

Research Article

Efforts to Handle Lobster Seed Smuggling in West Tanjung Jabung Regency (Law Enforcement Perspective)

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Abstract: Lobster is one of Indonesia's marine resources that has high economic value and is very important for the country's economy, but excessive lobster fishing and smuggling of lobster seeds have caused a decrease in the productivity of marine resources and significant state losses, so effective law enforcement efforts are needed to protect Indonesia's marine resources from these illegal acts. The problem in this study is how the law enforcement by the West Tanjung Jabung Police against the crime of smuggling lobster seeds (Study of Case Register Decision Number: 144 / Pid.Sus / 2023 / Pn Klt), and what factors are the causes. The research method used is normative juridical, a type of legal research that focuses on the analysis and interpretation of legal norms that apply in a legal system. The study shows that the three defendants in the crime of smuggling lobster seeds were sentenced to 2 years in prison and a fine of IDR 5,000,000 based on Article 27 number 26 Article 92 of Law Number 6 of 2023 concerning Job Creation. The factors causing this crime include internal factors (economic and education) and external factors (politics, environment, and lack of security). Suggestions from the study are: Reviewing the lobster seed export policy. Improving coordination between law enforcement officers and community participation. Improving the capacity and competence of law enforcement personnel.

Keywords: Law Enforcement; Lobster Smuggling; Marine Resources; Normative Juridical; Policy Review

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1. Introduction

Natural resources and ecosystems in Indonesia have an important role in supporting people's lives. Therefore, it is urgently needed for sustainable, harmonious, and equal management and utilization to improve a prosperous life for the Indonesian people and humanity as a whole. The fisheries and marine sector has a crucial contribution in the stages of national economic improvement, especially in creating jobs, increasing income, and improving people's living standards. Therefore, sustainable and community-based management is needed to maintain the sustainability of marine resources and the environment (<https://www.unila.ac.id/pengelolaan-sumber-dayalobster>, 2023). Therefore, in order to achieve an optimal and sustainable use of resources, the role of fisheries supervision and

community involvement in the supervision of marine fisheries must be optimized (Nunung Mahmudah: 2015).

One of the fishery resources owned by Indonesia is lobster. The lobster business is a very profitable business opportunity because the price tends to increase. The high international market demand for lobster has made many fishery business actors interested in taking advantage of this opportunity. However, this condition also triggers unhealthy business motives, including smuggling. In addition, the high demand for lobster has also given rise to new demand from other countries, namely the demand for Lobster Seeds (BL) from Indonesia (Sherly Rosa: 2021).

Factors such as less controlled territorial access, the world's high fisheries needs, and personal motivation to profit illegally can trigger an increase in smuggling crimes. Smuggling is still a serious problem in Indonesia and requires proper handling. However, the lack of firmness and certainty in law enforcement allows various parties to carry out illegal lobster seed smuggling activities. The seafood industry that has great potential and promises profits makes smuggling easier and more lucrative (Kumparan.com).

Smuggling of lobster seeds is a criminal offense that is clearly stated in the Fisheries Law, namely "Law No. 31 of 2004 was then amended by Law No. 45 of 2009 concerning Fisheries, especially in Article 88 and Article 92".

Article 88: "Anyone who knowingly imports, removes, procures, distributes, and/or maintains fish that is detrimental to the community, fish farming, fish resources, and/or the fish resource environment into and/or outside the fisheries management area of the Republic of Indonesia, shall be sentenced to a maximum prison sentence of 6 (six) years and a maximum fine of Rp1,500,000,000.- (one billion five hundred million rupiah).

Article 92: "Anyone who knowingly conducts a fishery business in the fisheries management area of the Republic of Indonesia without having a Fisheries Business License (SIUP), shall be punished with a maximum prison sentence of 8 (eight) years and a maximum fine of Rp1,500,000,000.- (one billion five hundred million rupiah)".

The trade of fry (lobster seeds) is considered a crime based on the applicable laws and regulations. The practice of smuggling lobster fry harms the country both materially and non-materially. Material losses reach hundreds of billions of rupiah, and non-material losses can decrease the number of lobster populations in Indonesian waters, especially in Tanjung Barat Regency.

2. Proposed Method

The method used is the analytical descriptive research method. This method is used to describe the object of research in detail and analyze it based on legal principles, regulations, and legal theories (Arief Sahlepi: 2022). The type of research used is normative juridical. Normative juridical research is a type of legal research that focuses on the analysis and interpretation of legal norms that apply in a legal system. This research aims to understand and explain the meaning, scope, and implications of these legal norms. In normative juridical research, the researcher will analyze legal texts, such as laws, regulations, and court decisions, to understand how these legal norms are applied and interpreted (Mukti Fajar: 2010).

