

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

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

I. GENERAL

The Unitary State of the Republic of Indonesia as set forth in the 1945 Constitution of the Republic of Indonesia has sovereignty and jurisdiction over the Indonesian water territory and authority in the framework of stipulating of provisions on utilization of fish resources, either for fish catching or fish breeding and to improve prosperity and justice for optimal utilization for the sake of the nation and the state according to conservation of fish resources and the environment thereof and sustainable national fisheries development.

Furthermore, as a legal consequence of the ratification of United Nations' Convention on Law of the Sea of 1982 by virtue of Law Number 17 of 1985 on United Nations' Convention on the Law of the Sea of 1982 places Indonesia to have the right to utilize, to conserve, and to process fish resources in the Indonesian Exclusive Economic Zone and the open seas implemented according to the applicable international conditions or standards.

Fisheries plays an important and strategic role in national economic development, especially in improving of extension of work opportunities, even distribution of income, and improvement of living standards of the nation in general, small fishers, small fish breeders, and business performers in the field of fisheries in observance of environmental conservation, conservation and availability of fish resources.

Law Number 9 of 1985 on Fisheries could not anticipate fisheries development at present and in, the future, because in the field of fisheries, there has been very significant changes, either those relating to the availability of fish resources, conservation of fish resource environment, or development of fisheries management methods more effectively, efficiently, and up-to-date so that fisheries management needs to be implemented carefully based on the principles of benefit, justice, partnership, even distribution, integration, openness, efficiency, and sustainable conservation.

To guarantee optimal and sustainable cultivation of fish resources, the role of fisheries inspectors and the society in the monitoring of fisheries have to be improved efficiently and effectively.

Law enforcement in the field of fisheries becomes very important and strategic in the framework of supporting of fisheries development effectively and according to the fisheries management methods so that fisheries development may run sustainably. Therefore, legal certainty is one of the absolute requirements, which is necessary. This Law provides more clarity and legal certainty on law enforcement of criminal acts on fisheries consisting of investigation, prosecution, and examination in court sessions, therefore the authorities of investigators, general prosecutors, and judges in handling criminal acts on the fisheries have to be stipulated.

In performing investigation, prosecution, and examination in court sessions, other than acting in accordance with the procedural law as set forth in Law Number 8 of 1981 on Criminal Procedural Law, this Law also stipulates Criminal Procedural Law and any other procedural law (*lex specialis*). Law enforcement on criminal acts on fisheries occurring up to this time proves that it is facing various obstacles. Therefore, a specific law enforcement relating to the material and formal laws is required. To guarantee legal certainty, either on the stages of investigation, prosecution, or examination in court sessions, a time span will be determined so that in this Law, procedural law (formal law) will more rapidly be formulated.

To increase efficiency and effectiveness of law enforcement on criminal acts on the fisheries, this Law rules about the establishment of fisheries court within the environment of the general judicature, which, for the first time, is established at the District Court of North Jakarta, Medan Pontianak, Bitung, and Tual. Yet, however, considering that it requires some preparations, the established fisheries court will start to operate not later than 2 (two) years since the date of enforceability of this Law. The fisheries court is authorized



to examine, hear, and rule criminal acts on fisheries, which will be conducted by a panel of judges consisting of 1 (one) career judge of the district court and 2 (two) ad hoc judges.

Keeping in mind the fisheries development at present and in the future, this Law rules about matters relating to:

- a. Fisheries management implemented based on the principles of benefit, justice, partnership, even distribution, integration, openness, efficiency, and sustainable conservation;
- b. Fisheries management based on planning and integration of the control of which;
- c. Fisheries management in observance of division of authorities between the central government and the regional government;
- d. Fisheries management fulfilling the element of sustainable development supported by research and fisheries development and integrated control;
- e. Fisheries management by improvement of educations and trainings and elucidation in the field of fisheries;
- f. Fisheries management supported by fisheries facilities and infrastructures and system of information and statistics on fisheries;
- g. Strengthening of institutions of fishing port, fishing port authority, and fishery vessel;
- h. Fisheries management encouraged the giving of contribution to marine and fisheries developments;
- i. Fisheries management in observance of and by empowerment of small fishers or small fish breeders;
- j. Fisheries management in the Indonesian waters, Indonesian Exclusive Economic Zone, and open seas as stipulated in the laws in observance of the applicable international requirements or standards;
- k. Management and utilization of fish resources, either those in the Indonesian waters, Indonesian Exclusive Economic Zone, and the open seas shall be done with control through licensing development in observance of national and international interests according to the available fish resources;
- l. Fisheries surveillance;
- m. Grant of similar authority in the investigation of criminal acts on fisheries to fisheries civil servant investigators , Indonesian naval officers, and Indonesian police officers;
- n. Establishment of fisheries court ; and

- o. Establishment of national fisheries development advisory council.

