

# Unveiling the Illicit Trade: Legal Perspectives on Lobster Seed Smuggling in Batam City

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## Abstract

Despite the recent government legal updates, lobster seed smuggling remains a lucrative business in Batam City. This study aims to analyze the linkage of international and national laws with Batam City's efforts in combating lobster seed smuggling. It also examines the roles and challenges faced by the stakeholders in Batam City in tackling this issue. Utilizing empirical legal research and socio-legal approaches, the study relied on both secondary and primary data, incorporating literature studies and interviews with the Criminal Investigation Unit of Barelang City Police and the Batam Fish Quarantine Station. Qualitative analysis, guided by Mochtar Kusumaatmadja's Development Law Theory found that the Minister of Maritime Affairs and Fisheries Regulation No. 7 of 2024 has not stopped lobster seed smuggling via

sea from Batam City to neighboring countries. It is concluded that this smuggling has an international dimension; consequently, CITES, UNCLOS, and UNTOC can serve to address the relationship between international law and local issues. Stakeholders in Batam City have implemented efforts by collaborating with stakeholders at the local, national, and international levels. Yet, they still encounter challenges, including educating the public. In response to these challenges, the best practices from Hong Kong, Australia, and Vietnam can be adopted by stakeholders in Batam City. They could also serve as references for other regions in Indonesia facing similar challenges. It is also concluded that Batam City's efforts to combat lobster seed smuggling offers key lessons, highlighting the need for legal reforms and broad collaboration involving the local community at all levels.

**KEYWORDS** *Lobster Seeds, Smuggling, International Law, Batam City*

## Introduction

Wildlife trafficking has garnered significant international attention as a multibillion-dollar illegal industry involving the trade of hundreds of millions of plant and animal specimens across borders.<sup>1</sup> In 2022, the CITES Secretariat noted that between 2016 and 2020, the global direct export value of species listed under CITES was estimated at approximately USD 1.8 billion for animals and USD 9.3 billion for plants.<sup>2</sup> This illegal trade is diverse, ranging from bushmeat, ingredients for traditional Eastern medicine, exotic pets, jewelry, trinkets, and accessories such as chess sets, furs used for everything from coats to traditional costumes, and trophies.<sup>3</sup>

The protection and trade of protected species are governed by the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Indonesia ratified CITES through Presidential Decree Number 43 of 1978 and is registered as its 48th member country of CITES.<sup>4</sup>

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<sup>1</sup> Sofie H. Flensburg, "Convention on International Trade in Endangered Species of Wild Fauna and Flora," 2024, [https://www.wto.org/english/res\\_e/booksp\\_e/int\\_exp\\_regs\\_part1\\_1\\_e.pdf](https://www.wto.org/english/res_e/booksp_e/int_exp_regs_part1_1_e.pdf).

<sup>2</sup> Flensburg.

<sup>3</sup> United States Immigration and Customs Enforcement, "Wildlife," United States Immigration and Customs Enforcement, 2024, <https://www.ice.gov/features/wildlife>.

<sup>4</sup> Muhammad Zidhan L. Mainuru, Veriana Josepha Batseba Rehatta, and Dyah Ridhul Airin Daties, "Perlindungan Harimau Sumatera Menurut Convention on International

The ratification of CITES is highly significant for Indonesia, considering that it is the largest archipelagic country in the world with a mega biodiversity of approximately 17,504 islands.<sup>5</sup> Of these, 16,671 islands have been officially documented and registered with the United Nations Fisheries and Agriculture Organization (FAO). Indonesia's total maritime area covers 5.9 million km<sup>2</sup>, comprising a territorial sea of 0.29 million km<sup>2</sup>, inland and archipelagic waters of 3.2 million km<sup>2</sup>, and Indonesia's Exclusive Economic Zone (EEZ) spanning 2.7 million km<sup>2</sup>.<sup>6</sup> Additionally, Indonesia has an Additional Zone with an area of 0.27 million km<sup>2</sup>, a continental shelf covering 2.8 million km<sup>2</sup>, and a coastline stretching for 108,000 km.<sup>7</sup> Indonesia's marine resources encompass 37% of the world's fish species. Among them, several species hold high economic value, such as “small pelagic fish, large pelagic fish, demersal fish, reef fish, penaeid shrimp, lobsters, crabs, and squid”.<sup>8</sup> The sustainable potential of Indonesia's marine fishery resources is estimated at approximately 12.54 million tons per year, distributed across its waters and Exclusive Economic Zone.<sup>9</sup>

Due to its extensive maritime area and abundant marine biodiversity, Indonesia formalized its commitment to the United Nations Convention on the Law of the Sea (UNCLOS) by enacting Law No. 17 of 1985. Article 65 of the Convention emphasizes the importance of conserving and managing transboundary and highly migratory fish stocks, affirming the rights of states to implement conservation measures within their exclusive economic zones (EEZs) and on the high seas.

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Trade in Endangered Species of Wild Fauna and Flora (CITES) 1963,” *TATOHI: Jurnal Ilmu Hukum* 3, no. 11 (2024): 1082–93, <https://doi.org/https://doi.org/10.47268/tatohi.v3i11.2100>.

- <sup>5</sup> Harry Purwanto and Dewa Gede Sudika Mangku, “Legal Instruments of the Republic of Indonesia in Border Management Using the Perspective of Archipelagic State,” *International Journal of Business, Economics and Law* 11, no. 4 (2016): 51–59.
- <sup>6</sup> S. Abdulajid, G. A. Tauda, and M. J. Achmad, “Reaffirmation of Archipelagic State Principle through the Establishment of Archipelagic Region Law in Indonesia,” in *2nd International Conference on Fisheries and Marine* (Ternate: IOP Publishing, 2021).
- <sup>7</sup> Geospatial Information Agency and Indonesian Navy Hydrographic and Oceanographic Center, 2018
- <sup>8</sup> Journalist IBP, “Unveiling Indonesia’s Potential in Marine Resources and Opportunities for Investors in the Fishing Sectors,” *Indonesia Business Post*, 2023, <https://indonesiabusinesspost.com/risks-opportunities/unveiling-indonesias-potential-in-marine-resources-and-opportunities-for-investors-in-the-fishing-sectors/>.
- <sup>9</sup> Bambang S. Irianto, Made Warka, and Otto Yudianto, “Law Enforcement in Indonesia’s Exclusive Economic Zone in the Framework of Indonesia’s National Interest in the Marine Sector,” *International Journal of Multicultural and Multireligious Understanding* 8, no. 9 (2021): 167–71, <https://doi.org/http://dx.doi.org/10.18415/ijmmu.v8i9.3010>.

One of Indonesia's valuable marine resources is lobster, a type of marine shrimp known by the Latin *Genus Homarus*. Lobsters are characterized by their bluish-black color, eight legs, and large claws.<sup>10</sup> Lobster seedlings or those suitable for consumption, are fisheries commodities with economic value. However, excessive lobster harvesting has led to a decline in the productivity of these renewable marine resources. This decrease is also attributed to insufficient monitoring of lobster development and growth, as well as conflicts with law enforcement.<sup>11</sup>

The smuggling of lobster seeds is highly rampant in Indonesia. The Ministry of Marine Affairs and Fisheries (MMAF) has successfully thwarted 52 cases of smuggling of transparent lobster seeds or lobster larvae during the period from December 23, 2020, to August 15, 2021. These cases were scattered across 13 locations, including Jambi, East Java, Palembang, Banten, Jakarta, Batam, Mataram, Lampung, the Riau Islands, Bandung, Pangkal Pinang, Bengkulu, and Cirebon.<sup>12</sup>

Previous research by Iqbal, Tsania, and Riska asserted that Indonesia is rich in its fisheries resources, particularly lobsters. Consequently, many individuals exploit this wealth for personal or specific group interests. To prevent such exploitation, a firm legal foundation and an independent judiciary are essential.<sup>13</sup> Made Agus Sanjaya et.al. argued that the capture of lobster seeds was regulated by the Regulation of the Minister of Marine Affairs and Fisheries Number 56/PERMEN-KP/2016 on the Prohibition of Capture and/or Export of Lobster, Crab, and Swimming Crab (the MMAF Regulation 2016). However, in 2020, the Ministry of Marine Affairs and Fisheries issued Regulation Number 12/PERMEN-KP/2020 on the management of Lobster, Crab, and Swimming Crab, which indirectly reopened the export of lobster seeds in Indonesia (MMAF Regulation 2020).<sup>14</sup>

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<sup>10</sup> <https://kbbi.web.id/lobster>

<sup>11</sup> Sitti Hilyana et al., "Socio-Economic Impacts on Lobster Fishery Actors After the Implementation of Regulation No 12/PERMEN-KP/2020," in *The 2nd International Symposium Marine Resilience and Sustainable Development* (Sulawesi Selatan: IOP Publishing, 2021).

<sup>12</sup> Andina Librianty, "KKP Gagal 52 Kasus Penyelundupan Benih Lobster Selama 2021," *Liputan 6*, 2021, <https://www.liputan6.com/bisnis/read/4634846/kkp-gagalkan-52-kasus-penyelundupan-benih-lobster-selama-2021?page=2>.

<sup>13</sup> Iqbal Septiaji Handoyo, Tsania Nurul Azkia, and Riska Andi Fitriyono, "Faktor Kriminogen Dalam Kasus Penyelundupan Benih Lobster," *RESAM Jurnal Hukum* 7, no. 2 (2021): 89–105, <https://doi.org/https://doi.org/10.32661/resam.v7i2.59>.

<sup>14</sup> Made Agus Sanjaya, I Made Minggu Widyantara, and Luh Putu Suryani, "Tinjauan Yuridis Terhadap Penegakan Hukum Tindak Pidana Penyelundupan Bibit Lobster,"

Similarly, Adelia et.al criticized Indonesia's policies and laws regarding lobsters. They explained that Indonesia's export policies for lobsters have changed, starting with Ministerial Regulation Number 1 of 2015, which did not explicitly regulate the prohibition on exporting lobster seeds. This regulation only set limits on the size of lobsters and specified certain conditions for capture. Subsequently, under the MMAF Regulation, it evolved into the MMAF Regulation 2020, which ultimately issued regulations allowing the export of lobster seeds.<sup>15</sup>

Ayu, Kabib, and Erwin, explained that the enforcement of criminal law against lobster seed smuggling in the jurisdiction of the Tanjung Jabung Timur Police Resort was effectively implemented. From 2018 to 2019, three cases of lobster seed smuggling were recorded, but only two were processed in court, while one case in 2018 was not pursued or was terminated due to insufficient evidence. They claimed that law enforcement remains not optimal due to the lack of integration and coordination among law enforcement agencies, and community participation in law enforcement is still insufficient.<sup>16</sup>

Widharma Jaya and Muhammad Mustofa concluded that there is a correlation between corruption and the export of lobster seeds. For example, during the 2019-2020 period, following the revocation of the prohibition on lobster seed shipments by the MMAF Regulation 2020, corruption emerged through a cost-enhancing scheme involving PT Aero Citra Kargo. Despite the lack of warehouses and transportation fleets, the company was able to act as a coordinator for lobster exporters, sharing roles with PT Perishable Logistics Indonesia, the sole cargo shipping company handling the export of lobster seeds from Indonesia.<sup>17</sup>

Dina and Hasanah added that the implementation of the MMAF Regulation 2020, which permitted the export of lobster seeds, did not align with the principles of sustainable development. This was because the economic benefits of the policy have little impact on the welfare of fishermen or small-

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*Jurnal Konstruksi Hukum* 2, no. 3 (2021): 569–74, <https://doi.org/https://doi.org/10.22225/jkh.2.3.3643.569-574>.

