

PART I – GENERAL

1. In this Act there shall be understood by:
  1. “Fisheries” — any activity the purpose of which is to exploit or make use of fishery resources;
  2. “Fishery resources” — all species of fish, including all organisms living in the sea;
  3. “Exploitation of the living resources of the sea” — all the activities the purpose of which is to derive optimum benefits from fishery resources on a continuous basis;
  4. “To exploit fishery resources” — the activity of fishing or fish breeding;
  5. “Fishery activities” — any efforts by individuals or corporate bodies with a view to catching or breeding fish, including the catching and breeding of fish by way of trade;
  6. “Fishing” — that activity where the purpose is to catch fish which are not being bred, by means of gear or whatever action, including the use of vessels for transportation, preservation, freezing, or otherwise processing fish;
  7. “Fishing gear” — implements and tools or the means used in order to catch fish;
  8. “Fishing vessel” — any ship or boat or other craft used for fishing, including any vessel used for survey and fish exploration;
  9. “Fish breeding” — that activity where the purpose is to keep, raise and harvest fish;
  10. “Fishermen” — persons whose means of subsistence is fishing;

11. "Fish farmers" — persons whose means of subsistence is breeding fish;
12. "Fish environment" — the waters in which fishery resources live, including all other living organisms, and the natural features of their environment;
13. "Pollution of natural fishery resources" — the introduction of any artifacts, extraneous substances, energy or other elements into natural fishery resources by human action, so that those natural fish resources decline in abundance or in fitness or become a danger for those who are to exploit them;
14. "Spoiling of natural fishery resources" — any occurrence resulting in the depleting of the potential of fishery resources in such a way that the conservation of the aquatic environment is endangered as a consequence of the action of individuals or bodies corporate causing a disturbance in the biological equilibrium and in the living conditions of fishery resources;
15. "Pollution of the marine environment" — any living creatures, matter, energy or other things entering or introduced into the marine environment in such a way that the quality of the fishery resources is impaired to a degree at which they fail to respond or respond less to their intended purpose;
16. "Spoiling of the marine environment" — the consequence of the action of any individual or body corporate causing any physical, chemical or other natural changes in the marine environment in such a way that it is impaired or destroyed as a habitat for living resources;
17. "The Government" — the Government of the Republic of Indonesia;
18. "The Minister" — the Minister responsible for fisheries.

## PART II – THE FISHERIES TERRITORY

2. The fisheries territory of the Republic of Indonesia consists of:
  - (a) the Indonesian maritime waters;
  - (b) the rivers, lakes, reservoirs, swamps and other water-pools within the territory of the Republic of Indonesia;
  - (c) the Indonesian Exclusive Economic Zone.

**PART III – CONTROL OF FISHERIES**

**3.** (1) The purpose of the control of the fishery resources in the fisheries territory of the Republic of Indonesia shall be to secure the greatest possible benefit for the Indonesian people.

(2) For the purpose stated in subsection (1), the Government shall maintain a strict and guided regulation of fishery resources such as to secure their preservation together with the protection of the environment for the benefit and welfare of the Indonesian people.

**4.** In the matter of the control of the fishery resources the Minister shall make regulations on:

1. fishing gear;
2. the technical specifications for fishing with which fishing vessels are required to conform in order to comply with the regulations designed to ensure safety of navigation;
3. the volume and type of catch as well as the size of the allowable catch;
4. fishing grounds, sea lanes, times and seasons;
5. the prevention of pollution and spoiling, the preservation and improvement of the fishery resources and of the environment;
6. the dissemination of new species of fish;
7. fish breeding and the protection of this activity;
8. fish disease and pest control;
9. any other matters needed for the control of fishery resources.

**5.** Catching living fish in inter-island waterways or between the Indonesian waters and other countries shall come within the purview of the fish quarantine regulations.

**6.** (1) All individuals and bodies corporate engaging in fishery activities or fish farming shall refrain from using equipment or materials liable to endanger the preservation of the fishery resources or the environment.

(2) The use of equipment or materials mentioned in subsection (1) in fishery activities or fish farming for scientific or related purposes shall conform to Government regulations.