Based on the foregoing considerations, this Law is the renewal and perfection of regulations in fisheries affairs to replace Law Number 9 of 1985 on Fisheries.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear.

### Article 3

Sufficiently clear.

### Article 4

Sufficiently clear.

### Article 5

#### Section (1)

Sufficiently clear.

#### Section (2)

The term “fisheries management outside fisheries management area of the Republic of Indonesia” means fisheries management in the high seas.

### Article 6

#### Section (1)

Sufficiently clear.

#### Section (2)

Customary (*adat*) law and/or local ability wisdom used as consideration in fisheries management are not contrary to the national law.

### Article 7

#### Section (1)

Point a

Sufficiently clear.

Point b

The term “potential and allocation of Fisher Resources” includes migrating fish.

Point c

The term “total allowable catch” means the quantity of fish resources, which are allowed to be caught within the fisheries management area of the Republic of Indonesia in observance of the conservation thereof so that accurate data and information on the availability of fish resources, which are accountable, are necessary, either scientifically or factually in each catching area. Additionally, the application of the permitted quantity of fish caught must observe international liabilities in the field of fisheries.

Point d

Sufficiently clear.

Point e

The term “potentiality and allocation of certain broodstock and juvenile” means the mothers and germs of certain kinds of fish caught from nature.

Point f

The term “size of fishing gears” also includes mesh size.

Point g

The term “fishing accessories” means facilities, equipment, or other materials used to assist in the framework of efficiency and effectiveness of fish catching, such as lights, artificial breeding place and artificial ridges of rocks.

Point h

The term “time or season of fishing” means the decided opening and closing of area or season of catching to give an opportunity for the recovery of fish resources and the environment thereof.

Point i

Sufficiently clear.

Point j

The term “fishery vessel monitoring system” means a form of

system of monitoring in fish catching using a fishery vessel monitoring unit. For example: Fishery Vessel Monitoring System (VMS).

Point k

In the effort to increase productivity of the waters, new kinds of fish can be spread, which will possibly bring a negative effect on the conservation of the local fish resources that it must be considered so that the new kinds/species of fish can adapt to the local fish resource environment and/or do not harm the originality of fish resources.

Point l

The term “aquaculture-based fishing” means the catching of fish resources grown as a result of re-spreading of fish.

Point m

According to technological development, aquaculture is no longer limited to ponds or coastal ponds, but is also done in rivers, lakes, and seas. Because those waters relate to public interest, designation of location and size of area and the methods used are necessary so that it will not disturb public interest. Other than that, provisions with the intention to protect aquaculture, for example, pollution to fish resource environment, have to be stipulated.

Point n

Sufficiently clear.

Point o

There are several methods, which may be used in implementing rehabilitation and improvement of fisheries resources and the environment thereof, among other things, by planting or rehabilitation of mangrove forests, installation of artificial coral reefs, making of protecting/breeding places for fish, increase of fertility of the waters by fertilizing or adding of types of food, making of fish migrating channel, or dredging of base waters.

Point p

Sufficiently clear.

Point q

The term “fish sanctuary” means a certain waters area, either

fresh, brackish, or marine water with certain conditions and characteristics, as places for protection/breeding of certain fisheries resources functioning as a protecting area.

Point r

The designation of epidemics and areas of fish epidemics is intended so that the public realize that there are epidemics in certain areas, and the Minister determines steps for the prevention of spread of the epidemics from one area to another.

Point s

Sufficiently clear.

Point t

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "national committee" means a group, which reviews the potentiality of fisheries resources consisting of experts, universities, and the relevant government institutions having specialty in fish resources.