<sup>15</sup> Adelia Widya Pramesti et al., “Analisis Kebijakan Ekspor Benih Lobster Berdasarkan Prinsip Pembangunan Berkelanjutan,” *Jurnal Dimensi* 10, no. 3 (2021): 600–607, <https://doi.org/https://doi.org/10.33373/dms.v10i3.3863>.

<sup>16</sup> Ayu Veronica, Kabib Nawawi, and Erwin, “Penegakan Hukum Pidana Terhadap Penyelundupan Baby Lobster,” *PAMPAS: Journal of Criminal Law* 1, no. 3 (2020): 45–57, <https://doi.org/https://doi.org/10.22437/pampas.v1i3.11085>.

<sup>17</sup> Widharma Jaya Sentosa and Muhammad Mustofa, “Persekongkolan Jahat Birokrat Korporat Dalam Penyelundupan Benih Lobster,” *Journal of Syntax Literate* 7, no. 4 (2022): 3700–3712, <https://doi.org/https://doi.org/10.36418/syntax-literate.v7i4.6679>.

scale entrepreneurs, who were most reliant on lobster resources. Additionally, the policy potentially had negative effects on the sustainability of lobster resources and lobster seeds as germplasm. Therefore, the enforcement of the MMAF Regulation 2020, aimed at economic recovery, including within the context of the new normal, ironically contradicted the very goals of the Regulation itself.<sup>18</sup>

The export policy under the MMAF Regulation 2020 was designed with the expectation that the financial gains resulting from free trade would eventually be disseminated equitably among all members of society. However, it was evident that this intended effect did not yield substantial benefits for fishermen or small business entities. Furthermore, the growth-oriented approach appeared to primarily benefit the large transnational corporations and the wealthiest members of society, rather than addressing the needs of those who depended on marine and fishery resources for their livelihoods, such as fishermen and small-scale business owners.<sup>19</sup>

Consequently, Mr. Sakti Wahyu Trenggono, the Minister of Maritime Affairs and Fisheries implemented a policy prohibiting the export of lobster seeds. This directive is outlined in the Minister of Marine Affairs and Fisheries Regulation Number 17/PERMEN-KP/2021 (the MMAF Regulation 2021) replacing the MMAF Regulation 2020. The new Regulation specifically addresses the management of Lobster (*Panulirus spp*), Crab (*Scylla spp*), and Blue Swimming Crab (*Portunus spp*) in Indonesia. According to this Regulation, the export of lobster seeds is prohibited, while the export of mature lobster, measuring over 8 cm, is permitted under the stipulated provisions.<sup>20</sup> This Regulation was then repealed by the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia the Minister of Marine Affairs and Fisheries Regulation Number 16/PERMEN-KP/2022 concerning the Management of Lobsters, Crabs, and Crayfish in the Territory of the Indonesian Republic (the MMAF Regulation 2022). It is expected that the continuity and availability of fisheries resources through optimal management of transparent lobster seeds

<sup>18</sup> Khairunnisa Bella Dina and Hamnah Hasanah, "Analisis PermenKP No. 12/2020 Terkait Kebijakan Ekspor Benih Lobster Berdasarkan Prinsip Pembangunan Berkelanjutan Pada New Normal," *Jurnal Hukum Lingkungan Indonesia* 7, no. 1 (2020): 48–70, <https://doi.org/https://doi.org/10.38011/jhli.v7i1.223>.

<sup>19</sup> Dani Setiawan, "Bisnis Lobster Dan Nasib Ekonomi Nelayan," *Kesatuan Nelayan Tradisional Indonesia*, 2020, <https://knti.or.id/bisnis-lobster-dan-nasib-ekonomi-nelayan/>.

<sup>20</sup> Azis Setyagama et al., "Indonesian Government Policy in Maintaining Environmental Conservation of Marine Biota through the Export Prohibition of Lobster Shrimp Seed," *Russian Law Journal* 11, no. 7S (2023): 314–22.

will always be maintained to meet the needs of lobster cultivation in the territory of the Republic of Indonesia.<sup>21</sup> However, in 2024, the export of lobster seeds was reopened with the introduction of the Minister of Maritime Affairs and Fisheries Regulation Number 7 of 2024, which governs the management of lobsters (*Panulirus spp.*), crabs (*Scylla spp.*), and blue swimming crabs (*Portunus spp.*).<sup>22</sup>

However, Regulations that prohibit or permit the export of lobster seeds have not been effectively implemented in Batam, a city in the Riau Islands Province. Batam City serves as a transit hub for lobster seed smuggling due to its proximity to Singapore and Malaysia. In 2021, the Directorate of Marine Police of the Indonesian National Police Security Maintenance Agency successfully thwarted the smuggling of 122,100 lobster seeds, with an estimated value of IDR 33.6 billion. The syndicate collected lobster seeds from the Sukabumi Regency in West Java Province and transported them to Jakarta. From there, the lobster seeds were taken by speedboat to Banten and Jambi before reaching Batam, where they were ultimately dispatched to Singapore.<sup>23</sup> In 2022, the Ministry of Maritime Affairs and Fisheries, in collaboration with the Indonesian Navy, successfully thwarted the smuggling of illegal lobster seeds in Batam City, Riau Islands Province. During the operation, the Navy successfully seized lobster seeds estimated to be worth IDR 46 billion.<sup>24</sup> In 2023, Batam Customs successfully foiled an attempt to smuggle lobster seeds worth IDR 5.5 billion to Singapore through the Nongsapura International Port of Batam City.<sup>25</sup>

<sup>21</sup> JDIH Kemenko Bidang Kemaritiman dan Investasi, "Permen KP 16/2022: Perubahan Atas Peraturan Menteri Kelautan Dan Perikanan Nomor 17 Tahun 2021 Tentang Pengelolaan Lobster (*Panulirus Spp.*), Kepiting (*Scylla Spp.*), Dan Rajungan (*Portunus Spp.*) Di Wilayah Negara Republik Indonesia," JDIH Kemenko Bidang Kemaritiman dan Investasi, 2022.

<sup>22</sup> Masyithah Aulia Adhiem, "Polemik Pembukaan Kembali Ekspor Benih Lobster," *Info Singkat* (Jakarta Pusat, 2024), [https://berkas.dpr.go.id/pusaka/files/info\\_singkat/InfoSingkat-XVI-10-II-P3DI-Mei-2024-1904.pdf](https://berkas.dpr.go.id/pusaka/files/info_singkat/InfoSingkat-XVI-10-II-P3DI-Mei-2024-1904.pdf).

<sup>23</sup> Erik Purnama Putra, "Ditpolair Gagal Penyeledupan Benur Setara Rp 33,6 Miliar," *Republika*, 2021, <https://news.republika.co.id/berita/qzxj09484/ditpolair-gagal-penyelundupan-benur-setara-rp-336-miliar>.

<sup>24</sup> Ajang Nurdin, "KKP Dan TNI AL Gagal Penyeledupan Benih Bening Lobster Di Batam Senilai Rp 46 Miliar," *Liputan 6*, 2022, <https://www.liputan6.com/bisnis/read/4971296/kkp-dan-tni-al-gagal-penyelundupan-benih-bening-lobster-di-batam-senilai-rp-46-miliar>.

<sup>25</sup> Rifki Setiawan Lubis, "BC Batam Gagal Penyeledupan Benih Lobster Senilai Rp5,5 Miliar Ke Singapura," *Bisnis.com*, 2023,

In 2024, the Batam Customs Office successfully intercepted smuggling attempts of 795,500 lobster seeds near Panjang Island on August 21<sup>26</sup> and 266,600 lobster seeds near Joyo Resort, Bintan, on October 12, preventing state losses amounting to IDR 26.9 billion.<sup>27</sup> Additionally, on October 25, the Indonesian National Police foiled the smuggling of 189,000 lobster seeds to Malaysia near Tandur Island, Batam.<sup>28</sup>

Despite dynamic regulations on lobster seeds, cases of lobster seed smuggling in Batam City persist. Therefore, this study aims to analyze the linkage between international and national laws and Batam City's efforts in combating lobster seed smuggling by addressing the following questions:

1. How are the relevant international legal instruments applied to lobster seed smuggling in Batam City?
2. How effective is the government's role in addressing lobster seed smuggling in Batam City?
3. What challenges and solutions can be implemented to reduce lobster seed smuggling in Batam City?

To answer the research questions, empirical legal research using socio-legal approaches was conducted. Secondary data was used as the initial information, followed by primary or field data,<sup>29</sup> to examine the smuggling of lobster seeds in Batam City. Data collection methods consisted of document studies and

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<https://sumatra.bisnis.com/read/20230806/534/1682036/bc-batam-gagalkan-penyelundupan-benih-lobster-senilai-rp55-miliar-ke-singapura>.

<sup>26</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagalkan Upaya Penyelundupan 795.500 Ekor Benih Lobster," Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, 2024, <https://www.beacukai.go.id/berita/bea-cukai-batam-gagalkan-upaya-penyelundupan-795-500-ekor-benih-lobster-.html>.

<sup>27</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagalkan Penyelundupan 266.600 Benih Lobster Dengan Tujuan Malaysia," Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, 2024, <https://www.beacukai.go.id/berita/bea-cukai-batam-gagalkan-penyelundupan-266-600-benih-lobster-dengan-tujuan-malaysia.html>.

<sup>28</sup> Alamudin Hamapu, "Penyelundupan Benih Lobster Senilai Rp 20 M Di Batam Digagalkan, Pelaku Kabur," *detiksumut*, 2024, <https://www.detik.com/sumut/hukum-dan-kriminal/d-7616444/penyelundupan-benih-lobster-senilai-rp-20-m-di-batam-digagalkan-pelaku-kabur>.

