to have SIPI.
- (3) SIPI as referred to in section (1) is issued by the Minister.
- (4) Fishing vessel flying Indonesian flag performing fishing in the jurisdiction of another country first must obtain approval from the Government.

Article 28

- (1) Every person who owns and/or operates fish carrier in the fisheries management area of the Republic of Indonesia is obligated to have SIKPI.
- (2) The SIKPI as referred to in section (1) is issued by the Minister.

Article 29

- (1) Fisheries business in the fisheries management area of the Republic of Indonesia may only be performed by citizen of the Republic of Indonesia or Indonesian legal entity.

- (2) Any exception against such provision as referred to in section (1) is given to a foreigner or foreign legal entity doing business of fishing in ZEEI, as long as such matter relates to the obligation of the Republic of Indonesia by virtue of the prevailing international agreement or international law.

Article 30

- (1) The issuance of fisheries business license to any foreigner and/or foreign legal entity operating in ZEEI must be preceded by fisheries agreement, access arrangement, or other arrangement between the Government of the Republic of Indonesia and the government of the flag State of the vessel.
- (2) Fisheries agreement entered into by and between the Government of the Republic of Indonesia and the government of flag State of the vessel as referred to in section (1) must contain the obligations of the government of flag State of the vessel to be responsible for the compliance with the person or the legal entity of the flag State of the vessel to comply with the fisheries agreement.
- (3) The government determines provisions on fisheries business license issued to any foreigner and/or foreign legal entity operating in ZEEI, fisheries agreement, access arrangement, or other arrangement between the Government of the Republic of Indonesia and the government of the flag State of the vessel.

Article 31

- (1) Every fishery vessel used for capturing fish in the fisheries management area of the Republic of Indonesia is required to be equipped with SIPI.
- (2) Every fishery vessel used for carrying fish in the fisheries management area of the Republic of Indonesia is required to be equipped with SIKPI.

Article 32

Further provisions regarding the procedure and requirement for SIUP, SIPI and SIKPI issuance are regulated by Ministerial Regulation.

Article 33

Further provisions regarding fishing and/or aquaculture in the fisheries management area of the Republic of Indonesia which is not for commercial purpose are regulated by Ministerial Regulation.

Article 34

- (1) Fishery vessels based on their function cover:
 - a. fishing vessel;
 - b. fish carrier;
 - c. fish processing vessel;
 - d. fish training vessel;
 - e. fisheries research/exploration vessel; and
 - f. supporting vessel for fishing operation and/or aquaculture.
- (2) Further provisions regarding fishery vessels as referred to in section (1) are regulated by Government Regulation.

Article 35

- (1) Every person who constructs, imports or modifies fishery vessels is obligated to priorly obtain approval from the Minister.
- (2) Such construction or modification of fishery vessels as referred to in section (1) may be done, either domestically or overseas, after having technical consideration on sea worthiness from the Minister who is responsible for navigation affairs.

Article 36

- (1) Fishery vessels owned by Indonesian citizen operated in the fisheries management area of the Republic of

Indonesia are required to priorly be registered as Indonesian fishery vessels.

- (2) Registration of fishery vessels as referred to in section (1) is completed with documents in the form of:
 - a. evidence of ownership;
 - b. owner identity; and
 - c. certificate of measurement.
- (3) Registration of fishery vessel purchased or acquired from overseas and has been registered in the country of origin to be registered as Indonesian fishery vessels, other than those completed by the documents as referred to in section (2) must also be completed with deletion certificate from register of vessels issued by the country of origin.
- (4) Further provisions regarding registration as referred to in section (1), section (2) and section (3) are regulated by the Minister's Regulation.
- (5) The fishery vessels having been registered as referred to in section (1) are given certificate of nationality in accordance with the prevailing legislation.

Article 37

Every Indonesian fishery vessel is given fishing vessel identification in the form of mark of tonnage certificate, fishing ground marking, fishing lane marking, and/or fishing gear marking.

Article 38

- (1) Every fishing vessel flying foreign flag having no fishing license as long as it exists in the fisheries management area of the Republic of Indonesia is required to store its fishing gears in the hold.
- (2) Every fishing vessel flying foreign flag having fishing license with 1 (one) certain type of fishing gear to operate at certain part of ZEEI is prohibited from bringing other fishing gear(s).

