



BILL OF THE REPUBLIC OF INDONESIA

NUMBER 31 OF 2004

ON

FISHERIES

HOUSE OF PEOPLE'S REPRESENTATIVES

OF THE REPUBLIC OF INDONESIA



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BY THE BLESSING OF THE ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having considered : a. that the waters existing under the sovereignty and jurisdiction of the Unitary State of the Republic of Indonesia and Indonesian Exclusive Economic Zone as well as open sea by virtue of international stipulation, contain a very potential resources of fish and area of fish cultivation, constitute a blessing from the Almighty God having been entrusted to the People of Indonesia which has the Pancasila Way of Life and the 1945 Constitution, to be made good use as much as possible for the prosperity and welfare of the people of Indonesia;

b. that within the framework of implementing national development program based on the Archipelago Concept, management of fish resources is deemed necessary to be executed based on justice and even distribution in making good use of it by giving priority to broadening work opportunity and increasing the standard of living of the fishermen, fish cultivators, and/or parties relating to fisheries, as well as efforts to continue fish resources conservation and its environment;



- c. that Law Number 9 of 1985 on Fisheries which prevails up to the present has not yet provided all management aspects on fish cultivation and it is insufficiently capable to anticipate the development of legal requirements as well as technological development within the framework of managing fish resources, therefore it should be amended;
- d. that based on such considerations referred to in item a, item b and item c thereinabove, it is deemed necessary to make Law on Fisheries in order to change Law Number 9 of 1985 on Fisheries;

In view of : Article 20, Article 21 and Article 33 of the 1945 Constitution of the Republic of Indonesia;

Upon Joint-Approval of
THE HOUSE OF THE PEOPLE'S REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAVE DECIDED:

To lay down : LAW ON FISHERIES.

CHAPTER I GENERAL PROVISION

Part One Definition

Article 1

For the purpose of this Law :

1. Fisheries, means any activities having connection with management and making good use of fish resources and its environment, starting from pre-production, production, processing until marketing, executed in a fishery business system.
2. Fish resources, means potential of all kinds of fish.



3. Fish resources environment, means any waters as a place of existence of fish resources, including its biota and its surrounding natural factors.
4. Fish, means all kinds of organism which all or part of their cycle of life are existed in waters area.
5. Fish catching, means any activity to catch fish at waters area which is not being cultivated, by using any tools or by means of anything whatsoever, including any activities using ship for loading, transporting, storing, handling, procesing and/or preserving fish.
6. Fish cultivation, means any activity to cultivate, raise, and/or breed fish and harvest its products in a controlled environment, including any activity using ship for loading, transporting, storing, refrigerating, handling, processing and/or preserving them.
7. Fish Management, means all undertakings, including integrated process in collecting data/information, analysis, planning, consultation, decision making, allocation of fish resources, and law implementation & law enforcement of laws and regulations in the field of fisheries, performed by the government or other authority which are directed to achieve sustainable waters biological resources productivity and agreed objectives.
8. Fish resources conservation, means protection, conservation, and making good use offish resources undertaking, including ecosystem, type, and genetic, in order to ensure its existence, availability and sustainability by consistently maintaining and increasing the quality of value and diversity offish resources.
9. Fishery ship, means any ship, boat, or other floating devices used for catching fish, supporting the operation for catching fish, fish cultivation, fish transportation, fish processing, fishery training, and fishery research/exploration.
10. Fisherman, means any person whose means of livelihood is fishing.



11. Small fisherman, means any person whose means of livelihood is fishing in order to fulfill his daily need.
12. Fish cultivator, means any person whose means of livelihood is fishing in order to fulfill his daily need.
13. Small fish-cultivator, means any person whose means of livelihood is cultivating fish in order to fulfill his daily need.
14. A person, means any individual or corporation.
15. A corporation, means any group of persons and/or any wealth which is well organized which constitutes a corporate body as well as a non corporate body.
16. Fishery business license, hereinafter referred to as *SIUP*, means a written license which must be obtained by a fishing company to operate fishery business by usings production facility specified in the said license.
17. License To Catch Fish, hereinafter referred to as *SIFI*, means a written license which must be obtained by each fishing ship to catch fish, which shall constitute an inseparable part of *SIUP*.
18. License to Transport Fish, hereinafter referred to as *SIKPI*, means a written license which must be obtained by each fishery ship to transport fish.
19. Indonesian sea territorial, means the sea area of 12 nautical miles width which is measured from the base line of the Indonesian archipelago.
20. Indonesian waters, means the Indonesian sea territorial including its inter-island waters and deep sea waters.
21. Indonesian exclusive economic zone, hereinafter referred to as *ZEEI*, means the outside area which borders on Indonesian sea territorial as stipulated by virtue of the prevailing laws on Indonesian waters covering the bottom of the sea, its land underneath, and the water above it with the outer border 200 (two hundred) nautical miles measured from the base line of the Indonesian sea territorial.



22. Open sea, means part of the sea which does not include in *ZEEI*, Indonesian sea territorial, Indonesian archipelago waters and Indonesian inland waters.
23. Fishery Port, means a place consisting of land with waters surrounding it and certain borders as a place for government activity and fisheries business system activity used as a place for the fishery ship to moor, dock and/or charge and discharge fish equipped with salvage facility and fishery support activity.
24. Minister, means the minister in charge of fisheries affairs.
25. Government, means the Central Government.
26. Regional Government, means the Provincial Administration and/or Regency/City Administration.

Part Two

Principles and Objectives

Article 2

even distribution, integrity openness, efficiency and perpetuity.

Article 3

Fishery management is performed for the following purpose :

- a. increase the standard of living of small fishermen and small fish-cultivators;
- b. increase government income and foreign-exchange;
- c. drive work opportunity and growth;
- d. increase availability and consumption of source offish protein;
- e. maximize management of fish resource;
- f. improve productivity, quality, added value and competitive ability;
- g. increase availability of raw material for fish processing industry;
- h. achieve the benefit of fish resources, fish cultivation area, and fish resources environment optimally; and
- i. ensure the conservation offish resources, fish cultivation area, and planology.



CHAPTER II

SCOPE

Article 4

This Law is valid for :

- a. Every body, both Indonesian Citizen and foreign citizen, Indonesian corporate body and foreign corporate body, which is doing fishery activity in the fisheries management territory of the Republic of Indonesia;
- b. Every fishery ship flying Indonesian flag and fishery ship flying foreign flag performing fishery activity in the fisheries management territory of the Republic of Indonesia;
- c. Every fishery ship flying Indonesian flag catching fish outside the fisheries management territory of the Republic of Indonesia; and
- d. Every fishery ship flying Indonesian flag which catches fish, either severally or jointly, and in cooperation with foreign party (ies).