<sup>29</sup> Rina Shahriyani Shahrullah and Henry Hadinata Cokro, "Penegakan Hukum Bagi Pedagang Usaha Mikro, Kecil Dan Menengah Terhadap Para Pelaku Usaha Monopoli," *Journal of Law and Policy Transformation* 5, no. 2 (December 2020): 113–27, <https://doi.org/10.37253/jlpt.v5i2.1391>.



interviews.<sup>30</sup> To address the objective of the study, the following research stages were observed:

- a. Collect primary data through field research by conducting structured interviews with two law enforcement agencies in Batam City, based on their authority under Article 73 Paragraph (1) of the current Fisheries Law. These agencies are the Criminal Investigation Unit of Bareleng City Police and the Batam Fish Quarantine Station. The key informants are Mr. Nickson Simbolon, the Head of Sub-Section X of the Criminal Investigation Unit of Bareleng Police Resort, and Mr. Dwi Sulistiyono, the Subsection Head of the Fish Quarantine Station for Quality Control and Security of Fisheries Products; and,
- b. Collect secondary data through literature reviews, comprising of research reports, books, and article journals relating to the issues of this research.

To analyze the collected data qualitatively,<sup>31</sup> the study employed the Development Law Theory by Mochtar Kusumaatmadja as an analytical tool. This theory defines law as a set of principles and rules that govern human life in society, including institutions and processes involved in applying those rules to societal reality.<sup>32</sup>

The terms "*principles*" and "*rules*" depict law as a normative phenomenon, while the words "*institutions*" and "*processes*" portray law as a social phenomenon. The term "principles" in this definition illustrates that Mochtar Kusumaatmadja pays attention to the perspective of natural law, as these principles are related to the highest moral value, namely justice. Law, as a social norm, is inseparable from the values upheld by society, suggesting that law reflects the prevailing societal values.<sup>33</sup>

Furthermore, according to Mochtar Kusumaatmadja, lawmakers must consistently use legal principles in the legislative process. Law is materialized through legal regulations and plays a crucial role in facilitating change, including the rapid transformations often experienced by developing societies. If changes are to be made in an orderly and systematic manner, these changes

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<sup>30</sup> Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2004).

<sup>31</sup> Juni Netti Mardiani and Nurlaily, "Sociology of Law Perspectives in Reviewing the Effective Social Control for Social Medias," *Journal of Law and Policy Transformation* 7, no. 1 (2022): 1–8, <https://doi.org/http://dx.doi.org/10.37253/jlpt.v7i1.6728>.

<sup>32</sup> Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan* (Bandung: Alumni, 2002).

<sup>33</sup> Otje Salman S. and Eddy Damian, *Konsep-Konsep Hukum Dalam Pembangunan* (Bandung: Alumni, 2002).

must be based on the law. This implies that, without laws regulating them, changes may lead to disorder or even upheaval within society.<sup>34</sup>

In short, the Development Theory suggests that law should play a role in transforming society into a better state. However, a significant portion of society lacks trust in the legal system, both in law enforcement agencies and the judiciary. This has implications for the community's tendency to make decisions independently or resort to vigilante justice.<sup>35</sup>

## Indonesian Legal Framework on Lobster Seeds: Continuous Improvements or Drawbacks

In safeguarding marine ecosystems, a legal foundation for the management of fishery resources is essential, encompassing all aspects of resource management while anticipating legal and technological developments.<sup>36</sup> Before the enactment of Law Number 45 of 2009 (the Present Fisheries Law 2009), the Indonesian government promulgated Law Number 31 of 2004 concerning Fisheries (the Former Fisheries Law 2004). This law was expected not only to anticipate but also to address significant changes in the fisheries sector. These changes include the availability of fishery resources, the sustainability of environmental resources, and the development of more effective, efficient, and modern fisheries management methods. However, various issues in fisheries development require attention from all stakeholders, including the government, society, and other relevant parties. These issues include overfishing, fish theft, and other illegal fishing activities that not only cause economic losses to the country, but also threaten fishermen, aqua culturists, the industrial climate, and the national fisheries sector.<sup>37</sup> Unfortunately, the Former Fisheries Law 2004

<sup>34</sup> Any Farida and Nasichin, "Teori Hukum Pancasila Sebagai Sintesa Konvergensi Teori-Teori Hukum Di Indonesia (Teori Hukum Pancasila Sebagai Perwujudan Teori Hukum Transendental)," in *Hukum Ransendental: Pengembangan Dan Penegakan Hukum Di Indonesia* (Surakarta: Genta Publishing, 2018), 227–40.

<sup>35</sup> Nor Fadillah, "Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN)," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 11, no. 1 (2022): 45–65, <https://doi.org/https://doi.org/10.14421/sh.v11i1.2559>.

<sup>36</sup> Indra Jaya et al., "Are the Working Principles of Fisheries Management at Work in Indonesia?," *Marine Policy* 140 (2022): 105047, <https://doi.org/https://doi.org/10.1016/j.marpol.2022.105047>.

<sup>37</sup> Kadek Intan Rahayu, Dewa Gede Sudika Mangku, and Ni Putu Rai Yulianti, "Pertanggungjawaban Pidana Terhadap Pelaku Penangkapan Ikan Secara Ilegal (Illegal Fishing) Ditinjau Dari Undang-Undang No 45 Tahun 2009 Tentang Perikanan," *Jurnal Komunitas Yustisia* 2, no. 2 (2019): 145–55, <https://doi.org/https://doi.org/10.23887/jatayu.v2i2.28780>.

failed to keep pace with technological advancements and the evolving legal requirements for the management and utilization of fishery resource potentials. Therefore, changes were necessary in several aspects, including management, bureaucracy, and legal considerations.<sup>38</sup>

One of the weaknesses in fisheries management is the absence of coordination mechanisms among relevant agencies. In terms of bureaucracy, conflicts of interest arise in fisheries management. In legal aspects, the challenges are on law enforcement, formulation of sanctions, and the jurisdictional authority or competency of district courts over criminal activities in the fisheries sector beyond their jurisdiction.<sup>39</sup> Recognizing these weaknesses in the Former Fisheries Law 2004, the government enacted the Present Fisheries Law 2009 to address the issues.

The amendments in the Present Fisheries Law 2009 do not specifically regulate the capture and/or release of lobsters (*Panulirus spp*) or encourage lobster cultivation. In addition, the MMAF Regulation 2020 failed to sustain and ensure the availability of fisheries resources, enhance community welfare, promote equality in cultivation technology, encourage investment development, boost national revenue, and foster marine resource cultivation. As a result, the MMAF Regulation 2020 was repealed by the MMAF Regulation 2021.

Regarding lobster seeds, the Indonesian Ministry of Maritime Affairs and Fisheries, through the Fisheries Quarantine, Quality Control, and Safety Agency, ensures its commitment to enhancing collaboration with relevant institutions to prevent and address the smuggling of lobster seeds. This commitment aligns with the spirit of the MMAF Regulation 2021. This Regulation was later repealed by the MMAF 2022 “to optimize the management of transparent lobster seeds and meet the needs of lobster cultivation in the territory of the Republic of Indonesia”.<sup>40</sup>

Through the MMAF 2022, there have been changes to 18 articles compared to the provisions outlined in the MMAF Regulation 2021, including

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<sup>38</sup> Inggrit Fernandes, “Tinjauan Yuridis Illegal Fishing Di Indonesia Berdasarkan Undang-Undang Perikanan,” *Jurnal Hukum Respublica* 17, no. 1 (2017): 189–209, <https://doi.org/https://doi.org/10.31849/respublica.v17i1.1456>.

<sup>39</sup> Maulana Firdaus, “Pengelolaan Sumberdaya Perikanan Dalam Konstruksi Peraturan Di Indonesia,” *Buletin Ilmiah Marina Sosial Ekonomi Kelautan Dan Perikanan* 2, no. 1 (2016): 1–7, <https://doi.org/http://dx.doi.org/10.15578/marina.v2i1.3280>.

<sup>40</sup> Consideration of the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia Number 16 of 2022 concerning the Management of Lobsters, Crabs, and Crayfish in the Territory of the Indonesian Republic

deletions, modifications, and additions to better reflect current conditions. As stipulated in Article 1 paragraph (2) of the MMAF 2022, one of the additions is the provision regarding the electronic reporting of catches of lobster seeds, except in cases of no internet access or other force majeure situations that make electronic reporting impossible. Furthermore, Article 6 of the MMAF Regulation 2021, which governed the movement of lobster seeds from cultivation sites within the territory of the Republic of Indonesia, was removed, as stated in Article 1, Paragraph (6) of the MMAF Regulation 2022.<sup>41</sup>

However, in 2024, the export of lobster seeds was reopened through the Minister of Maritime Affairs and Fisheries Regulation Number 7 of 2024 on the Management of Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Blue Swimming Crabs (*Portunus* spp.). Table 1 shows the evolving regulations relating to the export of lobster seeds in Indonesia.

**TABLE 1.** Minister of Maritime Affairs and Fisheries Regulation concerning the Export of Lobster Seeds

Export Ban Regulation	Export Permit Regulation
The Minister of Maritime Affairs and Fisheries Regulation No. 56 of 2016 (MMAF Regulation 2016)	Minister of Maritime Affairs and Fisheries Regulation No. 12 of 2020 (MMAF Regulation 2020)
Minister of Maritime Affairs and Fisheries Regulation No. 17 of 2021 (MMAF Regulation 2021)	Minister of Maritime Affairs and Fisheries Regulation No. 7 of 2024 (MMAF Regulation 2024)
Minister of Maritime Affairs and Fisheries Regulation No. 16 of 2022 (MMAF Regulation 2022)	

Sources: *Compiled by the researchers*

The Minister of Maritime Affairs and Fisheries stated that the decision to reopen the export of lobster seeds was prompted by challenges in controlling illegal trade and smuggling, particularly to Vietnam, despite multiple export bans.<sup>42</sup> Ironically, following the lifting of the export ban, several cases of lobster seed smuggling surfaced in Batam City. On August 21, 2024, the Batam

<sup>41</sup> JDIH Kemenko Bidang Kemaritiman dan Investasi, “Permen KP 16/2022: Perubahan Atas Peraturan Menteri Kelautan Dan Perikanan Nomor 17 Tahun 2021 Tentang Pengelolaan Lobster (*Panulirus* Spp.), Kepiting (*Scylla* Spp.), Dan Rajungan (*Portunus* Spp.) Di Wilayah Negara Republik Indonesia.”