7. (1) Individuals and bodies corporate shall refrain from any actions polluting or spoiling the fishery resources or the environment.

(2) Research and other scientific activities conducted in accordance with Government provisions shall be exempt from the prohibition laid down in subsection (1).

8. (1) For scientific or cultural purposes, and for the preservation of the aquatic environment, the Government shall prescribe the species of fish protected, and any fishing grounds intended as fish reserves, in the light of the peculiar species of fish or other characteristics encountered in the aquatic habitat.

(2) Under the provisions concerning the matter referred to in subsection (1) the Government shall be authorized to prescribe limitations on fishery activities, fish farming and any other activities in the grounds there mentioned.

#### PART IV – EXPLOITATION OF FISHERY RESOURCES

9. (1) Fisheries in the Indonesian fishing waters may be engaged in only by individuals or bodies corporate of Indonesian nationality.

(2) Exceptions to subsection (1) shall be allowed only for fishing, under the responsibility of the Indonesian State, as provided for in international treaties and in accordance with the principles of international law.

10. (1) An individual or body corporate engaging in fishery activities shall be required to obtain a fishing permit.

(2) Fishermen and small-scale fish farmers or other persons that obtain their livelihood from fishery activities shall be exempt from the fish permit requirement prescribed in subsection (1).

(3) The provisions laid down in subsections (1) and (2) shall be a matter for Government regulations.

11. (1) Every individual or body corporate engaging in fishing or fish farming activities in the sea or fresh waters within the fisheries territory of the Republic of Indonesia shall be required to pay a fishing fee.

(2) Fishermen and small-scale fish farmers that obtain their livelihood from fishery activities shall be exempted from paying the fishing fee.

(3) The provisions laid down in subsections (1) and (2) shall be a matter for Government regulations.

**12.** (1) Fishing vessels used by Indonesian subjects, whether individuals or bodies corporate, engaging in fishery activities within the fisheries territory of the Republic of Indonesia shall be required to fly the Indonesian flag.

(2) Research and other scientific activities in the fisheries territory of the Republic of Indonesia and fishery activities in the Indonesian Exclusive Economic Zone shall be exempted from the provisions in subsection (1).

**13.** Fishing and fish farming activities in the fisheries territory of the Republic of Indonesia for non-commercial purpose shall be regulated by the Minister.

#### **PART V – DEVELOPMENT SUPPORT**

**14.** The Government shall organize an information system and shall undertake the collecting, processing and dissemination to the widest possible extent of both technical and production data on fisheries, with a view to providing support for the most efficient management possible of the fishery resources and the development of all fishery activities.

**15.** (1) The Government shall organize and develop research and other scientific activities in fisheries.

(2) In the organization of the activities referred to in subsection (1) the Government shall be authorized to cooperate with national private institutions, and international and foreign institutions.

**16.** (1) The Government shall be responsible for providing education, training, and developing information programmes in fisheries.

(2) In developing the programmes referred to in subsection (1), the Government shall be authorized to enlist the cooperation of the communities and the social rehabilitation institutions.

**17.** The Government shall support, promote and protect the efforts of fishermen and fish farmers through fishing cooperatives, and fish farming cooperatives in particular.

**18.** (1) The Government shall install and develop basic facilities for the fishing sector.

(2) The provisions for the establishment, the management and the use of the basic facilities referred to in subsection (1) shall be enforced by means of Government regulations.

19. The Government shall prescribe rules for the fish trade and for improving the quality of fish products.

20. The Minister is hereby authorized to make rules prohibiting the export or import of particular species of fish into or from the territory of the Republic of Indonesia.

PART VI – DECENTRALIZATION OF AFFAIRS AND LOCAL  
COLLABORATION

21. The transfer of certain fishery affairs to the local governments and any recall thereof to the Central Government shall be a matter for Government regulations.

22. The Central Government is hereby authorized to call on the collaboration of local governments in fishery affairs.

PART VII – CONTROL AND SUPPORT

23. (1) In order to secure the implementation of the control and exploitation of the fishery resources in a profitable and efficient manner, attentive care and guidance of fishery activities shall be required.