CHAPTER III

FISHERIES MANAGEMENT TERRITORY

Article 5

- (1). Fisheries management territory of the Republic of Indonesia for catching fish and/or cultivating fish covering :
 - a. Indonesian waters;
 - b. *ZEEI*, and
 - c. rivers, lakes, reservoirs, swamps and other water ponds which may be made a business as well as potential fish cultivation areas in the territory of the Republic of Indonesia.
- (2). Fisheries management outside the territory of the fisheries management territory of the Republic of Indonesia, referred to in paragraph (1) shall be organized by virtue of the laws and regulations, requirements, and/or international standard.



CHAPTER IV FISHERIES MANAGEMENT

Article 6

- (1). Fisheries management inside the fisheries management territory of the Republic of Indonesia is performed in order to achieve optimal and sustainable benefit, as well as assuredness of fish resources conservation.
- (2). Fisheries management for the interest of fish catching and fish cultivation should consider customary (*adaf*) law and/or local ability as well as taking note of public participation.

Article 7

- (1). Within the framework of supporting fish resources management policy, the Minister sets out:
 - a. fisheries management plan;
 - b. potentiality and allocation of fish resources in the fisheries management territory of the Republic of Indonesia;
 - c. total catching (offish) allowed in the fisheries management territory of the Republic of Indonesia;
 - d. potentiality and allocation of fish cultivation area in the fishery management territory of the Republic of Indonesia;
 - e. potentiality and allocation of certain mother fish and fish seeds in the fishery
 - f. type, number, measurement of tools for catching fish;
 - g. type, number, measurement and placement of accessories for catching fish;
 - h. region, strip, and time or season of catching fish;
 - i. requirements or standard of operational procedure for catching fish;
 - j. monitoring system of fishery ship;
 - k. species of new fish to be cultivated;
 - l. species of fish and re-spreading area as well as catching fish having cultivation basis;



- m. fish cultivation and protection thereof;
 - n. protection against pollution and damage of resources of fish and its environment;
 - o. rehabilitation and increase of fish resources and its environment;
 - p. minimum size or weight of fish allowable to catch;
 - q. fishery reserve;
 - r. epidemic and area of epidemic of fish disease;
 - s. type of fish prohibited to be traded, imported to and exported from the Republic of Indonesia; and
 - t. type of fish under protection.
- (2). Anybody who undertakes and/or performs fishery management should comply with the provisions referred to in paragraph (1) on :
- a. type, number and size of fishing tools and equipments;
 - b. type, number, size and placement of fishing accessories;
 - c. area, strip and time or season of fishing;
 - d. requirements or standard of procedure of fishing operation;
 - e. fishery ship monitoring system;
 - f. new type of fish to be cultivated;
 - g. type of fish and areas of re-spreading fish and catching fish having cultivation as a basis ;
 - h. fish cultivation and its protection;
 - i. protection against pollution and damage of the fish resources as well as its environment;
 - j. size and weight of fish allowable to catch;
 - k. fish reserve;
 - l. epidemic and area of epidemic of fish disease;
 - m. type of fish prohibited to be traded, imported to and exported from the territory of the Republic of Indonesia; and
 - n. type of fish under protection.



- (3). The Minister determines the potential and quantity of fish allowable to catch referred to in paragraph (1) points b and c after considering the recommendation from the National Committee which makes research on fish resources.
- (4). The National Committee referred to in paragraph (3) has been formed by the Minister and consists of experts in, their respective fields coming from related institutions.
- (5). The Minister determines the types of fish and areas of waters which are respectively protected, including national sea garden, for the interest of sciences, culture and tourism and/or conservation of fish resources and/or its environment.
- (6). Within the framework of accelerating fisheries development, the government has formed advisory council chaired by the President, and its members consist of related ministers, fisheries association, and individuals who are care about fisheries development.
- (7). Further stipulation on organizational structure and working system of national fisheries development advisory council referred to in paragraph (6) shall be stipulated by the President.

Article 8

- (1). Everybody is prohibited to catch fish and/or cultivate fish by using chemical substance, biological substance, explosive material, tools and/or manner and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment in the fisheries management territory of the Republic of Indonesia.
- (2). The captain or the leader of a fishing ship, fishing expert, and ship's crew catching fish are prohibited to use chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its



- environment in the fisheries management territory of the Republic of Indonesia.
- (3). Owner of fishery ship, owner of fishery company, person in charge of fishing/fishery company, and/or operator of fishery ship are prohibited to use chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment in the fisheries "management territory of the Republic of Indonesia.
 - (4). Owner of fish cultivation company, trustee of owner of fish cultivation company, and/or person in charge of fish cultivation company, undertaking fish cultivation business are prohibited to use chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment in the fisheries management territory of the Republic of Indonesia.
 - (5). manner, and/or construction for catching fish and/or cultivating fish referred to in paragraph (1), shall be permitted for research only.
 - (6). Further provisions on the usage of chemical substance, biological substance, explosive material, tool and/or manner, and/or construction referred to in paragraph (5), shall be provided by means of Government Regulation.

Article 9

Anybody is prohibited to own, possess, carry and/or use on board a fishery ship in the fisheries management territory of the Republic of Indonesia :

- a. fishing tool and/or fishing accessory which is not in conformity with the specified size;
- b. fishing tool which is not in conformity with the requirement or standard determined for certain tool; and/or



- c. prohibited fishing tool.

Article 10

- (1). For the interest of international cooperation, the Government :
 - a. may periodically publish any matters in connection with conservation and management of fish resources;
 - b. shall cooperate with neighboring countries or other countries within the framework of conservation and management of fish resources at open sea, open sea having closed characteristic, or semi closed and special zone of fish.
 - c. notices and forwards related evidences to the country of origin of the flag flown by the ship suspected having done any activity which may cause any disruption to the conservation and fish resources management.
- (2). The Government actively participates as member in the regional and international body/institution/organization within the framework of regional and international fisheries management.

Article 11

- (1). For the interest of fish resources conservation and making good use of fish cultivation area, the Minister determines critical events which are deemed jeopardizing or may jeopardize fish product, fish species or fish cultivation area in the fisheries management territory of the Republic of Indonesia.
- (2). The Minister announces and propagates steps to overcome critical events referred to in paragraph (1).

Article 12

- (1). Everybody is prohibited to take action which causes pollution and/or (Jamage to fish resources and/or its environment in the fisheries management territory of the Republic of Indonesia.



