

**PERLINDUNGAN HUKUM TERHADAP PENANGKAPAN NELAYAN
TRADISIONAL INDONESIA DARI NUSA TENGGARA TIMUR DI
PULAU PASIR BERDASARKAN PERSPEKTIF HUKUM
INTERNASIONAL**

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ABSTRAK

Penelitian ini bertujuan untuk memahami dan menganalisis mekanisme serta peraturan hukum internasional yang berlaku dalam memberikan perlindungan dan penyelesaian serta kendala hukum yang dihadapi terhadap kasus penangkapan nelayan tradisional Indonesia, Nusa Tenggara Timur di pulau Pasir yang merupakan kedaulatan Australia. Metode Penelitian yang digunakan adalah penelitian hukum normatif dengan menggunakan 3 pendekatan yaitu pendekatan peraturan perundang-undangan, sejarah, dan kasus yang diolah dengan teknik deskriptif yang menghasilkan argumentatif hukum. Hasil Penelitian menunjukkan bahwa perlindungan hukum terhadap penangkapan nelayan tradisional diatur dalam tiga kesepakatan bilateral antara pemerintah Indonesia dan Australia: MoU BOX 1974, MoU BOX 1981, dan Agreed Minute 1989. Tujuan perjanjian ini adalah memastikan hak-hak perikanan tradisional Indonesia. Di ranah hukum internasional, Konvensi Hukum Laut 1982 (UNCLOS 1982) Pasal 51 ayat (1) juga dengan jelas menguraikan hak-hak nelayan tradisional terkait perikanan, namun masih perlu adanya amandemen terhadap perjanjian bilateral tersebut, serta adanya kendala utama terkait pandangan mengenai nelayan tradisional meliputi perbedaan dalam batasan wilayah, alat tangkap yang digunakan, dan keberlanjutan ekonomi nelayan. Solusinya melibatkan penguatan regulasi nasional, pengakuan hukum terhadap hak nelayan tradisional, kesepakatan batas wilayah, dan perlindungan sumber daya laut di daerah tersebut. Namun, perbedaan pandangan, upaya mempertahankan tradisi, tekanan terhadap sumber daya, dan tantangan ekonomi tetap menjadi hambatan dalam menangani pelanggaran yang dilakukan oleh nelayan tradisional di wilayah Pulau Pasir.

Kata Kunci : Indonesia, Australia, Nelayan Tradisional

**LEGAL PROTECTION OF THE CAPTURE OF TRADITIONAL
INDONESIAN FISHERMEN FROM EAST NUSA TENGGARA ON SAND
ISLAND BASED ON THE PERSPECTIVE OF INTERNATIONAL LAW**

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ABSTRACT

This study aims to understand and analyze the mechanisms and regulations of international law that apply in providing protection and settlement as well as legal constraints faced against the case of catching traditional Indonesian fishermen, East Nusa Tenggara in Pualu Pasir which is Australian sovereignty. The research method used is normative legal research using 3 approaches, namely the approach to legislation, history, and cases that are processed with descriptive techniques that produce legal arguments. The results showed that legal protection against the fishing of traditional fishermen is regulated in three bilateral agreements between the governments of Indonesia and Australia: MoU BOX 1974, MoU BOX 1981, and Agreed Minute 1989. The purpose of this agreement is to ensure the rights of Indonesia's traditional fisheries. In the realm of international law, Article 51 paragraph (1982) of the Convention on the Law of the Sea (UNCLOS 1982) also clearly outlines the rights of traditional fishermen related to fisheries, but there is still a need for amendments to the bilateral agreement, as well as the main obstacles related to views on traditional fishers including differences in territorial boundaries, fishing gear used, and the economic sustainability of fishermen. The solution involves strengthening national regulations, legal recognition of traditional fishermen's rights, boundary agreements, and protection of marine resources in the area. However, differences in views, efforts to maintain traditions, pressure on resources, and economic challenges remain obstacles in addressing abuses committed by traditional fishermen in the Sand Island region.

Keywords : Indonesia, Australia, Traditional Fishermen