

ABSTRACT

Nowadays, the issue of illegal fishing is becoming a serious problem for the archipelago countries especially Indonesia. The issue of illegal fishing has made Indonesian government implement the hard policy to sink illegal fishing boat based on Article 69 paragraph (1) and paragraph (4) Act Number 45 of 2009 on Fisheries. In other way Indonesian Government has to consider that policy to the United Nation Convention on the Law of the Sea (UNCLOS) as existing International Law on the Sea provisions. The type of this research is a normative legal research with comparative approach. By using a qualitative descriptive method, this study analyses how the implementation of Indonesian Government's policy in sinking illegal fishing boat and its perspective in term of International and National laws. The results show that the action of Indonesian Government in implementing the policy to sink illegal fishing boat is to protect its sovereignty. As a sovereign state Indonesia has the right to protect the area from outside interference that could threaten the sovereignty itself. However, in this issue Indonesian Government has to consider the International law provision because in long term the policy may take a political tension with other countries especially ASEAN. In addition, as peace-loving country Indonesia has to settle their International dispute through peaceful means such as negotiation and mediation as stated in Article 2 of UNCLOS.

Keywords: Illegal Fishing, Sovereignty, UNCLOS