

*THE IMPLEMENTATION OF CRIMINAL MEASURES OF CRIMINAL  
FISHING CRIMINAL USERS OF EXPLOSIVE MATERIALS  
(Case Study Number: 01 / PID.B / 2014.PN.PDG)*

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**ABSTRACT**

*Article 84 paragraph (1) of Law of the Republic of Indonesia Number 45 of 2009 concerning Fisheries, explains that every person in the Indonesian Fish Cultivation Territory deliberately catches fish, raises fish using chemicals, biological materials, explosives, tools, methods, buildings that can harm, endanger the sustainability of fish resources and the environment. The defendant and his friend went by boat to catch fish on the orders of the Air Force with explosives purchased by the AU in the form of matches, incense, diesel, sulfur, threads, silver paint, puttasium and axes. Formulation of the problem 1) How is the application of the crime against fishing using explosives 2) Consideration of the judge in applying the crime against fishing using explosives in case Number: 01 / PID.B / 2014.PN.PDG. Normative legal research methods, data sources are primary data, secondary data and tertiary data are analyzed qualitatively. Conclusion 1) The application of the crime according to the judge's decision for 1 year. Judges' considerations in imposing crimes are carried out juridically and non-juridically. 2) Judicial considerations, namely through demands from the public prosecutor, evidence, witness statements, defendant statements and articles in criminal law regulations while non-juridical acts such as the defendant's actions hinder government programs in the context of preserving the environment and alleviating defendants such as have never been convicted, acknowledge his actions and have family dependents.*

**Keywords: Criminalization, Fisheries, Sea, Explosives.**

**PENERAPAN PIDANA TERHADAP PELAKU TINDAK PIDANA  
PENANGKAPAN IKAN DENGAN MENGGUNAKAN BAHAN PELEDAK  
(Studi Perkara Nomor: 01/PID.B/2014.PN.PDG)**

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**ABSTRAK**

Pasal 84 Ayat (1) Undang-Undang Republik Indonesia Nomor 45 Tahun 2009 tentang Perikanan, menjelaskan setiap orang dengan sengaja di wilayah pengelolaan perikanan Republik Indonesia melakukan penangkapan ikan, pembudidayaan ikan dengan menggunakan bahan kimia, bahan biologis, bahan peledak, alat, cara, bangunan yang dapat merugikan, membahayakan kelestarian sumberdaya ikan, lingkungannya. Terdakwa bersama temannya berangkat menggunakan kapal untuk menangkap ikan atas suruhan AU dengan bahan peledak yang dibeli AU berupa korek api, dupa, solar, belerang, benang, cat perak, puttasium dan sumbu. Rumusan masalah 1) Bagaimanakah penerapan pidana terhadap tindak pidana penangkapan ikan dengan menggunakan bahan peledak 2) Pertimbangan hakim dalam menerapkan pidana terhadap tindak pidana penangkapan ikan dengan menggunakan bahan peledak dalam perkara Nomor: 01/PID.B/2014.PN.PDG. Metode penelitian hukum normatif, sumber data adalah data primer, data sekunder dan data tersier dianalisa secara kualitatif. Simpulan 1) Penerapan pidana menurut putusan hakim selama 1 tahun. Pertimbangan hakim dalam menjatuhkan pidana dilakukan secara yuridis dan non yuridis. 2) Pertimbangan yuridis yaitu unsur-unsur, tuntutan jaksa penuntut umum, alat bukti (keterangan saksi, keterangan ahli, petunjuk keterangan terdahulu) dan barang bukti, serta pasal dalam peraturan hukum pidana sedangkan non yuridis seperti perbuatan terdakwa menghambat program pemerintah dalam rangka melestarikan lingkungan dan meringankan terdakwa seperti belum pernah dihukum, mengakui perbuatannya dan mempunyai tanggungan keluarga.

**Kata Kunci : Pemidanaan, Perikanan, Laut, Peledak.**