

Praktik Illegal Transshipment sebagai IUU Fishing menurut Hukum Internasional dan Perbandingan Regulasi Transshipment antara Indonesia dan Republik Panama = Illegal Transshipment Practices as IUU Fishing according to International Law and Transshipment Regulation Comparison between Indonesia and The Republic of Panama

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Abstrak

Transshipment adalah praktik umum yang dilakukan oleh individu dalam bisnis perikanan untuk meningkatkan efektivitas penangkapan ikan dan mengurangi biaya bahan bakar dan dapat dianggap sebagai praktik yang hemat biaya. Namun praktik ini menjadi bahan perdebatan karena mengarah pada Illegal, Unreported and Unregulated (IUU) Fishing. Illegal Transshipment mengaburkan transparansi penangkapan ikan karena sulitnya melacak di mana dan bagaimana ikan ditangkap, dan dengan demikian menyebabkan kurangnya pengawasan dalam praktiknya. Indonesia dan Panama adalah dua dari banyak negara yang wilayahnya menjadi hotspot praktik transshipment. Hal ini karena Indonesia merupakan negara kepulauan yang luas dan pusat perdagangan perikanan di Asia Tenggara. Di sisi lain, Panama merupakan salah satu pusat perdagangan di mana sebagian besar kargo dari atau ke Panama tiba di tujuannya melalui proses transshipment. Regulasi antara Indonesia dan Panama mengenai transshipment diatur melalui regulasi nasional masing-masing negara, serta regulasi dari organisasi internasional dan regional seperti Uni Eropa dan Regional Fisheries Management Organizations (RFMOs). Melalui metode penelitian hukum normatif akan dianalisis bagaimana prosedur transshipment diatur menurut hukum Indonesia dan Panama, beserta persamaan dan perbedaannya. Penelitian ini juga menjelaskan keterkaitan antara praktik Illegal Transshipment dengan IUU Fishing. Penelitian ini kemudian menyarankan agar prosedur transshipment dibahas dan diatur dalam undang-undang perikanan Indonesia dan Panama, perlunya International Fishing License yang berbeda untuk kapal Indonesia yang melakukan layanan internasional dan harus ada unit penegak hukum dari RFMO yang wilayahnya sering terjadi transshipment.

.....Transshipment is a common practice carried out by individuals in the fishery business to increase the effectiveness of fishing and reduce fuel costs in order to be considered cost-effective practices. However, this practice has become a matter of debate because it leads to Illegal, Unreported and Unregulated (IUU) Fishing. Illegal Transshipment obscures the transparency of fishing due to its difficulty to track where and how the fish are caught, and thus leading to a lack of oversight in the practice. Indonesia and Panama are two of the many countries whose territory is a hotspot for transshipment practices. This is because Indonesia is a vast archipelagic country and fishing trade center in South East Asia. On the other hand, Panama is one of the trade centers where most of the cargo from or to Panama arrives at its destination through the transshipment process. Regulations between Indonesia and Panama regarding transshipment are regulated through the national regulations of their respective countries, as well as regulations from international and regional organizations such as the European Union and Regional Fisheries Management Organizations (RFMOs). Through the normative legal research method will analyze how the transshipment procedures are regulated according to Indonesian and Panamanian laws, along with its similarities and differences. This

study also explained the link between Illegal Transshipment practices and IUU Fishing. This research then suggests that transshipment procedures is discussed and regulated in the Indonesian and Panamanian fisheries laws, the need for a different International Fishing License for Indonesian vessels that perform international services and there must be a law enforcement unit from RFMOs whose areas often occur transshipment.