(2) Rules in furtherance of the aims referred to in subsection (1) shall be introduced by Government regulations.

PART VIII – OFFENCES AND PENALTIES

24. Any person who in the fisheries territory of the Republic of Indonesia, within the meaning of section 2 (a) and (b), contravenes section 6 (1) and section 7 (1) shall be guilty of criminal offence and shall be liable to be punished with a term of imprisonment of ten years or with a fine of 100 million rupiah or to both such imprisonment and fine.

25. Any person engaging in fishing activities in the territory of the Republic of Indonesia within the meaning of section 2 (a) and (b) without being in possession of a fishing permit as required by section 10 shall be liable:

- (a) to a term of imprisonment of five years or to a fine of 50 million rupiah, if he makes use of a motor vessel of 30 GT or over;
- (b) to a term of imprisonment of two years and six months or to a fine of 25 million rupiah, if he makes use of a motor vessel of less than 30 GT.

26. Any person who engages in fish farming in the fisheries territory of the Republic of Indonesia within the meaning of section 2 (a) and (b) without being in possession of a permit, as required by section 10, shall be liable to imprisonment for a term of six months or to a fine of 5 million rupiah.

27. (1) Any person who contravenes section 4 shall be liable to a fine of 25 million rupiah.

(2) Any person who contravenes section 20 shall be liable to a fine of 5 million rupiah.

28. (1) Offences under sections 24 and 25 shall be criminal offences.

(2) Offences under sections 26 and 27 shall be lesser offences.

29. Any objects used in committing offences under sections 24, 25, 26 and 27, as well as those obtained by means of any actions associated therewith may be seized on behalf of the Indonesian State.

30. Any person who contravenes this Act in the Indonesian Exclusive Economic Zone shall be prosecuted in accordance with Act No. 5 of 1983<sup>1</sup>.

#### PART IX – FURTHER PROVISIONS

31. (1) The officers qualified to investigate offences under this Act in Indonesian waters shall be those mentioned in section 14 (1) of Act No. 5 of 1983<sup>1</sup> on the Indonesian Exclusive Economic Zone.

(2) Powers to investigate offences under this Act may be assigned to public officers qualified in fishery matters.

(3) Public officers qualified in fishery matters referred to in subsection (2) shall for the purposes of their assignment have authority:

(a) to receive reports or note any accusations referring to offences under this Act;

(b) to summon or to inspect persons suspected of contravening this Act;

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<sup>1</sup> Published in FAO Legislative Study No. 42/1: Regional compendium of fisheries legislation (Indian Ocean Region).

- (c) to search any fishing vessel, means of transport and any facilities for storing, fish icing and long-term preservation suspected of being placed where this Act is contravened;
- (d) to confiscate fish obtained by means of any act contravening this Act together with the fishing gear and documents used for that purpose.

(4) The aforesaid investigations and powers shall conform to Act No. 8 of 1981 and to the criminal procedure regulations.

#### PART X – TRANSITIONAL PROVISIONS

32. All the provisions in the laws and regulations on fishery activities hitherto in force shall, where not in conflict with this Act, remain in force pending the making of new regulations.

#### PART XI – FINAL PROVISIONS

33. At the time that this Act enters into force:

- (a) the General Regulations on pearl, mother-of-pearl, trepang and sponge fishing within not more than three sea miles off the coasts of the Netherlands Indies (*Official Journal* 1918, No. 157);
- (b) the Regulations for the protection of the fish resources (*Official Journal* 1920, No. 396);
- (c) the General Regulations on fisheries within the water territory of the Netherlands Indies (*Official Journal* 1927, No. 144);
- (d) the General Regulations on whaling within not more than three sea miles off the coasts of the Netherlands Indies (*Official Journal* 1927, No. 145);
- (e) the Regulations on fishing within the territorial sea and the maritime boundaries (*Official Journal* 1939, No. 442), except as regards the provisions on maintenance of justice on the seas;

as amended, shall cease to be in force.

34. All matters not sufficiently provided for by this Act shall be regulated by Government decree.

35. This Act shall enter into force from the date of its enactment. In order to give notice to everybody this Act shall be published in the *Official Journal* of the Republic of Indonesia.