Section (4)

Sufficiently clear.

Section (5)

The term "fish species" means:

- a. *pisces* (fin fish);
- b. *crustacea* (shrimps, small crabs, crabs, and other similar animals);
- c. *mollusca* (*mussels*, oysters, squids, octopus, snails, and other similar animals);
- d. *coelenterata* (jelly fish and other similar animals);
- e. *echinodermata* (sea cucumbers, sea urchins, and other similar animals);
- f. *amphibia* (frogs and other similar animals);
- g. *reptilia* (crocodiles, turtles, monitor lizards, snakes, and other similar animals);
- h. *mammalia* (whales, dolphins, porpoises, dugongs, and other similar animals);

- i. *algae* (seaweeds and other plants living in water); and
  - j. other water biota relating to the foregoing species,
- all includes the parts thereof and protected fish.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 8

Section (1)

The use of chemical substances, biological substances, explosives, means and/or methods, and/or structures, which may harm and/or damage fish resources sustainability and the environment thereof not only kills fish directly, but also endangers human health and harms fishers and fish farmers. If damage occurs as a result of use of the foregoing substances and materials, recovery into the original condition requires a long time, even may cause extinction.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 9

The prohibition to use fishing gears and/or fishing accessories is necessary to prevent the use of tools, which may harm the conservation of fish resources and the environment thereof because the fisheries management area of the Republic of Indonesia is very vulnerable to use of fishing gears, which are not according to the characteristics of the nature and the availability of various species of fish resources in Indonesia, and to prevent the capture of species of fish, which are not

the target of fishing.

The prohibition as set forth in point a, point b and point c is contained in the licensing to capture fish and is an integral part of the vessels used to capture fish.

#### Article 10

##### Section (1)

###### Point a

Sufficiently clear.

###### Point b

The term “enclosed, or semi-enclosed seas” means bay, basin, or sea surrounded by two or more countries connected to another sea territory or ocean by a narrow channel or consisting entirely or mainly of territorial waters and exclusive economic zones of two or more coastal countries.

The term “pocket area/enclave” means a high sea surrounded by exclusive economic zones of several countries, for example, northern Papua where there is high seas bordered with Indonesian Exclusive Economic Zone, Papua New Guinean Exclusive Economic Zone, Palau Exclusive Economic Zone, and Exclusive Economic Zone of Federation State of Micronesia.

###### Point c

Sufficiently clear.

##### Section (2)

Membership of the Government in regional and international cooperation is implemented selectively.

In certain cases the Government is expected to actively sponsor the establishment of regional and international institutions for the progress of fisheries development in Indonesia.

#### Article 11

##### Section (1)

The term “critical events” means a serious decline as a result of over-fishing of certain species of fish, the condition where fish epidemics spread, or big changes as a result of environmental changes due to pollution affecting the availability of fish resources that must be handled and requires prompt action.

Section (2)

Sufficiently clear.

Article 12

Section (1)

The term “pollution to fish resources” means the mixing of fish resources, living creatures, substances, energy and/or other components as a result of human act so that the number of fish resources is declining, not functioning properly, and/or dangerous for those who exploit them.

The term “damage to fish resources” means decline in the potentiality of fish resources, which may endanger the conservation thereof in certain waters territories as a result of the act of a person and/or corporation causing disturbances to the biological balance or lifecycle of fish resources.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 13

Section (1)

Conservation areas relating to fisheries are, among other things, reefs, sea grasses, mangroves, swamps, lakes, rivers, and reservoirs which are deemed important to be conserved. In this case, the Government may designate conservation areas, among other things, as natural water sanctuary, national water park, tourist water park, and/or fish sanctuary.

Section (2)

Sufficiently dear.

Article 14

Section (1)



The term “genetic resources” means a substance existing in a group of living creatures and means a resource or generative characteristics which may be utilized and developed or assembled into new leading species.

This provision is intended to protect the existing genetic resources so that it will not be lost, extinct, or damaged, other than to protect the ecosystem.

Section (2)

Sufficiently clear.

Section (3)

The term "new species of fish " means non-original fish and/or fish not originating from nature (land and sea territory of Indonesia) familiar and/or known to be introduced into the Indonesian fisheries management area or fish as a result of purification, either locally or abroad.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 15

The term “prospective broodstock” means fish as a result of selection, which is prepared to become mothers.

