

**AMENDMENT TO LAW NO. 31 YEAR 2004
CONCERNING FISHERY**

(R.I. Law No. 45 Year 2009, dated October 29, 2009)

**WITH THE BLESSING OF THE ONE AND ONLY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,**

**Law concerning Amendment to Law No. 31 Year
2004 concerning Fishery;**

Considering:

- a. that waters existing within the sovereignty of the Unitary State of the Republic of Indonesia and within the Indonesian Exclusive Economy Zone and in the open seas contain potential fish resources and constitute fish cultivation areas, is a blessing of the One and Only God to the Indonesian nation with its life philosophy, i.e. Pancasila and the 1945 State Constitution of the Republic of Indonesia, by observing the available support capability and the preservation thereof to be utilized to the utmost for the prosperity and welfare of the Indonesian people;
- b. that the utilization of fish resources had not yet contributed an improvement of a living standard that is continuous and just thru an optimum fishery management, control, and law enforcement system;
- c. that Law No. 31 Year 2004 (BN no. 7144 pgs 7B-12B etc) concerning Fishery has not yet fully anticipated the development of technology and legal requirements in the context of the management and utilization of potential fish resources;
- d. that based on the considerations referred to in letters a thru c, it is necessary to formulate a

In view of:

Article 20, Article 21, and Article 33 paragraph (3) of the 1945 State Constitution of the Republic of Indonesia (BN No. 7152 pages 14A-23A);

Thru a Joint Approval,

**THE PARLIAMENT OF THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

DECIDE :

To stipulate:

**LAW CONCERNING AMENDMENT TO LAW NO. 31 YEAR
2004 ON FISHERY.**

ARTICLE I

Several provisions of Law No. 31 Year 2004 concerning Fishery (Statute Book of the Republic of Indonesia Year 2004 No. 118, Supplement to R.I. Statute Book No. 4433) are amended as follows:

1. Provisions of Article 1 Number 11 and Number 24 are amended, hence Article 1 reads as follows:

Article 1

In this Law, what is meant by:

1. **Fishery is an activity related with the management and utilization of fish resources and its environment from pre-production, production, processing up to its marketing performed in a fishery business system.**
2. **Fish resources are potentials of all kinds of fish.**
3. **Fish resource environment is waters where fish resources, including biota and surrounding natural factors live.**
4. **Fish is all kind of organisms where all or a part of its life cycle is in water environment.**
5. **Fish catching is an activity to take uncultivated fish from waters by using any means or methods, including activities using ships to load, transport, store, cool, handle, process, and/or preserve it.**
6. **Cultivation of fish are activities to raise, grow, and/or breed fish and to harvest its products in a controlled environment, including activities using ships to load, transport, store, cool, handle, process, and/or preserve it.**
7. **Fishery management is all efforts, including integrated processes in the collection of information, analysis, planning, consultation, decision making, allocation of fish resources, and the implementation and enforcement of legislations in the field of fishery, exercised by the Government or other authorities directed to achieve a continuous productive water bio-resources and agreed-upon objectives.**
8. **Conservation of fish resources is all efforts on the protection, conservation, and utilization of fish resources, including the ecosystem, types, and genetic to ensure the existence, availability, and continuity by continuously maintaining and improving the value of the quality and variety of fish resources.**
9. **Fishing ship is a ship, boat, or other floating means used to catch fish, to support fish catching operations, fish cultivation, fish transportation, fish processing, training on fishery, and fishery research/exploration.**
10. **Fisherman is a person whose way of living is fish catching.**
11. **Minor fisherman is a person whose way of living is fish catching to meet his daily living requirements using a fishing ship with a weight of not more than five (5) gross ton (GT).**
12. **Fish Cultivator is a person whose way of living is in the field of fish cultivation.**
13. **Minor Fish Cultivator is a person whose way of living is in the field of fish cultivation to meet his daily requirements.**
14. **Any person means any individual or corporation.**
15. **Corporation is a group of organized persons and/or assets either in the form of a legal entity or not.**
16. **Fishery Business Permit Letter, hereinafter referred to as SIUP (=Surat Izin Usaha Perikanan), is a written permit obliged to be possessed by fishery companies to carry out**

- fishery business by using the production means stated in the permit.
17. Fish Catching Permit Letter, hereinafter referred to as SIPI (= Surat Izin Penangkapan Ikan), is a written permit obliged to be possessed by every fishing ship to perform fish catching constituting an inseparable part of a SIUP.
 18. Fishing Ship Permit Letter, hereinafter referred to as SIKPI (= Surat Izin Kapal Penangkap Ikan), is a written permit obliged to be possessed by every fishing ship to perform the transportation of fish.
 19. Indonesian territorial sea is a sea lane with a width of 12 (twelve) nautical miles measured from the Indonesian archipelago base line.
 20. Indonesian waters is the Indonesian territorial seas with the archipelagic waters and inland waters.
 21. Indonesian Exclusive Economy Zone, hereinafter referred to as ZEEI (Zona Ekonomi Eksklusif Indonesia), is a lane outside of and bordering with the Indonesian territorial seas, stipulated based on prevailing Law on Indonesian waters covering the sea bottom, land underneath, and air above it with an outermost border as of 200 (two hundred) nautical miles measured from the base line of the Indonesian territorial seas.
 22. Open seas is part of the sea not included in ZEEI, Indonesian territorial seas, Indonesian archipelago waters, and Indonesian inland waters.
 23. Fishing ports are places consisting of land and waters around it with certain borders used as places for Government activities and activities of fishery business system utilized for fishing ships to dock, harbor, and/or load and unload fish, equipped with shipping safety facilities and fishery supporting activities.
 24. Minister is the minister in charge of fishery.
 25. Government is the Central Government.
 26. Regional Government is the governments of provinces and/or governments of regency/municipality.
2. Provisions of Article 2 are amended, hence Article 2 reads as follows:

Article 2

Management of fishery shall be performed based on the principles of:

 - a. benefit;
 - b. justice;
 - c. togetherness;
 - d. partnership;
 - e. independency;
 - f. even distribution;
 - g. integrity;
 - h. transparency;
 - i. efficiency;
 - j. perpetual preservation; and
 - k. continuous development.
 3. Provisions of Article 7 are amended, hence Article 7 reads as follows:

Article 7

(1) In the context of supporting the policy on the management of fish resources, the Minister shall stipulate:

- a. fishery management plan;
- b. potential and allocation of fish resources in the fishery management zone of the State of the Republic of Indonesia;
- c. permissible amount of catch in the fishery management zone of the State of the Republic of Indonesia;
- d. potential and allocation of fish cultivation area in the fishery management zone of the State of the Republic of Indonesia;
- e. potential and allocation of parents and seed/germ of certain fish in the fishery management zone of the State of the Republic of Indonesia;
- f. kind, amount, and measurement of fish catching equipments;
- g. kind, amount, measurement, and placement of fish catching auxiliary tools;
- h. area, lane, and time or season of fish catching;
- i. fish catching requirements or standard operating procedures;
- j. fishing ports;
- k. fishing ship monitoring system;
- l. kinds of new fish to be cultivated;
- m. kinds of fish and areas of the spread of fish based on cultivation;
- n. cultivation of fish and its protection;

- o. prevention of pollution and damages to fish resources and its environment;
- p. rehabilitation and improvement of fish resources and its environment;
- q. minimum measurement or weight of kinds of fish permissible to be caught;
- r. conservation water zones;
- s. plague and area of fish disease plague;
- t. kinds of fish prohibited to be traded, entered into, and exported from the territory of the State of the Republic of Indonesia; and
- u. kinds of protected fish.