3. Results and Discussion

Efforts to Handle Lobster Seed Smuggling in West Tanjung Jabung Regency (Law Enforcement Perspective)

Law enforcement includes two things, namely first, legal remedies aimed at preventing and overcoming violations through the exercise of authority in accordance with the mandate given by laws and regulations, and second, law enforcement of court decisions. In carrying out law enforcement against the crime of smuggling lobster seeds, the West Tanjung Jabung Police have made preventive efforts in the form of counseling and socialization activities to the community, especially in coastal areas, regarding the dangers and negative impacts of lobster seed smuggling and applicable laws and regulations. In addition, routine patrols are carried out to prevent the occurrence of smuggling crimes. . Meanwhile, when a criminal act of smuggling occurs, the West Tanjab Police will arrest the perpetrator and confiscate evidence. The perpetrator will be subject to articles that are in accordance with his actions. The West Tanjab Police once succeeded in uncovering a case of smuggling lobster seeds across the province.

Law enforcement efforts against the crime of smuggling lobster seeds through a trial held at the Kuala Tungkal District Court, the three defendants were charged by the Public Prosecutor with a single indictment, namely Article 27 number 26 Article 92 of Law No. 6 of 2023 concerning the Stipulation of Perpu No. 2 of 2022 concerning Job Creation into Law Jo. Article 55 Paragraph (1) 1 of the Criminal Code with the following elements: (Soerjono Soekanto: 2004).

Everyone

According to the provisions of Paragraph 2, Article 1 Point 14 of Law Number 6 of 2023 concerning the Stipulation of Perpu Number 2 of the Year concerning Job Creation into a Law, it is stated that Every Person is an individual or corporation, what is meant by Everyone is every person who is able to be responsible for his or her criminal actions, in this case is Defendant I "ASS", Defendant II "DP", and Defendant III "WA" whose identities are all as stated in the Public Prosecutor's Indictment Case Registration Number: PDM-34/KTKAL/08/2023 dated August 16, 2023. Based on the Indictment and Demands of the Public Prosecutor, then the examination of the identity of the Defendants can be justified that what is being tried at the trial at the Kuala Tungkal District Court is true that the three defendants whose identities have been stated so that there is no error in persona, then Based on the observation of the Panel of Judges, the defendants were seen to follow the trial process well, answer questions clearly, and show full awareness during the during the trial process, the Defendants were considered not to have a mental disorder, so that they had the ability to be responsible for their actions. Therefore, they are considered legitimate legal subjects and fulfill the element of "everyone" in the law (Bahder Johan Nasution: 2008).

Deliberately in the area of the State Fisheries Management of the Republic of Indonesia conducts a fishery business that does not have a business license.

The meaning of intentionally/opzettelijk as willens en weten or as wanting and knowing, in this case is to want something unlawfully and knowing that it is a crime. Based on Article 1 of the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia No. 18/Permen-KP/2014 concerning the State Fisheries Management Area of the Republic of Indonesia, hereinafter abbreviated as WPPNRI, is a fisheries management area

for fishing, fish farming, conservation, research, and fisheries development which includes inland waters, archipelago waters, territorial seas, additional zones, and exclusive economic zones of Indonesia, then based on Psal 2 of the WPPNRI divided into 11 (eleven) areas, one of which includes the waters of the Karimata Strait, the Natuna Sea and the South China Sea; Based on the testimony of witnesses, expert testimony, letter evidence and statements of the Defendants linked to the evidence, legal facts were obtained that the Defendants were arrested by the Joint Team of the West Tanjung Jabung Police on Wednesday, July 12, 2023 while sterilizing clear lobster seeds based on locus delicti in a quo case It turns out to be included in the waters of the Jambi Region, namely the State Fisheries Management Area of the Republic of Indonesia (WPPN-RI) 711.

Based on the provisions of Paragraph 2, Psl 1 Point 22 of Law Number 6 of 2023 concerning the Determination of Perpu Number 2 of 2022 concerning Job Creation into a Law, it is stated that Fisheries Business is an activity carried out with a Fisheries business system which includes pre-production, production, post-production, processing, and marketing, then based on Article 26 which reads:

Every person who conducts a fishery business in the fisheries management area of the Republic of Indonesia must have a business license from the Central Government or the Regional Government, which includes fishing, fish farming, fish transportation, fish processing, and fish marketing, in accordance with the applicable authorities and regulations. then based on Article 7 Number 1 The catch and/or release of lobsters from Indonesian waters can only be done by fulfilling the requirements of the The following applicable provisions are: (Eddy Rifai, 2013).

