Legal Enforcement against Lobster Seed Smuggling Crimes: An Analysis of Court Decision Number 144/Pid.Sus/2023/PN Klt

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Abstract

The objective of this study is to examine the implementation of a legal enforcement model for the crime of lobster seed smuggling through an analysis of Court Decision Number 144/Pid.Sus/2023/PN KLT. The study specifically aims to promote legal awareness among coastal communities, fishermen groups, and village officials regarding the legal provisions prohibiting lobster seed smuggling and the adverse consequences arising from such illegal activities. Through this approach, the research is expected to strengthen community participation in monitoring the sustainable use of marine resources by enhancing their ability to identify, prevent, and report smuggling activities to law enforcement authorities.

The hypothesis proposed in this study is that a higher level of legal knowledge and public awareness will contribute to reducing the incidence of lobster seed smuggling in the coastal areas of West Tanjung Jabung Regency.

This research employs a descriptive-analytical approach. The descriptive aspect is intended to provide a comprehensive account of the research object based on existing practices and the realities of legal norms in the field. The analytical aspect is used to examine these findings in relation to applicable laws and relevant statutory regulations. The research process actively involves coastal communities, village officials, and fishermen throughout all stages of the study, ensuring that the findings are not only theoretically significant but also practically applicable for policymakers and other stakeholders in the region.

***Keywords**: Law Enforcement, Criminal Offense, Lobster Seed Smuggling, Legal Education.*

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Introduction

Indonesia possesses one of the world's richest marine biodiversity resources, making the fisheries sector a strategic contributor to national economic development and coastal livelihoods. Among marine commodities, lobster (*Panulirus* spp.) has significant commercial value due to increasing international market demand. However, the high economic value of lobster seeds has encouraged illegal harvesting and cross-border smuggling, threatening the sustainability of lobster populations and causing substantial economic losses to the state. These activities not only undermine fisheries governance but also jeopardize marine ecosystem conservation and long-term fisheries productivity.

To address these challenges, the Indonesian government has established a comprehensive legal framework regulating the capture, transportation, and export of lobster seeds through Law No. 31 of 2004 concerning Fisheries, as amended by Law No. 45 of 2009, together with implementing regulations issued by the Ministry of Marine Affairs and Fisheries. These regulations prohibit the illegal export of lobster seeds and provide criminal sanctions for offenders. Nevertheless, despite the existence of clear legal provisions, lobster seed smuggling continues to occur in several coastal regions, indicating that legal enforcement alone has not been sufficient to deter offenders or ensure effective protection of marine resources.

Lobster seeds and market-sized lobsters represent highly valuable fisheries commodities with significant economic importance. However, their high commercial value has intensified harvesting activities, leading to overexploitation and a decline in the sustainability of marine resources. This deterioration is further aggravated by inadequate monitoring of lobster populations and ineffective law enforcement in the fisheries sector. The substantial profits associated with lobster trade have also encouraged various illegal practices, particularly the smuggling of lobster seeds. The increasing number of smuggling cases reported each year has become a major challenge to sustainable fisheries management and poses a serious threat to the country's long-term development objectives (Nunung, 2015).

Previous studies have primarily examined lobster seed smuggling from normative legal perspectives, fisheries policy implementation, or the effectiveness of criminal sanctions. Limited attention has been given to evaluating how law enforcement agencies including investigators, prosecutors, and judges apply fisheries law throughout the criminal justice process, particularly through the analysis of judicial decisions. Furthermore, studies integrating legal enforcement with community participation and legal education remain relatively scarce.

Several factors contribute to the increasing incidence of lobster seed smuggling, including inadequate surveillance of coastal and border areas, the growing global demand for fisheries products, and the pursuit of illicit financial gains. As a result, smuggling continues to pose a significant challenge to Indonesia's fisheries sector and requires more effective regulatory and enforcement measures. However, inconsistencies in law enforcement and the lack of legal certainty have created opportunities for individuals and organized groups to engage in the illegal trade of lobster seeds. Moreover, the lucrative seafood industry, driven by strong international market demand and substantial economic returns, has further increased the attractiveness of smuggling activities, making them more frequent and difficult to control (Sutomo, 2024).

This study addresses these gaps by analyzing the implementation of a legal enforcement model through the examination of Court Decision Number 144/Pid.Sus/2023/PN KLT concerning lobster seed smuggling. Unlike previous research, this study evaluates legal enforcement comprehensively from investigation, prosecution, and judicial consideration while simultaneously emphasizing preventive measures through legal education for coastal communities, fishermen, village authorities, and other stakeholders. The proposed model integrates preventive, repressive, and collaborative approaches involving fisheries authorities, law enforcement institutions, local governments, and community participation to strengthen fisheries governance and marine resource protection.