- (2). Resources environment, and/or human health in the fisheries management territory of the Republic of Indonesia.
- (3). Everybody is prohibited to cultivate fish produced from genetical engineering which may jeopardize fish resources, fish resources environment, and/or human health in the fisheries management territory of the Republic of Indonesia.
- (4). Everybody is prohibited to use drugs in fish cultivation which may jeopardize fish resources, fish resources environment, and/or human health in the fisheries management territory of the Republic of Indonesia.
- (5). Further provisions on the matters referred to in paragraphs (1), (2), (3) and paragraph (4), shall be provided by means of Government Regulation.

Article 13

- (1). Within the frame work offish resources management, conservation of ecosystem, conservation of type of fish, and conservation of fish genetic have been undertaken.
- (2). Further provisions on conservation of ecosystem, conservation of type offish and conservation of fish genetic referred to in paragraph (1), shall be provided by Government Regulation.

Article 14

- (1). The Government provides and/or develops the benefit of sperm plasma relating to fish resources within the framework of conservation of ecosystem and sublimity offish resources.
- (2). Everybody is required to conserve sperm plasma having connection with fish resources.
- (3). The Government controls importation of new species offish from abroad and/or inter-islands traffic in order to secure sperm plasma conservation relating to fish resources.



- (4). Everybody is prohibited to damage sperm plasma having connection with fish resources.
- (5). Further provisions on the making good use and conservation of sperm plasma of fish resources referred to in paragraphs (1), (2) and paragraph (3) shall be provided by Government Regulation.

Article 15

The Government provides importation and/or exportation of species of mother-to-be, mother and/or seeds of fish into and out of the fisheries management territory of the Republic of Indonesia.

Article 16

- (1). Everybody is prohibited to import, export, produce, distribute, and/or breed fish which may ruin the public, fish cultivation, fish resources, and/or fish resources environment into and/or out of the fisheries management territory of the Republic of Indonesia.
- (2). Further provisions on importing, exporting, producing/supplying, distributing, and/or cultivating fish referred to in paragraph (1), shall be provided by Government Regulation.

Article 17

The Government provides and develops the use of facility and infrastructure of fish cultivation within the framework of developing fish cultivation.

Article 18

- (1). The Government provides and guides water advantages system and area of fish cultivation.
- (2). The provision and guidance of water advantages system referred to in paragraph (1) is done within the framework of guaranteeing water quantity and water quality for the interest of fish cultivation.



Article 19

- (1). The Government sets out prerequisite and standard of transportation vehicle, unit for storing fish cultivation product and fish health management unit and its environment.
- (2). The government performs supervision against transportation vehicle, unit for storing fish cultivation product and fish health management unit and its environment.
- (3). The government and the public shall implement fish health management and its environment referred to in paragraph (1).
- (4). Further provisions on the prerequisite and standard as well as supervision of transportation vehicle, unit for storing fish cultivation product and fish health management unit and its environment, referred to in paragraphs (1) and (2) as well as implementation of fish health management and its environment referred to in paragraph (3) shall be provided by Government Regulation.

Article 20

- (1). Fish processing and fishery product shall meet the properness requirements on fish processing, quality control system and safety of fishery product,
- (2). Quality control system and safety of fishery product referred to in paragraph (1), consist of the following sub-system :
 - a. supervision and control of quality;
 - b. Development and application of prerequisite or standard of raw material, prerequisite or standard of sanitation and technique of handling and processing, prerequisite or standard of product quality, prerequisite or standard of facility and infrastructure, as well as prerequisite or standard of testing method; and
 - c. Certification.



- (3). Anybody who carries on fish handling and processing shall meet and apply fish processing properness requirement, quality control system and fishery product safety.
- (4). Anybody who meets and applies fish processing properness requirement referred to in paragraph (3), shall obtain Certificate of Processing Properness.
- (5). Anybody who meets and applies fishery product quality control system application requirement, referred to in article (3) shall obtain Integrated Quality Management Program Application Certificate.
- (6). Product of catch fish and/or from cultivation shall meet fishery product quality standard and safety.
- (7). Fishery processing product shall meet the prerequisite and/or quality standard and safety of fishery product referred to in paragraph (2) point b.
- (8). Fish processing industry which is not provided herein shall be performed in accordance with the prevailing laws and regulations.

Article 21

Anybody who performs importation or exportation of fish and/or fishery product to and/or from the territory of the Republic of Indonesia shall accompany the same with certificate of health/good for human consumption.

Article 22

Further stipulation on quality control system and safety of fishery product, certificate of processing properness, certificate of integrated quality management application referred to in Article 20, and certificate of health referred to in Article 21, shall be provided by Government Regulation.



Article 23

- (1). Everybody is prohibited to use raw material, food supplement material, auxiliary material, and/or any device which may jeopardize human health and/or the environment in performing fish handling and processing.
- (2). The Government sets out what kind of raw materials, food supplement materials, auxiliary materials and/or devices which may jeopardize human health and/or the environment referred to in paragraph (1).

Article 24

- (1). The Government motivates increase of added value of fishery product.
- (2). The Government may restrict export of raw material of fish processing industry in order to secure availability of such raw material domestically.
- (3). Further provisions on the increase of added value of fishery product referred to in paragraph (1) and guarantee of availability of raw material for domestic fish processing industry as well as restriction of exportation of raw material referred to in paragraph (2), shall be provided by the Government.

CHAPTER V

FISHERY UNDERTAKING

Article 25

Fisheries undertaking is performed in fishery business system covering pre-production, production, processing and marketing.

Article 26

- (1). Anybody who undertakes fishery business in the field of catching, cultivating, transporting, processing and marketing fish in the fishery management territory of the Republic of Indonesia shall be required to obtain *SIUP* (Fishery Business License).



- (2). The requirement to possess SIUP referred to in paragraph (1), is not mandatory for small fishermen and/or small fish-cultivators.

Article 27

- (1). Anybody who possesses and/or operating fishery ship flying Indonesian flag used for catching fish in the fishing management territory of the Republic of Indonesia and/or in the open sea shall possess SIPI (Fish Catching License).
- (2). Anybody who possesses and/or operates fishery ship flying foreign flag used for catching fish in the fishing management territory of the Republic of Indonesia shall possess SIPI.
- (3). SIPI referred to in paragraph (1) shall be issued by the Minister.
- (4). Any fishery ship flying Indonesian flag performing fish catching in the jurisdiction of another country shall be required to obtain prior approval from the Government.

Article 28

- (1). Anybody who possesses and/or operates fish carrier in the fishery management territory of the Republic of Indonesia shall possess SIKPI.
- (2). The SIKPI referred to in paragraph (1) shall be issued by the Minister.

Article 29

- (1). Fishery undertaking in the fishery management territory of the Republic of Indonesia may only be performed by cilicn or corporate body of the Republic of Indonesia.
- (2). Any exception against such provision referred to in paragraph (1) shall be given to an alien person or alien corporate body doing fish catching in ZEEI, as long as such matter relates to the obligation of the Republic of Indonesia by virtue of the prevailing international agreement or international law.



