

**ANALISIS PIDANA DENDA TERHADAP WARGA NEGARA ASING
YANG MELAKUKAN TINDAK PIDANA *ILLEGAL*
FISHING DI WILAYAH ZEEI
(STUDI PUTUSAN NO.11/PID.SUS-PRK/2024/PN TPG)**

**Oleh
Riskio
NIM.2105040011**

Abstrak

Penelitian ini menganalisis penerapan pidana denda terhadap warga negara asing yang melakukan tindak pidana *illegal fishing* di wilayah Zona Ekonomi Eksklusif Indonesia, dengan fokus studi pada Putusan Nomor 11/Pid.Sus-Prk/2024/PN Tpg. Permasalahan utama dalam penelitian ini adalah bagaimana penerapan sanksi denda bagi pelaku asing mengingat adanya kendala eksekusi di lapangan. Tujuan penelitian ini adalah untuk mengetahui dan menganalisis penerapan pidana denda terhadap warga negara asing yang melakukan tindak pidana perikanan dalam lingkup putusan tersebut. Metode penelitian yang digunakan adalah metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual. Sumber data berasal dari bahan hukum primer, sekunder, dan tersier yang dianalisis secara deskriptif analitis dengan teknik deduktif. Analisis penelitian ini didasarkan pada teori pemidanaan, khususnya teori gabungan yang menekankan aspek keadilan, pencegahan, dan efek jera. Hasil penelitian menunjukkan bahwa penerapan pidana denda terhadap Terdakwa Cao Van Luyen telah sesuai dengan unsur-unsur dalam Pasal 92 UU Perikanan. Namun, terdapat anomali dalam putusan ini dibandingkan dengan tren putusan lain di Pengadilan Negeri Tanjungpinang, yaitu tidak dicantumkannya pidana penjara maupun pidana kurungan pengganti (subsider) apabila denda tidak dibayar. Hal ini menimbulkan celah hukum (*legal loophole*) yang melemahkan daya paksa negara, karena pelaku warga negara asing berisiko dideportasi tanpa melaksanakan kewajiban putusan. Kesimpulannya, ketiadaan mekanisme eksekusi alternatif menyebabkan putusan pidana denda terhadap warga negara asing menjadi kurang efektif dan belum optimal dalam memberikan efek jera serta perlindungan kedaulatan perairan Indonesia.

Kata Kunci: Pidana Denda, Warga Negara Asing, Penangkapan Ikan Ilegal.

**CRIMINAL ANALYSIS OF FINES AGAINST FOREIGN NATIONALS WHO
COMMIT ILLEGAL FISHING CRIMES
IN THE ZEEI AREA
(STUDY OF DECISION NO.11/PID. SUS-PRK/2024/PN TPG)**

**By :
Riskio
NIM.2105040011**

Abstract

This study analyzes the application of fines against foreign nationals who commit illegal fishing crimes in the Indonesian Exclusive Economic Zone area, with a focus on Decision Number 11/Pid.Sus-Prk/2024/PN Tpg. The main problem in this study is how to apply fine sanctions for foreign actors considering the obstacles to execution in the field. The purpose of this study is to find out and analyze the application of criminal fines against foreign nationals who commit fisheries crimes within the scope of the verdict. The research method used is a normative legal research method with a statutory approach and a conceptual approach. The data sources are derived from primary, secondary, and tertiary legal materials which are analyzed descriptively analytically using deductive techniques. The analysis of this research is based on criminal theory, especially combined theory that emphasizes aspects of justice, prevention, and deterrence. The results of the study show that the application of the criminal fine against the defendant Cao Van Luyen has been in accordance with the elements in Article 92 of the Fisheries Law. However, there is an anomaly in this decision compared to the trend of other decisions in the Tanjungpinang District Court, namely the absence of imprisonment and substitute imprisonment (subsider) if the fine is not paid. This creates a legal loophole that weakens the state's coercive power, because foreign nationals are at risk of deportation without paying off their financial obligations. In conclusion, the absence of alternative execution mechanisms causes criminal rulings to fine foreign citizens to be less effective and not optimal in providing a deterrent effect and protection of Indonesian territorial sovereignty.

Keywords: Criminal Fines, Foreign Nationals, Illegal Fishing.