1). Lobsters that are not in spawning conditions and meet certain requirements, Catching and/or releasing lobsters from Indonesian waters can only be done if the lobster has a carapace length of more than 6 cm and weighs more than 150 grams per head, for sand lobsters (*Panulirus homarus*), rock lobsters (*Panulirus penicillatus*), batik lobsters (*Panulirus longipes*), and Pakistani lobsters (*Panulirus polyphagus*). 2). Lobsters that can be caught and/or removed from Indonesian waters must meet the requirements not to lay eggs and have the following sizes: carapace length of more than 8 cm and weight of more than 200 grams per head for the lobster species (*Panulirus spp.*).

Based on the suitability of the testimony of witnesses and the testimony of the Defendants associated with the evidence so that it was obtained that the legal facts were obtained that the defendants distributed clear lobster seeds, but the Defendants could not show a SIUP (Fishery Business Permit) permit or other permits related to clear lobster seeds, so that they had fulfilled the elements of conducting a fishery business in the form of transportation in the State Fisheries Management Area of the Republic of Indonesia (WPPN-RI) 711 without a business license. So that the element "has deliberately carried out a fishing business in the territory of the Unitary State of the Republic of Indonesia that does not have a business license" is considered to have been fulfilled according to the rule of law;

The one who does, the one who commands to do, and the one who participates in doing

What is meant by the element of "Person who commits" (pleger) in criminal law is: A person or individual who alone commits a criminal act and fulfills all elements of a criminal event. While the "person who commands" (doen plegen) is: A person who does not directly

commit a criminal act, but instructs another person (plegen) to commit the criminal act. In this regard, there are at least two people involved, namely: the person who tells (doen plegen) and the person who is told (plegen)). So, in this case, the person did not directly commit a criminal act, but rather ordered or instructed another person to commit the act.

What is meant by the person who participates in the act (medepleger) is a person who collaborates with other people, that is, there are at least 2 (two) or more people who all commit criminal acts; based on the description of the previous considerations, it is proven that among the Defendants they have their respective roles, namely Defendant I plays the role of providing vehicles and transporting clear lobster seeds to Tanjung Jabung Barat, then Defendant II plays the role of a driver who carries clear lobster seeds from Bandar Lampung to Tanjung Jabung Barat and Defendant III acted as a driver who brought lobster clear seeds from Bengkulu to Tanjung Jabung Barat so that according to the Panel of Judges, the defendants' actions had an element of awareness and cooperation between the person who ordered (doen plegen) and the person who was told (plegen) to commit the criminal act. This shows that there is a conscious agreement and cooperation to commit criminal acts together, so that this third element has been fulfilled by the Defendant's actions.

In the decision-making process, the judge must pay attention to two things, namely: Juridical considerations and non-juridical considerations. Juridical considerations are based on legal facts revealed in the trial process, such as: such as the indictment from the Public Prosecutor, information provided by the defendant and witnesses, evidence, and relevant articles in criminal law regulations. While non-juridical considerations are judges' considerations in deciding a case based on factors outside the law, such as the defendant's background. In the enforcement of the law of this case, the Defendants' actions have damaged lobster breeding in Indonesian waters;

If you pay attention to non-juridical elements, it can be seen from the background of the defendant's circumstances, the condition of the defendant that can be considered to be a mitigating circumstance or a circumstance that can reduce the level of error or punishment for the defendant such as. 1). The defendants have responsibilities as the head of the family. 2). The defendants showed a polite and respectful attitude during the trial. 3). The defendants have no prior criminal record. 4). The defendants showed deep remorse for their actions, admitted their mistakes, and promised not to repeat them again.

Because all elements of the Public Prosecutor's single indictment have been met, the three defendants are declared to have been legally and convincingly proven guilty of committing a criminal act. "Deliberately in the territory of the State Fisheries Management of the Republic of Indonesia conducts fishing businesses that do not have a joint business license" as in the single indictment, the defendants were sentenced to imprisonment for 2 (two) years each and a fine of Rp5,000,000.00 (five million rupiah) each with the provision that if the fine is not paid, it will be replaced with imprisonment for 3 (three) months each (Rafli Fadilah Achmad : 2025)