Effective legal enforcement in fisheries conservation requires more than the application of criminal sanctions. Contemporary environmental governance emphasizes the integration of preventive measures, institutional coordination, and community participation to achieve sustainable resource management. In the context of lobster seed protection, strengthening legal awareness among coastal communities and improving collaboration among fisheries authorities, law enforcement agencies, local governments, and coastal stakeholders are essential to preventing illegal trade and ensuring compliance with fisheries regulations. Such an integrated approach supports not only legal certainty but also the long-term conservation of Indonesia's marine biodiversity and the sustainable development of coastal communities. This research aims to examine the implementation of legal enforcement against lobster seed smuggling based on Court Decision Number 144/Pid.Sus/2023/PN KLT and to formulate a more integrated enforcement model capable of improving legal compliance, strengthening community participation, and supporting the sustainable management of Indonesia's marine resources.

Literature Review

1. Law Enforcement

Law enforcement is fundamentally the process of translating legal norms into practical reality. According to Soerjono Soekanto, law enforcement is a process of harmonizing legal values, legal norms, and actual human behavior to maintain social order. This perspective emphasizes that law enforcement extends beyond the formal application of legal rules; it also depends on the level of legal awareness and compliance among members of society as the subjects of law. In other words, effective law enforcement requires not only the existence of legal regulations but also public participation in respecting and upholding those regulations.

Similarly, Satjipto Rahardjo argues that law enforcement is a human endeavor to realize the fundamental values of justice, legal certainty, and social utility through legal institutions and mechanisms. From this viewpoint, the law should not be interpreted merely as a rigid collection of written rules. Instead, it must function as a dynamic instrument designed to protect human interests, promote social welfare, and respond to the evolving needs of society. Consequently, the ultimate purpose of law enforcement is to ensure that legal principles serve the broader interests of justice and humanity.

Lawrence M. Friedman approaches law enforcement through the concept of the legal system, which consists of three interrelated components: legal structure, legal substance, and legal culture. The legal structure refers to institutions and law enforcement agencies responsible for implementing the law. Legal substance encompasses the body of laws, regulations, and legal principles that govern society. Meanwhile, legal culture reflects the attitudes, values, and level of legal consciousness within the community. Friedman argues that the effectiveness of law enforcement depends on the interaction and balance among these three components. Even well-drafted laws may fail to achieve their objectives if law enforcement institutions are ineffective or if public legal awareness remains low.

2. Criminal Offense

In Indonesian criminal law, the term criminal offense is commonly used as the equivalent of the Dutch legal concept *strafbaar feit*. According to Moeljatno, a criminal offense is an act that is prohibited by law and punishable by criminal sanctions for anyone who commits it. This definition indicates that a criminal offense is not merely an unlawful act but also one that carries legal consequences in the form of criminal liability. Therefore, an act can only be classified as a criminal offense when it is expressly prohibited by legislation and accompanied by a prescribed criminal penalty.

The essential elements of a criminal offense are generally divided into two categories: objective elements and subjective elements. The objective elements relate to the external aspects of the offense, commonly referred to as *actus reus*. These include the conduct prohibited by law, such as stealing, killing, or smuggling, as well as the object of the offense, the

circumstances under which the act is committed, and the resulting consequences. These objective components establish whether the defendant's conduct falls within the legal definition of a particular criminal offense.

In contrast, the subjective elements concern the mental state of the offender, commonly known as *mens rea*. These elements include intent (*dolus*) or negligence (*culpa*), depending on the requirements established by the relevant criminal statute. The presence of the required mental element demonstrates the offender's degree of culpability and forms an essential basis for imposing criminal responsibility.

Accordingly, both the objective and subjective elements must generally be satisfied cumulatively before an act can be legally recognized as a criminal offense. The absence of either element may prevent criminal liability from being established, even where the prohibited conduct has occurred. This principle reflects the fundamental doctrine of criminal law that punishment may only be imposed when both the unlawful act and the required mental element are proven in accordance with the law.

