

Genuine link dan fisheries crime (illegal fishing) di Indonesia / Andreas Aditya Salim

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Abstrak

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President Joko Widodo has a clear vision & mission to transform Indonesia to be a maritime axis. He firmly reaffirm that Indonesia is a strong maritime country and its people should enjoy the great benefits from its sea resources. Fisheries is one of the biggest marine living resources that significantly contribute economic benefits to Indonesian people. Nonetheless, the flaws on the laws has created is advantage to Indonesian people, in particular, fisherman. The genuine link obligation under article 91 UNCLOS is intend to ensure a fishing vessel is socially and economically attached to its owner, so that its utilization will bring profits. Ironically, ship registration system under the government regulation number 51 year 2002 (GR 51/2002) on shipping give a space for a false document being used in ship registration process. It creates a condition where a foreign fishing vessel owners can operate its vessel in Indonesian waters, under the name of Indonesian people or company, even though the transfer of ownership is not done. The result is, the utilization of the vessel is for the greatest benefit of the real owner and not for the Indonesian people. Indonesian government should revise the GR 51/2002 to protect the interest of its people.