

## ABSTRAK

Kebutuhan Produk Pertanian dan perikanan segar semakin meningkat, merupakan sumber pangan untuk kebutuhan sehari-hari masyarakat. Tidak jarang dijumpai tidak sesuai dengan standar mutu dan keamanan Pangan. Hal ini akan membahayakan kesehatan masyarakat. Pemberian Hukuman diperlukan kepada Setiap Orang maupun Pelaku Usaha yang melakukan tindak pidana tersebut. Tujuan penelitian ini menemukan dan menganalisis Prinsip Pengaturan Tindak Pidana, menemukan dan menganalisis kelemahan-kelemahan Prinsip, mewujudkan Harmonisasi Pengaturan Tindak Pidana Pangan Khususnya Produk Pertanian dan Perikanan Segar Sebagai Pembaharuan Pidanaan Berbasis Nilai Keadilan Bermartabat. Kerangka teori yang digunakan dalam Penelitian ini yaitu Grand Theory Teori Keadilan Bermartabat, Teori Sistem Hukum sebagai *Middle Theory* dan *Applied Teori* adalah Teori Pidanaan. Penelitian ini menggunakan Metode Penelitian Hukum empiris, sifat penelitian deskriptif, analisis evaluatif, dan perskriptif. Menggunakan metode Pendekatan Perundang-Undangan (*statute approach*). Sumber bahan berupa bahan hukum primer, sekunder dan tertier, dengan teknik pengumpulan data Penelitian Kepustakaan (*Library Research*). Penarikan kesimpulan dilakukan dengan cara deduktif. Hasil temuan dalam Penelitian ini bahwa Prinsip Pengaturan Tindak Pidana Pangan khususnya produk Pertanian dan Perikanan Segar di Indonesia didasari Prinsip-prinsip Nilai Pancasila, Asas Legalitas, Prinsip Universal, Prinsip Keadilan, Kepastian Hukum, Prinsip Pidanaan dan dilandasi Pasal 2 dan 7 UU No.12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan. Kelemahan Substansi pengaturan tindak pidana Pangan khususnya Produk Pertanian dan Perikanan Segar yaitu Pasal 128 Undang-undang No.13 Tahun 2010 tentang Hortikultura, Pasal 91 dan Pasal 100 B Undang-undang No.45 Tahun 2009 tentang Perikanan bahwa ancaman hukuman pidana denda lebih rendah diatur pada peraturan yang bersifat umum Undang-undang No.18 Tahun 2012 tentang Pangan maka berdasarkan Asas *Lex specialis derogat Lex Generalis* perlu adanya perubahan dan Harmonisasi pada substansi Pasal. Proses harmonisasi substansi pasal dalam Peraturan Perundang-undangan melalui proses yang sangat panjang. Melalui temuan baru yaitu Harmonisasi Putusan Hakim Berbasis Keadilan Bermartabat akan mewujudkan Teori Sinkronisasi Berkeadilan Bermartabat dan Sinkronisasi Keseimbangan Bermartabat. Teori ini didasari oleh Teori Keadilan bermartabat sebagai landasan dari teori baru ini. Diharapkan Hakim memiliki kebebasan dalam substansi independensi peradilan. Putusan Hakim mewujudkan harmonisasi didasari oleh landasan filosofis, yuridis dan sosiologis, dilandasi oleh nilai-nilai Pancasila, bahwa Pemberian ancaman Pidana Denda merujuk pada Undang-undang Pangan. Rekomendasi perubahan ancaman hukuman “denda paling banyak Rp 4.000.000.000,00 (empat) miliar rupiah” pada Pasal 128 Undang-undang No.13 Tahun 2010 dan Pasal 91 UU No.45 Tahun 2009 Tentang Perubahan UU No. 31 Tahun 2004 Tentang Perikanan pada Pasal 100 B dengan ancaman hukuman pidana “denda paling banyak Rp 500.000.000,00 (lima ratus limapuluh juta rupiah)”.

**Kata Kunci:** Harmonisasi, Pangan, Holtikultura, Perikanan, Keadilan.

## **ABSTRACT**

*The need for fresh agricultural and fishery products is increasing, it is a source of food for the daily needs of the community. Not infrequently found not following the quality and safety standards of Food. This will endanger public health. Punishment is required for every person and business actor who commits the crime. The purpose of this research is to find and analyze the Principles of Crime Regulation, find and analyze the weaknesses of the Principles, to realize the Harmonization of Food Crime Regulations, especially Fresh Agricultural and Fishery Products as Criminal Reforms based on the Value of Justice with Dignity. The theoretical framework used in this study is the Grand Theory, Theory of Dignified Justice, The Theory of the Legal System as Middle Theory and the Applied Theory is The Theory of Criminalization. This research uses empirical legal research methods, descriptive research characteristics, evaluative analysis, and prescriptive. Using the Statute Approach method. The source of the material is in the form of primary, secondary, and tertiary legal materials, with the library research data collection technique. Conclusions are drawn by deductive methods. The findings in this study show that the Principles of Regulation of Food Crime, especially Fresh Agriculture and Fisheries products in Indonesia are based on the Principles of Pancasila Value, Legality Principles, Universal Principles, Justice Principles, Legal Certainty, Criminal Principles and are based on Articles 2 and 7 of Law No. 2011 concerning the Formation of Legislative Regulations. Weaknesses of the substance of the regulation of Food crimes, especially Fresh Agricultural and Fisheries Products, namely Article 128 of Law No.13 of 2010 concerning Horticulture, Article 91 and Article 100 B of Law No.45 of 2009 concerning Fisheries, that the threat of lower fines is regulated In general regulations of Law No.18 of 2012 concerning Food, based on the Lex Generalis Derogat Principle, there is a need for changes and harmonization of the substance of the Article. The process of harmonizing the substance of the articles in the Legislation is very long. Through the new findings, namely the Harmonization of Judges' Decisions based on Dignified Justice, the Theory of Equitable Synchronization with Dignity and Dignified Balance Synchronization will be realized. This theory is based on the Dignified Justice Theory as the foundation of this new theory. Judges are expected to have freedom in the substance of judicial independence. The Judge's decision embodies harmonization based on a philosophical, juridical, and sociological basis, based on the values of Pancasila, that the threat of criminal fines refers to the Food Law. Recommendations for changes in the threat of punishment "a maximum fine of Rp. 4,000,000,000.00 (four) billion rupiah" in Article 128 of Law No.13 of 2010 and Article 91 of Law No.45 of 2009 concerning Amendments to Law no. 31 of 2004 concerning Fisheries in Article 100 B with the threat of a criminal penalty "a maximum fine of Rp. 500,000,000.00 (five hundred and fifty million rupiah)".*

**Keywords: Harmonization, Food, Horticulture, Fisheries, Justice.**