(2) Any person performing business and/or activities on fishery management must obey the provisions meant in paragraph (1) on:

- a. kinds, amount, and measurement of fish catching equipments;
- b. kinds, amount, measurement, and placement of fish catching auxiliary tools;
- c. area, lane, and time or season of fish catching;
- d. fish catching terms or standard operating procedures;
- e. fishing ship monitoring system;
- f. kinds of new fish to be cultivated;
- g. kinds of fish and the zone of spread and fish catching based on cultivation;
- h. cultivation of fish and its protection;
- i. prevention of pollution and damages to fish resources and its environment;
- j. minimum measurement or weight of kinds of fish permissible to be caught;

- k. conservation water zones;
- l. plague and area of the fish disease plague;
- m. kinds of fish prohibited to be traded, entered into, and exported from the State of the Republic of Indonesia; and
- n. kinds of protected fish.

(3) Obligation to obey the provisions on fishing ship monitoring system as meant in paragraph (2) Letter e, is not applicable to minor fishermen and/or minor fish cultivators.

(4) The Minister shall stipulate the potential of and amount of permissible catches as meant in paragraph (1) Letter b and Letter c after considering the recommendation of the national commission studying fish resources.

(5) The national commission referred to in paragraph (4) is formed by the Minister with members consisting of experts in their field originating from related institutions.

(6) The Minister stipulates the kinds of protected fish and conservation water zones for the purpose of science, culture, tourism, and/or preservation of fish resources and/or its environment.

4. Provisions of Article 9 are amended, hence Article 9 reads as follows:

Article 9

(1) Any person is prohibited to possess, control, carry, and/or use fish catching means and/or fish catching auxiliary means disturbing and damaging the continuity of fish resources on fish catching ships in the fishery management zone of the State of the Republic of Indonesia.

(2) Provisions on fish catching means and/or fish catching auxiliary means disturbing and damaging the continuity of fish resources as meant in paragraph (1) is regulated with a regulation of the Minister.

5. Provisions of Article 14 paragraph (3) are changed, hence Article 14 reads as follows:

Article 14

(1) The Government regulates and/or develops the utilization of sperm plasma related with fish resources in the context of the conservation of the ecosystem and breeding to improve the stock of fish resources.

(2) All persons are obligated to preserve sperm plasma related with fish resources.

(3) The Government controls the entry and/or export of new kinds of fish kinds of from overseas and/or linter-island traffic to ensure the conservation of sperm plasma related with fish resources.

(4) All persons are prohibited to damage sperm plasma related with fish resources.

(5) Further provisions on the utilization of and conservation of sperm plasma of fish resources as meant in paragraphs (1), (2) and (3), are regulated with a Government Regulation.

6. In between.....

(To be continued)

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**AMENDMENT TO LAW NO. 31 YEAR 2004
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(R.I. Law No. 45 Year 2009, dated October 29, 2009)

[Continued from Business News No. 7910-7911 pages 27A-31A]

6. In between Article 15 and Article 16 one (1) article is inserted i.e. Article 15A, reading as follows:

Article 15A

The Government regulates the quality control of fish parent and sperm that are cultivated.

7. Provisions of Article 18 added with two (2) paragraphs i.e. paragraph (3) and paragraph (4), hence Article 18 reads as follows:

Article 18

(1) The Government regulates and manages the order of the utilization of water and area for the cultivation of fish.

(2) The arrangement and management of the order of the utilization of water and area for the cultivation of fish as meant in paragraph (1) is performed in the context of ensuring the quantity and quality of water for the interest of fish cultivation.

(3) Performance of the order of the utilization of water and area for the cultivation of fish is exercised by the regional governments.

(4) Further provisions on the arrangement and management of the order of the utilization of water and area for the cultivation of fish as meant in paragraph (1) and paragraph (2) shall be regulated with a Government Regulation.

8. Provisions of Article 23 is added with one (1) paragraph i.e. paragraph (3); hence Article 23 reads as follows:

Article 23

(1) All persons are prohibited to use raw material, food supplement substances, auxiliary substances, and/or means hazardous to the health of man and/or the environment in the handling and processing of fish.

(2) The Government shall stipulate the raw material, food supplement substances, auxiliary substances, and/or means hazardous to the health of man and/or the environment as meant in paragraph (1).

(3) The Government shall socialize the raw material, food supplement substances, auxiliary substances, and/or means hazardous to the health of man and/or the environment.

9. Provisions of Article 25 are amended; hence Article 25 reads as follows:

Article 25

(1) Fishery business efforts shall be performed in a fishery business system, covering pre-production, production, processing, and marketing.

(2) Further provisions on pre-production, production, processing, and marketing as meant

in paragraph (1) is regulated with a regulation of the Minister.

10. In between Article 25 and Article 26, three (3) articles are inserted, i.e. Article 25A, Article 25B, and Article 25C, reading as follows:

Article 25A

- (1) In the performance of fishery business, fishery business entrepreneurs must observe the standard quality of fishery products.
- (2) The Government and regional governments shall manage and provide facilities for the development of fishery business so as to meet the standard quality of fishery products.
- (3) Further provisions on standard quality of fishery products are regulated in a regulation of the Minister.

Article 25B

- (1) The Government has the obligation to perform and to facilitate activities on the marketing of fishery business both domestically and overseas.
- (2) Export of fishery business products overseas is performed if domestic production and supply had met the national consumption requirements.
- (3) The Government has the obligation to create a healthy fishery business climate in accordance with provisions of legislations.

Article 25C

- (1) The Government manages and facilitates the development of the national fishery industry by prioritizing the use of domestic raw material and human resources.
- (2) The Government manages the performance of a healthy togetherness and partnership between fishery industries, fishermen and/or fishery cooperatives.
- (3) Provisions on the management, provision of facilities, togetherness, and partnership as meant in paragraph (1) and paragraph (2) shall be carried out in accordance with provisions of legislations.

11. Provisions of paragraphs (1), (2), and (3) of Article 27 are changed, and added with one (1) paragraph i.e. paragraph (5); hence Article 27 reads as follows:

Article 27

- (1) Any person possessing and/or operating a fish catching ship flying Indonesian flag used to catch fish within the fishery management zone of the State of the Republic of Indonesia and/or in the open seas must possess SIPI.
- (2) Any person possessing and/or operating a fish catching ship flying a foreign flag used to catch fish within ZEEI must possess a SIPI.
- (3) Any person operating a fish catching ship flying Indonesian flag within the fishery management zone of the State of the Republic of Indonesia or operating a fish catching ship flying foreign flags within ZEEI must bring along the original SIPI.

(4) Fish catching ships flying Indonesian flag catching fish within the territory of the jurisdiction of other states must firstly obtain the approval of the Government.

(5) The obligation to possess the SIPI referred to in paragraph (1) and/or to bring along the original SIPI referred to in paragraph (3), is not applicable for minor fishermen.

12. Provisions of paragraph (1) and paragraph (2) of Article 28 are changed and added with two (2) paragraphs, i.e. paragraph (3) and paragraph (4); hence Article 28 reads as follows:

Article 28

(1) Any person possessing and/or operating a fish transporting ship flying Indonesian flag in the fishery management zone of the State of the Republic of Indonesia must possess a SIKPI.

(2) Any person possessing and/or operating a fish transporting ship flying a foreign flag used to transport fish in the fishery management zone of the State of the Republic of Indonesia must possess a SIKPI.

