

## EFFORTS TO IMPROVE THE PREVENTION OF FISHERY CRIME ACCORDING TO ISLAMIC LAW

Faisal Riza<sup>1</sup>  
Ihsanil Amami<sup>2</sup>

<sup>1,2</sup> Muhammadiyah University of North Sumatra (e-mail: faisalriza@umsu.ac.id)

---

**Abstract:** *Potential fisheries resources are a blessing from the one and only God. In order for these fish resources to remain sustainable and maintained, the prevention aspect is very important to be developed and implemented by everyone, especially fishermen. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, has provided guidance regarding sustainable management of the fisheries sector and provided criminal threats for perpetrators who destroy marine resources, but criminal acts in the field of fisheries still continue to occur in society fisherman.*

*The purpose of this study is to provide legal solutions in increasing the prevention of fisheries crimes according to Islamic law. Islamic criminal law policy is one of the data sources in this study. The steps to be carried out are the preparation and implementation of research by collecting field data or information for analysis. The method in this study is normative juridical. Normative juridical research refers to the legal norms contained in laws and regulations as well as the existing norms in Islam.*

*So far, fisheries crimes have been prevented in a normative way using positive law, namely the fisheries law. Prevention is carried out through supervision by the government or community groups, counseling or dissemination of rules in the field of fisheries and even to prevention through the act of punishing the perpetrators with the aim that the crime does not happen again. Fishermen as religious people will certainly comply with the rules made by the government, but in fact there are still actions that damage marine resources, even though in addition to the instructions in the rules there are also orders in the rules of Islamic law to protect and preserve the sea so that the resources contained therein can be sustainable.*

**Keywords:** *Criminal, Prevention, Fishermen, Islam*

---

### A. Introduction

Fishery is a sector of activities related to the management and utilization of fish resources and the environment, starting from pre-production, production, processing to marketing carried out in a fishery business. The existing marine and fishery resources cannot be separated from the total area of waters owned by Indonesia, namely 6.4 million km<sup>2</sup>, which are home to thousands of marine species. As a country that has abundant marine wealth, the marine and fisheries industry, which is one of the main sectors driving the Indonesian economy, can certainly have a good impact on people's lives, especially the welfare of fishermen.

According to data from the Ministry of Maritime Affairs and Fisheries (KKP) the number of fishermen in Indonesia has reached 1,685,018 people and 95.6 percent of them are traditional fishermen who live around the coast and are classified as poor. A number of these fishermen have to compete with other fishermen who have more sophisticated fishing gear,

bigger boats and the impact of climate change.<sup>1</sup> The marine economy in Indonesia is predicted to reach USD 1,338 billion per year, so the fishing industry has very rapid growth potential in Indonesia. The rapid growth of the marine economy cannot be separated from the quality of Indonesia's globally competitive marine products, especially in the Asia Pacific region where almost 70% of fisheries are in Indonesia. Indonesian marine products such as squid, shrimp, cuttlefish, crab, tuna and various other marine products have been recognized throughout the world, so that they have become one of the main export commodities that drive economic movement in Indonesia.

On the other hand, Indonesia's abundant sea potential, it turns out that there are still many violations or criminal acts in its management, even though law enforcement has been carried out against perpetrators of fisheries crimes. During the first quarter of 2020, the Ministry of Maritime Affairs and Fisheries (KKP) through the Directorate General of Marine and Fisheries Resources Supervision (Ditjen PSDKP) has conducted legal proceedings against 38 marine and fisheries crimes (TPKP) in various regions.<sup>2</sup>

Indonesia faces many problems of illegal fishing. The economic loss caused by the practice of illegal fishing does not only result in a loss of state revenue which reaches IDR 30 trillion per year, but also a loss of opportunities for 1 million tons of fish every year that Indonesian fishermen have to catch. The Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia noted that state losses due to fish theft reached 25% of Indonesia's total fishery potential.<sup>3</sup> Until now, Indonesia's territorial waters or seas have the potential for crime to occur. The action of trawlers continues to run rampant in the waters of the Indian Ocean.<sup>4</sup> Trawling is prohibited for use in Indonesia, apart from destroying marine biota, trawling activities have also disrupted traditional fishing activities and have had a negative impact on fishermen's catches.<sup>5</sup>

The occurrence of criminal acts in Indonesian waters certainly requires a maritime security system.<sup>6</sup> These criminal acts can cause harm to the people of Indonesia. Various efforts were made to prevent the occurrence of this crime, including taking preventive measures through legal action based on Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. To prevent fishing crimes, this research focuses on examining how efforts to increase the prevention of fishing crimes through Islamic law.