Article 30

- (1). The issuance of fishery business license to any alien person and/or alien corporate body operating in *ZEEI* should be preceded by fishery agreement, access arrangement, or other arrangement between the Government of the Republic of Indonesia and the government of the country its flag is flown by the ship.
- (2). Fishery agreement entered into by and between the Government of the Republic of Indonesia and the government of any country its flag is flown by the ship referred to in paragraph (1) should contain the obligations of the government of the country its flag is flown by the ship to be responsible for the obedience of the person or the corporate body of the country its flag is flown by the ship to comply with the fishery agreement.
- (3). The government sets out provisions on fishery business license issued to any alien person and/or alien corporate body operating in *ZEEI*, fishery agreement, access arrangement, or other arrangement between the government of the Republic of Indonesia and the government of the country its flag is flown by the ship.

Article 31

- (1). Each fishing ship used for catching fish in the fishery management territory of the Republic of Indonesia shall be equipped with SIPI.
- (2). The requirement to possess SIUP referred to in paragraph (1), is not mandatory for small fishermen and/or small fish-cultivators.
- (3). Each fishery ship used for carrying fish in the fishery management territory of the Republic of Indonesia shall be equipped with SIKPI.

Article 32

Further provisions on the procedure and requirement for SIUP, SIPI and SIKPI issuance shall be provided by the Minister's Regulation.



Article 33

Further provisions on fish catching and/or fish cultivation in the fishery management territory of the Republic of Indonesia which is not for commercial purpose shall be provided by means of the Minister's Regulation.

Article 34

- (1). Fishery ships based on their function covering :
 - a. fishing ship;
 - b. fish carrier;
 - c. fish processor;
 - d. fish training ship;
 - e. fishery research/exploration; and
 - f. supporting ship for fish catching operation and/or fish cultivation.
- (2). Further provisions on fishery ships referred to in paragraph (1) shall be provided by Government Regulation.

Article 35

- (1). Anybody who constructs, imports or modified fishery ships shall priorly obtain approval from the Minister.
- (2). Such construction or modification of fishery ships referred to in paragraph (1) may be done, either domestic or abroad, after having technical consideration on sea worthiness from the Minister who is responsible for navigation affairs.

Article 36

- (1). Fishery ship owned by Indonesian citizen operated in the fishery management territory of the Republic of Indonesia shall-priorly be registered as Indonesian fishery ship.
- (2). Registration of fishery ships referred to in paragraph (1) shall be completed with documents in the form of:



- a. evidence of ownership;
 - b. owner identity; and
 - c. certificate of measurement.
- (3). Registration of fishery ship purchased or acquired from overseas and has been registered in the country of origin to be registered as Indonesian fishery ship, beside completed with the documents referred to in paragraph (2) shall also be completed with certificate of retiring of such ship issued by the country of origin.
- (4). Further provisions on registration referred to in paragraphs (1), (2) and paragraph (3) shall be provided by the Minister's Regulation.
- (5). Any fishery ship having been registered referred to in paragraph (1) shall be given certificate of registry pursuant to the prevailing laws and regulations.

Article 37

Each Indonesian fishery ship shall be given an identification tag in the form of registration mark, fish catching zone mark, fish catching strip mark, and/or fishing tool mark.

Article 38

- (1). Each fishery ship flying foreign flag having no fishing license as long as it exists in the fishery management territory of the Republic of Indonesia shall keep its fishing tools in the hold.
- (2). Each fishery ship flying foreign flag having fishing license with one (1) certain type of fishing tool to operate at certain part of ZEEI is prohibited to bring other fishing tool(s).
- (3). Each fishery ship flying foreign flag having fishing license shall keep its fishing tool in the hold during its existence outside the fishing zone allowable in the fishery management territory of the Republic of Indonesia.



Article 39

Any fishery ship flying Indonesian flag with certain size and type has the opportunity to use two (2) allowable types of fishing tools by turns based on the season and zone of catching operation.

Article 40

Further provision on constructing, importing, modifying ship, registering, measuring fishery ship, giving indication tag to fishery ship, as well as using two (2) types of fishing tools by turns referred to in Article 35, Article 36, Article 37, Article 38 and Article 39 shall be provided by the Minister's Regulation.

Article 41

- (1). The government organizes and promotes fishery ports.
- (2). The Minister sets out:
 - a. main plan of fishery ports nationally;
 - b. classification of fishery ports and any place which constitute part of certain waters and land which become working and operational area of fishery port;
 - c. requirements and/or technical standard and accreditation competence in planning, development, operation, promotion and supervision of fishery ports.
 - d. working and operational area of fishery ports; and
 - e. fishery ports which are not built by the Government.
- (3). Each fishing ship and fish carrier shall put the catch fish ashore at the fishery ports specified.
- (4). Anybody who owns and/or operates fishing ship and/or fish carrier which does not perform loading and unloading catch fish at the specified fishery ports referred to in paragraph (3) shall be imposed administrative sanction in the form of warning, freezing of license or revocation of license.



Article 42

- (1). Within the framework of navigation safety, a harbormaster is appointed at the fishery port.
- (2). Each fish carrier which will sail from fishery port shall possess fish carrier sailing permit issued by the harbormaster.
- (3). Besides issuing sailing permit, the harbormaster at the fishery port referred to in paragraph (1), also has another authorities, namely :
 - a. rechecking completeness and validity of the documents of the fishery ship; and
 - b. rechecking the fishing tool existed in the fishing ship.
- (4). The harbormaster of the fishery ports referred to in paragraph (1) shall be appointed by the Minister.

Article 43

Each fishery ship which will perform fishery activity is required to possess a certificate of operation worthiness for the fishery ship from the fishery supervisor.

Article 44

- (1). Sailing permit referred to in Article 42 paragraph (2) is issued by the harbormaster after the fishing ship obtained certificate of operation worthiness.
- (2). The certificate of operation worthiness referred to in paragraph (1) is issued by the fishery supervisor after the administrative requirement and technical properness have been met.
- (3). Further provisions on administrative requirement and technical properness referred to in paragraph (2) shall be provided by the Minister's Regulation.



Article 45

In the event the fishery ship exists and/or has its base outside the fishery port, the sailing permit is issued by the local harbormaster after the certificate of operation worthiness has been obtained from the fishery supervisor assigned at the local port:

CHAPTER VI

FISHERY INFORMATION SYSTEM AND STATISTICAL DATA

Article 46

- (1). The government formulates and develops fishery information system and statistical data as well as organizes collection, processing, analysis, storing, presentation and distribution of potential data, facility and infrastructure, production, handling, processing and marketing fish, as well as economic social data which is connected with the carrying out of fish resources processing and fishery business system development.
- (2). The government establishes fishery information and data center to organize fishery statistical data and information system,

Article 47

- (1). The government organizes fishery information network with other institution, both domestic and abroad.
- (2). Fishery statistical data and information system can be easily and quickly accessed by the whole users of fishery statistical data and information systems.