Factors Causing the Crime of Lobster Seed Smuggling

The strategic waters of Tanjung Jabung Barat and adjacent to regional waters and other neighboring countries make it vulnerable to smuggling crimes (lobster seeds), which are superior commodities with high economic value and are targets for fishermen's catch. One type of lobster that is of high value is the Pearl Lobster or Spiny Lobster, which has greenish-

green physical characteristics on the shell and large and small spots that are bright yellow, making it one of the main targets of smugglers. With a high selling value, pearl lobsters are targeted by smugglers to sell on the black market (<https://www.wartaekonomi.co.id/read316217/susi-pudjiastuti-cumaindonesia-yang-jual-benihlobster-apa-harus-bangga> : 2023)

The crime of smuggling lobster seeds is a transnational crime that involves the process of shipping lobster seeds across state borders. The provisions in the ban on the shipment of lobster seeds are clear, but the activity is still ongoing. Therefore, it is necessary to trace the factors that drive this violation. These factors include.

Internal Factors

Includes economic factors as well as educational factors. Economic and educational factors play a significant role in driving the crime of lobster seed smuggling in Indonesia. Unstable financial conditions and widespread poverty, particularly in coastal communities, often compel individuals to engage in illegal activities as a means of survival. Despite being aware of the legal risks, many rely on smuggling due to limited employment opportunities, low-quality human resources, and inadequate infrastructure (Ismaidar, 2022). These internal pressures create a dependency on illicit practices, undermining efforts to protect marine resources. In addition, educational shortcomings further exacerbate the issue. According to Judge Rafli Fadilah Achmad of the Kuala Tungkal District Court, who presided over Case Number 144/Pid.Sus/2023/Pn Klt, a lack of understanding of social norms and legal consequences contributes to criminal behavior. Education serves as a critical tool for shaping moral judgment, enhancing decision-making, and fostering awareness of personal strengths and limitations. By improving educational access and quality, individuals are better equipped to make informed choices and avoid involvement in smuggling activities. Together, economic hardship and limited education form a complex web of vulnerability that must be addressed through integrated policy reforms, community empowerment, and strengthened law enforcement.

External Factors

Political, environmental, and lack of care factors significantly contribute to the prevalence of lobster seed smuggling in Indonesia. Politically, prior to the enactment of specific regulations, the capture and distribution of lobster seeds were common practices among coastal communities and were not classified as criminal acts. However, following the enforcement of new legal provisions, such activities became illegal, shifting public perception and legal status (Septia Intan Purah, 2025). This regulatory change created a legal boundary that many were unprepared to navigate, especially those previously engaged in the trade.

Environmentally, individuals living in areas conducive to smuggling—such as regions with minimal oversight or strong networks in the lobster trade—are more likely to be influenced by their surroundings. Factors such as peer interaction, lack of environmental self-control, and proximity to lobster sales operations increase the likelihood of involvement in smuggling activities (Hanif Gusman, 2020). These environmental pressures normalize illegal behavior and reduce deterrence.

Additionally, the lack of adequate security measures, particularly during vulnerable hours, provides opportunities for smugglers to operate with minimal risk. Weak surveillance and enforcement in certain regions allow perpetrators to transport lobster seeds across areas

without fear of apprehension (Erlania, 2016). Addressing these factors requires a multi-sectoral approach involving policy reform, environmental awareness, and enhanced security infrastructure.

The main goal of law enforcement in this case is to protect the sustainability of lobster fishery resources, prevent illegal practices, and maintain the sustainability of marine ecosystems. This includes efforts to ensure that lobster fishing is carried out responsibly, in accordance with applicable regulations, and does not damage the environment

4. Conclusions

Law enforcement by the Tanjung Jabung Barat Police against the crime of smuggling lobster seeds (Study of the Decision of the Case Register Number: 144/Pid.Sus/2023/Pn Klt) was carried out effectively, where the case of lobster seed smuggling was submitted to trial against three defendants with the initials "ASS", the Defendant "DP" and the Defendant "WA" completed law enforcement. In the trial held, the three defendants were charged by the Public Prosecutor with a single indictment, namely Article 27 number 26 Article 92 of Law Number 6 of 2023 concerning the Determination of Perpu Number 2 of 2022 concerning Job Creation into Law Jo. Article 55 Paragraph (1) 1 of the Criminal Code. As in the single indictment of the JPU, the panel of judges sentenced the defendants to imprisonment for 2 (two) years each and a fine of Rp5,000,000.00 (five million rupiah) each with the provision that if the fine is not paid, it will be replaced with imprisonment for 3 (three) months each;

From the discussion of the factors that cause the crime of smuggling lobster seeds in Indonesia, it can be concluded. 1). Internal Factors consist of economic factors and educational factors. 2). External factors consist of political factors, environmental factors and lack of supervision factors.

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