## B. Literature Review

### 1. Fisheries Management

Fisheries management must be able to provide welfare to the community. For this reason, the fisheries sector must be managed properly, correctly and responsibly and apply the

---

<sup>1</sup> Dwi Tyas Pambudi. "Fishermen's Day April 6 2021: Traditional Fishermen and Climate Change", <https://kumparan.com/dwityaspambudi/hari-nelayan-6-april-2021-nelayan-tradisional-dan-change-iklim-1vXI2G5Txgp/full>. (Friday, January 27, 2023. 9:33 a.m.).

<sup>2</sup> Newswire. "Catur Quarter I 2020, KKP Processes 38 Fisheries Criminal Cases", <https://economy.business.com/read/20200505/99/1236637/catur-wulan-i-2020-kkp-process-38-case-pidana-fishery>. (Tuesday, January 24, 2023. 10:24 a.m.).

<sup>3</sup> Mohammad Maulidan Kamal. "Enforcement of Fish Theft Laws in the Indonesian Exclusive Economic Zone (ZEEI)". *Jurist-Diction* Vol. 1.No. 2. (November 2018), p. 610-611.

<sup>4</sup> Amiruddin Abdullah. "Pukat Trawl Merajalela, Nelayan Aceh Resah". <https://mediaindonesia.com/nusantara/473089/pukat-trawl-merajalela-nelayan-aceh-resah>. (Jum'at, 27 Januari 2023. 10.01).

<sup>5</sup> Zulkarnaini Masry. "Trawl Trawls are Still Rising". <https://www.kompas.id/baca/desk/2021/10/02/pukat-trawl-masih-marak/>. (Friday, January 27, 2023. 10:31 a.m.).

<sup>6</sup> Ivan Setiawan. "Variety of Marine Crimes in Indonesian Criminal Law", *Galuh University Online Journal*, (18 October 2019), p. 117.

principles of sustainable fisheries management. According to Article 1 point (7) of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, that fisheries management is all efforts, including integrated processes in information gathering, analysis, planning, consultation, decision making, allocation of fish resources, and implementation and law enforcement of laws and regulations in the field of fisheries, which are carried out by the government or other authorities directed at achieving the continuity of the productivity of aquatic biological resources and agreed objectives.

This means that fisheries management must be carried out in accordance with statutory regulations in order to realize continuity or sustainability of marine natural resources in accordance with the objectives of fisheries management, namely to achieve optimal and sustainable benefits, and ensure the preservation of fish resources as stipulated in Article 6 paragraph (1) Fisheries Act.

Indonesia has the characteristics of fishery resources that are unique to the tropics. This uniqueness is related to the complexity of tropical ecosystems (tropical ecosystem complexities) which is one of the characteristics of tropical ecosystems. The complexity of this tropical ecosystem is one challenges and obstacles in fisheries management in Indonesia.<sup>7</sup> Fisheries management is essentially ecosystem management, the interrelationships between one component and another are very closely related to cause and effect. To optimize the economy will have an impact on the destruction of fish resources and conversely optimizing fish resources (sustainability of fish resources) will not be able to satisfy the economic aspect. Therefore it needs a balance in managing.

The content of the sea and waters in the form of fish in the Indonesian territory is very large and abundant, so that it becomes an attraction for fishermen from neighboring countries such as Thailand and Taiwan who often steal fish in the territorial sea.<sup>8</sup> Not only foreign fishermen, illegal fishing activities are also carried out by local fishermen, such as using fishing gear that is prohibited by law and fishing methods that damage the marine environment. This act can be classified as a fishing crime.

Fishery crime is an act or act of catching fish that violates the law as stipulated and punishable by criminal sanctions by law or other fisheries regulations. Fishery crime is an act that is prohibited in all activities related to the management and utilization of fish resources and their environment, starting from pre-production, production, management to marketing carried out in a fishery business system, carried out by persons/legal entities who are able to be responsible and subject to criminal punishment according to the provisions of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries.