CHAPTER VII

FISHERY RETRIBUTION

Article 48

- (1). Anybody who obtains direct benefit from fish resources and its environment in the fishery management territory of the Republic of Indonesia shall be levied with fishery retribution.
- (2). Fishery retribution referred to in paragraph (1) shall not be imposed on small fishermen and small fish-cultivators.

Article 49

Every foreigner who obtains fishing license in *ZEEI* shall be imposed fishery retribution.

Article 50

Fishery retribution referred to in Article 48 and Article 49 shall be used for fishery development as well as activity offish resources conservation and its environment.

Article 51

Further provisions on fishery retribution and the usage of fishery retribution referred to in Article 48, Article 49 and Article 50 shall be provided by Government Regulation.

CHAPTER VIII

FISHERY RESEARCH AND DEVELOPMENT

Article 52

The Government regulates, motivates and/or organizes fishery research and development to create science and technology required in developing fishery undertaking in order to be more effective, efficient, economical, higher competitive ability and environment friendly as well as bearing respect for local tradition/culture ability.



Article 53

- (1). Fishery research and development may be performed by individuals, higher-learning institutions, non-government organizations, and/or research and development institutions owned by the Government and/or private persons.
- (2). Individuals, higher-learning institutions, non-government organizations, and/or research and development institutions owned by the Government and/or private persons referred to in paragraph (1) may perform cooperation with :
 - a. organizer of research and development;
 - b. performer of fishery business;
 - c. fishery association; and/or
 - d. foreign research and development institution

Article 54

This result of such research is characteristically opened for the public, except for certain research which is declared not for publication by the Government.

Article 58

The Government may cooperate with related institutions, both domestic and international level, in organizing fishery education, training and counseling.

Article 59

Further provisions on fishery education, training and counseling referred to in Article 57 and Article 58 shall be provided by Government Regulation.



CHAPTER X

EMPOWERMENT OF SMALL FISHERMEN AND SMALL FISH-CULTIVATORS

Article 60

- (1). The Government empowers small fishermen and small fish-cultivators through :
 - a. provision *of skim* credit for small fishermen and small fish-cultivators either for business capital or for cost of operation simply, low interest ort loan, and in accordance with the ability of small fishermen and small fish-cultivators.
 - b. organizing education, training and counseling for small fishermen as well as small fish-cultivators to improve knowledge and skill in the field of catching, cultivating, processing and marketing offish, and
 - c. fostering small fishermen group, small fish-cultivators group and fishery
- (2). Promotion of small fishermen and small fish-cultivators referred to in paragraph (1) shall be also able to be performed by the public.

Article 61

- (1). Small fishermen are free to catch fish throughout the fishery management territory of the Republic of Indonesia.
- (2). Small fish-cultivators may cultivate selected fish commodity throughout the fishery management territory of the Republic of Indonesia.
- (3). Small fishermen and small fish-cultivators referred to in paragraphs (1) and (2) shall comply with the provision on conservation and other provision pursuant to the prevailing provisions provided by the Minister.



- (4). Small fishermen or small fish-cultivators shall participate in maintaining fishery environment conservation and safety of food produced from fishery product in accordance with the prevailing provisions.
- (5). Small fishermen and small fish-cultivators shall register themselves, their business and their activities to the local fishery institution without being imposed with any charge, which is done for the purpose of statistical matter as well as for the empowerment of small fishermen and small fish-cultivators.

Article 62

The Government provides and makes every efforts to raise funds to empower small fishermen and small fish-cultivators, both from domestic and foreign resources, in accordance with the prevailing laws and regulations.

Article 63

Fishery entrepreneurs motivate mutual benefit business partnership with small fishermen group or small fish-cultivators group in fishery business activities.

Article 64

Further provisions on empowerment of small fishermen and small fish-cultivators referred to in Articles 60, 61, 62 and 63 shall be provided by Government Regulation.

CHAPTER XI

TRANSFER AND ASSISTANCE OF FISHERY AFFAIRS

Article 65

- (1). Transfer of part of fishery affairs from the (Central) Government to Regional Government and its revocation shall be stipulated by means of Government Regulation.



- (2). The Government may assign Regional Government to carry out assistance in fishery sector.

CHAPTER XII

FISHERY SUPERVISION

Article 66

- (1). Fishery supervision is performed by fishery supervisors.
- (2). The fishery supervisors' duty referred to in paragraph (1) is to supervise order of laws and regulations implementation in fishery sector.
- (3). The fishery supervisors referred to in paragraph (1) consist of investigating officers and non-investigating officers appointed from civil servants assigned in fishery affairs.

Article 67

The public may be involved in assisting fishery supervision.

Article 68

The Government organizes facility and infrastructure for fishery supervision.

Article 69

- (1). Fishery supervisors referred to in Article 66 paragraph (1), in performing their duties may be equipped with firearms and/or other self-protective device and supported with fishery supervisory ships.
- (2). Fishery supervisory ships referred to in paragraph (1) shall have the function to perform supervision and law enforcement in fishery sector.
- (3). Fishery supervisory ships may halt, inspect, take away, and detain any ship suspiciously or allegedly committing any violation in the fishery management territory of the Republic of Indonesia to the nearest port for further processing.
- (4). Fishery supervisory ships referred to in article (1) may be equipped with firearms.



Article 70

Further provision on fishery supervision, participation of the public in giving assistance for fishery supervision, fishery supervisory ships, firearms, and/or other self-protective device, used by the fishery supervisors and/or installed on board of fishery supervisory ships referred to in Article 66 paragraph (1) and paragraph (2), Article 67, Article 68, Article 69 paragraphs (1), (2) and (4) shall be provided by Government Regulation.

CHAPTER XIII

FISHERY COURT OF LAW

Article 71

- (1). By this Law, a fishery court of law shall be established which is authorized to examine, hear and adjudicate criminal act in the fishery sector.
- (2). The fishery court of law referred to in paragraph (1) is under the domain of general law.
- (3). For the first time, the fishery court of law referred to in paragraph (1) was established at the District Courts of Jakarta Utara, Medan, Pontianak, Bitung and Tual.
- (4). The jurisdiction of the fishery court of law referred to in paragraph (3) is in accordance with the jurisdiction of the district court concerned.
- (5). The fishery court of law referred to in paragraph (3) shall within not later than two (2) years as of the effective date of this Law, should have performed its duty and function.
- (6). The formation of the fishery court of law referred to in paragraph (1) shall be done in stages in accordance with the necessity and shall be laid down by means of a Presidential Decree.