- (3) Every fishing vessel flying foreign flag having fishing license is required to store its fishing gears in the hold during its existence outside the fishing ground allowed in the fisheries management area of the Republic of Indonesia.

Article 39

Any fishing vessel flying Indonesian flag with certain size and type may use 2 (two) types of fishing gears allowed by turns based on the fishing season and ground.

Article 40

Further provisions regarding constructing, importing, modifying, registering, measuring, giving fishery vessel identification, as well as using 2 (two) types of fishing gears by turns as referred to in Article 35, Article 36, Article 37, Article 38 and Article 39 are regulated by the Ministerial Regulation.

Article 41

- (1) The Government organizes and fosters fishing ports.
- (2) The Minister determines:
 - a. master plan of fishing ports nationally ;
 - b. classification of fishing ports and any place which constitute part of certain waters and land which become working and operational area of fishing port;
 - c. requirements and/or technical standard and accreditation competence in planning, development, operation, fostering and supervision of fishing ports.
 - d. working and operational area of fishing ports; and
 - e. fishing ports which are not built by the Government.
- (3) Every fishing vessel and fish carrier must put the captured fish ashore at the specified fishing ports.
- (4) Every person who owns and/or operates fishing vessel and/or fish carrier that does not load and unload the captured fish at the specified fishing ports as referred to in section (3) is subject to administrative sanctions

in the form of warning, license freezing or license revocation.

Article 42

- (1) Within the framework of navigation safety, a harbormaster is appointed at the fishing port.
- (2) Every fishery vessel which will sail from fishing port is required to have sailing permit issued by the harbormaster.
- (3) In addition to issuing sailing permit, the harbormaster at the fishing port as referred to in section (1), also has other authorities to, namely:
 - a. recheck completeness and validity of the documents of the fishery vessel; and
 - b. recheck the fishing gear existed in the fishery vessel.
- (4) The harbormaster of the fishing ports as referred to in section (1) is appointed by the Minister.

Article 43

Every fishery vessel which will perform fisheries activity is required to have a certificate of operation worthiness for the fishery vessel from the fisheries inspector.

Article 44

- (1) Sailing permit as referred to in Article 42 section (2) is issued by the harbormaster after the fishery vessel obtained certificate of operation worthiness.
- (2) The certificate of operation worthiness as referred to in section (1) is issued by the fisheries inspector after the administrative requirements and technical worthiness have been met.
- (3) Further provisions regarding administrative requirements and technical worthiness as referred to in section (2) are regulated by the Ministerial Regulation.

Article 45

In the event of the fishery vessel located and/or based outside the fishing port, the sailing permit is issued by the local harbormaster after the certificate of operation worthiness has been obtained from the fisheries inspector assigned at the local port:

CHAPTER VI

FISHERIES INFORMATION SYSTEM AND STATISTICAL DATA

Article 46

- (1) The government formulates and develops fisheries information system and statistical data as well as organizes collection, processing, analysis, storing, presentation and distribution of potential data, facility and infrastructure, production, handling, processing and marketing fish, as well as economic social data which is connected with the implementation of fish resources processing and fisheries business system development.
- (2) The government establishes fisheries information and data center to organize fisheries statistical data and information system,

Article 47

- (1) The government organizes fisheries information network with other institutions, both domestic and foreign.
- (2) Fisheries statistical data and information system must be easily and quickly accessed by the whole users of fishery statistical data and information systems.

CHAPTER VII
FISHERIES LEVY

Article 48

- (1) Every person who obtains direct benefit from fish resources and its environment in the fisheries management area of the Republic of Indonesia is subject to fisheries levy.
- (2) Fisheries levy as referred to in section (1) is not subject to small fishers and small fish farmers.

Article 49

Every foreigner who obtains fishing license in ZEEI is subject to fisheries levy.

Article 50

Fisheries levy as referred to in Article 48 and Article 49 is used for fisheries development as well as activity of preservation of fish resources and its environment.

Article 51

Further provisions regarding fisheries levy and the use of fisheries levy as referred to in Article 48, Article 49 and Article 50 are regulated by Government Regulation.

CHAPTER VIII
FISHERIES RESEARCH AND DEVELOPMENT

Article 52

The Government regulates, encourages and/or organizes fisheries research and development to create science and technology required in developing fisheries business in order to be more effective, efficient, economic, competitive and environment-friendly as well as respective for local tradition/culture wisdom.