Fishery crimes or better known as Illegal, Unreported and Unregulated (IUU fishing) can be categorized into three groups, namely:<sup>9</sup>

- a. Illegal fishing is illegal fishing activities in the territorial waters or EEZ of a country, or does not have a permit from that country.
- b. Unregulated fishing, namely fishing activities in the territorial waters or EEZ of a country that does not comply with the rules in force in that country.
- c. Unreported fishing, namely fishing activities in the territorial waters or EEZ of a country that is not reported, both its operations and vessel data and catches.

---

<sup>7</sup> Edwardsyah, et al. 2017. Introduction to Ecological-Based Fisheries Management/EAFM: Theory and Practice. Surabaya: Brilliant, page 1.

<sup>8</sup> Ketut Darmika. "Law Enforcement of Fisheries Crime by Warships of the Republic of Indonesia". Journal of Legality. Vol 9. No. 1. (May-October 2015), pages 31-32.

<sup>9</sup> Ketut Darmika. "Law Enforcement of Fisheries Crime by Warships of the Republic of Indonesia". Journal of Legality. Vol 9.No. 1. (May-October 2015), pages 31-32.

The magnitude of the losses incurred as a result of illegal, unreported, unregulated (IUU) fishing has not yet become a major consideration that makes it seem as if Indonesia has not taken this crime seriously. This is because one of the pillars for law enforcement, namely the normative juridical aspect, is still fragile and there is a legal vacuum.<sup>10</sup>

## 2. Islamic Criminal Law

Humans can not be separated from a rule. The rules are inherent in humans from birth to death. One of the rules in Islam is called Jinayah (criminal law). Islamic criminal law regulates crimes committed by Muslims. Islamic criminal law is useful for creating a conducive situation in society, especially Islamic society. Islam is a religion of compassion, so it is very inappropriate for followers of their religion to commit a crime that harms other people.

There are 3 (three) principles of criminal law in Islamic law, namely:<sup>11</sup>

### a. Legality principle

This principle states that there is no violation and no punishment before there is a law that regulates it. This principle is based on the Al-Isra' verse (15) of the Koran, connected with the Al-An'am verse (19) which reads "... this Koran was revealed to me, so that (with it) I (Muhammad) can convey a warning ( in the form of rules and threats of punishment) to you..." The principle of legality in Islamic law has existed since the Qur'an was revealed.

### b. The principle of prohibition of transferring blame to others

This principle states that one person's fault cannot be transferred to another person. A person cannot be asked to take responsibility for crimes or mistakes committed by other people, because criminal responsibility is individual in nature. Al-Muddatstsir verse (38) of the Koran states that every soul is bound to what he does, and each person will not bear the sins or mistakes made by others. In addition, in the Qur'an surah Al-An'am verse 164 states that every person who commits a crime will receive retribution for the crime he committed.

### c. The presumption of innocence

The verses which are used as a source of the principle of legality and the principle of not transferring blame to the other person mentioned above, can also be drawn as the principle of the presumption of innocence. A person charged with a crime must be presumed innocent before a judge with convincing evidence conclusively convicts that person's guilt.

Crime/crime in Islamic criminal law, is usually defined from the terms al-jarimah, al-jinayah, al-janbah or al-mukhalafah, these four terms are equally unlawful while what distinguishes them is the classification of their actions. The fuqaha more often use the term al-jinayah for criminal acts or all actions prohibited by syara', active or inactive (commissions and omissions).<sup>12</sup> Some jurists limit al-jinayah only to crimes involving the human soul and limbs, while al-jarimah is applied to sinful acts such as theft, murder, rape, or acts related to politics and so on.<sup>13</sup>

## C. Method

The method in this research is normative legal research (normative juridical). Normative legal research (normative juridical) is a legal research method that is carried out by

<sup>10</sup> Budi Suhariyanto. "The Urgency of Criminalizing Corporations Perpetrators of Fisheries Crime Using Supreme Court Regulation Number 13 of 2016". Journal of Indonesian Fisheries Policy, Vol 10. No. 1 (May 2018), page 29.

<sup>11</sup> Mohammad Dawud Ali. 2004. Islamic Law. Jakarta: Raja Grafindo Persada, pages 130-132.

<sup>12</sup> Fitri Wahyuni. 2018. Islamic Criminal Law. Tangerang: PT. Nusantara Persada Utama, page 25.