CHAPTER XIV

INVESTIGATION, PROSECUTION AND EXAMINATION AT THE FISHERY

COURT SESSION

Part One Investigation

Article 72

Investigation of criminal case in fishery sector, is done based on the prevailing procedural law, except as otherwise stipulated herein.

Article 73

- (1). Investigation of criminal act in fishery sector is performed by the Investigating Officers appointed from Civil Servants assigned in Fishery, Navy officers and Police Officers of the Republic of Indonesia.
- (2). Investigating officers referred to in paragraph (1) may perform coordination.
- (3). To perform coordination within the framework of handling criminal act in fishery sector, the Minister may form coordination forum.
- (4). Investigating officers referred to in paragraph (1) shall have the authority to :
 - a. receive report or complaint from anybody on any criminal act in fishery sector;
 - b. summon and examine the suspect and/or witness;
 - c. bring and present anybody as suspect and/or witness to be heard;
 - d. search the Fishery facility and infrastructure allegedly used in or made as a place for doing criminal act in fishery sector;
 - e. halt, examine, capture, take away, and/or detain any ship and/or person allegedly doing criminal act in fishery sector;
 - f. check the completeness and validity of fishery business documents;
 - g. take the picture of any suspect and/or exhibit of criminal act in fishery sector;
 - h. cause expert to be brought in required in terms of criminal act in fishery sector;



- i. prepare and sign official examination report;
 - j. perform attachment against any exhibit used in and/or resulting from criminal act;
 - k. cease investigation; and
 - l. take other responsible legal action.
- (5). The investigating officers referred to in paragraph (4) notify the commencement of investigation and submit result of investigation to the public prosecutor.
- (6). For the purpose of investigation, the investigating officers may detain the suspect
- (7). at the longest twenty (20) days.
- (8). The period referred to in paragraph (6) if used for the purpose of settling outstanding investigation, may be prolonged by the public prosecutor at the longest ten (10) days.
- (9). The provisions referred to in paragraph (6) and paragraph (7) shall not shut the door on giving the suspect the opportunity to be released from detention if the interest of the investigation has been fulfilled prior to the end of the period of such detention.
- (10). After the said thirty (30) days has come to an end, the investigating officers should have released the suspect from detention by operation of law.

Part Two

Prosecution

Article 74

Prosecution in the criminal case in fishery sector shall done by virtue of the prevailing procedural law, except as otherwise stipulated herein.



Article 75

- (1). Prosecution against criminal act in fishery sector shall be done by the public prosecutor assigned by the Attorney General and/or appointed Officer.
- (2). The public prosecutor of criminal case in the fishery sector referred to in paragraph (1) shall meet the following prerequisite :
 - a. experienced as public prosecutor for at least five (5) years.
 - b. has participated in technical education and training in fishery sector; and
 - c. capable and has high moral integrity during his assignment of duty.
- (3). The prerequisite referred to in paragraph (2) point b should have been implemented within not later than three (3) years since this Law has been enacted.

Article 76

- (1). The public prosecutor after receiving the result of investigator from the investigating officer, shall notify the result of his examination within five (5) years commencing from the date of receipt of the bundle of investigation.
- (2). In the event the result of investigation is not completely submitted, the public prosecutor shall return the bundle of the case to the investigating officer accompanied with direction on any matters which must be completed.
- (3). Within not later than ten (10) days upon the date of receipt of the bundle, the investigating officer shall re-submit the bundle of the case to the public prosecutor.



- (4). The investigation shall be considered complete if within five (5) days, the public prosecutor does not return the result of investigation, or if prior to the end of the time limit, there is a notification on such matter from the public prosecutor to the investigating officer.
- (5). In the event the public prosecutor declares that the result of investigation is complete, within not later than ten (10) days upon the date of receipt of the bundle
- (6). from the investigating officer having been declared complete, the public prosecutor shall delegate the said case to the fishery court of law.
- (7). For the interest of prosecution, the public prosecutor has the authority to detain or continue detaining for ten (10) days.
- (8). The period of time referred to in paragraph (6), shall if required for the interest of settling outstanding examination, be prolonged by the authorized Chairman of the District Court at the longest ten (10) days.
- (9). The provision referred to in paragraph (6) and paragraph (7) shall not shut the door on giving the suspect the opportunity to be released from detention if the interest of examination has been fulfilled prior to the end of the period of such detention.

Part Three

Examination in the Court Session

Article 77

Examination in the Court Session of the criminal case in fishery sector shall be done by virtue of the prevailing procedural law, except as otherwise provided herein.



Article 78

- (1). The judges for fishery court of law consist of career judge and ad hoc judge.
- (2). The composition of the judges consist of two (2) ad hoc judges and one (1) career judge
- (3). Career judge referred to in paragraph (1) shall be decided by means of a Decision of the Chairman of the Supreme Court.
- (4). Ad Hoc judge referred to in paragraph (1) shall be appointed and discharged by the President upon proposal of the Chairman of the Supreme Court.

Article 79

The hearing at the court session may be executed in the absence of the accused.

Article 80

- (1). Within the period of not later than thirty (30) days upon the date of receipt of transfer of the case from the public prosecutor, the judge should have passed a judgment.
- (2). The judgment referred to in paragraph (1) may be done by the judge in the absence of the accused.

Article 81

- (1). For the purpose of examination, the judge at the court session is authorized to decide twenty (20) days detention.
- (2). The period of detention referred to in paragraph (1) if required for the purpose of settling outstanding examination, may be extended by the Chairman of the District Court concerned at the longest ten (10) days.



- (3). The provisions referred to in paragraph (1) and paragraph (2) shall not shut the door on giving the accused the opportunity to be released from detention prior to
- (4). the end of the period of such detention, if the examination interest has been fulfilled.

Article 82

- (1). In the event the court is appealed to the appellate court, the said case shall be examined and adjudicated within not later than thirty (3) days upon the date of receipt of the bundle having been received by the appellate court.
- (2). For the purpose of examination, the judge at the appellate court session is authorized to decide twenty (20) days detention.
- (3). The period of detention referred to in paragraph (2), if required for the purpose of settling outstanding examination, may be extended by the Chairman of the Appellate Court concerned within not later than ten (10) days.
- (4). The provisions referred to in paragraph (2) and paragraph (3) shall not shut the door on giving accused the opportunity to be released from detention prior to the end of the period of detention, if the interest of examination has been fulfilled.

Article 83

- (1). In the event the judgment of the appellate court is appealed to the Supreme Court, the said case shall be examined and adjudicated within not later than thirty (30) days upon the date of receipt of the bundle of the case having been received by the Supreme Court.