The term “broodstock” means fish, which, at certain age and size, has been matured and is used to produce juvenile, and juveniles means fish at certain age, form, and size, which is not yet matured.

For the purpose of increase of production through fish quality improvement as a result of culture, new species and/or variety of fish which are not available locally, are required. Yet, the introduction of new species of fish from abroad may introduce and spread dangerous pests and epidemics and/or may become predators or competitors causing scarcity of species of local fish. Therefore, the introduction of which must be done pursuant to the applicable regulations. Regulations on exit of species of broodstocks candidate, broodstocks, and juveniles from the Indonesian fisheries management area are done to guarantee culturing of new species of fish sustainably.

Article 16

Section (1)

This prohibition is intended to protect the existing fish resources so that they will not be lost or become extinct, especially Indonesian indigenous fish species and also intended to protect Indonesian indigenous ecosystem.

Section (2)

Sufficiently clear.

Article 17

The term “facilities for aquaculture” consists of, among others, fish food, fish medicine, fertilizers, and fish cage.

The term “infrastructures for aquaculture” means, among others, ponds, coastal ponds, and coastal pond channels.

In regulating and developing aquaculture facilities and infrastructures, the Minister coordinates with the relevant institution.

Article 18

Section (1)

Every species of fish cultured requires different requirements and technological class. Therefore, arrangement of water utilization and aquaculture area are required so that the distribution and utilization of water can be done optimally according to the technical requirements for aquaculture and the use of areas endangering aquaculture may be prevented, including the availability of greenbelt.

Section (2)

Sufficiently clear.

Article 19

Section (1)

The term “fish health management unit and its environment” means an effort conducted in the framework of maintaining and recovering of balance of the environment, fish resilience, and fish epidemics by implementing prevention, medication, and arrangement of use of medicine for fish.

Section (2)

Sufficiently clear.

Section (3)

The management of health of fish and the environment thereof must be implemented collectively by the government and the relevant institution and by placing the public as the main performer in identifying fish pests and epidemics, identification, prevention, elimination, and control of health of fish, and problems of culturing environment.

Section (4)

Sufficiently clear.

Article 20

Section (1)

The term “fish processing” means a series of activities and/ or treatments from fish raw materials up to finished products for human consumption.

The term “fisheries product” means a product in the form of whole fish or a product containing parts of fish, including those processed by any means with fish as the main raw material.

The term “good manufacturing practices” means a condition fulfilling the basic principles of processing consisting of construction, location arrangement, sanitation, hygiene, raw material selection, and processing techniques.

The term “quality control system and safety of fisheries product” means a prevention effort that must be observed and implemented since pre-production up to distribution to produce qualified fisheries products, which are safe for human consumption.

Section (2)

Point a

The term “supervision and control of quality” means all activities of evaluating, examining, monitoring, sample taking, testing, correcting, validating, auditing, verifying, and calibrating in the framework of providing of quality guarantee and safety of fisheries products.

Point b

The term “standards of quality” consists of, among others, size, quantity, appearance, specifications of fisheries products,

and fish processing output.

Point c

Sufficiently clear.

Section (3)

The term “handling” means a series of activities and/or treatments of fish without changing the structure and basic form.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

To guarantee rights of consumers of fish and fisheries products, the products must be safe, healthy, and not expired.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 21

The term “health certificate of fisheries product intended for human consumption” means a certificate issued by a laboratory appointed by the government indicating that fish and fisheries products have fulfilled the requirements of quality guarantee and safety for human consumption.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section (1)

SIKPI as referred to in this article is original SIKPI and not the photocopy and/or copy which is in conformity to the original SIKPI.

Section (2)

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Section (1)

SIPI as referred to in this article is original SIPI and not the photocopy and/or copy which is in conformity to the original SIPI.

Section (2)

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

The term “fishing and/or aquaculture not for commercial purposes” means an activity operated by an individual or government institution or

private institution in the framework of education, extension, research or other scientific activities, enjoyment, and/or recreations.

Article 34

Sufficiently clear.

