

ABSTRAK

ANALISIS KEWENANGAN TNI AL DALAM PENEGAKAN HUKUM KEJAHATAN PERIKANAN DIHUBUNGKAN DENGAN PASAL 73 AYAT (1) UU NO 45 TAHUN 2009 TENTANG PERIKANAN DI WILAYAH PERAIRAN CILACAP

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Indonesia sebagai negara kepulauan dengan potensi sumber daya kelautan yang besar menghadapi tantangan serius berupa meningkatnya kejahatan perikanan, seperti *illegal fishing* dan penyelundupan Benih Bening Lobster (BBL). Wilayah perairan Cilacap yang berbatasan langsung dengan Samudera Hindia menjadi salah satu kawasan rawan pelanggaran. Dalam konteks ini, kewenangan Tentara Nasional Indonesia Angkatan Laut (TNI AL) dalam penegakan hukum perikanan memiliki dasar hukum yang tegas sebagaimana diatur dalam Pasal 73 ayat (1) Undang-Undang Nomor 45 Tahun 2009 tentang Perikanan. Namun demikian, pelaksanaannya di wilayah kerja Pangkalan TNI Angkatan Laut Cilacap masih menghadapi berbagai kendala.

Rumusan masalah penelitian ini meliputi: bagaimana kewenangan TNI AL dalam penegakan hukum kejahatan perikanan dihubungkan dengan Pasal 73 ayat (1) UU No. 45 Tahun 2009 di wilayah perairan Cilacap; apa saja kendala yang dihadapi; serta bagaimana upaya mengatasinya. Penelitian ini bertujuan menganalisis kewenangan tersebut secara normatif dan empiris serta merumuskan solusi optimalisasi penegakan hukum.

Metode yang digunakan adalah deskriptif analitis dengan pendekatan yuridis empiris. Data diperoleh melalui studi kepustakaan, observasi, dan wawancara, kemudian dianalisis secara kualitatif melalui tahapan reduksi data, penyajian data, dan penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa kewenangan TNI AL bersifat atributif (*original competence*) karena diberikan langsung oleh undang-undang. Pelaksanaannya dilakukan melalui patroli keamanan laut dan prosedur *Stop, Board, Search, and Seizure* (SBSS). Kendala yang dihadapi meliputi aspek yuridis, koordinatif, operasional, dan administratif. Upaya yang dilakukan antara lain penguatan koordinasi lintas instansi, peningkatan patroli, pendekatan preventif melalui edukasi hukum kepada nelayan dan terobosan Pengawasan Terkoordinasi Berbasis Integrasi Data dan Perizinan.

Kata Kunci : Kewenangan TNI AL, Penegakan Hukum, Kejahatan Perikanan, Perairan Cilacap.

ABSTRACT

ANALYSIS OF THE AUTHORITY OF THE INDONESIAN NAVY IN THE ENFORCEMENT OF FISHERIES CRIMES IN RELATION TO ARTICLE 73 PARAGRAPH (1) OF LAW NUMBER 45 OF 2009 ON FISHERIES IN THE WATERS OF CILACAP

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Indonesia, as an archipelagic state with vast marine resource potential, faces serious challenges due to the increasing occurrence of fisheries crimes, such as illegal fishing and the smuggling of lobster seeds (Benih Bening Lobster/BBL). The waters of Cilacap, which directly border the Indian Ocean, constitute one of the areas vulnerable to such violations. In this context, the authority of the Tentara Nasional Indonesia Angkatan Laut (Indonesian Navy) in enforcing fisheries law has a clear legal basis as stipulated in Article 73 paragraph (1) of Undang-Undang Nomor 45 Tahun 2009 concerning Fisheries. However, its implementation within the jurisdiction of Pangkalan TNI Angkatan Laut Cilacap still encounters various obstacles.

The research problems include: how the authority of the Indonesian Navy in enforcing fisheries crimes is implemented in relation to Article 73 paragraph (1) of Law Number 45 of 2009 in the waters of Cilacap; what obstacles are encountered; and what efforts are undertaken to overcome them. This study aims to analyze such authority both normatively and empirically and to formulate solutions for optimizing law enforcement.

This research employs a descriptive-analytical method with a juridical-empirical approach. Data were collected through literature study, observation, and interviews, and were analyzed qualitatively through data reduction, data presentation, and conclusion drawing.

The results of the study indicate that the authority of the Indonesian Navy (TNI AL) is attributive in nature (original competence), as it is granted directly by statutory law. Its implementation is carried out through maritime security patrols and the Stop, Board, Search, and Seizure (SBSS) procedures. The challenges encountered include juridical, coordinative, operational, and administrative aspects. The measures undertaken include strengthening inter-agency coordination, increasing patrol intensity, adopting preventive approaches through legal education for coastal fishermen, and introducing an innovative model of coordinated supervision based on the integration of data and licensing systems.

Keywords: Indonesian Navy Authority, Law Enforcement, Fisheries Crimes, Cilacap Waters.