(3) Any person operating a fish transporting ship within the fishery management zone of the State of the Republic of Indonesia must carry the original SIKPI.

(4) The obligation to possess SIKPI as meant in paragraph (1) and/or carry the original SIKPI as meant in paragraph (3) is not applicable to minor fishermen and/or minor fish cultivators.

13. In between Article 28 and Article 29, one (1) article is inserted, i.e. Article 28A, reading as follows:

Article 28A

Every person is prohibited to:

- a. falsify SIUP, SIPI, and SIKPI; and/or
- b. use fake SIUP, SIPI, and SIKPI.

14. Provisions of Article 32 are amended, hence Article 32 reads as follows:

Article 32

Further provisions on the issuance, procedure, and terms to provide SIUP, SIPI, and SIKPI are regulated with a regulation of the Minister.

15. In between Article 35 and Article 36, one (1) article is inserted i.e. Article 35A, reading as follows:

Article 35A

(1) Fishing ships flying Indonesian flag catching fish in the fishery management zone of the State of the Republic of Indonesia are obligated to use captain and ship crew who are Indonesian citizens.

(2) Fishing ships flying foreign flags catching fish in ZEEI are obligated to use Indonesian citizenship crew numbering at least 70% (seventy percent) of the total ship crew.

(3) Violations of provisions on the use of ship crew referred to in paragraph (2) shall be imposed to administrative sanctions in the form of warning, freezing of permit, or revocation of permit.

(4) Further provisions on the imposing of the administrative sanctions referred to in paragraph (3) are regulated in a regulation of the Minister.

16. Provisions of Article 36 are amended, hence Article 36 reads as follows:

Article 36

- (1) Indonesian fishing ships operated within the fishery management zone of the State of the Republic of Indonesia and in the open seas must be registered firstly as Indonesian fishing ships.
- (2) Registration of the fishing ship meant in paragraph (1) shall be equipped with documents in the form of:
 - a. proof of ownership;
 - b. identity of owner; and
 - c. measurement document.
- (3) Registration of a fishing ship bought or obtained from overseas and had been registered in the country of origin as an Indonesian fishing ship, besides having to be equipped with the documents referred to in paragraph (2), must also be equipped with a statement letter on erasure from the list of ships issued by the country of origin.
- (4) The fishing ship that had been registered as meant in paragraph (1) shall be provided with a citizenship document in accordance with provisions of legislations.
- (5) Further provisions on the registrations referred to in paragraphs (1), (2), and (3) shall

be regulated with a regulation of the Minister.

17. Provisions of Article 41 are amended, hence Article 41 reads as follows:

Article 41

- (1) The Government performs and exercises the management of fishing ports.
- (2) In the performance and exercise of the management of the fishing ports referred to in paragraph (1), the Minister shall stipulate:
 - a. National master plan of fishing ports;
 - b. Classification of fishing ports;
 - c. Management of fishing ports;
 - d. Technical requirements and/or standard in the planning, development, operations, management, and control of fishing ports;
 - e. work area and area operations of fishing ports covering certain water and land areas being the work area and area operations of fishing ports; and
 - f. fishing ports not developed by the Government.
- (3) Every fish catching ship and fish transporting ship are obliged to land its catches at stipulated fishing ports or other designated ports.
- (4) Any person possessing and/or operating a fish catching ship and/or fish transporting ship not loading/unloading its catches at the stipulated fishing ports or the other designated ports as meant in paragraph (3) will be imposed to administrative sanctions in the

form of warning, freezing of permit, or revocation of permit.

(5) Further provisions on the imposing of the administrative sanctions referred to in paragraph (4) shall be regulated in a regulation of the Minister.

18. In between Article 41 and Article 42, one (1) article is inserted i.e. Article 41A, reading as follows:

Article 41A

(1) Fishing ports have government functions and exploitation functions to support activities related with the management and utilization of fish resources and its environment starting from pre-production, production, processing up to marketing activities.

(2) Functions of fishing ports to support activities related with the management and utilization of fish resources and its environment as meant in paragraph (1) may be in the form of:

- a. serving the docking and mooring of fishing ships;
- b. serving loading and unloading;
- c. services on quality management and processing of fishery products;
- d. fish marketing and distribution;
- e. collection of data of catches and fishery products;
- f. place for the performance of training and development of fisherman community;
- g. performance of operational activities of fishing ships;

h. place to exercise control and supervision of fish resources;

i. performance of port authority matters;

j. place to perform fish quarantine functions;

k. publications on results of docking and mooring of fishing ships and ships of fishing ship controllers ;

l. place for the publication of results of marine and fishery research;

m. monitoring coastal areas and marine tourism areas; and/or

n. control of the environment.

19. Provisions of Article 42 are amended, hence Article 42 reads as follows:

Article 42

(1) In the context of the operational safety of fishing ships, harbor masters are appointed in fishing ports.

(2) Harbor masters at fishing ports have the duties and authority to:

- a. issue Sailing Approval Letter;
- b. regulate the arrival and departure of fishing ships;
- c. re-check the completeness of fishing ship documents;
- d. investigate technical and nautical aspects of fishing ships, and to investigate fish catching equipments gears, and fish catching auxiliary tools;
- e. check and legalize sea work agreements;

- f. check log book of fish catching and transportation;
 - g. regulate fishing ships movement and traffic in fishing ports;
 - h. control scout services;
 - i. control the filling of fuel;
 - j. control activities on the development of fishing port facilities;
 - k. provide aid on search and rescue;
 - l. lead the tackling of pollution and fire fighting in fishing ports;
 - m. control the performance of the protection of maritime environment;
 - n. check the fulfillment of requirements on the manning of fishing ships;
 - o. issue Report Proof on Fishing Ship Arrival and Departure; and
 - p. check certificates of caught fish.
- (3) Any fishing ship going to embark for fish catching and/or fish transportation from a fishing port must possess a Sailing Approval Letter issued by the harbor master of the fishing port.
- (4) The harbor master of the fishing port referred to in paragraph (1) is appointed by the Minister in charge of shipping affairs.
- (5) In the performance of duty, harbor masters of fishing ports are coordinated by the official responsible on the local fishing port.
- (6) Further provisions on harbor affairs of fishing ports shall be exercised in accordance with provisions of legislations.

20. Provisions of Article 43 are amended, hence Article 43 reads as follows:

Article 43

Every fishing ship performing fishery activities must have a fishing ship operations feasibility letter from the Fishery Controller at no cost.

21. Provisions of Article 44 paragraph (1) are changed, hence Article 44 reads as follows:

Article 44

(1) The Sailing Approval Letter referred to in Article 42 paragraph (2) Letter a will be issued by the harbor master after the fishing ship received an Operations Feasibility Letter.

(2) The Operations Feasibility Letter referred to in paragraph (1) will be issued by the Fishery Controller after meeting administration and technical feasibility requirements.

(3) Further provisions on the administration and technical feasibility requirements referred to in paragraph (2) shall be regulated in a Minister Regulation.

22. Provisions of Article 46 are amended, hence Article 46 reads as follows:

Article 46

(1) The Government and the regional governments compile and develop an information system and statistics data system on fishery and shall perform the collection, processing, analysis, storage, presentation, and dissemination of data of potentials, updating data on fish movements, means

and infrastructures, production, handling, fish processing and marketing, and socio-economic data related with the performance of the management of fish resources and the development of fishery business system.