<sup>13</sup> *Ibid.*

examining literature or secondary data. Normative juridical research refers to the legal norms contained in laws and regulations as well as the existing norms in Islam.

The purpose of this study is to provide legal solutions in increasing the prevention of fisheries crimes according to Islamic law. Islamic criminal law policy is one of the data sources in this study. The stages that will be carried out are the preparation and implementation of research by collecting data or field information to be analyzed qualitatively.

#### **D. Results and Discussion**

Fishing is an activity that aims to get fish in waters that are not cultivated in any way, including activities that use ships to transport, load, store and cool, as well as process or preserve them.

Fishing activities may not be carried out if the equipment used for fishing is prohibited and fishing is carried out illegally. Fishing may be carried out if it is in accordance with the rules and does not have an impact on damage to the marine environment.

So that the fishing that is carried out does not damage the marine environment, then the things that are considered in fishing are:<sup>14</sup>

1. Use of appropriate fishing gear and permitted by the state.
2. Ships that are permitted must have completed all the technical requirements.
3. Notification of the maximum number of fish caught with several samples of small fish that are not yet fit for consumption.
4. Understand the ins and outs of the area and the right season before fishing.
5. Do not cause damage to the marine ecosystem as a result of their capture.
6. New species of fish should not be caught. If caught, it is mandatory to be released back into the marine ecosystem.
7. Prioritizing marine cultivation.
8. It is forbidden to throw pests into the sea which have the potential to damage fish.

#### **Fisheries Crime**

Fishing carried out by foreign fishing vessels entering Indonesian territorial waters illegally (illegal fishing) has increased in recent years. Although only 24 units of surveillance vessels were operational, with a total operating day of 100-180 days/year, supported by monitoring facilities in the form of a Vessel Monitoring System, as well as information provided by the Monitoring Community Group (POKMASWAS), the perpetrator vessels were arrested. IUU Fishing, both Indonesian Fishing Vessels (KII) and Foreign Fishing Vessels (KIA).<sup>15</sup>

According to Admiral Karl Schultz, commander of the U.S. The Coast Guard said illegal, unreported and unregulated fishing was "a symptom of a greater security vulnerability" especially for coastal states "which have limited capacity to patrol their sea areas or apprehend and prosecute criminals". These acts usually occur in conjunction with other prohibited behavior, including cruelty to human trafficking and forced labor, as well as the smuggling of illegal substances. According to Tabitha Mallory a professor at the

---

<sup>14</sup> Elvinda Rima Harliza and Tomy Michael. "Illegal Fishing Law Enforcement". Journal of Justice Pulpit. Vol. 13. No. 1. (February-July 2020), page 163.

<sup>15</sup> Simela Victor Muhammad. "Illegal Fishing in Indonesian Waters: Problems and Efforts to Handle them Bilaterally in the Region". Politica Journal, Vol. 3. No. 1. (May 2012), pages 68-69.

University of Washington said everyone should realize that sustainable fishing is in the long term interest of everyone on this planet.<sup>16</sup>

According to data from the Directorate General for Supervision of Marine and Fisheries Resources in 2021, 88 Indonesian fishing boats have violated the rules and 47 foreign fishing vessels have stolen fish, including 6 Filipino vessels, 16 Malaysian vessels and 25 Vietnamese vessels. The occurrence of fisheries crime is due to the abundant potential of the sea and supervision that has not been optimal.

Throughout 2021 the Ministry of Maritime Affairs and Fisheries noted that there were 117 cases of illegal fishing occurring in Indonesian waters,<sup>17</sup> this is inseparable from the sustainable potential of Indonesia's marine fish resources which are estimated at 12.54 million tonnes per year spread across Indonesian territorial waters. and the waters of the Indonesian Exclusive Economic Zone (ZEEI).