<sup>42</sup> Vindry Florentin, “Dalih Kementerian Kelautan Membuka Ekspor Benih Lobster,” *Tempo*, 2024, <https://www.tempo.co/ekonomi/alasan-kementerian-kelautan-membuka-ekspor-benih-lobster-409324>.

Customs Office thwarted an attempt to smuggle 795,500 lobster seeds into the waters of Panjang Island, Riau Islands. It was discovered that the lobster seeds were being illegally transported out of Indonesian waters.<sup>43</sup> Similarly, on October 12, 2024, the Batam Customs Office successfully intercepted an attempt to smuggle 266,600 lobster seeds into the waters of Joyo Resort, Bintan Regency, Riau Islands, with a state loss of IDR 26.9 billion.<sup>44</sup> Furthermore, on October 25, 2024, the Criminal Investigation Unit of the Indonesian National Police foiled an attempt to smuggle 189,000 lobster seeds to Malaysia in the waters of Tandur Island, Batam. The smugglers fled when the authorities attempted to arrest them.<sup>45</sup>

Lobster seed smuggling in Batam City is also closely related to Law Number 32 of 2009 on Environmental Protection and Management. Article 3 of this law explicitly states its objectives, which include: "preserving the sustainability of environmental functions; achieving harmony, alignment, and balance in the environment; ensuring justice for present and future generations; and regulating the prudent use of natural resources." In this regard, smuggling threatens the sustainability of marine resources, disrupts biodiversity balance, and reflects an imprudent use of natural resources. If not curbed, it could have long-term implications for Indonesia's marine resources. Therefore, lobster seed smuggling contradicts the fundamental objectives of this law.

## **Linking International Law Sources in the Local Context: A Case of Lobster Seed Smuggling in Batam City**

As previously described, Batam's strategic position as an international gateway to Malaysia and Singapore makes it a transit hub for lobster seed smuggling. Therefore, lobster seed smuggling in Batam City extends beyond a local or national concern. It is about the management and utilization of fishery resources in Indonesia. Moreover, it has an international dimension because it involves cross-border criminal activities involving the smuggling of fauna.

Although CITES has not explicitly included lobster seeds in its list of protected species under CITES Appendix II because they are not immediately

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<sup>43</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagal Upaya Penyelundupan 795.500 Ekor Benih Lobster."

<sup>44</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagal Penyelundupan 266.600 Benih Lobster Dengan Tujuan Malaysia."

<sup>45</sup> Hamapu, "Penyelundupan Benih Lobster Senilai Rp 20 M Di Batam Digagalkan, Pelaku Kabur."

at risk of extinction, they could become endangered if their trade is not properly regulated.<sup>46</sup> It is suggested that the notion of Appendix II of CITES aligns with the Minister of Maritime Affairs and Fisheries Regulation No. 7 of 2024 (MMAF Regulation 2024), which properly regulates the export of lobster seeds under specific conditions. These conditions include the submission of export license requests based on allocated quotas to international partners,<sup>47</sup> with a quota of 90% of the total seed stock allocated for the export.<sup>48</sup>

It is believed that the establishment of a lobster seed export quota reflects Indonesia's compliance with CITES, as lobsters are not classified as endangered species. However, Indonesia regulates export quotas and allows lobster cultivation abroad, creating opportunities for foreign investment in lobster farming. This policy is expected to boost national revenue, facilitate technology transfer, and improve the welfare of fishermen.<sup>49</sup>

In addition, the smuggling of lobster seeds in Batam City occurs via maritime routes to the neighboring countries. Therefore, it is asserted that UNCLOS is a relevant international law source for this case, particularly Article 65, which provides a legal foundation for coastal states to manage natural resources within their Exclusive Economic Zones (EEZs). This approach aligns with the MMAF 2024 Regulation, which permits the export of lobster seeds under specific management conditions, as provided by the following provisions.

Article 2 of the MMAF 2024 Regulation provides that the capture of lobster seeds is permitted solely for cultivation purposes and must adhere to a quota as determined by the minister. This quota is established based on the estimated potential of available fishery resources and the allowable catch, while considering the utilization level of those resources. The estimation is determined by the Minister based on recommendations from the National Commission for Fishery Resource Assessment. In establishing these recommendations, the Commission may seek input from relevant ministries, agencies, or other related institutions. The capture of lobster seeds is restricted to Small-Scale Fishers registered as part of a fishing group in the designated capture location. Approval

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<sup>46</sup> CITES, "The CITES Appendices," CITES, 2024, <https://cites.org/eng/app/index.php>.

<sup>47</sup> Martyasari Rizky, "Buka Ekspor Benih Lobster Ke Vietnam, Ini Alasan Trenggono," CNBC Indonesia, 2024, <https://www.cnbcindonesia.com/news/20240429180658-4-534409/buka-ekspor-benih-lobster-ke-vietnam-ini-alasan-trenggono>.

<sup>48</sup> B. M. Lukita Grahadyarini, "Pemerintah Targetkan PNBP Rp 900 Miliar Dari Ekspor Benih Lobster," Kompas, 2024, <https://www.kompas.id/baca/ekonomi/2024/04/29/pemerintah-targetkan-pnbp-rp-900-miliar-dari-ekspor-benih-lobster>.

<sup>49</sup> Florentin, "Dalih Kementerian Kelautan Membuka Ekspor Benih Lobster."

must be obtained from the provincial fisheries office, based on recommendations from the district/city fisheries office. Additionally, small-scale fishers who intend to capture lobster seeds must obtain a business license and use passive and environmentally friendly fishing gear, under applicable laws and regulations.

Article 3(1) and (2) of the MMAF 2024 Regulation emphasize that the cultivation of lobster may be conducted either within or outside the territory of the Republic of Indonesia. However, if the cultivation occurs within the Republic of Indonesia, the following conditions must be met:

- a. The lobster seeds must originate from the catch of Small-Scale Fishers;
- b. The cultivation must be carried out by fish farmers who possess a valid business license for marine crustacean farming; and
- c. The lobster seeds must be accompanied by a certificate of origin issued by the district/city fisheries office.

Small-scale fishers capturing lobster seeds must report their catch through their fishing group to the provincial fisheries office, which will then report to the Director-General responsible for technical tasks in capturing fisheries, with a copy sent to the district/city fisheries office. The catch report results must be submitted electronically. However, in certain circumstances—such as the unavailability of internet access or other force majeure events—reporting may be done non-electronically.

Article 4(1), (2), (3), and (4) of the MMAF 2024 Regulation stipulate that the cultivation of lobster seeds shall continue until the lobster (*Panulirus spp.*) reaches a certain size. This cultivation is carried out through business segmentation, consisting of:

- a. Seedling cultivation, from lobster seeds size to 30 grams; and
- b. Growth cultivation, for lobsters above 30 grams.

This cultivation may be carried out by micro-scale, small-scale, medium-scale, and large-scale fish farmers. Fish farmers intending to conduct cultivation must hold a valid business license for marine crustacean farming.

Regarding cultivation outside the territory of the Republic of Indonesia, Article 6(1) of the MMAF 2024 Regulation states that it may be conducted by investors who engage in lobster seed cultivation in Indonesia under the following conditions:

- a. The government of the investor's country has signed an agreement with the government of Indonesia.
- b. The investor's home country government has submitted a written request for a lobster seed quota.

- c. The investor must fulfill the following conditions: cooperate with a public service agency responsible for aquaculture, possess a designation document from the investor's home country government, obtain lobster seed for cultivation activities from the public service agency responsible for aquaculture, which has signed an agreement document with the government of Indonesia, establish a limited liability company with Indonesian legal status under applicable regulations, employ experts in lobster (*Panulirus spp.*) cultivation for both seedling and growth cultivation segments; and commit to releasing 2% of the lobster (*Panulirus spp.*) harvest, into the wild, with each lobster weighing at least 50 grams.

Since lobster seed smuggling in Batam City constitutes a transborder and organized crime,<sup>50</sup> a critical question arises whether the United Nations Convention against Transnational Organized Crime (UNTOC), ratified by Indonesia through Law No. 5 of 2009, can be used as a legal basis for addressing the smuggling of lobster seeds to neighboring countries. UNTOC regulates the smuggling of goods via sea, particularly if the smuggling involves transnational organized criminal groups.<sup>51</sup> Therefore, this convention can serve as a reference for combating lobster seed smuggling, highlighting the need for cross-border cooperation in law enforcement.

## Factors Influencing Lobster Seed Smuggling

Arnelis et al. explained lobster seed smuggling crimes arise due to several factors. These include: high demand for lobsters from various countries; and low awareness of the community, especially those involved in criminal activities, regarding the future impact of continued lobster seed harvesting and smuggling. Law enforcement, carried out by imposing criminal sanctions on lobster seed smuggling offenders, has not sufficiently educated the public to refrain from engaging in such criminal activities in the future. Additionally, supervision in the border areas of the waters is not optimally conducted due to inadequate facilities and infrastructure compared to the vastness of the existing waters.<sup>52</sup>

<sup>50</sup> Bayu Indradinata and Palupi Lindiasari Samputra, "Lobster Clear Seeds Smuggling's Threats and Modes through the Customs Side in Indonesia," *Interdisciplinary Social Studies* 2, no. 8 (2023): 2204–13, <https://doi.org/https://doi.org/10.55324/iss.v2i8.448>.

<sup>51</sup> Carina Bruwer, "Smuggling and Trafficking of Illicit Goods by Sea," in *Global Challenges in Maritime Security* (Springer International Publishing, 2020), 49–73, [https://doi.org/http://dx.doi.org/10.1007/978-3-030-34630-0\\_4](https://doi.org/http://dx.doi.org/10.1007/978-3-030-34630-0_4).

<sup>52</sup> Arnelis Jessika et al., "Kebijakan Penanggulangan Tindak Pidana Penyelundupan Benih Lobster Di Provinsi Lampung," *Administratio: Jurnal Ilmiah Administrasi Publik Dan Pembangunan* 11, no. 2 (2020): 103–14.



H. Ronaldo and Endang, in their research conducted in Way Redak Coastal Village, Central Coastal District, West Coastal Regency, revealed that the causes of lobster seed smuggling crimes in Way Redak Coastal Village, Central Coastal District, West Coastal Regency are internal factors, including education, individual factors, criminogenic (innate) biological and psychogenic factors. Meanwhile, external factors include environmental factors, lack of supervision, lack of community empowerment, global development factors, and economic factors.<sup>53</sup>

In Indonesia, lobster seed smuggling can occur due to various criminogenic factors as mentioned in the previous studies. These factors are the underlying causes of criminal behavior or commonly known as the causes of fisheries-related criminal activities and consist of factors originating from within individuals (internal) and those originating from outside individuals (external) as shown in Table 2.