(2) The Government and the regional governments shall develop a data and information center to operate the information system and statistics data system on fishery.

23. In between Article 46 and Article 47, one (1) article is inserted, i.e. Article 46A, reading as follows:

Article 46A

The Government assures the confidentiality of data and information on fishery related with log book data on fish catching and transportation, data obtained by observers, and data of companies still in fishery business permit process.

24. Provisions of Article 48 paragraph (1) are changed, and in between paragraph (1) and paragraph (2), one (1) paragraph is inserted, i.e. paragraph (1a), hence Article 48 reads as follows:

Article 48

(1) Any person receiving direct benefit from fish resources and its environment in the fishery management zone of the State of the Republic of Indonesia and outside of the fishery management zone of the State of the Republic of Indonesia shall be charged with fishery contribution.

(1a) The fishery contribution referred to in paragraph (1) is a non-tax state income.

(2) The fishery contribution referred to in paragraph (1) is not imposed to minor fishermen and minor fish cultivators.

25. Provisions of Article 50 are amended, hence Article 50 reads as follows:

Article 50

The fishery contribution referred to in Article 48 and Article 49 shall be used for the development of fishery and for activities on the conservation of fish resources and its environment.

26. Provisions of Article 65 paragraph (1) are deleted, hence Article 65 reads as follows:

Article 65

The Government may assign the regional Governments to perform aid missions in the field of fishery.

27. Provisions of Article 66 paragraph (2) and paragraph (3) are changed, hence Article 66 reads as follows:

Article 66

(1) Control on fishery is executed by a Fishery Controller.

(2) The Fishery Controller has the mission to control the order of the performance of provisions of legislations in the field of fishery.

(3) Control on the order of the performance of the legislations referred to in paragraph (2) covers:

- a. fish catching activities;
- b. cultivation of fish, culture medium;
- c. processing, distribution on the entry and export of fish;
- d. quality of fishery products;
- e. distribution on the entry and export of fish drugs;
- f. conservation;
- g. pollution due to activities of man;
- h. sperm plasma;
- i. fishery research and development; and
- j. fish that are products of genetic engineering.

28. In between Article 66 and Article 67, three (3) articles are inserted, i.e. Article 66A, Article 66B, and Article 66C, reading as follows:

Article 66A

- (1) The Fishery Controller referred to in Article 66 is a government civil employee working in the field of fishery commissioned by the Minister or the appointed official.
- (2) The Fishery Controller meant in paragraph (1) may be trained to be a Government Civil Employee Fishery Investigator.
- (3) The Fishery Controller referred to in paragraph (2) may be stipulated as a Fishery Controller functional official.
- (4) Further provisions on functional position of the Fishery Controller referred to in paragraph (3) is regulated with a regulation of the Minister.

Article 66B

- (1) The Fishery Controller referred to in Article 66 perform the following duties:
 - a. fishery management zones of the State of the Republic of Indonesia;
 - b. fishing ships;
 - c. fishing ports and/or other appointed ports;
 - d. fisherman terminal;
 - e. center of fishery activities;
 - f. fish breeding areas;
 - g. fish cultivation areas;
 - h. fish processing units; and/or
 - i. water conservation zones.
- (2) Further provisions on the performance of duties of the Fishery Controller referred to in paragraph (1) shall be regulated with a regulation of the Minister.

Article 66C

- (1) In the performance of the duties referred to in Article 66, the Fishery Controller has the authority to:
 - a. enter into and investigate fishery business activity places;
 - b. examine the completeness and legality of fishery business documents;
 - c. investigate fishery business activities;
 - d. investigate means and infrastructures used for fishery activities;
 - e. verify the completion and validity of SIPI and SIKPI;

- f. compile documents on products of investigations;
- g. take samples of fish and/or substance required for laboratory tests;
- h. investigate equipment and activities of fishing ship monitoring system;
- i. stop, investigate, bring, detain, and arrest a ship and/or person suspected or fit to be suspected as performing a fishery criminal act in the fishery management zone of the State of the Republic of Indonesia until the delivery of the ship and/or person at the port where the case shall be processed further by an investigator;
- j. submit a recommendation to the party issuing the permit to impose sanctions in accordance with provisions of legislations;
- k. take special actions on a fishing ship attempting to run away and/or fight and/or endanger the safety of fishing control ship and/or crew of the fishing ship; and/or
- l. take other actions in accordance with legislations.

(2) In the performance of duty, the Fishery Controller referred to in paragraph (1) may be equipped with a fishing control ship, fire arms or self defense tools.

29. Provisions of Article 69 are amended, hence Article 69 reads as follows:

Article 69

- (1) Fishing control ship has the functions in the aspects of control and law enforcement in the field of fishery within the fishery management zone of the State of the Republic of Indonesia.
- (2) The fishing control ship referred to in paragraph (1) may be equipped with fire arms.
- (3) A fishing control ship is entitled to stop, investigate, and detain a ship suspected or worth to be suspected that it had committed a violation within the fishery management zone of the State of the Republic of Indonesia and force it to the nearest port for further process.
- (4) In the performance of the functions referred to in paragraph (1), the investigator and/or Fishery Controller is entitled to take special actions in the form of burning and/or sinking a fishing ship flying a foreign flag based on sufficient initial proof.

30. Provisions of Article 71 are amended, hence Article 71 reads as follows:

Article 71

- (1) By this Law, a Fishery Court is established having the authority to investigate, adjudge, and decide upon a criminal act in the field of fishery.
- (2) The Fishery Court referred to in paragraph (1) is a special court within the environment of the public court.

(3) The

(3) The Fishery Court referred to in paragraph (1) shall be established in the district courts of Jakarta Utara, Medan, Pontianak, Bitung, and Tual.

(4) The Fishery Court referred to in paragraph (1) is positioned in the district courts.

(5) Establishment of the fishery courts shall further be performed in phases in accordance with requirements stipulated with a Presidential Decree.

31. In between Article 71 and Article 72, one (1) article is inserted, i.e. Article 71A, reading as follows:

Article 71A

The Fishery Court has the authority to investigate, adjudge, and take a decision on criminal act cases in the field of fishery occurring in the fishery management zone of the State of the Republic of Indonesia, either committed by Indonesian citizens or foreigners.

32. Provisions of Article 73 are amended, hence Article 73 reads as follows:

Article 73

(1) Investigation of criminal acts in the field of fishery in the fishery management zone of the State of the Republic of Indonesia shall be performed by Government Civil Employee Fishery Investigators, Indonesian Naval Officer Investigators, and/or Indonesian Police Investigators.

(2) Besides that, the Indonesian Naval Officer Investigator, the Government Civil Employee Fishery investigator has the authority to carry out investigations on criminal acts in the field of fishery occurring in the ZEEI.

(3) Investigations of criminal acts in the field of fishery occurring in a fishing port shall be prioritized to be performed by a government civil employee fishery investigator.

(4) The investigators referred to in paragraph (1) shall coordinate in the performance of investigations on criminal acts in the field of fishery.

(5) In order to perform the coordination in the handling of the criminal act in the field of fishery as meant in paragraph (4), the Minister shall establish a coordination forum.