Article 53

- (1) Fisheries research and development may be performed by individuals, universities, non-governmental organizations, and/or research and development institutes owned by the government and/or private.
- (2) Individuals, universities, non-governmental organizations, and/or research and development institutions owned by the government and/or private as referred to in section (1) may perform cooperation with:
 - a. researcher and developer;
 - b. fisheries business actor;
 - c. fisheries association; and/or
 - d. foreign research and development institution.

Article 54

The research result is opened for public, except for certain research result which is declared not for publication by the Government.

Article 55

- (1) Every foreigner conducting a fisheries research in the fisheries management area of the Republic of Indonesia is first obligated to obtain a license from the Government.
- (2) The research conducted by a foreigner and/or legal entity as referred to in section (1) must involve an Indonesian researcher.
- (3) Every foreigner conducting a fisheries research in fisheries management area of the Republic of Indonesia must submit his/her research result to the Government

Article 56

Further provisions regarding the implementation of fisheries research and development as referred to in Article 52, Article 53, Article 54, and Article 55 are regulated by Government Regulation.

CHAPTER IX
FISHERIES EDUCATION, TRAINING, AND EXTENSION

Article 57

- (1) The Government conducts the fisheries education, training, extension to promote the development of human resources in the field of fisheries.
- (2) The Government conducts at least 1 (one) fisheries education and/or training unit to be developed as international education and/or training unit.

Article 58

The Government may cooperate with related institutions, both in domestic and international level, in organizing fisheries education, training and extension.

Article 59

Further provisions regarding fisheries education, training and extension as referred to in Article 57 and Article 58 are regulated by Government Regulation.

CHAPTER X
EMPOWERMENT OF SMALL FISHERS AND SMALL FISH
FARMERS

Article 60

- (1) The government empowers small fishers and small fish farmers through:
 - a. provision of credit scheme for small fishers and small fish farmers either for business capital or for cost of operation simply, low interest of loan, and in accordance with the ability of small fishers and small fish farmers.
 - b. organizing education, training and extension for small fishers as well as small fish farmers to improve knowledge and skill in the field of capture, aquaculture, processing and marketing of fish; and

- c. developing small fishers group, small fish farmers group and fisheries cooperative.
- (2) Empowerment of small fishers and small fish farmers as referred to in section (1) may also be able to be performed by the public.

Article 61

- (1) Small fishers are free to capture fish throughout the fisheries management area of the Republic of Indonesia.
- (2) Small fish farmers may culture the selected fish commodity throughout the fisheries management area of the Republic of Indonesia.
- (3) Small fishers and small fish farmers as referred to in section (1) and section (2) are obligated to comply with the provisions on conservation and other provisions determined by the Minister.
- (4) Small fishers or small fish farmers must participate in maintaining fisheries environment preservation and food safety of fisheries product in accordance with the prevailing provisions.
- (5) Small fishers and small fish farmers must register themselves, their business and their activities to the local fisheries institution without being imposed by any charge, which is done for the purpose of statistical matter as well as for the empowerment of small fishers and small fish farmers.

Article 62

The government provides and makes every effort to raise funds to empower small fishers and small fish farmers, both from domestic and foreign resources, in accordance with the prevailing legislation.

Article 63

Fisheries business actor encourage mutual benefit business partnership with small fishers group or small fish farmers group in fisheries business activities.

Article 64

Further provisions regarding empowerment of small fishers and small fish farmers as referred to in Article 60, Article 61, Article 62 and Article 63 are regulated by Government Regulation.

CHAPTER XI
DELEGATION AND AUXILIARY OF
FISHERIES AFFAIRS

Article 65

- (1) Delegation of part of fisheries affairs from the Government to Local Government and its withdrawal is determined by Government Regulation.
- (2) The Government may assign Regional Government to carry out auxiliary in the field of fisheries.

CHAPTER XII
FISHERIES SURVEILLANCE

Article 66

- (1) Fisheries surveillance is performed by fisheries inspector.
- (2) The fisheries inspector duty as referred to in section (1) is to supervise orderly implementation of legislation in the field of fisheries.
- (3) The fisheries inspector as referred to in section (1) consists of fisheries civil servant investigator and non-investigator of fisheries civil servant.

