

CHAPTER FIVE

CLOSING AND RECOMMENDATION

A. Conclusion

From the description above, the author concluded that Indonesia has no responsibility upon the losses or damage of the countries whose ships were sunk by Indonesia. This is because Indonesia does not fulfill the requirements to be held responsible. It means that Indonesia did not conduct internationally wrongful act nor violate international obligation. Besides, the act of strictly sinking foreign illegal fishing boats is not legally wrong-actions. It can be viewed from a legal perspective, in that there is no article which regulates or prohibits the sinking of foreign illegal fishing boats, either in national law or international law.

Based on UNCLOS, the punishment for the perpetrators who conduct illegal fishing in the Exclusive Economic Zone cannot be run unless there is an agreement between both countries. Meanwhile, the sinking of foreign ship itself has been regulated in the Article 69 paragraph 4 of the Law Number 45 Year 2009 on the Amendment of the Law Number 31 Year 2004 on Fisheries. According to these Laws, Indonesia is allowed to sink the foreign ship based on the sufficient preliminary evidence.

B. Recommendation

The foreign countries should be able to prevent their citizens to enter to the territory of other countries without permission, moreover if it is meant to conduct illegal fishing practices. The mechanism that the Indonesian Government can take is to inform the policy to ambassadors who worked in Indonesia to forward it to their government, especially to inform the countries whose ships often enter illegally to Indonesian territory, such as Thailand, the Philippines, Malaysia, China, Taiwan, and other countries.

Besides, Indonesian Government should be careful in making policies. This is due to Indonesia has signed the treaty of Amity and Cooperation, which states that the ASEAN countries should be friendly and solve the problems in a peaceful way.