33. In between Article 73 and Article 74, two (2) articles are inserted, i.e. Article 73A and Article 73B, reading as follows:

Article 73A

The investigators referred to in Article 73 have the authorities to:

- a. receive reports or complaints from a person concerning the occurrence of a criminal act in the field of fishery;
- b. summon and investigate a suspect and/or witness to receive his/her statement;
- c. bring and cause the appearance of a person as a suspect and/or witness to get his/her statement;

- d. search fishery means and infrastructures suspected to be used for or as a place to commit a criminal act in the field of fishery;
- e. stop, investigate, arrest, carry, and/or detain a ship and/or a person suspected as committing a criminal act in the field of fishery;
- f. examine the completeness and legality of fishery business documents;
- g. take photos of a suspect and/or goods being an evidence of a criminal act in the field of fishery;
- h. invite required experts related with the handling of a criminal act in the field of fishery;
- i. compile and sign an investigation report;
- j. confiscate evidences used for and/or products of a criminal act;
- k. stop an investigation; and
- l. take other accountable steps in accordance with law.

Article 73B

- (1) The investigator referred to in Article 73 shall notify the start of an investigation to the public prosecutor within seven (7) days at the latest from the time a criminal act in the field of fishery was found out.
- (2) For the purpose of an investigation, an investigator is entitled to detain a suspect for a maximum of 20 (twenty) days.
- (3) If required for the purpose of an investigation not yet completed, the period referred to in paragraph (2) may be extended by the public prosecutor for a maximum of 10 (ten) days.
- (4) The provisions referred to in paragraph (2) and paragraph (3) opens a possibility to

release a suspect from detainment prior to the expiry of the detainment period in the event the purpose of an investigation had been achieved.

- (5) After the 30 (thirty) days term, the investigator must have released a suspect from detainment for the sake of law.
- (6) The investigator referred to in Article 73A shall deliver the result of the investigation to the public prosecutor within 30 (thirty) days at the latest from the notification of the start of an investigation.

34. Provisions of Article 75 are amended, hence Article 75 reads as follows:

Article 75

- (1) Prosecution of a criminal act in the field of fishery shall be performed by a public prosecutor stipulated by the Attorney General.
- (2) A public prosecutor on cases of criminal acts in the field of fishery referred to in paragraph (1) must meet the following requirements:
 - a. experienced as a public prosecutor for at least two (2) years;
 - b. had entered into a technical education and training in the field of fishery; and
 - c. capable and possessing a high moral integrity for the duration of his/her duty.

35. Provisions.....

(To be continued)

—==(D)==—

**AMENDMENT TO LAW NO. 31 YEAR 2004
CONCERNIGN FISHERY**

(R.I. Law No. 45 Year 2009, dated October 29, 2009)

[Continued from Business News No. 7912 pages 23A-33A]

35. Provisions of Article 76 is added with one (1) paragraph, i.e. paragraph (9), hence Article 76 reads as follows:

Article 76

- (1) After receiving the result of an investigation from the investigator, the public prosecutor must notify the result of his examination to the investigator within five (5) days accounted for from the date of receiving the investigation file.
- (2) In the event the result of the submitted investigation is not yet complete, the public prosecutor must return the case file to the investigator accompanied with directives on matters that must be equipped.
- (3) Within a period of a maximum of 10 (ten) days accounted for from the date of receiving a file, the investigator shall return the file back to the public prosecutor.
- (4) The investigation will be deemed as concluded if within a period of five (5) days, the public prosecutor did not return the product of the investigation or if before the time limit expired, there had been a notification on the case from the public prosecutor to the investigator.
- (5) In the event the public prosecutor states that the investigation product is complete within a period of a maximum of 10 (ten) days accounted for from the date of receiving the file from the investigator is declared as complete, the public prosecutor shall deliver the case to the Fishery Court.
- (6) For the purpose of prosecution, a public prosecutor has the authority to execute a detainment or a follow-up detainment for 10 (ten) days.
- (7) If required for the purpose of an investigation not yet completed, the period referred to in paragraph (6) may be extended for a maximum of 10 (ten) days by the chairman of the district court having the authority there-to.
- (8) The provisions referred to in paragraph (6) and paragraph (7) provides a possibility to release a suspect from detainment before the expiry of the detainment period if the interest of the investigation had been met.
- (9) The public prosecutor shall deliver the case file to the chairman of the district court having the authority within 30 (thirty) days at a maximum from the date of receipt of the file from the investigator was declared as complete.

36. In between Part Two and Part Three, one (1) part is inserted, i.e. Part Two A, reading as follows:

Part Two A

Evidences

Article 76A

Things and/or tools used in and/or produced from a fishery criminal act may be confiscated for the State or destroyed after receiving the approval of the district court chairman.

Article 76B

(1) Evidences of the products of fishery criminal acts that are easily spoiled or requiring a high maintenance cost may be auctioned thru the approval of the chairman of the district court.

(2) Part of evidences of the products of fishery criminal acts that are easily spoiled as referred to in paragraph (1) in the form of form of fish shall firstly be set aside for the purpose of proving in court.

Article 76C

(1) Things and/or tools confiscated from the product of fishery criminal act as referred to in Article 76A may be auctioned for the State.

(2) Performance of the bid shall be made by the State Auction Agency in accordance with provisions of Legislations.

(3) Money that is the yield of auction of confiscated products of fishery criminal acts shall

be deposited in the State treasury as State non-tax income.

(4) Law enforcement apparatus in the field of fishery succeeding in performing duty properly and parties contributing in efforts to save State assets shall be provided with appreciation in accordance with provisions of Legislations.

(5) Confiscated things and/or tools from the products of fishery criminal acts in the form of fishing ship may be given to Fisherman Business Groups and/or fishery cooperatives.

(6) Further provisions on provision of appreciation shall be regulated with a Government Regulation.

37. In between Article 78 and Article 79 one (1) article is inserted i.e. Article 78A, reading as follows:

Article 78A

(1) A Fishery Court Secretariat shall be formed in every district court that already has a Fishery Court, headed by a junior registrar.

(2) In the performance of duty, the junior registrar referred to in paragraph (1) shall be assisted by several persons as replacing registrars.

(3) The junior registrar and replacing registrar of a Fishery Court shall originate from within the district court environment.

(4) Provisions on terms, procedure on the nomination and dismissal of a junior registrar and

a replacing registrar in a Fishery Court, and composition of organization structure, duties, and work mechanism of a Fishery Court sub-secretariat is regulated with a regulation of the Supreme Court in accordance with provisions of Legislations.

38. In between Article 83 and Article 84 one (1) article is inserted i.e. Article 83A, reading as follows:

Article 83A

- (1) Other than those stipulated as suspect in a fishery criminal act or other criminal acts, other ship crew may be returned including those of foreign citizenship.
- (2) The returning of ship crew of foreign citizenship as meant in paragraph (1) shall be performed by the agency responsible in the field of immigration thru the embassy or representative of the State that is the origin of the ship crew.
- (3) Provisions on returning ship crew of foreign citizenship as meant in paragraph (1) shall be performed in accordance with provisions of Legislations.

39. Provisions of Article 85 are amended, hence Article 85 reads as follows:

Article 85

Any person who intentionally possess, control, carry, and/or use fish catching means and/or fish catching auxiliary means disturbing and damaging the continuity of fish resources in the

fishery management zone of the State of the Republic of Indonesia as meant in Article 9 shall be sentenced with imprisonment for a maximum of five (5) years and a fine of a maximum of Rp2,000,000,000.00 (two billion rupiah).

40. Provisions of Article 93 are amended, hence Article 93 reads as follows:

Article 93

- (1) Any person possessing and/or operating a fish catching ship flying Indonesian flag catching fish in the fishery management zone of the State of the Republic of Indonesia and/or in the open seas, not possessing the SIPI referred to in Article 27 paragraph (1), shall be sentenced with imprisonment for a maximum of six (6) years and a fine of a maximum of Rp2,000,000,000.00 (two billion rupiah).
- (2) Any person possessing and/or operating a fish catching ship flying a foreign flag catching fish in ZEEI not possessing the SIPI as meant in Article 27 paragraph (2), shall be sentenced with imprisonment for a maximum of six (6) years and a fine of a maximum of Rp20,000,000,000.00 (twenty billion rupiah).
- (3) Any person operating a fish catching ship flying Indonesian flag in the fishery management zone of the State of the Republic of Indonesia, not carrying the original SIPI referred to in Article 27 paragraph (3) shall be sentenced with imprisonment for a maximum of six (6) years and a fine

of a maximum

of a maximum of Rp2,000,000,000.00 (two billion rupiah).

- (4) Any person operating a fish catching ship flying a foreign flag in the ZEEI, not carrying the original SIPI referred to in Article 27 paragraph (3) shall be sentenced with imprisonment for a maximum of six (6) years and a fine of a maximum of Rp20,000,000,000.00 (twenty billion rupiah).

41. In between Article 94 and Article 95, one (1) article is inserted i.e. Article 94A, reading as follows:

Article 94A

Any person falsifying and/or using false SIUP, SIPI, and SIKPI as meant in Article 28A shall be sentenced with imprisonment for a maximum of seven (7) years and a fine of a maximum of Rp3,000,000,000.00 (three billion rupiah).

42. Provisions of Article 98 are amended, hence Article 98 reads as follows:

Article 98

Captain of a fishing ship not possessing the Sailing Approval Letter referred to in Article 42 paragraph (3) shall be sentenced with imprisonment for a maximum of one (1) Year and a fine of a maximum of Rp200,000,000.00 (two hundred million rupiah).

43. In between Article 100 and Article 101, four (4) articles are inserted, i.e. Article 100A, Article

100B, Article 100C, and Article 100D, reading as follows:

Article 100A

In the event the criminal act referred to in Article 28A, falsifying the approval referred to in Article 35 paragraph (1), and falsifying the registration as meant in Article 36 involves an official, the sanction shall be added with 1/3 (one third) of the basic sanction.

Article 100B

In the event the criminal act referred to in Article 8, Article 9, Article 12, Article 14 paragraph (4), Article 16 paragraph (1), Article 20 paragraph (3), Article 21, Article 23 paragraph (1), Article 26 paragraph (1), Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (1), Article 28 paragraph (3), Article 35 paragraph (1), Article 36 paragraph (1), Article 38, Article 42 paragraph (3), or Article 55 paragraph (1) was committed by a minor fisherman and/or minor fish cultivator, he/she shall be sentenced with imprisonment for a maximum of one (1) year or a fine of a maximum of Rp250,000,000.00 (two hundred fifty million rupiah).

Article 100C

In the event the criminal act referred to in paragraph (2) of Article 7 was committed by a minor fisherman and/or minor fish cultivator, he/she will be sentenced with fine for a maximum of Rp100,000,000.00 (one hundred million rupiah).

Article 100D.

Article 100D

In the event a court imposed a sanction in the form of a fine, the fine must be deposited to the State treasury as non-tax income of the Ministry in charge of fishery affairs.

44. Provisions of Article 105 are deleted.

45. Provisions of Article 110 are amended, hence Article 110 reads as follows:

Article 110

When this Law commences to come to effect:

- a. Law No. 9 Year 1985 concerning Fishery (Statute Book of the Republic of Indonesia Year 1985 No. 46, Supplement to R.I. Statute Book No. 3299); and
 - b. Provisions of investigation as regulated in Article 14 and provisions of sanctions on fine in Article 16 paragraph (1) of Law No. 5 Year 1983 concerning Indonesian Exclusive Economy Zone (Statute Book of the Republic of Indonesia Year 1983 No. 44, Supplement to R.I. Statute Book No. 3260) particularly related with criminal act in the field of fishery;
- are revoked and declared as not in effect any more.

46. In between Article 110 and Article 111, one (1) article is inserted i.e. Article 110A, reading as follows:

Article 110A

All Government Regulations instructing the enforcement of provisions of this Law shall be stipulated within a period of one (1) year at the latest from the date this Law was enacted.

ARTICLE II

This Law commences to come to effect from the date of enactment.

For public cognizance, this Law shall be announced in the Statute Book of the Republic of Indonesia .

Ratified in Jakarta

on October 29, 2009

PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

on October 29, 2009

MINISTER OF LAW AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

sgd.

PATRIALIS AKBAR

STATUTE BOOK OF THE REPUBLIC OF INDONESIA

YEAR 2009 NO. 154

**ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NO. 45 YEAR 2009
CONCERNING
AMENDMENT TO LAW NO. 31 YEAR 2004
CONCERNING FISHERY**

I. GENERAL

As an archipelagic state having a major part of its territory consisting of seas, Indonesia possesses a very large and variety of fish potential. The possessed fishery potential constitutes an economy potential that can be utilized for the nation's future as backbone for the national development. The utilization there-of shall be directed optimally to the utilization of fish resources by observing the available support power and its conservation to improve the prosperity of the people, to improve the living standard of small fishermen and small fish cultivators, increase the receipt of foreign exchange for the State, expand work opportunities, increase productivity, added value and competitive power of fishery products, and to ensure the conservation of fish resources, fish cultivation area and spatial layout. These issues mean that the utilization of fish resources must be in a balance with its support power so that it can be expected to provide an everlasting benefit. One of them is by exercising control of fishery business thru the regulating of fishery management.

The United Nations Convention on the Law of the Sea year 1982 that had been ratified by

Law No. 17 year 1985 concerning ratification of United Nations Convention on the Law of the Sea year 1982, places Indonesia as having a sovereign right to execute the utilization, conservation, and management of fish resources within Indonesia Exclusive Economy Zone (ZEE), and the open seas that shall be performed based on requirements or prevailing international standards.

Therefore, a legal basis is required for the management of fish resources able to contain all management aspects of fish resources and to anticipate the development of legal requirements and technology. The presence of Law No. 31 year 2004 concerning Fishery is expected to anticipate and automatically constitutes a solution on large changes in the field of fishery related with the availability of fish resources, preservation of the environment of fish resources, and the development of a more effective, efficient, and modern management of fishery.

On the other hand, there are several issues in the development of fishery required to get the attention of all parties, both the Government and the public and other parties related with the development of fishery. Among these issues are indications of excessive fish catching, theft of fish, and other illegal fishing actions, not only inflicting losses to the State, but also threatening the interests of fishermen and fish cultivators, industrial climate, and the national fishery business. These problems must be settled seriously, hence law enforcement in the aspect of fishery becomes very important

and strategic in the context of supporting fishery development in a controlled manner and continuously. The availability of a legal certainty constitutes an absolute condition required in the handling of criminal acts in the field of fishery.

However, at present Law No. 31 year 2004 on Fishery cannot yet anticipate the development of technology and the development of requirements on law in the context of the management and utilization of fish resources potentials, and still cannot answer those problems. Therefore, it is necessary to make changes on several substances, both concerning the aspects of management and bureaucracy as well as its legal aspects.

Vulnerabilities in the aspect of fishery management among others are the absence of a coordination mechanism between agencies related with the management of fishery. Whereas in the aspect of bureaucracy, among others is a conflict of interest in the management of fishery. Vulnerabilities in the legal aspect are among others issues on law enforcement, formulation of sanctions, and jurisdiction or relative competence of district courts on criminal acts in the field of fishery occurring outside of the authority of the district court.