Article 67

The public may be involved in assisting fisheries surveillance.

Article 68

The Government provides facility and infrastructure for fisheries surveillance.

Article 69

- (1) Fisheries inspector as referred to in Article 66 section (1), in performing their duties may be equipped with firearms and/or other self-protective device and supported with fisheries surveillance vessel.
- (2) Fisheries surveillance vessel as referred to in section (1) functions to perform surveillance and law enforcement in the field of fisheries.
- (3) Fisheries surveillance vessel may halt, inspect, bring, and detain any vessel suspiciously or allegedly committing any violation in the fisheries management area of the Republic of Indonesia to the nearest port for further processing.
- (4) Fisheries surveillance vessel as referred to in article (1), may be equipped with firearms.

Article 70

Further provisions regarding fisheries surveillance, participation of the public in giving assistance for fisheries surveillance, fisheries surveillance vessel, firearms, and/or other self-protective devices, used by the fisheries inspector and/or installed on board of fisheries surveillance vessel as referred to in Article 66 section (1) and section (2), Article 67, Article 68, Article 69 section (1), section (2) and section (4) are regulated by Government Regulation.

CHAPTER XIII
FISHERIES COURTS

Article 71

- (1) This Law establishes fisheries courts which are authorized to examine, hear and adjudicate criminal act on fisheries.
- (2) The fisheries courts as referred to in section (1) are under the domain of district courts.
- (3) For the first time, the fisheries courts as referred to in

section (1) are established at the District Courts of North Jakarta, Medan, Pontianak, Bitung and Tual.

- (4) The jurisdiction of the fisheries courts as referred to in section (3) is in accordance with the jurisdiction of the concerned district courts.
- (5) The fisheries courts as referred to in section (3) have performed their duty and function not later than 2 (two) years as of the effective date of this Law.
- (6) The establishment of the fisheries courts as referred to in section (1) is done in stages in accordance with the necessity determined by a Presidential Decree.

CHAPTER XIV INVESTIGATION, PROSECUTION AND EXAMINATION AT THE FISHERIES COURT SESSION

Part One Investigation

Article 72

Investigation of criminal case on fisheries, is done based on the prevailing procedural law, unless governed otherwise in this Law.

Article 73

- (1) Investigation of criminal act on fisheries is performed by the Fisheries Civil Servant Investigator appointed from Civil Servants assigned in fisheries, Indonesian Navy officers and National Police Officials of the Republic of Indonesia.
- (2) The investigators as referred to in section (1) may perform coordination.
- (3) To perform coordination within the framework of handling criminal act on fisheries, the Minister may form coordination forum.
- (4) The investigators as referred to in section (1) have the authorities to:
 - a. receive report or complaint from any person on any criminal act on fisheries;

- b. summon and examine the suspect and/or witness;
 - c. bring and present any person as suspect and/or witness to be heard;
 - d. search the fisheries facility and infrastructure allegedly used in or made as a place for doing criminal act on fisheries;
 - e. halt, examine, capture, bring, and/or detain any vessel and/or person allegedly doing criminal act on fisheries;
 - f. check the completeness and validity of fisheries business documents;
 - g. take the picture of any suspect and/or evidence of criminal act on fisheries;
 - h. invite expert to be brought in required in terms of criminal act on fisheries;
 - i. prepare and sign official examination report;
 - j. perform seizure against any evidence used in and/or resulting from criminal act;
 - k. cease investigation; and
 - l. take other responsible legal action.
- (5) The investigators as referred to in section (4) notify the commencement of investigation and submit result of investigation to the public prosecutor.
- (6) For the purpose of investigation, the investigators may detain the suspect not longer than 20 (twenty) days.
- (7) The period as referred to in section (6) may be extended by the public prosecutor not longer than 10 (ten) days if necessary for the purpose of ongoing investigation.
- (8) The provisions as referred to in section (6) and section (7), does not rule out the possibility of the suspect to be released from the detention if the interest of the investigation has been fulfilled prior to the end of the period of such detention.
- (9) After the 30 (thirty) days has come to an end, the investigators must have released the suspect from the detention by law.

Part Two
Prosecution

Article 74

Prosecution in the criminal case on fisheries is done under prevailing procedural law, unless determined otherwise in this Law.

