

Tinjauan Implementasi Agreement on Port State Measures to Prevent, Deter, And Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) Oleh Beberapa Negara di Kawasan Asia Tenggara = Overview of the Implementation of the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) by Several Countries in the Southeast Asian Region

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Abstrak

Permasalahan IUU Fishing menimbulkan respon berupa dikonvensikannya PSMA yang mengusung pendekatan port state measures dalam mencegah dan memberantas IUU Fishing. Hal ini kemudian menjadi sangat signifikan bagi negara-negara di kawasan Asia Tenggara, yang industri perikananannya mengalami permasalahan IUU Fishing. Penerapan PSMA di kawasan ini kemudian menjadi penting untuk dikaji untuk dapat mengetahui sejauh mana upaya pencegahan dan pemberantasan IUU Fishing di kawasan tersebut telah terwujud. Berdasarkan hal tersebut, penelitian ini kemudian akan menganalisis mengenai bagaimana PSMA mengatur mengenai pencegahan dan pemberantasan IUU Fishing, bagaimana implementasi PSMA dalam hukum nasional negara Thailand, Vietnam, Filipina, dan Indonesia, serta bagaimana praktik Indonesia dalam melaksanakan ketentuan PSMA terhadap kapal yang terlibat IUU Fishing sejauh ini. Dalam menganalisis permasalahan tersebut, penelitian ini menggunakan metode kepustakaan dengan tipologi deskriptif untuk menjelaskan bagaimana PSMA mencegah dan memberantas IUU Fishing dan mengetahui serta membandingkan penerapannya di negara-negara di Asia Tenggara. Hasil penelitian menunjukkan bahwa PSMA mencegah dan memberantas IUU Fishing dengan menentukan standar-standar minimum ketat yang perlu ditetapkan oleh port state, yang mencakup seluruh runtutan kegiatan kapal asing dalam mendaratkan tangkapannya ke pelabuhan sebelum masuk ke pasar. Kemudian, diketahui juga bahwa hukum nasional Thailand, Vietnam, Filipina, dan Indonesia sudah mengatur pelaksanaan PSMA yang mencerminkan alur port state measures, namun belum sepenuhnya mencakup seluruh aspek yang diatur PSMA. Untuk Indonesia sendiri, pelaksanaan PSMA belum dapat dievaluasi karena belum ada kapal perikanan asing yang melakukan permohonan masuk pelabuhan, serta terkendala tumpang tindih kewenangan antar kementerian, dan kekosongan hukum terkait pelabuhan yang tidak ditunjuk sebagai pelaksana PSMA.

.....The problem of IUU Fishing triggered the creation of PSMA, which advocates port state measures approach in preventing, deterring, and eliminating IUU fishing. This becomes a very significant matter for countries in the Southeast Asia region, whose fishing industry is experiencing problems with IUU fishing. The implementation of PSMA in this area then becomes important to analyze in order to find out how far efforts to prevent and eradicate IUU fishing in the area have been realized. This study will analyze how PSMA regulates the prevention and eradication of IUU Fishing, how PSMA is implemented in Thailand, Vietnam, the Philippines, and Indonesia's legal systems, and how Indonesia has practiced implementing PSMA provisions on vessels involved in IUU Fishing. In analyzing these problems, this study uses a literature method with a descriptive typology to explain how PSMA prevents and eradicates IUU Fishing and to find out and compares its application in Southeast Asian countries. The results show that PSMA

prevents and eradicates IUU fishing by determining strict standards which needs to be set by the port state, which encompasses the entire sequence of activities that foreign ships go through in landing their catches to ports before entering the market. Then, it was also known that the national laws of Thailand, Vietnam, the Philippines, and Indonesia had already regulated the implementation of PSMA which reflected the flow of port state measures, but yet to all aspects in PSMA. For Indonesia itself, the implementation of PSMA cannot be evaluated yet because no foreign fishing vessels have applied for port entry, and are constrained by overlapping authorities between ministries, and legal vacuum related to ports that are not appointed as PSMA implementers.