LEGAL VIEW OF THE AUTHORITIES TO PROSECUTE THE CASES OF ILLEGAL FISHING ON THE BASIS OF VESSEL MONITORING SYSTEM DATA RECORDS REGARDING WITH LAW NUMBER 45/2009 ABOUT CHANGES LAW NUMBER 31/2004 ABOUT FISHERIES JUNCTO LAW NUMBER 8/1981 ABOUT* KITAB UNDANG-UNDANG HUKUM ACARA PIDANA *JUNCTO LAW NUMBER 11/2008 ABOUT INFORMATION AND ELECTRONIC TRANSACTIONS

ABSTRACT

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Indonesia is a country rich in natural resources, particularly marine extraordinary wealth.However, during this ocean resources are not managed well, so seafood is not much help to the welfare of the people. Theft of fishing or illegal fishing has yet to be addressed and cost the state tens of trillions rupiah. Fish theft is not only violate international agreements on marine realm. However, it also weakens the sovereignty of Indonesia and the sustainability of national fishery resources. Illegal fishing practices is a cross-national organized crime, has many disadvantages to Indonesia.Various efforts have been and will continue to be implemented in order to arrest illegal fishing, with the addition of facilities and infrastructure control efforts in cooperation with various law enforcement related, such as Navy, Police and Justice. For this reason the steps necessary for proper functioning of the criminal law in order to cope with fishing offenses of illegal fishing going on. Under such conditions an attempt to control surveillance of maritime and fishery resources through the implementation of monitoring systems, controlling, and surveillance, which consists of installing the transmitter in order to develop a vessel monitoring system. With the vessel monitoring system can be accommodated to the case of illegal fishing. Therefore, it raises some problems, among others, How the Law Number 45 year 2009 regarding Amendment on Law Number 31 Year 2004 About the amended Fisheries juncto Law Number 11 Year 2008 About the Information and Electronic Transaction set the VMS (Vessel Monitoring System) as one a form of advancement in information technology in the field of maritime affairs and fisheries as well as authority to judge on the case How Illegal Fishing track record data using VMS (Vessel Monitoring System) as a evidence.

To achieve the objectives, the writer has a descriptive analytical study using a normative juridical approach. Data were analyzed by juridical qualitative, in which laws and regulations that one must not conflict with other laws and regulations, and considering the hierarchy of legislation, and to achieve legal certainty.

Based on this research track record shows that VMS data is one of the technologies being undertaken as a precaution in the protection of marine resources and fisheries of Indonesia, where the existence of VMS as stipulated in Article 7 of Law Number 45 year 2009 regarding amendment of the Law number 31 of 2004 on Fisheries, hence all the activities of fisheries vessels conducting fishing in Indonesian waters can be monitored so that there will be no abuse of the activities specified in the license issued by P2SDKP. Provisions regarding the use of digital evidence in the form of electronic information (track record VMS data) set out in legislation in Indonesia is regulated in the legislation in Indonesia, as stipulated in Article 1 paragraph (1) and paragraph (3) of Law Number 11 year 2008 concerning Electronic Transactions and Information and Article 5 of Law Number 11 year 2008 about the Information and Electronic transaction concerning electronic evidence. Track record VMS data can be used as the basis for determining the authority to judge a criminal case that occurred in the Indonesian fisheries. Regarding the authority to judge cases of illegal fishing could be based on track record with VMS data is based on Law Number 45 year 2009 regarding amendment of the Law number 31 year 2004 on Fisheries and the Law Number 48 of 2009 on Judicial Power, which tracks form of electronic information and / or electronic documents. So in order to determine which court the authority to prosecute cases of illegal fishing in can be seen from the tracks that are recorded in the VMS transmitter at the time of the arrest of vessels caught fishing.