Article 75

- (1) Prosecution against criminal act on fisheries is done by the public prosecutor assigned by the Attorney General and/or appointed officers.
- (2) The public prosecutor of criminal case on fisheries as referred to in section (1) must:
 - a. have experience as public prosecutor for at least 5 (five) years.
 - b. have participated in technical education and training in the field of fisheries; and
 - c. be capable and have high moral integrity during his or her assignment of duty.
- (3) The requirements as referred to in section (2) point b must have been implemented not later than 3 (three) years as of the enactment of this Law.

Article 76

- (1) After receiving the result of investigator from the investigators, the public prosecutor is obligated to notify the result of his or her examination within 5 (five) days as of the date of acceptance of the documents of investigation.
- (2) In the event the result of investigation is not completely submitted, the public prosecutor must return the documents of the case to the investigators accompanied by instructions about any matters which must be completed.
- (3) Within the period of not later than 10 (ten) days upon the date of acceptance of the documents, the investigators must resubmit the documents of the case to the public prosecutor.

- (4) The investigation is considered complete if within 5 (five) days, the public prosecutor does not return the result of investigation, or if prior to the end of the time limit, there is a notification on such matter from the public prosecutor to the investigators.
- (5) In the event that the public prosecutor declares that the result of investigation is complete, within the period of not later than 10 (ten) days upon the date of acceptance of the documents from the investigators having been declared complete, the public prosecutor must delegate the case to the fisheries court.
- (6) For the interest of prosecution, the public prosecutor has the authority to detain or continue detaining for 10 (ten) days.
- (7) The period as referred to in section (6) may be extended by the authorized Chief Justice of the District Court not later than 10 (ten) days, if required for the interest of ongoing examination.
- (8) The provisions as referred to in section (6) and section (7) do not rule out the possibility of the suspect to be released from detention if the interest of examination has been fulfilled prior to the end of the period of the detention.

Part Three

Examination in Court Session

Article 77

Examination in the Court Session of the criminal case on fisheries is done by virtue of the prevailing procedural law, except as otherwise provided in this Law.

Article 78

- (1) The judges for fisheries court of law consist of career judge and ad hoc judge.
- (2) The composition of the judges consists of two (2) ad hoc judges and one (1) career judge.

- (3) Career judge as referred to in section (1) is decided by means of a Decision of the Chief Justice of the Supreme Court.
- (4) Ad Hoc judge as referred to in section (1) is appointed and discharged by the President upon proposal of the Chief Justice of the Supreme Court.

Article 79

The hearing at the court session may be executed in the absence of the accused.

Article 80

- (1) Within the period of not later than thirty (30) days upon the date of receipt of transfer of the case from the public prosecutor, the judge must have passed a judgment.
- (2) The judgment as referred to in section (1) may be done by the judge in the absence of the accused.

Article 81

- (1) For the purpose of examination, the judge at the court session is authorized to decide twenty (20) days detention.
- (2) The period of detention as referred to in section (1) if required for the purpose of settling outstanding examination, may be extended by the Chief Justice of the District Court concerned at the longest ten (10) days.
- (3) The provisions as referred to in section (1) and section (2) do not rule out the possibility of the accused to be released from detention prior to the end of the period of such detention, if the examination interest has been fulfilled.

Article 82

- (1) In the event the court is appealed to the appellate court, the said case is examined and adjudicated within not later than thirty (30) days upon the date of receipt of the bundle having been received by the appellate court.
- (2) For the purpose of examination, the judge at the appellate court session is authorized to decide twenty (20) days detention.

- (3) The period of detention as referred to in section (2), if required for the purpose of settling outstanding examination, may be extended by the Chief Justice of the Appellate Court concerned within not later than ten (10) days.
- (4) The provisions as referred to in section (2) and section (3) do not rule out the possibility of the accused to be released from detention prior to the end of the period of detention, if the interest of examination has been fulfilled.

Article 83

- (1) In the event the judgment of the appellate court is appealed to the Supreme Court, the said case is examined and adjudicated within not later than thirty (30) days upon the date of receipt of the bundle of the case having been received by the Supreme Court.
- (2) For the purpose of examination, the judge at the Supreme Court session is authorized to decide twenty (20) days detention.
- (3) The period of detention as referred to in section (2), if required for the purpose of settling outstanding examination, may be extended by the Chief Justice of the Supreme Court at the longest ten (10) days.
- (4) The provisions as referred to in section (2) and section (3) do not rule out the possibility of the accused to be released from detention prior to the end of period of detention if the interest of examination has been fulfilled.