**TABLE 2.** Internal and External Factors Influencing Lobster Seed Smuggling

Internal Factors	External Factors
<b>Educational Background:</b> the level of education someone has, influences their knowledge of what is permitted and prohibited according to applicable laws.	<b>Environmental Factors:</b> Individuals residing in environments conducive to lobster seed smuggling may eventually be inclined to engage in such activities. The surroundings influence behavior, and environmental factors contributing to criminality include the need for interaction in the area, lack of surveillance in fisheries regions, interaction with professionals in the fisheries sector, and more.
<b>Individual Factors:</b> Individuals commit criminal acts based on their desires, indicating that there is an underlying intention within them.	<b>Lack of Surveillance:</b> Inadequate monitoring in specific areas and times creates opportunities for perpetrators to commit crimes, feeling unafraid and free to act.
<b>Economic Factor:</b> The low economic status of individuals, especially those residing in coastal areas, can be one of the contributing factors to fisheries-related criminal activities. Engaging in	<b>Lack of Community Empowerment:</b> community is not provided by training, education, and empowerment to foster self-reliance, self-reflection, and independence from materialism.

<sup>53</sup> H. Ronaldo Munthe and Endang Prasteyawati, "Analisis Pertanggungjawaban Tindak Pidana Penyelundupan Benih Lobster Yang Dibudidayakan Dan Siap Dipasarkan Keluar Negeri (Studi Putusan Nomor 9/Pid.B/LH/2020/PN.TJK)," *Binamulia Hukum* 10, no. 1 (2021): 31–44, [https://doi.org/https://doi.org/10.37893/jbh.v10i1.375](https://doi.org/10.37893/jbh.v10i1.375).

Internal Factors	External Factors
such actions may be driven by the need to meet their basic living requirements.	

Sources: *Compiled by the researchers from previous studies, 2024.*

In addition to internal and external factors, lobster seed smuggling may also be caused by other countries having limited fishing resources. Indonesia, particularly Batam City as the neighbor of Singapore and Malaysia remains highly accessible as a transit area for lobster seed smuggling and other illegal fishing activities. In short, criminogenic factors for fisheries-related crimes include:<sup>54</sup>

- a. Imbalance in global fish demand and supply, where the demand is increasing while the supply is decreasing. This leads to over-demand for sea fish, resulting in illegal fishing activities by foreign vessels.
- b. Disparity in prices between fresh fish in other countries and in Indonesia, leading to income surpluses.
- c. Depletion of fishing grounds in other countries, while Indonesia's fisheries still hold promise.
- d. Limited national surveillance fleet capabilities to monitor Indonesia's vast and vulnerable marine areas. This is due to the expansive jurisdiction of Indonesia's waters and the openness of its Exclusive Economic Zone directly bordering international waters.
- e. Fisheries management focused solely on fishing gear, with licensing remaining highly accessible.
- f. Insufficient resources, infrastructure, and manpower to adequately monitor Indonesia's extensive maritime territories; and,
- g. Inadequate coordination among law enforcement agencies regarding fisheries crimes, including limited knowledge of criminal offenses and the operation of vessels for monitoring Indonesia's waters.

Based on the factors discussed above, it can be deduced that the national level factors also apply to Batam City, along with its unique role as a transit hub for lobster seed smuggling to Singapore and Malaysia, which was revealed through interview results. An interview with Nickson Simbolon, the Head of Subdivision X of the Criminal Investigation Unit of Bareleng City Police Resort, revealed that the regulation prohibiting the export of lobster seeds imposed by the Ministry of Maritime Affairs and Fisheries is deemed ineffective in reducing

<sup>54</sup> Afrianto Sagita, "Optimalisasi Pengadilan Perikanan Dalam Penegakan Hukum Tindak Pidana Perikanan Di Perairan Indonesia," *Jurnal Hukum Dan Peradilan* 6, no. 2 (2017): 213–32, <https://doi.org/http://dx.doi.org/10.25216/jhp.6.2.2017.213-232>.

illegal lobster seed exploitation. The value of smuggled lobster seeds continues to increase, highlighting a significant potential for smuggling. As a result, illicit activities persist without being detected, often unrecorded by the relevant authorities. He stated that the ongoing rise in lobster seed smuggling activities from Indonesia is driven by the steadily growing demand for the product. Smuggled lobster seeds are usually sold at high prices in foreign markets.

## Combating Lobster Seed Smuggling in Batam City: Effective Roles of Government

Law enforcement is a process through which legal desires are transformed into reality. In this process, law enforcement officials play a crucial role in determining how the enforcement process can be carried out. A well-executed legal system considers public, group, and individual interests within society.<sup>55</sup> Law is an inseparable part of human life; without social interaction, there would be no direct contact — whether harmonious or conflicting. When an action violates the positive legal principles within societal norms, it constitutes a legal crime, regardless of whether these principles are included in criminal law. However, legal crimes (illegal actions) refer to offenses that are less severe than crimes and are not easily understood or perceived as prohibited.<sup>56</sup>

Based on field research in Batam City, it is concluded that lobster seed smuggling is best analyzed through Legal Development Theory of Mochtar Kusumaatmadja. He defines law as a system of principles and rules that regulate human life in society, including institutions and processes that ensure their implementation in reality.<sup>57</sup> This aligns with the process of lobster seed smuggling, where criminal law enforcement not only discusses how to create legal regulations but also focuses on the actions taken by law enforcement agencies to address and anticipate issues that arise in society during law enforcement. Law is a tool for social change, often described as "Law as a tool

<sup>55</sup> Gunawan Santoso et al., "Kajian Penegakan Hukum Di Indonesia Untuk Membentuk Perdamaian Dalam Bhinneka Tunggal Ika Indonesia Abad 21," *Jurnal Pendidikan Transformatif (Jupetra)* 2, no. 1 (2023): 210–23, <https://doi.org/https://doi.org/10.9000/jupetra.v2i1.143>.

<sup>56</sup> Vivi Ariyanti, "Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Yuridis* 6, no. 2 (2019): 33–54, <https://doi.org/https://doi.org/10.35586/jjur.v6i2.789>.

<sup>57</sup> Muhammad Zulfa Aulia, "Hukum Pembangunan Dari Mochtar Kusuma-Atmadja: Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan?," *Undang: Jurnal Hukum* 1, no. 2 (2018): 363–92, <https://doi.org/https://doi.org/10.22437/ujh.1.2.363-392>.

of social engineering." With this function and role, law becomes a crucial aspect in the control of development implementation.<sup>58</sup>

The escalation of smuggling poses a significant obstacle that can impede a country's development. The increase in lobster seed smuggling crimes is due to various factors as elaborated previously in this study which comprise internal, external, and criminogenic factors. This detrimentally affects the country's tax revenue from import and export duties, funds that are crucial for both regional and national infrastructure development.<sup>59</sup>

In the case of lobster seed smuggling in Batam City, there are two law enforcement agencies involved, namely the Criminal Investigation Unit of the Barelang City Police Resort and the Fish Quarantine Station for Quality Control and Safety of Fisheries Products of Batam. Their mandates are derived from Article 73 Paragraph (1) of the Present Fisheries Law which states, "Investigation of criminal acts in the field of fisheries in the territory of the Republic of Indonesia's fisheries management is carried out by Investigators of Civil Servants of Fisheries, Investigators of Indonesian Navy Officers, and/or Investigators of the Indonesian National Police."

The Criminal Investigation Unit of Barelang City Police Resort plays a pivotal role in the judicial process, from investigation to detention. This unit has the authority to determine who should be investigated, apprehended, and detained concerning lobster seed smuggling in Batam City. In an interview with Mr. Nickson Simbolon, Head of Subsection X at the Criminal Investigation Unit of Barelang City Police Resort, he emphasized that lobster seeds smuggling in Batam City is a serious issue that the government must address. The increasing quantity and value of lobster seed smuggling each year contributes to losses in the fisheries sector and national revenue. Additionally, he emphasized that the smuggling of lobster seeds is a criminal offense under the Present Fisheries Law. Article 88 of the law states: "Anyone who intentionally imports, exports, possesses, distributes, and/or maintains fish that harm the community, fish cultivation, fish resources, and/or the environmental resources of fish into and/or out of the fisheries management area of the Republic of Indonesia is punishable by imprisonment for up to 6 (six) years and a fine of up to IDR 1,500,000,000 (one billion five hundred million rupiah)."

Based on the interview with Mr. Dwi Sulistiyono, Head of the Fish Quarantine Station for Quality Control and Security of Fishery Products in

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<sup>58</sup> Mochtar Kusumaatmadja, *Hukum, Masyarakat Dan Pembinaan Hukum Nasional* (Bandung: Bina Cipta, 1976).

<sup>59</sup> Sanjaya, Widyantara, and Suryani, "Tinjauan Yuridis Terhadap Penegakan Hukum Tindak Pidana Penyelundupan Bibit Lobster."

Batam City, he stated that the government, through the Fish Quarantine Station for Quality Control and Security of Fishery Products in Batam City, has taken actions to prevent and curb the capture and shipment of lobster seeds. These efforts are expected to address the ongoing lobster seed issues in Batam City. The measures include providing fishing equipment such as boats and cages for lobster seed cultivation. However, these efforts have not fully resolved the problem in the area. Mr. Dwi Sulistiyono also stated that his office continues to strengthen synergy with relevant institutions to combat the smuggling of lobster seeds.

Furthermore, he asserted that in the future, his office will tighten control over the entry and exit points of national borders while updating intelligence information. This is necessary to understand new methods of smuggling employed by criminals, including lobster seed smugglers. According to him, common smuggling tactics include using suitcases and mixing lobster seed packages with toys or children's clothing. Some have also been uncovered using methods involving mixing with milkfish larvae or utilizing cargo services with garment product documents. To counter this, he has instructed his personnel to participate in disseminating information and educating the public about regulations as part of his office's efforts in preventing lobster seed smuggling.