Article 35

Section (1)

In the framework of control of utilization/exploitation of fish resources, arrangement and control over the procurement of new and/or old vessels have to be done so that it is in accordance with the carrying capacity of fish resources.

Section (2)

Sufficiently clear.

Article 36

Section (1)

Registration of fishery vessel in the ship book is to comply with the required issuance of SIPI/SIKPI. The ship book is intended not as *gros akte* of registration of vessel which is a condition for the issuance of Certificate of Nationality of Indonesian Vessel, for a vessel sailing with an Indonesian flag as a nationality flag.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

A fishery vessel which will obtain certificate of nationality is first be registered in the ship book.

Article 37

The term “fishery vessel identification and markings” means identification and markings that indicates, amongst others, identity of type of boat, size of boat, catching area, register number, and place of registration as fishery vessel.

Article 38

Section (1)

The obligation to keep fishing gears in the hold is applicable for every fishery vessel with a foreign flag crossing the Indonesian waters territory, Indonesian Archipelagic Sea Lane (ALKI), and ZEEI.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 39

The term “fishery vessel with certain size and type” means a vessel used by small fishers.

Article 40

Sufficiently clear.

Article 41

Section (1)

In the framework of fisheries development, the Government construct and develop fishing ports, among others, as places for mooring of fishery vessels, fish landing site, places for marketing and distribution of fish, places for development of quality of fisheries products, places for collection of data on fishing, places for extension and development of fishers society, and places for smooth operations of fishery vessels.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

To support and guarantee smooth operations of fishing ports, borders of working and operational area in geographical coordinates are determined.

In the event that the working and operational area of a fishing

port is bordered with and/or has similar interest with another institution, determination of the borders is done through coordination with the relevant institution.

Point e

A private party may construct fishing port with the Minister's approval.

Section (3)

Sufficiently clear.

Section (4)

The term "loading and unloading of fish" includes fish landing.

Article 42

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The harbormaster that will be appointed by the Minister must first attend education and training on port authority affairs held by the institution responsible in port authority affairs.

Article 43

Sufficiently clear.

Article 43

Sufficiently clear.

Article 45

Fishery vessels sailing not from a fishing port including from a port constructed by a private party may only be possible if that place does not have any fishing port.

Fishery vessels sailing not from fishing port are among others vessels sailing from *tangkahan* port, public port, and other ports must obtain SLO from the fisheries inspector.



This provision is only applicable for fishery vessels in that area which does not have any fishing port and/or public port, and other facilities. In relation to this matter sailing permit is issued by the local harbormaster.

#### Article 46

##### Section (1)

In the framework of arrangement of plan of development of fisheries information system and statistics and evaluation into the progress thereof, data on techniques, production, processing, marketing of fish, and socio-economic data describing about utilization of the available fish resources is required.

The data and information are:

- a. types, quantity, and size of fishery vessels;
- b. types, quantity, and size of fishing gears;
- c. fishing ground and fishing season;
- d. total capture or total output of aquaculture;
- e. size of area and fisheries management area;
- f. total fishers and fish farmers;
- g. size of captured fish and spawning season;
- h. data on export and import of fisheries commodities; and
- i. information on certain requirements relating to standards of export.

##### Section (2)

Sufficiently clear.

#### Article 47

Sufficiently clear.

#### Article 48

##### Section (1)

Any persons operating fishing or aquaculture in the seas or other waters in fisheries management area of the Republic of Indonesia will be subject to fisheries levy because they have directly enjoyed the benefit of fish resources and/or the environment thereof.

##### Section (2)

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

The provision on research and development is intended to convey any basic problems regarding fish resources and the environment thereof and the technology relating to capture fisheries, aquaculture, and fish processing and socio-economic problems on fisheries.

The implementation of research and other scientific activities must be intended to obtain scientific information on fish resources and the environment thereof and socio-economic problems on fisheries, improvement of technology or new technology in capture fisheries, aquaculture, and fisheries processing which can be used as basis for the arrangement of policy on the processing of fish resources and fisheries development.

Article 53

Section (1)

Research and development performed by a state research and development institution (including those performed by non-departmental government institutions, state enterprises and/or regional enterprises).