- (2). For the purpose of examination, the judge at the Supreme Court session is
- (3). authorized to decide twenty (20) days detention
- (4). The period of detention referred to in paragraph (2), if required for the purpose of settling outstanding examination, may be extended by the Chairman of the Supreme Court at the longest ten (10) days.
- (5). The provisions referred to in paragraph (2) and paragraph (3) shall not shut the door on giving the accused the opportunity to be released from detention prior to the end of period of detention if the interest of examination has been fulfilled.

CHAPTER XV

CRIMINAL PROVISION

Article 84

- (1). Anybody who intentionally catches fish and/or cultivates fish in the fishery management territory of the Republic of Indonesia by means of chemical substance, biological substance, explosive material, tools and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment referred to in Article 8 paragraph (1) shall be condemned to six (6) years' imprisonment at the longest and penalty at the most Rp. 1,200,000,000.00 one billion two hundred million Rupiah).



- (2). The captain or the leader of a fishing ship, fish catching expert and crew of a ship who intentionally catches fish in the fishery management territory of the Republic of Indonesia by means of chemical substance, biological substance, explosive material, tool and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment referred to in Article 8 paragraph (2), shall be condemned to at the longest ten (10) years' imprisonment and penalty at the most Rp. 1,200,000,000.00 (one billion two hundred million Rupiah).
- (3). The owner of fishing ship, owner of fishery company, person in charge of fishery company, and/or operator of fishery ship who intentionally catching fish by using chemical substance, biological substance, explosive material, tools and/or manner, and/or construction which may ruin and/or jeopardize fish resources conservation and/or its environment referred to in Article 8 paragraph (3), shall be condemned to at the longest ten (10) years' imprisonment and penalty at the most Rp. 2,000,000,000.00 (two billion Rupiah).
- (4). Owner of fish cultivation company, trustee of the owner of fish cultivation company, and/or person in charge of the fish cultivation company who intentionally undertake the fish cultivation business by using chemical substances, biological substances, explosive materials, equipment and/or method, and/or construction which may harm and/or jeopardize the fish resources conservation and/or its environment in the fishery management territory or the Republic of Indonesia as referred to in Article 8 paragraph (4) shall be condemned to 10 (ten) years' imprisonment at the longest and penalty at the most Rp. 2,000,000,000.00 (two billion Rupiah).



Article 85

Anybody who intentionally own, posses, carry, and/or use in the fishery management territory or the Republic of Indonesia the fishing tool/equipment and/or fishing accessory onboard of the fishery ship which size is not in conformity with the specified size, or which requirement is not in conformity with the requirement or standard determined for certain type of equipment/tool, and/or which the use thereof is prohibited as referred to in Article 9 shall be condemned to 5 (five) years' imprisonment at the longest and penalty at the most Rp. 2,000,000,000.00 (two billion Rupiah).

Article 86

- (1). Anybody who intentionally do any act which cause pollution and/or damage to fish resources and/or its environment in the fishery management territory or the Republic of Indonesia as referred to in Article 12 paragraph (1) shall be condemned to 10 (ten) years' imprisonment at the longest and penalty at the most Rp. 2,000,000,000.00 (two billion Rupiah).
- (2). Anybody who intentionally cultivate the fishes which may jeopardize the fish resources, fish resources environment and/or human health in the fishery management territory or the Republic of Indonesia as referred to in Article 12 paragraph (2) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and live hundred million Rupiah).



- (3). Anybody who intentionally cultivate fish being produced from genetic engineering which may jeopardize fish resources, fish resources environment, and/or human health in the fishery management territory or the Republic of Indonesia as referred to in Article 12 paragraph (3) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).
- (4). Anybody who intentionally use drugs in fish cultivation which may jeopardize fish resources, fish resources environment, and/or human health in the fishery management territory or the Republic of Indonesia as referred to in Article 12 paragraph (4) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).

Articles 87

- (1). Anybody who intentionally damage the sperm plasma having connection with fish resources in the fishery management territory or the Republic of Indonesia as referred to in Article 14 paragraph (4) shall be condemned to 2 (two) years' imprisonment at the longest and penalty at the most Rp. 1,000,000,000.00 (one billion Rupiah).
- (2). Anybody who, due to his/her negligence, damage the sperm plasma having connection with fish resources in the fishery management territory or the Republic of Indonesia as provided for in Article 14 paragraph (4) shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 500,000,000.00 (five hundred million Rupiah).



Anybody who intentionally import, export, produce, distribute, and/or breed fish which may cause any harm to the public, fish cultivation, fish resources, and/or fish resources environment into and/or out of the fishery management territory of the Republic of Indonesia as provided for in Article 16 paragraph (1) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).

Article 89

Anybody who carries on fish handling and processing without meeting or applying fish processing properness requirement, quality control system and fishery product safety as provided for in Article 20 paragraph (3) shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 800,000,000.00 (eight hundred million Rupiah).

Article 90

Anybody who intentionally performs importation or exportation of fish and/or fishery product to and/or from the territory of the Republic of Indonesia without accompanying the same with certificate of health/good for human consumption as provided for in Article 21 shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 800,000,000.00 (eight hundred million Rupiah).

Article 91

Anybody who intentionally use raw material, food supplement material, auxiliary material, and/or any device which may jeopardize human health and/or the environment in performing fish handling and processing as provided for in Article 23 paragraph (1) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).



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Anybody who intentionally undertakes fishery business in the field of catching, cultivating, transporting, processing and marketing fish in the fishery management territory of the Republic of Indonesia without owning *SIUP* (Fishery Business License) as provided for in Article 26 paragraph (1) shall be condemned to 8 (eight) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).

Article 93

- (1). Anybody possessing and/or operating fishery ship flying Indonesian flag used for catching fish in the fishery management territory of the Republic of Indonesia and/or open sea without possessing *SIPI* (Fishing license) as provided for in Article 27 paragraph (1) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 2,000,000,000.00 (two billion Rupiah).
- (2). Anybody possessing and/or operating fishery ship flying foreign flag used for catching fish in the fishery management territory of the Republic of Indonesia without possessing *SIPI* as provided for in Article 27 paragraph (2) shall be condemned to 6 (six) years' imprisonment at the longest and penalty at the most Rp. 20,000,000,000.00 (twenty billion Rupiah).

Article 94

Anybody possessing and/or operating fish carrier in the fishery management territory of the Republic of Indonesia for performing the transportation of fishes or other related activities without possessing *SIKPI* as provided for in Article 28 paragraph (1) shall be condemned to 5 (five) years' imprisonment at the longest and penalty at the most Rp. 1,500,000,000.00 (one billion and five hundred million Rupiah).