CHAPTER XV CRIMINAL PROVISIONS

Article 84

- (1) Any person who intentionally catches fish and/or cultivates fish in the fisheries management area of the Republic of Indonesia by means of chemical substance, biological substance, explosives, tools and/or manner, and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment as

referred to in Article 8 section (1) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp1,200,000,000.00 (one billion two hundred million rupiah).

- (2) The captain or the leader of a fishery vessel, fish catching expert and crew of a ship who intentionally catches fish in the fisheries management area of the Republic of Indonesia by means of chemical substance, biological substance, explosives, tools and/or manner, and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment as referred to in Article 8 section (2), is sentenced to imprisonment at a maximum of 10 (ten) years and fined for a maximum of Rp1,200,000,000.00 (one billion two hundred million rupiah).
- (3) The owner of fishery vessel, owner of fisheries company, person in charge of fisheries company, and/or operator of fishery vessel who intentionally catching fish in the fisheries management area of the Republic of Indonesia by using chemical substance, biological substance, explosives, tools and/or manner, and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment as referred to in Article 8 section (3), is sentenced to imprisonment for a maximum of 10 (ten) years fined for a maximum of Rp2,000,000,000.00 (two billion rupiah).
- (4) Owner of aquaculture business company, trustee of the owner of aquaculture business company, and/or person in charge of the fish cultivation company who intentionally undertake the aquaculture business in the fisheries management area of the Republic of Indonesia by using chemical substance, biological substance, explosives, tools and/or manner, and/or construction which may ruin and/or jeopardize the fish resources sustainability and/or its environment as referred to in Article 8 section (4) is sentenced to imprisonment for a maximum of 10 (ten) years and fined for a maximum of Rp2,000,000,000.00 (two billion rupiah).

Article 85

Any person who intentionally in the fisheries management area of the Republic of Indonesia owns, possesses, carries, and/or uses the fishing gear and/or fishing gear accessories onboard of the fishing vessel of which size is not in conformity with the specified size, or which requirement is not in conformity with the requirement or standard determined for certain type of equipment and or fishing gear, and/or which the use thereof is prohibited as referred to in Article 9 is sentenced to imprisonment for a maximum of 5 (five) years' and fined for a maximum of Rp2,000,000,000.00 (two billion rupiah).

Article 86

- (1) Any person who intentionally in the fisheries management area of the Republic of Indonesia does any act which cause pollution and/or damage to fish resources and/or its environment as referred to in Article 12 section (1) is sentenced to imprisonment for a maximum of 10 (ten) years and fined for a maximum of Rp2,000,000,000.00 (two billion rupiah).
- (2) Any person who intentionally in the fisheries management area of the Republic of Indonesia cultivates the fishes which may jeopardize the fish resources, fish resources environment and/or human health as referred to in Article 12 section (2) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).
- (3) Any person who intentionally in the fisheries management area of the Republic of Indonesia cultivates fish being produced from genetic engineering which may jeopardize fish resources, fish resources environment, and/or human health as referred to in Article 12 section (3) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

- (4) Any person who intentionally in the fisheries management area of the Republic of Indonesia uses drugs in fish cultivation which may jeopardize fish resources, fish resources environment, and/or human health as referred to in Article 12 section (4) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

Articles 87

- (1) Any person who intentionally in the fisheries management area of the Republic of Indonesia damages the genetic resources having connection with fish resources as referred to in Article 14 section (4) is sentenced to imprisonment for a maximum of 2 (two) years and fined for a maximum of Rp1,000,000,000.00 (one billion rupiah).
- (2) Any person who, due to his or her negligence, in the fisheries management area of the Republic of Indonesia damages the genetic resources having connection with fish resources as referred to in Article 14 section (4) is sentenced to imprisonment for a maximum of 1 (one) year and fined for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Articles 88

Any person who intentionally imports, exports, supplying, distributing, and/or cultures fish which may cause any harm to the public, fish cultivation, fish resources, and/or fish resources environment into and/or out of the fisheries management area of the Republic of Indonesia as referred to in Article 16 section (1) is sentenced to imprisonment for a maximum 6 (six) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

Article 89

Any person who carries on fish handling and processing without meeting or applying requirements for good manufacturing practices, quality control system and fisheries product safety as referred to in Article 20 section (3) is sentenced to imprisonment for a maximum of 1 (one) year and fined for a maximum of Rp800,000,000.00 (eight hundred million rupiah).