Section (2)

In relation to the implementation of research and development in the field of fisheries, international cooperation is implemented frequently. This is conducted, among other things:

- a. characteristic of fish resources that disregards State administrative borders;
- b. demand to follow the progress of science and technology in the field fisheries;

- c. implementation of provisions of treaties; and
- d. development of consumers' demand for safety and quality guarantees of fisheries products.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Section (1)

Sufficiently clear.

Section (2)

Education and/or training of international standards is arranged by a Government institution responsible in the field of fisheries in all levels, namely training units, vocational schools, and universities, among other things, according to technology of fish capture, aquaculture, processing, machinery, and extensions.

Article 58

The term "relevant institutions" consists of Government institutions and non-Governmental institutions.

Article 59

Sufficiently clear.

Article 60

Section (1)

The Provincial and the Regency/municipal Government, in their respective areas empower small fishers and small fish farmers. The development of group of small fishers and fish farmers is as a means to ease empowerment through the activities as referred to in points a and point b.

Section (2)

The term “society” includes non-governmental institutions.

Article 61

Section (1)

Sufficiently clear.

Section (2)

The term “selected fish commodity” means species of fish, which are not prohibited by the Government to be cultured in accordance with the provisions of the prevailing legislation.

Section (3)

Sufficiently clear.

Section (4)

The term “food safety of fisheries product” means a condition or effort required to prevent food from pollution by biological substance, chemical substance, or other materials that may disturb, harm, or endanger human health, including the use of fishing and/or aquaculture methods that may damage the ecosystem and sustainability of fisheries environment.

Section (5)

Registration of individual, businesses, and activities for small fishers and small fish farmers, other than those implemented by themselves, the institution for fisheries also actively conducts registration in the framework of collection of data and information for the development of fisheries business and management of fish resources.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Section (1)

Fisheries Inspectors are:

- a. fishing supervisor;
- b. fish breeding supervisors;
- c. aquaculture supervisor;
- d. fish pest and epidemic supervisor; and
- e. quality supervisor.

Section (2)

Sufficiently clear.

Section (3)

The term “non-investigator of fisheries civil servant” means another fisheries civil servant , who is a non-investigator, but is authorized to perform supervision.

Article 67

Public participation in assisting fisheries inspector is for example, by reporting to law enforcement officer if there is an suspicion of criminal act on fisheries.

Article 68

In the framework of supervision and development, the Government build, provide, and/or construct supervision facilities and infrastructures, which are:

- a. fisheries surveillance vessel;
- b. fishery vessel monitoring system; and
- c. fisheries surveillance vessel base/pier.

Article 69

Section (1)

Sufficiently clear.

Section (2)

The term “fisheries surveillance vessel” means a government ship with special signs to conduct surveillance and law enforcement in

the field fisheries.

Section (3)

Detention of vessel is implemented in the framework of an act of bringing a vessel to the nearest port and/or waiting for the temporary following processes.

Section (4)

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Section (1)

Sufficiently clear.

Section (2)

Coordination is needed not only to accelerate the performance of investigators' duties, but also to accelerate communications and exchange of data, information, and any other necessary matters in the framework of effectiveness and efficiency in the handling and/or settlement of criminal acts on fisheries.

Section (3)

According to the requirements, a coordinating forum for the handling of criminal acts on fisheries may be established in the regions.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Section (9)

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Section (1)

The term "ad hoc judge" means a person from the fisheries environment, among others, universities in the field of fisheries, organization in the field of fisheries, and having of expertise in the fisheries law.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

Sufficiently clear.

Article 88

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93



Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

Sufficiently clear.

Article 97

Sufficiently clear.

Article 98

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Sufficiently clear.

Article 103

Sufficiently clear.

Article 104

Section (1)

The term “sum of reasonable bond” means the amount of guarantee decided based on prices of vessels, vessel equipment,

and results of the activities, plus the amount of maximum fine.

Section (2)

The term “goods and/or equipment” means, among others, fishing gears, captured fish, the vessels used to capture fish and/or transport fish, and so forth.

Article 105

Sufficiently clear.

Article 106

The term “authorized district court” means the court in accordance with Law Number 4 of 2004 on Judicial Power.

Article 107

Sufficiently clear.

Article 108

Sufficiently clear.

Article 109

Sufficiently clear.

Article 110

Sufficiently clear.

Article 111

Sufficiently clear.