3. Fisheries Crimes

Fisheries crimes refer to any acts prohibited under fisheries legislation that are subject to criminal sanctions for individuals or legal entities that violate the applicable legal provisions. In Indonesia, fisheries crimes are classified as special crimes, as they are regulated outside the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP). The primary legal framework governing these offenses is Law Number 31 of 2004 on Fisheries, as amended by Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 on Fisheries. Unlike general criminal offenses regulated under the KUHP, fisheries crimes are governed by specialized legal provisions designed to address the unique characteristics and complexities of fisheries management and the protection of marine resources. As special crimes, fisheries offenses possess distinctive legal characteristics regarding the scope of criminal liability, the categories of offenders, the prohibited conduct, investigative authority, and the types of criminal sanctions that may be imposed. The legal framework extends criminal responsibility not only to individuals but also, in certain circumstances, to corporate entities involved in unlawful fisheries activities. Furthermore, the investigation and enforcement of fisheries crimes may involve specialized authorities in addition to the national police, reflecting the technical nature of fisheries regulation and the need for effective supervision of Indonesia's marine resources.

4. Prohibition on Lobster Seed Exports

The prohibition on lobster seed exports has become a significant legal and policy issue in Indonesia, reflecting the ongoing challenge of balancing environmental conservation with economic interests. The policy was introduced to address concerns over the excessive harvesting of lobster seeds, which threatens the sustainability of lobster populations, disrupts marine ecosystems, and jeopardizes the long-term viability of the fisheries sector. By restricting the export of lobster seeds, the government seeks to protect fishery resources, support the natural growth of lobster stocks, and ensure that these resources are utilized sustainably for the benefit of future generations. At the same time, the policy has generated considerable debate among policymakers, fisheries stakeholders, and coastal communities. Supporters argue that the export ban is essential for conserving marine biodiversity, strengthening domestic lobster aquaculture, and increasing the economic value of lobster production within Indonesia. Conversely, critics contend that the restriction may reduce income opportunities for fishers and coastal communities whose livelihoods depend on harvesting lobster seeds, potentially encouraging illegal trade and smuggling activities. Consequently, the prohibition on lobster seed exports represents a complex policy that requires careful consideration of both ecological sustainability and socioeconomic welfare, highlighting the need for effective law enforcement alongside policies that provide alternative economic opportunities for affected communities.

5. Legal Framework Governing Lobster Seeds

The principal legal framework governing the management and protection of lobster seeds in Indonesia is established under Law Number 31 of 2004 on Fisheries, as amended by Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 on Fisheries. This legislation serves as the primary legal basis for fisheries governance, encompassing fisheries planning, resource utilization, conservation, monitoring, supervision, and law enforcement. The Fisheries Law provides that fisheries management must be carried out in accordance with the principles of public benefit, justice, equity, efficiency, sustainability, integration, transparency, and accountability. These guiding principles require that all activities involving fishery resources, including lobster seeds, be conducted in a manner that balances economic development with the conservation of aquatic ecosystems and the long-term sustainability of marine resources.

The Fisheries Law further authorizes the government to regulate the utilization of fishery resources through licensing systems, restrictions on fishing activities, the designation of conservation areas, and the supervision of fisheries-related trade and transportation. In relation to lobster seeds, this authority is implemented through policies regulating minimum harvest size, restrictions on the removal and export of lobster seeds from Indonesian territory, controls over commercial distribution and trade, and the imposition of administrative and criminal sanctions for violations that threaten the sustainability of lobster populations. These regulatory measures demonstrate the government's commitment to protecting lobster seeds as an integral component of national fisheries conservation policy, ensuring that lobster resources are managed responsibly and remain available for future generations while supporting sustainable fisheries development.

Research Methodology

This study employed an empirical juridical (socio-legal) approach using a descriptive-analytical research design. The research combines normative legal analysis with empirical investigation to examine how fisheries laws governing lobster seed smuggling are implemented in practice. Rather than focusing solely on statutory provisions, the study evaluates the effectiveness of legal enforcement through the interaction between legal norms, law enforcement institutions, and community participation.

The research was conducted in West Tanjung Jabung Regency, Jambi Province, Indonesia, with Court Decision Number 144/Pid.Sus/2023/PN KLT serving as the principal case study. Primary data were collected through semi-structured interviews with key informants, including police investigators, judicial officers, legal practitioners, and other stakeholders directly involved in the criminal justice process concerning lobster seed smuggling. Secondary data consisted of court decisions, statutory regulations, government policies, legal literature, and other relevant legal documents related to fisheries law and environmental protection. Purposive sampling was applied to select respondents possessing direct knowledge and professional experience relevant to the research objectives.

Data were collected through document analysis, direct observation, and in-depth interviews. The documentary review focused on applicable fisheries legislation, ministerial regulations, court decisions, and supporting legal materials, while field observations and interviews were conducted to obtain empirical evidence regarding the implementation of legal enforcement in practice. The collected data were analyzed qualitatively using descriptive and legal interpretation techniques to identify the consistency between statutory provisions and their practical implementation, as well as to formulate a more integrated legal enforcement model for combating lobster seed smuggling.

Results

1. Implementation of Law Enforcement Against Lobster Seed Smuggling

The implementation of law enforcement against lobster seed smuggling in Indonesia reflects the government's commitment to protecting marine biodiversity while ensuring the

sustainable utilization of fisheries resources. As one of the world's largest archipelagic states, Indonesia possesses abundant marine resources that contribute significantly to national economic development. However, the increasing international demand for lobster seeds has created strong economic incentives for illegal harvesting and smuggling activities, threatening both marine biodiversity and fisheries sustainability.

The analysis of Court Decision Number 144/Pid.Sus/2023/PN KLT demonstrates that Indonesian law enforcement authorities implemented criminal justice procedures in accordance with fisheries legislation. Investigators collected evidence, prosecutors established criminal liability, and judges assessed documentary and testimonial evidence before imposing criminal sanctions. The decision confirms that the Fisheries Law provides an adequate legal basis for prosecuting lobster seed smuggling as an environmental and fisheries crime.

From a regulatory perspective, Indonesian fisheries legislation has established comprehensive legal provisions governing the protection of fisheries resources. Nevertheless, the existence of legislation alone has not eliminated illegal lobster seed trafficking. The persistence of smuggling indicates that effective law enforcement depends not only on legal sanctions but also on institutional capacity, monitoring systems, inter-agency coordination, and public compliance. Similar findings have been reported in international studies emphasizing that fisheries crimes are increasingly transnational and require integrated governance rather than isolated criminal prosecution.

Field findings further indicate that economic incentives remain one of the primary drivers of lobster seed smuggling. High market prices, combined with limited surveillance capacity in coastal areas, encourage organized illegal trade despite existing criminal penalties. This phenomenon corresponds with recent research on illegal fisheries, which concludes that enforcement strategies focusing solely on punishment rarely achieve long-term compliance unless accompanied by preventive measures, stakeholder engagement, and community participation.

These findings also support Lawrence Friedman's Legal System Theory, which argues that effective law enforcement requires interaction among legal substance, legal structure, and legal culture. Indonesia has established relatively comprehensive legal regulations and institutional mechanisms; however, strengthening legal awareness among coastal communities remains an essential component of improving compliance. Recent studies similarly demonstrate that legal awareness and collaborative governance significantly improve fisheries compliance and environmental protection because local communities become active partners in monitoring illegal activities rather than passive beneficiaries of government policies.

The implementation of law enforcement in Court Decision Number 144/Pid.Sus/2023/PN KLT demonstrates that Indonesia possesses an adequate legal framework for prosecuting fisheries crimes. Nevertheless, achieving sustainable fisheries governance requires a balanced combination of criminal law enforcement, legal education, community participation, technological surveillance, and inter-agency collaboration. Such an integrated approach is expected to strengthen legal compliance while simultaneously supporting marine conservation and sustainable fisheries management.

2. Challenges in Law Enforcement

Despite the existence of a comprehensive legal framework regulating fisheries conservation and prohibiting lobster seed smuggling, several obstacles continue to hinder effective law enforcement in Indonesia. The findings of this study indicate that law enforcement agencies face significant challenges in preventing and prosecuting lobster seed smuggling due to institutional, geographical, economic, and socio-cultural factors. These challenges reduce the effectiveness of existing legal mechanisms and weaken efforts to protect marine biodiversity.

One of the primary challenges is the vast geographical characteristics of Indonesia as an archipelagic country. Extensive coastlines, numerous small islands, and multiple unofficial maritime routes make surveillance and border control particularly difficult. Limited personnel, patrol vessels, and monitoring facilities further constrain the ability of fisheries authorities and

law enforcement agencies to detect and intercept illegal transportation of lobster seeds before they reach domestic or international markets.

Economic factors also play a crucial role in sustaining lobster seed smuggling. The exceptionally high market value of lobster seeds in international markets provides strong financial incentives for fishermen, traders, and organized criminal networks to engage in illegal activities. For many coastal communities, participation in the illegal trade is often perceived as a source of higher income compared with lawful fishing activities. Consequently, criminal sanctions alone have not been sufficient to deter offenders from repeating similar offenses.