Article 90

Any person who intentionally performs importation or exportation of fish and/or fisheries product to and/or from the territory of the Republic of Indonesia without accompanying the same with health certificate of fisheries product intended for human consumption as referred to in Article 21 is sentenced to imprisonment for a maximum of 1 (one) year and fined for a maximum of Rp800,000,000.00 (eight hundred million rupiah).

Article 91

Any person who intentionally uses raw material, food supplement material, auxiliary material, and/or any device which may jeopardize human health and/or the environment in performing fish handling and processing as referred to in Article 23 section (1) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

Article 92

Any person who intentionally undertakes fisheries business in the field of catching, cultivating, transporting, processing and marketing fish in the fisheries management area of the Republic of Indonesia without owning SIUP as referred to in Article 26 section (1) is sentenced to imprisonment for a maximum of 8 (eight) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

Article 93

- (1) Any person possessing and/or operating fishing vessel flying Indonesian flag used for catching fish in the fisheries management area of the Republic of Indonesia and/or high sea without possessing SIPI as referred to in Article 27 section (1) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp2,000,000,000.00 (two billion rupiah).
- (2) Any person possessing and/or operating fishing vessel flying foreign flag used for catching fish in the fisheries management area of the Republic of Indonesia without possessing SIPI as referred to in Article 27 section (2) is sentenced to imprisonment for a maximum of 6 (six) years and fined for a maximum of Rp20,000,000,000.00 (twenty billion rupiah).

Article 94

Any person possessing and/or operating fish carrier in the fisheries management area of the Republic of Indonesia for performing the transportation of fishes or other related activities without possessing SIKPI as referred to in Article 28 section (1) is sentenced to imprisonment for a maximum of 5 (five) years and fined for a maximum of Rp1,500,000,000.00 (one billion and five hundred million rupiah).

Article 95

Any person constructing, importing or modifying fishery vessel without prior approval as referred to in Article 35 section (1) is sentenced to imprisonment for a maximum of 1 (one) year and fined for a maximum of Rp600,000,000.00 (six hundred million rupiah).

Article 96

Any person operating fishery vessel in the fisheries management area of the Republic of Indonesia without registering the ship as Indonesian fishery vessel as referred to in Article 36 section (1) is sentenced to imprisonment for a maximum of 1 (one) year and

fined for a maximum of Rp800,000,000.00 (eight hundred million rupiah).

Article 97

- (1) The ship captain operating the fishing vessel flying foreign flag which has no fishing license and which does not keep its fishing gear in the hold of the ship during its presence in the fisheries management area of the Republic of Indonesia as referred to in Article 38 section (1), is fined for a maximum of Rp500,000,000.00 (five hundred million rupiah).
- (2) The ship captain operating the fishing vessel flying foreign flag which has owned the fishing license with 1 (one) certain type of fishing gear to operate at certain part of ZEEI but still carries other fishing gears for catching other fishes as referred to in Article 38 section (2) is fined for a maximum of Rp1,000,000,000.00 (one billion rupiah).
- (3) The ship captain operating the fishing vessel flying foreign flag which has owned the fishing license but the ship does not keep the fishing gear in its hold during its presence outside the fishing ground allowed in the fisheries management area of the Republic of Indonesia as referred to in Article 38 section (1), is fined for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 98

The ship captain sailing the fishery vessel without obtaining the sailing permit issued by the relevant harbormaster as referred to in Article 42 section (2) is sentenced to imprisonment for a maximum of 1 (one) year and fined for a maximum of Rp200,000,000.00 (two hundred million rupiah).

Article 99

Any foreigner conducting the fisheries research the fisheries management area of the Republic of Indonesia without obtaining prior permit from the Government as referred to in Article 55 section (1) is sentenced to imprisonment for a maximum of 1

(one) year and fined for a maximum of Rp1,000,000,000.00 (one billion rupiah).