Observing the vulnerabilities in the above Law No. 31 Year 2004 on Fishery, it is deemed necessary to make changes to the law, covering:

First, on control and law enforcement on

coordination mechanism between agencies, investigators in the handling of the investigation of criminal acts in the field of fishery, application of sanctions (penal law or fine), judicial procedure particularly on the determination of time limit of a case investigation, and facilities of law enforcement in the field of fishery, including the possibility to apply legal actions in the form of sinking foreign ships operating in the fishery management zone of the State of the Republic of Indonesia.

Second, on fishery management, among others fishery ports/terminals, conservation, permitting, and harbor master affairs.

Third, extension of the Fishery Court jurisdiction is required, so as to cover all of the zones of the management of fishery of the State of the Republic of Indonesia.

Other than that, amendments to Law No. 31 Year 2004 on Fishery shall also be directed to favor minor fishermen and minor fish cultivators, among others in the aspects of permitting, obligation to apply provisions of fishing ship monitoring system, contributions of fishery, and the imposing of criminal sanctions.

II. ARTICLE BY ARTICLE

Article I

Number 1

Article 1

Self-explanatory.

Number 2**Article 2****Letter a**

What is meant by "principle of benefit" is a principle showing that the management of fishery must be able to provide a maximum profit and benefit for the improvement of the welfare and the prosperity of the people.

Letter b

What is meant by "principle of justice" is that the management of fishery must be able to provide the same opportunity and chance proportionally for all citizens of the State without exception.

Letter c

What is meant by "principle of togetherness" is that the management of fishery shall involve all interest holders to achieve the prosperity of the fishery community.

Letter d

What is meant by "principle of partnership" is that the management of fishery shall be performed thru an approach of the strength of business performers and resources by taking into consideration the aspect of equality in business proportionally.

Letter e

What is meant by "principle of autonomy" is that the management of fishery shall be performed by optimizing the available potentials.

Letter f

What is meant by "principle of equality" is that the management of fishery shall be performed balanced and evenly, by taking into account minor fishermen and minor fish cultivators.

Letter g

What is meant by "principle of integrity" is that the management of fishery shall be performed integrated from upstream to downstream in efforts to improve efficiency and productivity.

Letter h

What is meant by "principle of transparency" is that the management of fishery shall be performed by taking into account the aspiration of the public and supported by the availability of information accessible by the public.

Letter i

What is meant by "principle of efficiency" is that the management of fishery shall be performed correctly, orderly, and efficiently to achieve a maximum product.

Letter j

What is meant by "principle of preservation" is that the management of fishery shall be performed at an optimum by still observing the aspect of the preservation of fish resources.

Letter k

What is meant by "principle of continuous

development" is that the management of fishery shall be performed according to plan and shall be able to improve the welfare and prosperity of the people by prioritizing the preservation of the functions of the living environment for the present and the future.

Number 3

Article 7

Paragraph (1)

Letter a thru Letter j

Self-explanatory.

Letter k

What is meant by "fishing ship monitoring system" is a form of control system in the field of fish catching by using stipulated fishing ship monitoring equipment, such as fishing ship monitoring system (vessel monitoring system/VMS).

Letter l

Efforts to increase the productivity of waters can be made by sowing new kinds of fish, that may cause negative effects on the preservation of local fish resources, hence it is necessary to consider so that the spread of the new kinds of fish can adapt to the environment of the local fish resources and/or shall not damage the purity of fish resources.

Letter m

What is meant by "catching fish based on cultivation" is catching fish breeding from the product of re-sowing.

Letter n

In accordance with the development of technology, cultivation of fish is no more limited in rivers, lakes, and sea.

Since these waters involve public interests, it is necessary to stipulate the location and width of the area and method to be used so as not to disturb public interests.

Besides that, it is necessary to stipulate provisions for the purpose of protecting the cultivation, e.g., pollution to the environment of fish resources.

Letter o

Self-explanatory.

Letter p

There are several methods that can be adopted in the performance of rehabilitation and improvement of fish resources and its environment, among others, by planting or reforesting mangrove, installing man-made coral reef, develop sanctuaries or places for fish to breed or fish, increasing the fertility of waters by fertilizing or adding the kinds of foods, construction of fish ruaya channels, or dredging the water base.

Letter q

Self-explanatory.

Letter r

What is meant by "water zone conservation" is a water zone that is protected, managed with zoning system to realize a continuous management of fish resources and its environment.

Letter s

The stipulation of plague and the area of fish disease plague is intended so that the public is aware that a plague is raging in the area, and preventive steps are stipulated to prevent the plague to spread from one area to another.

Letter t and Letter u

Self-explanatory.

Paragraph (2) thru Paragraph (4)

Self-explanatory.

Paragraph (5)

"Experts" consist of experts, academicians, and officials of Government agencies having the expertise in the field of fish resources.

Paragraph (6)

What is meant by "kinds of fish" are:

- a. fish with fins (pisces);
- b. lobsters, small crabs, crabs, and the like (crustacea);
- c. shellfish, oyster, squid, octopus, snail, and the like (mollusca);
- d. jellyfish and the like (coelenterata);
- e. sea cucumber, urchin, and the like (echinodermata);
- f. frog and the like (amphibia);
- g. crocodile, turtle, tortoise, alligator, water snake air, and the like (reptilia);
- h. whale, dolphin, porpoise, dugong, and the like (mammalia);

i. seaweed and other plants growing in water (algae); and

j. other water biota having connections with the above kinds;

all of them including parts there-of and protected fishes.

Number 4**Article 9**

Fish catching equipments and/or fish catching auxiliary means disturbing and damaging the continuity of fish resources include trawling net or large trawling net, and/or compressor.

Number 5**Article 14****Paragraph (1)**

"Sperm plasma" is a substance existing in the living being - group and constituting a genetic source or nature that can be utilized and developed or engineered to create new superior species, to protect existing sperm plasma so that it will not be lost, vanished, or damaged, besides it can also be a form of protection of the existing ecosystem.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "new kind of fish" is fish that is not the original species and/or not from Indonesian sea and land milieu, known and/or understood entered into the fishery management zone

of the State of the Republic of Indonesia, as well as fish originating from products of purifying, both domestically and from overseas.

Paragraph (4) and Paragraph (5)
Self-explanatory.

Number 6
Article 15A
Self-explanatory.

Number 7
Article 18
Paragraph (1)
Order on the utilization of water and land for the cultivation of fish is meant so that the distribution and utilization of water can be carried out at a maximum, in accordance with technical requirements for the cultivation of fish and so that it can prevent the use of an area that can inflict losses to fish cultivation, including the establishment of greenbelts.

Paragraph (2) thru Paragraph (4)
Self-explanatory.

Number 8
Article 23
Paragraph (1) and Paragraph (2)
Self-explanatory.

Paragraph (3)
Obligation to socialize raw material, food supplement substances, auxiliary substances, and/

or hazardous tools, also covers permitted substances or tools.

Number 9
Article 25
Self-explanatory.

Number 10
Article 25A and Article 25B
Self-explanatory.

Article 25C
Paragraph (1)
Fishery industries among others cover industries in the aspect of supplying means and infrastructures for fish catching and fish processing industries.

Paragraph (2) and Paragraph (3)
Self-explanatory.

Number 11
Article 27
Paragraph (1) and Paragraph (2)
Self-explanatory.

Paragraph (3)
What is meant by "original SIPI" is SIPI that is not in the form of photocopy and/or copy similar to the original, or that is made by an unauthorized official.

What is meant by "to carry the original SIPI" is an obligation for any person to place and/or store the original SIPI on board of a fish catching ship being operated.

Paragraph (4) and Paragraph (5)**Self-explanatory.****Number 12****Article 28****Paragraph (1) and Paragraph (2)****Self-explanatory.****Paragraph (3)**

What is meant by "original SIKPI" is SIKPI that is not in the form of a photocopy and/or a copy similar to the original, or that is made by an unauthorized official.

What is meant by "to carry the original SIKPI" is an obligation for any person to place and/or store the original SIKPI on board of a fish transporting ship being operated.

Paragraph (4)**Self-explanatory.****Number 13****Article 28A****Self-explanatory.****Number 14****Article 32****Self-explanatory.****Number 15****Article 35A****Self-explanatory.****Number 16****Article 36****Paragraph (1)**

Registration of a fishing ship shall be contained in a book is intended to meet requirements for the issuance of SIPI or SIKPI. The Fishing Ship Book is not meant to be a ship registration grosse act being a requirement for the issuance of Ship Nationality Document of Indonesia for ships flying Indonesian banner as its national banner.

Paragraph (2)

Registration of fishing ships shall be equipped with documents, among others containing Name of Ship, Registration Number, Radio Call sign, Place of Manufacture, Type of Ship, Method and Type of Fish Catching Equipment, Tonnage, Length, Depth, Power of Engine, Drawing of Ship, Name and Address of Owner, Name of Company using the ship, and Ownership History set forth in the Fishing Ship Book.

Paragraph (3)**Self-explanatory.****Paragraph (4)**

Fishing ships to be processed as of its nationality sign shall be registered firstly in the Fishing Ship Book.

Paragraph (5)**Self-explanatory.**

Number 17

Article 41

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Classification of fishing ports includes among others ocean fishing port, archipelagic fishing ports and shore fishing ports.

Letter c and Letter d

Self-explanatory.

Letter e

In order to support and ensure the smoothness of the operations of fishing ports, borders of the area of work and operations shall be stipulated in geographical coordinates.

In the event the area of work and operations of a fishing port borders with and/or has the same interest with other agencies, stipulation of its border shall be made thru coordination with related agencies.

Letter f

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

"Fish loading and unloading" also include fish landing.

Paragraph (5)

Self-explanatory.

Number 18

Article 41A

Self-explanatory.

Number 19

Article 42

Paragraph (1)

What is meant by "harbor master at fishing ports" are harbor masters placed particularly in fishing ports for administrative affairs and to carry out the functions of securing shipping safety.

Paragraph (2)

Letter a thru Letter e

Self-explanatory.

Letter f

What is meant by "log book" is a daily report in writing of a captain on fish catching or fish transportation activities.

Letter g thru Letter p

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

The harbor master to be commissioned shall firstly be proposed to be coordinated with the Minister.

Paragraph (5) and Paragraph (6)

Self-explanatory.

Number 20

Article 43

Self-explanatory.

Number 21

Article 44

Self-explanatory.

Number 22

Article 46

Paragraph (1)

In the context of compiling a plan on the development of information system and statistics data system on fishery and its progress, data of technique, production, processing, and marketing of fish, and of the socio-economy shall be compiled to provide a correct illustration on the level of utilization of available fish resources.

The data and information are among others:

- a. kind, amount, and measurement of fishing ship;
- b. kind, amount, and measurement of fish catching tools;
- c. area and season of catching;
- d. amount of catch or amount of fish cultivation products;
- e. width of area and place of fish cultivation;
- f. number of fishermen and fish cultivators;
- g. kinds of available fish;

h. measurement of caught fish and season of fish spawning;

j. data of the export and import of fishery commodity; and

k. information on certain requirements related with export standard.

Paragraph (2)

Self-explanatory.

Number 23

Article 46A

Self-explanatory.

Number 24

Article 48

Paragraph (1)

Any person performing business in the field of fish catching or cultivation carried out in the sea or other waters within and outside of the fishery management zone of the State of the Republic of Indonesia shall be imposed to fishery contribution because they had received direct benefit from the fish resources and/or its environment.

Paragraph (1a)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Number 25

Article 50

Self-explanatory.

Number 26

Article 65

Self-explanatory.

Number 27

Article 66

Self-explanatory.

Number 28

Article 66A thru Article 66C

Self-explanatory.

Number 29

Article 69

Paragraph (1)

"Fishing Ship Controller" is a Government ship using certain signs to exercise control and law enforcement in the field of fishery.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Detainment of a ship is made in the context of an action to bring the ship to the nearest port and/or to wait further processes that are temporary in nature.

Paragraph (4)

What is meant by "sufficient initial proof" is initial proof to suspect the existence of a criminal act in the field of fishery by a fishing ship flying

foreign flags, e.g. the fishing ship flying foreign flags did not possess SIPI and SIKPI, and is factually catching and/or transporting fish when entering the zone of fishery management of the State of the Republic of Indonesia.

This provision show that the special action shall not be taken arbitrarily, but it shall only be performed if the investigator and/or Fishery Controller is certain that the fishing ship flying a foreign flag really committed a criminal act in the field of fishery.

Number 30

Article 71

Self-explanatory.

Number 31

Article 71A

Self-explanatory.

Number 32

Article 73

Paragraph (1)

Self-explanatory.

Paragraph (2)

The investigation performed by the Government Civil Serviceman Fishery Investigator has a coordinative nature with the Indonesian Navy Investigator Officer so that the investigation can be more efficient and effective based on a Joint Standing Procedure.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Other than to achieve the smoothness of the performance of the duty of the investigator, coordination is also required to enhance communication and exchange of data, information, and other matters required for the purpose of effectiveness and efficiency in the handling and/or settlement of fishery criminal acts.

Paragraph (5)

The coordination forum for the handling of criminal acts in the field of fishery in this provision may be established in the regions in accordance with requirements.

Number 33

Article 73A and Article 73B

Self-explanatory.

Number 34

Article 75

Paragraph (1)

Basically, the appointment of a public prosecutor is the authority of the Attorney General. However, it is entitled to delegate or extend the authority of the Attorney General to an official within the office of the Attorney General of the Republic of Indonesia in accordance with his/her competence, considering that the amount of cases that must be handled is quite

high and spread all over the territory of the State of the Republic of Indonesia and by considering the bustle and intensity of activities of the Attorney General.

Paragraph (2)

Self-explanatory.

Number 35

Article 76

Self-explanatory.

Number 36

Article 76A and Article 76 B

Self-explanatory.

Article 76 C

Paragraph (1) thru Paragraph (3)

Self-explanatory.

Paragraph (4)

"Appreciation" among others are in the form of incentive, deed, and rank promotion.

Paragraph (5) and Paragraph (6)

Self-explanatory.

Number 37

Article 78A

Self-explanatory.

Number 38

Article 83A

Self-explanatory.

Number 39
Article 85
Self-explanatory.

Number 40
Article 93
Self-explanatory.

Number 41
Article 94A
Self-explanatory.

Number 42
Article 98
Self-explanatory.

Number 43
Article 100A thru Article 100D
Self-explanatory.

Number 44
Self-explanatory.

Number 45
Article 110
Self-explanatory.

Number 46
Article 110A
Self-explanatory.

Article II
Self-explanatory.

SUPPLEMENT TO R.I. STATUTE BOOK NO. 5073

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