Aside from the explanations based on the interviews, the government's efforts have also produced various results, including the prosecution of lobster smugglers in 2023. Two defendants, SB and Ash, admitted that they were hired and paid by the fugitive suspect, D, to smuggle lobster seeds from Kuala Tungkal, Jambi, to Tanjung Riau, Batam City. This information was disclosed by the two defendants to the arresting witness, Renhard, a member of the Subdivision 4 Team of the Riau Islands Regional Police, during his testimony against them at the Fisheries Court in Tanjungpinang on August 30, 2023. Before the panel of judges, Renhard stated that the two defendants in the lobster seed smuggling case were apprehended on Wednesday, 26 July 2023, in possession of 5,500 lobster seeds. During the arrest, Renhard and his team became suspicious when they noticed that the two defendants were carrying three jerrycans. Upon inspection, they discovered 35 plastic bags inside, each containing lobster seeds. Further questioning revealed that there was a total of 5,500 lobster seeds of the pearl and sand varieties stored in the 35 bags which were intended for sale to a Batam resident named S and would be marketed in Singapore with a price of IDR 150,000 per lobster seed. They were charged by the Public Prosecutor (JPU), Bambang Wiradhany, with violating Article 92, and Article 88 in conjunction with Article 16 paragraph (1) of the Present Fisheries Law, as amended by Law No. 6 of 2023 concerning the Ratification

of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation, in conjunction with Article 26 paragraph (1) and Article 55 paragraph (1) clause 1 of the Criminal Code. The panel of judges, led by Anggalanton Boangmanalu along with the Ad Hoc Fisheries Judges, decided to adjourn the trial for one week to allow the prosecution to present additional witnesses and conduct further examination of the defendants.<sup>60</sup>

Additionally, the Batam Customs had thwarted an attempt to smuggle lobster seeds worth IDR 5.5 billion at Nongsapura International Port, Batam City. The illegal shipment of lobster seeds was destined for Singapore on 4 August 2023. The prevention of the lobster seed shipment began with the customs officers' suspicion of a bag passing through the X-ray at the port. Subsequently, an inspection revealed that the bag contained lobster seeds. The intercepted lobster seeds amounted to 49,463 seeds. The seized lobster seeds, classified as pearl and sand varieties, have an economic value of IDR 5.5 billion.<sup>61</sup>

On August 21 2024, Batam Customs intercepted an attempt to smuggle 795,500 lobster seeds into Panjang Island waters, Riau Islands. The seized high-speed craft (HSC) carried 80 boxes containing 783,200 lobster seeds and 12,300 pearl lobster seeds, intended for illegal export. The smuggling attempt violated multiple laws, including Article 102A of Law No. 17 of 2006 on Customs, with penalties of up to 10 years in prison and a fine of IDR 5 billion. Additionally, it breached fisheries and quarantine regulations, imposing further penalties of up to 6 years in prison and fines of IDR 3 billion.<sup>62</sup>

The smuggling incidents outlined above suggest that changes in the policy regarding lobster seed exports, whether banning or permitting the export, have not significantly deterred the smuggling of lobster seeds in Batam City. Previous research offers several solutions to address the number of lobster seed smuggling cases.

I Putu Adi Juniwinata proposed the enforcement strategy against lobster seed smuggling to be carried out through preventive and repressive measures.

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<sup>60</sup> Roland, "Sidang Penyelundupan Baby Lobster, Dua Terdakwa Mengaku Disuruh Satria Warga Batam," *Presmedia.id*, 2023, <https://presmedia.id/sidang-penyelundupan-baby-lobster-dua-terdakwa-mengaku-disuruh-satria-warga-batam/>.

<sup>61</sup> Alamudin Hamapu, "Bea Cukai Gagalakan Penyelundupan Benih Lobster Rp 5,5 Miliar Ke Singapura," *detiksumut*, 2023, <https://www.detik.com/sumut/hukum-dan-kriminal/d-6859684/bea-cukai-gagalakan-penyelundupan-benih-lobster-rp-5-5-miliar-ke-singapura>.

<sup>62</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagalakan Upaya Penyelundupan 795.500 Ekor Benih Lobster."

Preventive measures involve, first, mapping legal and registered lobster fishermen and collectors. This mapping is crucial, as they are believed to have valuable information to uncover significant criminal activities and to identify patterns of illegal lobster seed smuggling. Second, engaging former lobster seed smugglers as informants. This is done by using specific techniques and tactics, accompanied by rewards for the disclosed crucial information by these informants. Third, collaborating with the Ministry of Maritime Affairs and Fisheries. This collaboration is crucial because the evidence from lobster seed smuggling is legally protected and highly perishable. The Ministry is competent in securing this evidence until it is released. The collaboration aims to facilitate administrative procedures and coordination due to the vulnerability of lobster seed evidence. In repressive measures, criminal procedural laws are utilized to uphold punitive measures. Forced efforts, such as the apprehension of lobster seed smugglers, have revealed various tactics, including using luxury cars to transport lobster seeds, concealing them behind other commodity packaging, and routing them through Singapore before being sent to Vietnam. The route from Batam City to Singapore is easier than direct air transport to Vietnam.<sup>63</sup>

Masyithah Aulia Adhiem<sup>64</sup> proposed a holistic approach involving the government, fishing communities, researchers, and export monitoring including setting quotas to protect wild populations. She emphasized the need for stronger supervision and law enforcement to address the smuggling of lobster seeds. In addition, the government must improve monitoring of all lobster trade routes to deter illegal activities. She asserted that engaging traditional fishermen and enhancing their capacity is crucial. Competition for lobster seeds as an export commodity may undermine their ability to cultivate lobsters domestically. Policies should focus on education and training, in collaboration with relevant ministries, universities, and other countries with successful sustainable practices. This would help improve cultivation skills, increase lobster seed value, and enable better market prices. She further suggested that the impacts of climate change should be considered in lobster cultivation planning. Rising global temperatures contribute to coral bleaching, the main habitat for lobsters, and alter migration patterns, making stock management more difficult. Cross-sector collaboration for climate change mitigation and adaptation is essential. The government should establish a

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<sup>63</sup> I Putu Adi Juniwinata, "Strategi Direktorat Kriminal Khusus Polda Jawa Timur Dalam Penegakan Hukum Penyelundupan Benih Lobster," *Jurnal Kawruh Abiyasa* 1, no. 1 (2021): 18–34, <https://doi.org/https://doi.org/10.59301/jka.v1i1.6>.

<sup>64</sup> Adhiem, "Polemik Pembukaan Kembali Ekspor Benih Lobster."

resource accounting system to accurately track lobster stock in the wild, facilitating effective resource management.

Despite the solutions proposed by previous studies, several gaps have been identified. These include the tendency of previous research to focus on solutions at the national level, without specifically addressing the roles of local stakeholders. Additionally, the proposed solutions lack concrete evidence regarding their effectiveness. Furthermore, the solutions presented in earlier studies do not address international collaboration, despite lobster seed smuggling being a transborder crime. Therefore, collaborative measures among institutions at local, national, and international levels, as well as society, based on the approaches of the Theory of Law Development, are deemed effective in addressing lobster seed smuggling issues in Batam City.

At the local level, collaborations were conducted with relevant stakeholders, including governments and the society of Batam City. The collaboration has proven effective, as demonstrated by the successful interception of 795,500 lobster seeds in the waters of Panjang Island, Riau Islands on August 21 2024. The Head of Batam Customs emphasized that this operation was made possible through the strong synergy among Batam Customs, Customs and Excise Operations Facility Base Batam, Riau Islands Special Customs, and the Technical Implementation Unit for Marine and Fisheries Resources Surveillance.<sup>65</sup> The strong synergy between the Batam community and the government was evident in Batam Customs' successful interception of 266,600 lobster seeds in the waters near Joyo Resort, Bintan Regency, Riau Islands on October 12, 2024. The Head of the Batam Customs Office stated that the operation was initiated based on information from the community regarding a high-speed craft suspected of smuggling lobster seeds to Malaysia.<sup>66</sup>

At the national level, the national and local (Batam City) stakeholders have strengthened their capacities and continued their collaboration to conduct monitoring operations across Indonesia, covering entry and exit points such as airports and seaports. The losses increase significantly if the smuggled seeds are successfully cultivated in the destination country and sold in the international market at high prices. The proposed solution is also supported by Nickson Simbolon, Head of Subdivision X of the Criminal Investigation Unit of Barelang City Police Resort, who revealed that lobster seed smuggling from

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<sup>65</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagalakan Upaya Penyelundupan 795.500 Ekor Benih Lobster."

<sup>66</sup> Direktorat Jenderal Bea dan Cukai Kementerian Keuangan, "Bea Cukai Batam Gagalakan Penyelundupan 266.600 Benih Lobster Dengan Tujuan Malaysia."



Indonesia to other countries is strongly suspected to persist, despite the government's intensifying efforts to hunt down smugglers. Over the past three years, controlling lobster seed smuggling has become increasingly challenging.

Collaboration between national and local stakeholders has proven effective in curbing lobster seed smuggling attempts through Batam City. Although the lobster seed smugglers escaped, the collaboration between national and local stakeholders in Batam City successfully thwarted the smuggling attempt on Tandur Island, Riau Islands on October 25 2024. The operation began with an investigation by the Criminal Investigation Directorate of the National Police, which detected a high-speed craft (HSC) suspected of smuggling lobster seeds. In response, a joint team comprising the National Police, Bakamla, Riau Islands Customs, and Lantamal IV conducted patrols in the waters of Karimun Regency and Tandur Island, Batam. However, the team faced challenges pursuing the HSC through mangrove areas, forcing authorities to switch to smaller fishing boats. Eventually, they discovered 42 abandoned styrofoam boxes containing lobster seeds, with an estimated state loss of IDR 20 billion. Although the smugglers escaped, their identities have been determined, and a joint team is actively tracking them.<sup>67</sup>

It is observed that all destinations for lobster seed smuggling from Batam City are neighboring countries within the ASEAN region. Therefore, it is crucial to establish collaboration among the ASEAN member states in tackling good smuggling, including lobster seed smuggling. At the ASEAN level, the Guidelines for Mutual Assistance to Combat Customs Fraud and Smuggling were established. The Guidelines were approved during the Sixth Meeting of the ASEAN Directors-General of Customs, held on February 26–27, 1998, in Jakarta. They provide a framework for strengthening customs cooperation in addressing fraud and smuggling within ASEAN. They serve as a foundation for bilateral or trilateral agreements among ASEAN member states (AMS), facilitating more coordinated and effective enforcement efforts.<sup>68</sup>

Regarding smuggling, the guidelines state that, upon request from the customs administration of one ASEAN member state, the customs administration of another member shall provide information on:

- i. individuals who have been convicted of smuggling;

<sup>67</sup> Hamapu, “Penyelundupan Benih Lobster Senilai Rp 20 M Di Batam Digagalkan, Pelaku Kabur.”

<sup>68</sup> Association of Southeast Asian Nations, “Guidelines for Mutual Assistance to Combat Custom Fraud and Smuggling,” ASEAN, 2024, <https://www.asean.or.id/economic/customs/cusfraud.htm>.