Article 100

Any person violates the provisions as referred to in Article 7 section (2) is sentenced to imprisonment for a maximum of Rp250,000,000.00 (two hundred and fifty million rupiah).

Article 101

In the event that the criminal acts as referred to in Article 84 section (1), Article 85, Article 86, Article 87, Article 88, Article 89, Article 90, Article 91, Article 92, Article 93, Article 94, Article 95, and Article 96 are committed by corporate, the indictment and criminal sanctions as well as the fine imposed upon the are increased by 1/3 (one-third) of the indictment being imposed.

Article 102

The provisions on imprisonment under this Law are not applicable for the criminal act on fisheries occurred within the fisheries management area of the Republic of Indonesia as referred to in Article 5 section (1) point b, unless an agreement has been entered into by the Government of the Republic of Indonesia and the government of the relevant country.

Article 103

- (1) The criminal acts as referred to in Article 84, Article 85, Article 86, Article 88, Article 91, Article 92, Article 93, and Article 94 are categorized as crime.
- (2) The criminal acts as referred to in Article 87, Article 89, Article 90, Article 95, Article 96, Article 97, Article 98, Article 99 and Article 100 are categorized as violation.

Article 104

- (1) The petition to release the ship and/or person being caught because of committing the criminal act within the fisheries management area of the Republic of Indonesia as referred to in Article 5 section (1) point b, may be submitted at any

time prior to the passing of judgment by the fisheries court of law namely by surrendering a sum of reasonable bond, the amount of which is fixed by the fisheries court of law.

- (2) The goods and/or equipment used in and/or produced from the criminal acts on fisheries may be seized for the state.

Article 105

- (1) The goods and/or equipment being seized from the criminal acts on fisheries as referred to in Article 104 may be auctioned for the state.
- (2) The law enforcers who succeed to perform their duties satisfactorily and other parties who be of service in the effort to save the state's assets as referred to in section (1) are rewarded with incentive originated from proceeds of the auction.
- (3) Further provisions regarding the giving of incentive are regulated in a Ministerial Regulation.

CHAPTER XVI

TRANSITIONAL PROVISIONS

Article 106

As long as the fisheries court of law has not yet established in addition to the fisheries court of law as referred to in Article 71 section (3), the criminal act on fisheries occurred outside the jurisdiction of fisheries court of law as referred to in Article 71 section (3) is remain examined, tried and adjudged by the competent district court.

Article 107

Investigation, indictment and examination in the court tribunal for the criminal case on fisheries being examined, tried and adjudged by the District Court is performed in accordance with the procedure of law under in this Law.

Article 108

At the time this Law comes into force:

- a. the criminal act on fisheries occurred within the jurisdiction of fisheries court of law as referred in Article 71 section (3) which is still under investigation or indictment phase is remain under the penal procedure applicable prior to the stipulation of this Law;
- b. the criminal act on fisheries occurred within the jurisdiction of fisheries court of law as referred to in Article 71 section (3) which has been examined but not yet adjudged by the competent district court is remain being examined and adjudged by the competent district court in accordance with the penal procedure applicable prior to the stipulation of this Law; and
- c. the criminal act on fisheries which occurs in the jurisdiction of fisheries court of law as referred to in Article 71 section (3) which has been assigned to district court but it has not yet been examined by the court is assigned to the competent fisheries court of law.

Article 109

At the time this Law comes into force, all implementing regulations of Law Number 9 of 1985 on Fisheries remain effective to the extent not contrary to or has not yet been amended under this Law.

CHAPTER XVII CLOSING PROVISIONS

Article 110

At the time this Law comes into force:

- a. Law Number 9 of 1985 on Fisheries (State Gazette of the Republic of Indonesia Number 46 of 1985 Number 46, Supplement to the State Gazette of the Republic of Indonesia Number 3299); and

- b. provisions on the imposition of fine in Article 16 section (1) of Law Number 5 of 1983 on Indonesian Exclusive Economic Zone (State Gazette of the Republic of Indonesia Number 44 of 1983, Supplement to the State Gazette of the Republic of Indonesia Number 3260) especially those in connection with criminal act on fisheries, are repealed and declared ineffective.

Article 111

This law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 6 October 2004

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta
On 6 October 2004

STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

signed

BAMBANG KESOWO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2004 NUMBER 118

Jakarta, 15 December 2020
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA