STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP AGAINST ILLEGAL FISHING IN INDONESIA

UNDERGRADUATE THESIS



This Undergraduate Thesis is submitted as one of the requirements to obtain the degree of Bachelor of Law at Faculty of Law Universitas Muhammadiyah

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2017

DECLARATION PAGE

بيئي ﴿ اللَّهُ الرِّجِيُّ إِنَّ اللَّهُ الرِّجِيُّ إِلَّهِ عِنْ الرَّجِيُّ إِلَّهِ عِنْ الرَّجِيُّ وَ

I hereby declare that the Undergraduate Thesis which is entitled "STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP AGAINST ILLEGAL FISHING IN INDONESIA" its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethnic in the scientific community. On this statement, I am ready to bear the risk/any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of scientific ethnics, I am willing to accept the sanctions.

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MOTTO



"If you're not prepared to be wrong, you'll never come up with anything original." – Ken Robinson

"Giving up is the only sure way to fail." – Gena Showalter

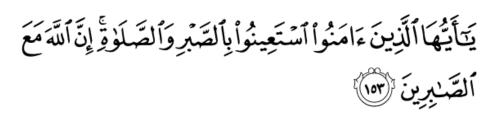
"Failure should be our teacher, not our undertaker. Failure is delay, not defeat. It is a temporary detour, not a dead end. Failure is something we can avoid only by saying nothing, doing nothing, and being nothing."- Denis

Waitley

"There is no failure except in no longer trying." – Chris Bradford

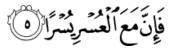
"The only real mistake is the one from which we learn nothing." – Henry

Ford

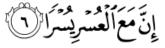


"O you who have believed, seek help through patience and prayer. Indeed,

Allah is with the patient." (Al-Baqarah (2):153)



"For indeed, with hardship [will be] ease." – (Ash-Sharh (94):5)



"Indeed, with hardship [will be] ease." - (Ash-Sharh (94):6)

DEDICATION

This undergraduate Thesis dedicate to

My Lord, Allah SWT

Prophet Muhammad SAW

My beloved parents

Deni Ruhiyat

Masruroh

My beloved Brother

Muhammad Denis Al Fatih

My beloved Sisters

Feby Auliya Rahmah

Helma Masita Putri

FOREWORD

Alhamdulillah Walhamdulillah tsumma Alhamdulillah, thank you Allah SWT, The Most Merciful and The Most Gracious who has given me His blessing and an opportunity to accomplish my Undergraduate Thesis as the final work to fulfill the degree of Bachelor of Law entitled STATE RESPONSIBILITY ON THE SINKING OF FOREIGN SHIP AGAINST ILLEGAL FISHING IN INDONESIA at International Program for Law and Sharia, Faculty of Law, Universitas Muhammadiyah Yogyakarta.

First of all, I would like to express deeply my gratitude to my family, my parents Deni Ruhiyat and Masruroh for always being there for me, my little brother Muhammad Denis Al Fatih, and my sisters Feby Auliya Rahmah and Helma Masita Putri, I love you so much ever and thank you for the prayer, support, guide and love. Extraordinary thanks to both advisors Dr. M. Nur Islami, S.H., M.Hum. and Yordan Gunawan, S.H., Int. MBA., M.H. who guided me with patient, wisdom and compassion. I also thanks to Mariska Intan Sari, MA. who did a great deal to correct and improve my English. Then, allow me also to express my deepest gratitude to Nasrullah, S.H., S.Ag., MCL, and all the lecturers of Faculty of Law for their assistance and inspiration for my great future.

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Yuliani Iriana Sitompul, Ovryan Berthafara Ayasisca, Eggy Regina Yuniar, Desy

Octafiyani, Eka Widi Astuti, Walida Alvi Luthfiani, Novi Yanti, Hikma Fajar

Mukmin, Novian Fahreza, Banu Putera Arutala, my friends KKN 058 UMY, and

all my friends at the Faculty of Law UMY, thank you for the good times we had.

Keep gorgeous guys!

In the end, I realize that so many mistakes in my undergraduate thesis. The

comments and suggestions are very welcome in order to develop my research.

Finally, I do expect the thesis will give benefit for readers and future research.

Yogyakarta, July 22nd, 2017

Dania Amareza Pratiwi

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International

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Indonesia

Indonesian 1945 Constitution

Law No. 17 Year 1985 on the Enactment of United Nations Conventions on the Law of the Sea

Law No. 31 Year 2004 on Fisheries

Law No. 45 Year 2009 on the Amendment of Law No. 31 Year 2004 on Fisheries

LIST OF ABBREVIATION

UNCLOS 1982 United Nations Conventions on the Law of the Sea

1982

IUU Fishing Illegal, Unreported, and Unregulated Fishing

EEZ Exclusive Economic Zone

ILC International Law Commission

TAC Treaty of Amity and Cooperation 1976