- ii. where applicable, individuals suspected of smuggling or caught in the act of smuggling, even if legal proceedings are still ongoing;
- iii. methods of smuggling and other fraudulent practices; and
- iv. vessels involved in smuggling activities.

One example of collaboration between AMS against goods smuggling is the Indonesian and Malaysian Customs Coordinated Patrol, known as PATKOR KASTIMA, which represents a collaborative effort between the two nations to address the threat of smuggling in the Malacca Strait. Since its initiation in 1994, the Directorate General of Customs and Excise (DGCE) of Indonesia and the Royal Malaysian Customs Department (RMCD) have jointly conducted PATKOR KASTIMA. As of 2022, the initiative has been carried out 25 times. However, it was suspended in 2020 and 2021 due to the COVID-19 pandemic.<sup>69</sup> From 2016 to 2019, PATKOR KASTIMA intercepted 49 vessels involved in smuggling activities in the Malacca Strait. The violations by these vessels involved smuggling activities related to imports, exports, and misuse of the Free Trade Zone facility. The smuggled commodities included a diverse range of items such as drugs, onions, timber, food and beverages, used clothing, fuel, cigarettes, and assorted goods.<sup>70</sup> Although lobster seeds were not explicitly mentioned, bilateral cooperation between ASEAN Member States (AMS) is not limited to specific types of smuggled goods. Therefore, it is reasonable to conclude that lobster seed smuggling falls within the scope of the Indonesia-Malaysia cooperation framework under PATKOR KASTIMA.

Addressing the significant losses caused by lobster seed smuggling requires Indonesia to emphasize the importance of enhancing collaboration at the international level. This aligns with the implementation of Article 197 of UNCLOS, which mandates ratifying states to cooperate globally and regionally to protect and preserve the marine environment. Similarly, Article XII of CITES highlights the Secretariat's role in facilitating communication, supporting the implementation of CITES objectives, and coordinating efforts to combat illegal trade. Furthermore, Article 13 of UNTOC emphasizes that ratifying states cooperate to identify, trace, freeze, or confiscate proceeds of crime or property related to transnational organized crime.

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<sup>69</sup> Amirudin and Arthur Josias Simon Runturambi, "The Strategic Role of Customs Intelligence in Handling Smuggling of Goods in the Strait of Malacca," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, no. 2 (2022): 16980–88, <https://doi.org/https://doi.org/10.33258/birci.v5i2.5634>.

<sup>70</sup> Amirudin and Runturambi.

## Challenges and Solutions Against Smuggling for Batam City: Learning from Others' Best Practices

Based on the findings and analysis, several challenges have been identified in addressing lobster seed smuggling in Batam City. Despite the issuance of the MMAF Regulation 2024, it remains ineffective in eradicating this illegal activity. Interviews with relevant stakeholders highlighted the following challenges:

- a. Incomplete data documentation and the need for updated intelligence data.
- b. Increased demand for lobster seeds due to high market value in foreign countries.
- c. Difficulties in monitoring national borders, i.e. entry and exit points.
- d. Limited awareness of new smuggling techniques used by lobster seed smugglers.
- e. Insufficient efforts to disseminate information and educate the public about existing regulations.

It is essential to address the challenges faced by stakeholders in Batam City on the issue of lobster seed smuggling by adopting best practices implemented by other countries.

Similar to Batam City, Hong Kong faces significant challenges in combating maritime smuggling. Hong Kong has been selected as a case study for best practices due to its similarities with Batam City. Like Batam, Hong Kong is a major trade and industrial hub, and its strategic maritime location makes it a key point for smuggling goods to and from mainland China or Taiwan.

The Hong Kong Customs and Excise Department plays a vital role in addressing these issues. To address the diverse tactics employed by smugglers, the department has conducted several targeted operations, including:<sup>71</sup>

- a. Operation "Ballkicker": A joint effort with Marine Police involving surveillance of high-risk areas and the use of high-speed pursuit craft (HSPC) to intercept suspicious vessels.
- b. Operation "Kitecutter": A collaborative initiative with multiple agencies to inspect freshwater fish imports from the mainland for harmful substances, ensuring proper documentation and health certification.

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<sup>71</sup> Customs and Excise Department of Hong Kong, "Anti-Smuggling," Customs and Excise Department of Hong Kong, 2024, [https://www.customs.gov.hk/hcms/filemanager/common/dept\\_review05\\_06/htm\\_en/03\\_anti\\_smuggling/subpage\\_01.htm](https://www.customs.gov.hk/hcms/filemanager/common/dept_review05_06/htm_en/03_anti_smuggling/subpage_01.htm).

- c. "Boat-to-Boat" Operation: Conducted in coordination with the Government Flying Service (GFS) and Guangdong Customs to combat smuggling carried out by "Chung Fei" vessels.

Additionally, Australia was selected as an example of best practices in combating maritime smuggling due to its strategic partnership with Indonesia in enhancing maritime security. This collaboration is evident through joint training between Australia and Indonesia, aimed to enhance the operational proficiency of Indonesian maritime agencies. This initiative is in line with the Australian and Indonesian Maritime Cooperation Plan of Action, funded through the Department of Foreign Affairs and Trade-led Maritime Capacity Building Initiative. Indonesian Maritime agencies involved in the Maritime Regulation and Enforcement training included the Indonesian Coast Guard (BAKAMLA), Customs, Fisheries, Marine Police, Navy, and the Sea and Coast Guard Unit.<sup>72</sup>

The Australian government, through the Australian Government Civil Maritime Security Strategy, addresses maritime security including smuggling threats by implementing the following preventive measures:<sup>73</sup>

- a. National Surveillance: Use surveillance capabilities to provide early warnings and guide resource deployment.
- b. Reconnaissance: Gather intelligence to inform responses and position resources effectively.
- c. Patrol and Response: Maintain a maritime presence to deter illegal activities like smuggling and illegal fishing, and quick responses to security threats.
- d. Strategic Presence: Position assets for a rapid response to emerging challenges and deter unlawful activities.
- e. Legislation and Regulation: Strengthen legal frameworks to enhance maritime security and law enforcement.
- f. Confidence-Building: Foster trust through expertise and measures to encounter threats and maximize opportunities.
- g. Regional Resilience: Support adaptable frameworks and institutions that operate free from undue influence.
- h. Capacity Building: Assist international and regional partners in developing maritime security capabilities.

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<sup>72</sup> Australian Government, "Australian Government Civil Maritime Security Strategy: Delivering a Secure, Healthy and Prosperous Maritime Future" (Belconnen: Australian Government, 2021).

<sup>73</sup> Australian Government.

- i. **Supplementing Capacity:** Collaborate with regional partners to enhance civil maritime security through shared resources and expertise.

The Australian Government also recognizes that effective responses are crucial in addressing events, incidents or emerging issues affecting Australia's civil maritime security. To achieve this, it implements the following responsive measures:<sup>74</sup>

- a. **Build Capacity:** Develop a national approach to strengthen and sustain integrated, interoperable, and effective maritime response capabilities.
- b. **Collaborate Across Agencies:** Strengthen collaboration to address challenges such as people smuggling and trafficking, as well as maritime security threats.
- c. **Coordinate Marine Management Plans:** Align actions across government agencies and international partners for a more effective response.
- d. **Follow International Law:** Ensure responses to maritime issues comply with international law, particularly UNCLOS while addressing threats legally.
- e. **Enforce Laws:** Protect sovereign rights by enforcing Australian laws throughout our maritime jurisdiction.
- f. **Detect Threats:** Use reconnaissance to identify threats and determine the most effective response strategy.

In addition to the two strategies mentioned above, the Australian government also actively promotes and ensures consistency with international law, particularly UNCLOS, and relevant international frameworks through:<sup>75</sup>

- a. **Build Strong Partnerships:** Foster partnerships across government, industry, civil society, and international partners to protect mutual interests in Australia's maritime domain.
- b. **Uphold International Law:** Use international law, particularly UNCLOS, to safeguard maritime security interests, ensuring actions align with both international and domestic law.
- c. **Engage Strategically:** Leverage policies and mechanisms to influence Australia's maritime security environment, focusing on long-term goals and increased international collaboration, including on issues like people smuggling.
- d. **Maintain Regional Relationships:** Engage with regional institutions and forums to promote international law, especially UNCLOS, and influence maritime security in the region.

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<sup>74</sup> Australian Government.

<sup>75</sup> Australian Government.

- e. Communicate Transparently: Build trust through clear communication, aligning goals, and managing expectations with partners in the maritime domain.
- f. Educate: Raise awareness about the importance of civil maritime security, deter criminal activities, and enhance domestic and regional understanding of maritime security.
- g. Share Information: Promote cooperation by sharing information domestically and internationally to align objectives and strengthen maritime security efforts.
- h. Initiate Security and Resilience Programs: Launch initiatives to address changes in the maritime environment and support partners in adapting and recovering from challenges.

The challenges in combating lobster seed smuggling in Batam City can be effectively addressed by adopting or adapting the best practices and strategies implemented by Hong Kong and Australia. One of the key challenges in addressing lobster seed smuggling in Batam City is the lack of documented and updated data among relevant stakeholders. In this regard, stakeholders in Batam can adopt an approach from Hong Kong, which emphasizes collaboration with various stakeholders and systematic documentation of activities, subsequently published in a government report accessible to the public. For example, data and achievements in combating smuggling can be accessed through this link: [https://www.customs.gov.hk/hcms/filemanager/common/dept\\_review05\\_06/htm\\_en/03\\_anti\\_smuggling/subpage\\_01.htm](https://www.customs.gov.hk/hcms/filemanager/common/dept_review05_06/htm_en/03_anti_smuggling/subpage_01.htm).

The high demand for lobster seeds from foreign countries, driven by their high market value, is another significant factor contributing to the frequent smuggling of lobster seeds in Batam City. To address this problem, stakeholders in Batam can adopt Hong Kong's approach of collaborating with multiple agencies to inspect goods and ensure proper documentation and health certification. Without these documents and certifications, foreign buyers would be doubtful about the quality and health safety of the lobster seeds.

Another issue contributing to the frequent smuggling of lobster seeds in Batam City is the weakness in monitoring national borders, particularly between Batam City and Malaysia and Singapore. Stakeholders in Batam can adopt responsive measures taken by the Australian government. These measures include developing a national approach to strengthen and sustain integrated, interoperable, and effective maritime response capabilities. Additionally, they can enhance collective efforts to coordinate responses to challenges such as people smuggling and trafficking and align actions across government agencies and international partners for an effective response.