Another significant challenge concerns institutional coordination among agencies responsible for fisheries protection and criminal law enforcement. Effective suppression of lobster seed smuggling requires close cooperation among the Ministry of Marine Affairs and Fisheries, the Indonesian National Police, Customs, the Indonesian Navy, prosecutors, and judicial institutions. However, differences in institutional authority, operational procedures, and information-sharing mechanisms may reduce the effectiveness of coordinated enforcement efforts, particularly in cross-regional and cross-border cases.

The study further reveals that public legal awareness remains relatively limited in several coastal communities. Some fishermen and local traders have insufficient knowledge regarding the legal restrictions governing lobster seed harvesting and transportation, while others are aware of the regulations but continue to violate them because of economic pressures and the relatively low perceived risk of detection. This finding indicates that preventive measures, including legal education and community engagement, should complement criminal law enforcement to improve voluntary compliance with fisheries regulations.

The findings demonstrate that the challenges in combating lobster seed smuggling extend beyond legal provisions alone. Strengthening institutional capacity, improving inter-agency coordination, expanding coastal surveillance, enhancing public legal awareness, and promoting community participation are essential components of a more effective and sustainable law enforcement strategy. An integrated approach combining preventive and repressive measures is therefore necessary to reduce lobster seed smuggling while ensuring the long-term conservation of Indonesia's marine resources.

3. Proposed Legal Enforcement Model

The findings of this study indicate that law enforcement against lobster seed smuggling should not rely solely on criminal sanctions. Although prosecution and judicial decisions are essential to ensuring legal certainty, a more comprehensive approach is needed to address the underlying causes of illegal activities. Based on the analysis of Court Decision Number 144/Pid.Sus/2023/PN KLT, this study proposes an integrated legal enforcement model that combines preventive, repressive, and collaborative strategies.

The preventive approach emphasizes legal education, public awareness, and routine monitoring of coastal areas to reduce opportunities for lobster seed smuggling. The repressive approach focuses on the consistent enforcement of fisheries legislation through investigation, prosecution, and judicial proceedings. Meanwhile, the collaborative approach promotes stronger coordination among the Ministry of Marine Affairs and Fisheries, the Indonesian National Police, Customs, the Indonesian Navy, prosecutors, local governments, and coastal communities. Active community participation is expected to improve early detection and reporting of illegal activities while strengthening compliance with fisheries regulations.

The proposed model provides a balanced framework for protecting marine resources by integrating law enforcement with community engagement and institutional cooperation. This approach is expected to reduce lobster seed smuggling, enhance legal compliance, and support the sustainable management of Indonesia's fisheries resources.

The findings demonstrate that legal enforcement against lobster seed smuggling in Indonesia has been implemented through the application of fisheries legislation and criminal justice procedures. However, the persistence of smuggling cases indicates that punitive measures alone are insufficient to address the complexity of fisheries-related crimes.

Institutional constraints, economic incentives, limited coastal surveillance, and inadequate public legal awareness continue to affect the effectiveness of law enforcement. Therefore, the integrated legal enforcement model proposed in this study provides a more comprehensive approach by combining preventive legal education, consistent criminal law enforcement, and collaborative governance involving government institutions and coastal communities. This integrated framework contributes to strengthening fisheries governance, improving legal compliance, and supporting the sustainable conservation of Indonesia's marine resources.

Conclusion

This study concludes that the implementation of law enforcement against lobster seed smuggling, as reflected in Court Decision Number 144/Pid.Sus/2023/PN KLT, demonstrates the application of Indonesian fisheries law through the criminal justice process. Nevertheless, the persistence of smuggling cases indicates that criminal sanctions alone are insufficient to effectively prevent fisheries-related crimes. The study proposes an integrated legal enforcement model that combines preventive legal education, consistent law enforcement, and collaborative governance involving government institutions and coastal communities. This approach is expected to strengthen legal compliance, improve fisheries governance, and support the sustainable conservation of Indonesia's marine resources.

The proposed legal enforcement model contributes to the development of fisheries law by emphasizing that effective law enforcement should integrate legal certainty with preventive and participatory measures. Strengthening cooperation among law enforcement agencies, local governments, and coastal communities is essential to improving the effectiveness of fisheries protection while ensuring the sustainable utilization of marine resources. Future research is encouraged to evaluate the implementation of this model in different coastal regions and to assess its effectiveness in reducing fisheries-related crimes through broader empirical investigations.

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