Article 95

Anybody constructing, importing or modifying fishery ship without prior approval as provided for in Article 35 paragraph (1) shall be condemned to 1 (one) year imprisonment at the longest and penalty at the most Rp. 600,000,000.00 (six hundred million Rupiah).

Article 96

Anybody operating fishery ship in the fishery management territory of the Republic of Indonesia without registering the ship as Indonesian fishery ship as provided for in Article 36 paragraph (1) shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 800,000,000.00 (eight hundred million Rupiah).

Article 97

- (1). The ship captain operating the fishery ship flying foreign flag which has no fishing license and which does not keep its fishing tool/equipment in the hold of the ship during its presence in the fishery management territory of the Republic of Indonesia as provided for in Article 38 paragraph (1), shall be subject to penalty at the most Rp. 500,000,000.00 (five hundred million Rupiah).
- (2). The ship captain operating the fishery ship flying foreign flag which has owned the fishing license with 1 (one) certain type of fishing equipment to operate at certain part of ZEEI but still carries other fishing equipment for catching other fishes as referred to in Article 38 paragraph (2) shall be subject to penalty at the most Rp. 1,000,000,000.00 (one billion Rupiah).



(3). The ship captain operating the fishery ship flying foreign flag which has owned the fishing license but the ship does not keep the fishing tool/equipment in its hold during its presence outside the permitted fish catching region in the fishery management territory of the Republic of Indonesia as provided for in Article 38 paragraph (1), shall be subject to penalty at the most Rp. 500,000,000.00 (five hundred million Rupiah).

Article 98

The ship captain sailing the fishery ship without obtaining the sailing permit issued by the relevant harbormaster as provided for in Article 42 paragraph (2) shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 200,000,000.00 (two hundred million Rupiah).

Article 99

Any foreigner who conduct the research on fisheries in the fishery management territory of the Republic of Indonesia without obtaining prior permit from the government of the Republic of Indonesia as provided for in Article 55 paragraph (1) shall be condemned to 1 (one) year' imprisonment at the longest and penalty at the most Rp. 1,000,000,000.00 (one billion Rupiah).

Article 100

Anybody violate the provisions provided for in Article 7 paragraph (2) shall be subject to penalty at the most Rp. 250,000,000.00 (two hundred and fifty million Rupiah).



In case the criminal acts as provided for in Article 84 paragraph (1), Article 85, Article 86, Article 87, Article 88, Article 89, Article 90, Article 91, Article 92, Article 93, Article 94, Article 94, and Article 96 are committed by corporate, the indictment and criminal punishment as well as the penalty imposed upon the management shall be increased by 1/3 (one-third) of the indictment being imposed.

Article 102

The provision on imprisonment set forth in this Laws shall not be applicable for the criminal act on fisheries occurred within the fishery management territory of the Republic of Indonesia as referred to in Article 5 paragraph (1) point b, except an agreement has been entered into by the Government of the Republic of Indonesia and the government of the relevant country.

Article 103

- (1). The criminal acts as referred to in Article 84, Article 85, Article 86, Article 88, Article 91, Article 92, Article 93, and Article 94 are categorized as crime.
- (2). The criminal acts as referred to in Article 87, Article 89, Article 90, Article 95, Article 96, Article 97, Article 98, Article 99 and Article 100 are categorized as violation.

Article 104

- (1). The petition to release the ship and/or person being caught because of committing the criminal act within the fishery management territory of the Republic of Indonesia as referred to in Article 5 paragraph (1) point b, may be submitted at any time prior to the passing of judgment by the fisheries court of law namely by surrendering a reasonable sum of security deposit, the amount of which shall be fixed by the fisheries court of law.



- (2). The goods and/or equipment used in and/or produced from the criminal acts on fisheries may be seized for the state.

Article 105

- (1). The goods and/or equipment being seized from the criminal acts on fisheries as referred to in Article 104 may be auctioned for the state.
- (2). The law enforcers who have successfully performed their duties satisfactorily and other parties who be of service in the effort to save the state's assets as provided for in paragraph (1) shall be rewarded with incentive originated from proceeds of the auction.
- (3). Further provisions on the giving of incentive shall be provided in the Regulation of the Minister.

CHAPTER XVI

TRANSITIONAL PROVISION

Article 106

As long as the fisheries court of law has not yet established in addition to the fisheries court of law as referred to in Article 71 paragraph (3), the criminal act on fisheries occurred outside the, jurisdiction of fisheries court of law mentioned in Article 71 paragraph (3) shall remain be examined, tried and adjudged by the competent district court.

Article 107

Investigation, indictment and examination in the court tribunal for the criminal case on fisheries being examined, tried and adjudicated by the District Court shall be performed in accordance with the procedure of law as set forth in this laws.



Article 108

When this Law is commenced:

- (1). the criminal act on fisheries occurred within the jurisdiction of fisheries court of law mentioned in Article 71 paragraph (3) which is still under investigation or indictment phase shall remain under the penal procedure applicable prior to the stipulation of this Law;
- (2). the criminal act on fisheries occurred within the jurisdiction of fisheries court of law mentioned in Article 71 paragraph (3) which has been examined but not yet adjudicated by the competent district court shall remain being examined and adjudicated by the competent district court in accordance with the penal procedure applicable prior to the stipulation of this Law; and
- (3). the criminal act on fisheries occurred in the jurisdiction of fisheries court of law mentioned in Article 71 paragraph (3) which has been assigned to district court but has not yet been examined by the court shall be assigned to the competent fisheries court of law.

Article 109

Upon the stipulation of this law, all implementation regulation of Law Number 9 of 1985 on Fisheries shall remain effective as long as the contents therein shall not in contravention with or has not yet been amended/modified under this Law.



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CHAPTER XVII

CLOSING PROVISION

Article 110

When this Law is commenced:

- a. Law Number 9 of 1985 on Fisheries (the State Gazette of the Republic of Indonesia Number 46 of 1985 Number 46, Supplement to the State Gazette of the Republic of Indonesia of the Republic of Indonesia Number 3299); and
- b. provision on the imposition of penalty as provided for in Article 16 paragraph (1) of Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone (State Gazette of the Republic of Indonesia Number 44 of 1983, Supplement to the State Gazette of the Republic of Indonesia Number 3260) especially those in connection with crime on fisheries;

shall be revoked and deemed null and void.

Article 111

This law shall be effective commencing from the date of its stipulation.

In order that anybody shall be cognizant, it is hereby order to adjudicate this law and promulgated the same in the State Gazette or the Republic of Indonesia.

Stipulated in Jakarta

On 6 Oktober 2004

President of the Republic of Indonesia

ttd

MEGAWATI SOEKARNOPUTRI

Ratified in Jakarta On:

SECRETARY OF STATE OF THE REPUBLIC OF INDONESIA
STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 118 YEAR 2004