Based on the Decree of the Minister of Maritime Affairs and Fisheries Number 50 of 2017 concerning Potential Estimation, Amount of Allowed Catch and Level of Utilization of Fish Resources in the Fisheries Management Area of the Republic of Indonesia, of the total potential fish resources of 12.54 million tons per year, then Total Allowed Catch (JTB) is 10.03 million tons per year or around 80% of the sustainable potential, and only 6.98 million tons have been utilized in 2019 or only 69.59% of JTB, while the total capture fisheries production ( in seas and inland waters) is 7.53 million tons.<sup>18</sup>

According to data from the Fish Quarantine Agency for Quality Control and Safety of Fishery Products (BKIPM) of the Ministry of Maritime Affairs and Fisheries (KKP), throughout 2019 there were 123 cases of violations of smuggling of fishery products. This smuggling case was dominated by the smuggling of lobster seeds (BL), crabs that lay their eggs, and several other types of marine products.<sup>19</sup> Even though there are regulations that prohibit this use, namely the Regulation of the Minister of Maritime Affairs and Fisheries (Permen KP) Number 56 of 2016 concerning the Prohibition of Catching and/or Exporting Lobster, Crab and Crab from the territory of the Republic of Indonesia.

Some of these actions have been regulated as criminal acts in the Fisheries Law. Article 84 stipulates that people or companies carry out fishing in a reasonable manner so that fish resources and the environment remain healthy and their sustainability is maintained. The actions regulated in Article 84 are always related to the provisions of Article 8 paragraphs (1) to (4) which are rules prohibiting the use of chemicals, biological materials, explosives or other methods for fishing that can harm or endanger fish resources and the environment.<sup>20</sup>

According to Islamic criminal law, the act or crime of fishing (illegal fishing) is classified as the crime of theft (al-sariqah) which is included in the type of al-jarimah hudud, namely the act of sin for which a punishment has been determined for the act. As Allah says in the Al-Maidah letter (5) verse (38):

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

<sup>16</sup> ShareAmerica. "Dad Effects of Illegal Fishing". <https://share.america.gov/id/dampak-bad-penangkapan-ikan-illegally>. (Tuesday, January 31, 2023. 12.30).

<sup>17</sup> Muhammad Syawaluddin. "117 Cases of Fish Theft Happening in Indonesia Throughout 2021". <https://www.medcom.id/nasional/area/VNngD12b-117-kases-pencurian-ikan-terjadi-di-indonesia-sepanjang-2021>. (Tuesday, January 31, 2023. 9:00 p.m.).

<sup>18</sup> Marine and Fisheries Ministry. 2020 Annual Report. page 9.

<sup>19</sup> Ilham Pratama Putra. "Ada 123 Kasus Penyelundupan Hasil Perikanan Sepanjang 2019". <https://www.medcom.id/ekonomi/mikro/9K5Ev3aK-ada-123-kasus-penyelundupan-hasil-perikanan-sepanjang-2019>. (Selasa, 31 Januari 2023. 17.32)

<sup>20</sup> Faisal Riza, et al. 2019. Forms of Fisheries Crime. Medan: Pustaka Prima, page 41.

Meaning: Men who steal and women who steal, cut off their hands (as) revenge for what they do and as punishment from Allah. And Allah is all-mighty, all-wise.

### Prevention

Maritime and fisheries development has complex problems because of its linkages with many sectors and is also sensitive to interactions, especially with environmental aspects. Various issues of fisheries management in Indonesia have the potential to threaten the sustainability of fish resources and the environment, the sustainability of people's livelihoods in the field of fisheries, food security, and economic growth originating from the utilization of marine and fisheries resources.

Indonesia is the largest archipelagic country in the world, with a water area of 6.4 million km<sup>2</sup> consisting of a territorial sea area of 0.29 million km<sup>2</sup>, an area of inland waters and archipelagic waters of 3.11 million km<sup>2</sup>, and an area of the Indonesian Exclusive Economic Zone (EEZ) 3.00 million km<sup>2</sup>. In addition to having an area of 0.27 million km<sup>2</sup> of water Supplementary Zone, 2.8 million km<sup>2</sup> of continental shelf area, and 108,000 km of coastline, it certainly has enormous and varied natural wealth, both in the form of renewable natural resources (fisheries, coral reefs, seagrass beds, mangrove forests, seaweed, and biotechnology products), non-renewable natural resources (oil, natural gas, tin, iron ore, bauxite, and other minerals), marine energy (such as tides, waves, wind, OTEC (Ocean Thermal Energy Conversion), as well as marine and small island environmental services for marine tourism, sea transportation, and sources of biodiversity and *nuftah plasma*).<sup>21</sup> This natural wealth is one of the basic assets that must be optimally managed to improve the welfare and prosperity of the Indonesian people.

Fisheries crimes in Indonesia are still dominated by Illegal, Unreported, Unregulated Fishing. Prevention needs to be done through supervision. According to Article 66 paragraph (1) of the Fisheries Law, that fisheries supervision is carried out by fishery supervisors. The task of the fishery supervisor is to oversee the orderly implementation of the provisions of the laws and regulations in the field of fisheries, so that no one else commits a fisheries crime.

As a community, you can start the role of supervising or preserving the sea. Article 67 of the Fisheries Law states that the community can be involved in assisting in fisheries supervision. Supervision is carried out in the context of optimal, responsible and sustainable utilization of marine and fishery resources.

The criminal act of fishing as an act of vanity is an act of stealing and destroying nature or the marine environment in order to gain profit by ignoring the rights of other creatures. So, it is necessary to have prevention in order to minimize the occurrence of falsehood. Prevention or deterrence is intended to prevent a crime from happening again.

There are several verses in the Koran that clearly hint at the concept of prevention. In Surah Al-Ankabut verse (45) Allah subhanahuwata'ala says:

اِنَّ مَا اَوْجِيْ اِلَيْكَ مِنَ الْكِتَابِ وَاَقِمِ الصَّلَاةَ ۗ اِنَّ الصَّلَاةَ تَنْهٰى عَنِ الْفَحْشَاۗءِ وَالْمُنْكَرِ ۗ وَلَذِكْرُ اللّٰهِ اَكْبَرُ ۗ وَاللّٰهُ يَعْلَمُ مَا تَصْنَعُوْنَ

It means:

Read the Book (Quran) that has been revealed to you (Muhammad) and pray. Verily prayer prevents from (deeds) abominable and unjust. And (know) the remembrance of Allah (prayer) is greater (its priority than other acts of worship). Allah knows what you do.

According to the interpretation of the Koran, the Ministry of Religion of the Republic of Indonesia, the verse above explains the command of Allah subhanahuwata'ala to the Prophet

<sup>21</sup> Marine and Fisheries Ministry. Op. Cit., page 8.

Muhammad shallallahu'alaihiwassallam to always read and understand the Koran. This command is of course also passed on to all Muslims. Appreciation of the contents of the Koran in everyday life will bring a Muslim to always do the five obligatory prayers. According to the commentator Ibn Katsir, there are two wisdoms contained in the letter Al-Ankabut verse (45), namely being able to prevent abominable acts and also unjust acts.<sup>22</sup>

Of course the practice of the verses of the Koran will prevent wrongdoing or in this case prevent fishing crimes. As a Muslim community, they are ordered to pay attention to, protect and preserve the sea so that the community gets goodness. Some verses of the Koran related to this:

1. Allah creates rivers so that humans can get guidance (An-Nahl verse 15).
2. ...and from each of these seas you can eat fresh meat and you can take out ornaments that you can wear, and in each of them you see ships sailing across the sea so that you may seek His bounty and so that you are grateful (Fatir verse 12).
3. It is lawful for you to catch wild game and food from the sea as delicious food for you, and it is forbidden for you (to catch) land game, as long as you are in ihram. And fear Allah to whom you will be gathered (Al-Maidah 96).
4. Your Lord is the one who sails the ships in the ocean for you, so that you may seek some of his gifts. Indeed, he is most merciful to you (Al-Isra 'verse 66).
5. It has been seen that damage on land and sea is caused by the actions of human hands, so that Allah will feel for them part of (the result of) their actions, so that they return to the right path (Ar-Rum verse 41).

The Koran is sufficient as a guide for people who are Muslim not to commit acts that damage the sea, because the sea was created by Allah to increase the welfare of life with the gifts contained in it, and for that so that people are grateful and increase their piety.

## E. Conclusion

The act or crime of fishing (illegal fishing) belongs to the crime of theft (al-sariqah) which includes the type of al-jarimah hudud, namely the act of sin for which a punishment has been determined for the act. According to Islamic law, to prevent wrongdoing or fishing crimes by referring to the verses of the Koran relating to sea problems.

## Bibliography

- Amiruddin Abdullah. "Rawling Trawling, Acehese Fishermen Are Restless". <https://mediaindonesia.com/nusantara/473089/pukat-trawl-merajalela-nelayan-aceh-resah>. (Friday, January 27, 2023. 10.01).
- Budi Suhariyanto. "The Urgency of Criminalizing Corporations Perpetrators of Fisheries Crime Using Supreme Court Regulation Number 13 of 2016". *Journal of Indonesian Fisheries Policy*, Vol 10. No. 1 (May 2018).
- Dwi Tyas Pambudi. "Fishermen's Day April 6 2021: Traditional Fishermen and Climate Change", <https://kumparan.com/dwityaspambudi/hari-nelayan-6-april-2021-nelayan-tradisional-dan-change-iklim-1vXI2G5Txgp/full>. (Friday, January 27, 2023. 9:33 a.m.).

---

<sup>22</sup> Rahma Indina Harbani. "Surah Al Ankabut Verse 45 Concerning One Practice to Prevent Violent Deeds" in full <https://www.detik.com/edu/detikpedia/d-5793463/surah-al-ankabut-ayat-45-about-one-amalan-penprevent-abominations>. (Wednesday, February 1, 2023. 11:29 a.m.).



- Edwardsyah, et al. 2017. Introduction to Ecological-Based Fisheries Management/EAFM: Theory and Practice. Surabaya: Brilliant.
- Elvinda Rima Harliza and Tomy Michael. "Illegal Fishing Law Enforcement". Journal of Justice Pulpit. Vol. 13. No. 1. (February-July 2020).
- Faisal Riza, et al. 2019. Forms of Fisheries Crime. Medan: Prima Library.
- Fitri Wahyuni. 2018. Islamic Criminal Law. Tangerang: PT. Nusantara Persada Utama.
- Inspiration Primary Son. "There were 123 cases of smuggling of fishery products throughout 2019". <https://www.medcom.id/eko/mikro/9K5Ev3aK-ada-123-kases-pembelundupan-hasil-perikanan-sepanjang-2019>. (Tuesday, January 31, 2023. 5:32 p.m.)
- Ivan Setiawan. "Variety of Marine Crimes in Indonesian Criminal Law", Online Journal of Galuh University, (18 October 2019).
- Marine and Fisheries Ministry. 2020 Annual Report.
- Ketut Darmika. "Law Enforcement of Fisheries Crime by Warships of the Republic of Indonesia". Journal of Legality. Vol 9.No. 1. (May-October 2015).
- Mohammad Dawud Ali. 2004. Islamic Law. Jakarta: Raja Grafindo Persada.
- Mohammad Maulidan Kamal. "Enforcement of Fish Theft Laws in the Indonesian Exclusive Economic Zone (ZEEI)". Jurist-Diction Vol. 1.No. 2. (November 2018).
- Muhammad Syawaluddin. "117 Cases of Fish Theft Happening in Indonesia Throughout 2021". <https://www.medcom.id/nasional/area/VNngD12b-117-kases-pencurian-ikan-terjadi-di-indonesia-sepanjang-2021>. (Tuesday, January 31, 2023. 9:00 p.m.).
- Newswire. "Catur Quarter I 2020, KKP Processes 38 Fisheries Criminal Cases", <https://economy.business.com/read/20200505/99/1236637/catur-wulan-i-2020-kkp-process-38-case-pidana-fishery>. (Tuesday, January 24, 2023. 10:24 a.m.).
- Rahma Indina Harbani. "Surah Al Ankabut Verse 45 Concerning One Practice to Prevent Violent Deeds" in full <https://www.detik.com/edu/detikpedia/d-5793463/surah-al-ankabut-ayat-45-about-one-amalan-penprevent-abominations>. (Wednesday, February 1, 2023. 11:29 a.m.).
- ShareAmerica. "Dad Effects of Illegal Fishing". <https://share.america.gov/id/dampak-bad-penangkapan-ikan-illegally>. (Tuesday, January 31, 2023. 12.30).
- Simela Victor Muhammad. "Illegal Fishing in Indonesian Waters: Problems and Efforts to Handle them Bilaterally in the Region". Politica Journal, Vol. 3. No. 1. (May 2012).
- Supriadi and Alimuddin. 2011. Fisheries Law in Indonesia. Jakarta: Sinar Graphics, page 437.
- Zulkarnaini Masry. "Trawl Trawls are Still Rising". <https://www.kompas.id/baca/desk/2021/10/02/pukat-trawl-masih-marak/>. (Friday, January 27, 2023. 10:31 a.m.).