The use of new smuggling techniques presents another challenge for stakeholders in Batam City regarding lobster seed smuggling. The Australian government's approach, which utilizes surveillance capabilities to provide early warnings and guide resource deployment, as well as maintaining a maritime presence to deter illegal activities such as smuggling and fishing, and responding swiftly to security threats, can be adopted by stakeholders in Batam City.

The challenge of disseminating information and educating the public about existing regulations can be addressed by adopting the Australian government's approach, which emphasizes raising awareness about the importance of civil maritime security, deterring criminal activities, and enhancing both domestic and regional understanding of maritime security. Additionally, the Australian government shares information both domestically and internationally to align objectives and strengthen maritime security efforts. Stakeholders in Batam City can adapt this strategy by collaborating with academic institutions to educate the public, particularly fishermen, about applicable regulations and legal consequences of lobster seed smuggling.

In addition to adopting best practices from Hong Kong and Australia, Indonesia can also learn from Vietnam, one of the primary destinations for smuggled lobster seeds from Indonesia.<sup>76</sup> Vietnam has implemented various measures to curb the smuggling of lobster seeds. Since the last quarter of 2023, the Vietnamese government has tightened oversight of illegal lobster seed imports to prevent smuggled shipments, most of which originate from Indonesia. Additionally, Vietnam has collaborated with Indonesia to develop a legal lobster farming industry through investment, technology transfer, and improving the work ethic of lobster farmers. The primary goal of this collaboration is to reduce lobster seed smuggling and ensure the sustainable use of marine resources.<sup>77</sup> Moreover, Vietnam has collaborated with Indonesian authorities to combat lobster larvae smuggling by enhancing surveillance at airports, seaports, and other potential smuggling routes.<sup>78</sup>

<sup>76</sup> Mela Syaharani, "TNI AL Duga Vietnam Jadi Tujuan Akhir Penyelundupan Benih Lobster Indonesia," *katadata.co.id*, 2024, <https://katadata.co.id/berita/industri/66dea0bb433c6/tni-al-duga-vietnam-jadi-tujuan-akhir-penyelundupan-benih-lobster-indonesia>.

<sup>77</sup> Shafira Cendra Arini, "RI Gandeng Vietnam, Cegah Penyelundupan Benih Lobster Ilegal," *detikfinance*, 2024, <https://finance.detik.com/berita-ekonomi-bisnis/d-7306467/ri-gandeng-vietnam-cegah-penyelundupan-benih-lobster-ilegal>.

<sup>78</sup> Hendrik Simorangkir, "Vietnam Jadi Tujuan Utama Penyelundupan Benih Lobster, Bandara Dan Pelabuhan Diperketat," *medcom.id*, 2024, <https://www.medcom.id/nasional/daerah/JKRdM5Qb-vietnam-jadi-tujuan-utama-penyelundupan-benih-lobster-bandara-dan-pelabuhan-diperketat>.

## Harmonizing Legal Pluralism in Fisheries Management: Urgent Actions against Lobsters Seed Smuggling

The harmonization of fisheries regulations in Batam City presents a significant challenge due to the coexistence of national legislation and traditional fishing practices that have become part of the customary law of local coastal communities. One such practice is the application of informal zoning based on territorial boundaries recognized by the fishing communities across generations, which may result in “overfishing in coastal waters”.<sup>79</sup> Although these traditional practices generally involve small-scale operations using fishing vessels of less than 3 GT, they are widespread throughout nearly all coastal areas of Batam City. Until now, there have been no restriction on the fishing fleets, fishing gear, or the number and type of catches. This may cause negative impacts such as the degradation of coastal ecosystem.<sup>80</sup> If left unregulated, these traditional practices may result in the depletion of marine resources and even the extinction of certain fish species, including lobster seeds. Therefore, customary law of traditional fisherfolks in Batam City, that have adverse ecological impacts should either be abolished, or be subjected to strict “limited access” provisions through local regulation.

Unfortunately, there is currently no active provincial regulation specifically regulating fisheries business activities, as Riau Islands Provincial Regulation No. 6 of 2006 concerning Fisheries Business in Riau Islands Province has been revoked. This highlights the urgent need to issue a new local regulation in Riau Islands that regulates the implementation of a “limited access” fisheries management regime. Although Mayor Regulation of Batam City No. 48 of 2022 regulates the Promising Pattern of Fishermen Empowerment in Batam City, its scope is limited to supporting programs and does not extend to the enforcement of limited access measures, which is governed at the central and provincial levels.

At the national (central) level, Article 7(2) of the Fisheries Law 2009 governs the implementation of “a limited access system” in fisheries

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Dinas Perikanan Kota Batam, “Laporan Kinerja Instansi Pemerintah Dinas Perikanan Kota Batam Tahun 2022” (Batam, 2022), <https://diskan.batam.go.id/wp-content/uploads/sites/44/2023/07/LKjIP-DISKAN-2022.pdf>.

<sup>80</sup> Dinas Perikanan Kota Batam, “Laporan Kinerja Instansi Pemerintah Dinas Perikanan Kota Batam Tahun 2022.”



management. However, the absence of a corresponding regulation at the provincial level in the Riau Islands has contributed to persistent fisheries issues in Batam City. This legal vacuum also directly contradicts Law Number 32 of 2009 on Environmental Protection and Management, particularly Article 3, which explicitly requires preservation of sustainability environmental functions. Moreover, the lack of provincial regulation may result in indirect violations of international law, particularly CITES. Although lobster seeds are not currently listed as a protected species under CITES, their continued exploitation without appropriate regulatory oversight could significantly increase the risk of their extinction.

It should be noted that not all traditional fisheries practices carried out by fisherfolk in Batam City are detrimental to the sustainability of fisheries. One example of a positive traditional practice is seasonal and weather-based fishing, which supports the preservation of marine ecosystems and environmental functions, as mandated by the Fisheries and Environmental Law and CITES. However, this practice is not explicitly recognized in Indonesian formal law and there is currently no formal mechanism for the recognition or enforcement of marine customary law.<sup>81</sup> Therefore, it is essential to establish a Riau Islands Provincial Regulation on fisheries that incorporates the values of local communities, including their traditional knowledge and marine customary practices. The adoption of traditional seasonal and weather-based fishing practices may also help reduce or even eliminate the smuggling of lobster seeds by ensuring that only mature lobsters are harvested during the designated fishing season.

In addition to the urgency of issuing a Riau Islands provincial regulation on fisheries that incorporates local knowledge and marine customary law, the regulation also needs to explicitly identify the relevant stakeholders, along with their primary duties and roles, to avoid overlapping functions. For example, Lantamal IV Batam plays a role in monitoring and prosecuting fisheries-related smuggling activities, including the illegal trade of lobster seeds.<sup>82</sup> Moreover, the

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<sup>81</sup> Tyas Ismi Trialfhianty, Claire Helen Quinn, and Maria Beger, "Engaging Customary Law to Improve the Effectiveness of Marine Protected Areas in Indonesia," *Ocean & Coastal Management* 261 (2025): 1–10, <https://doi.org/https://doi.org/10.1016/j.ocecoaman.2025.107543>.

<sup>82</sup> Pangkalan Utama TNI Angkatan Laut IV / Batam, "Lantamal IV Ikuti Upacara Pembukaan Operasi Bersama Pengawasan, Penindakan Dan Penyelundupan Benih Bening Lobster," Lantamal IV / Batam, 2023, <https://lantamal4-koarmada1.tnial.mil.id/berita/7107/LANTAMAL-IV-IKUTI-UPACARA-PEMBUKAAN-OPERASI-BERSAMA-PENGAWASAN,-PENINDAKAN-DAN-PENYELUNDUPAN-BENIH-BENING-LOBSTER/>.

government should include the Indonesian Fishermen Association and academics to support education in fisheries cultivation, including lobster farming.

## Proposed Socio-Legal Reforms to Combat Lobster Seed Smuggling

The smuggling of lobster seeds in Batam City has severe consequences for marine biodiversity, the economy, and the livelihoods of local communities—not only in Batam but also across Indonesia. This illegal practice directly threatens the sustainability and diversity of Indonesia's marine resources. If this illegal practice is left unaddressed, it will lead to a decline in lobster populations, ultimately endangering the long-term sustainability of marine resources, especially lobster.<sup>83</sup>

Additionally, lobster seed smuggling negatively impacts Indonesia's maritime economy as the decline in lobster populations, reduce a key source of revenue for the country, particularly for coastal communities that rely on marine resources for their livelihoods.<sup>84</sup> Furthermore, the smuggling ultimately affects Indonesia's achievement of sustainable development goals, particularly in preserving environmental sustainability and improving the well-being of coastal communities. Therefore, a comprehensive legal approach is crucial, especially due to the frequent policy changes regarding lobster seed exports. Despite smuggling being regulated under Law No. 17 of 2006 concerning Customs, which imposes criminal sanctions on offenders, lobster seed smuggling continues to persist.

Reflecting on the issue of lobster seed smuggling in Batam City, it is evident that a comprehensive socio-legal reform is necessary in Indonesia, including:

- a. Regulatory harmonization between fisheries and customs laws and policies by enforcing strict penalties on smugglers, including those who facilitate smuggling activities.
- b. Strengthening collaboration between law enforcement and local communities, accompanied by capacity-building programs to help communities understand the increasingly sophisticated smuggling methods.

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<sup>83</sup> Lautikan, "Penyelundupan Satwa Liar Laut: Mengancam Keanekaragaman Hayati Dan Ekonomi Maritim," Lautikan, 2024, <https://lautikan.net/2024/07/19/penyelundupan-satwa-liar-laut-mengancam-keanekaragaman-hayati-dan-ekonomi-maritim/>.

<sup>84</sup> Lautikan.

- c. Educating coastal communities on the negative impacts of lobster seed smuggling on marine biodiversity and the local economy.
- d. Empowering coastal communities to engage in sustainable lobster farming, which offer greater economic value than illegal smuggling. This approach will ultimately support the sustainability of marine resources.

The experience of relevant stakeholders in Batam City in combating lobster seed smuggling offers valuable lessons for other regions in Indonesia and the international community facing similar challenges. Addressing this issue requires collaboration at the local, national, and international levels. This cooperation should extend beyond law enforcement agencies and actively involve local communities, whose participation is crucial in providing information about potential smuggling activities.

As previously discussed, at the local level, collaboration between the Batam City government and relevant stakeholders has proven effective. This can be seen in the successful interception of 795,500 lobster seeds in the waters of Panjang Island, Riau Islands, on August 21, 2024. At the national level, collaboration between national and local stakeholders effectively prevented a lobster seed smuggling attempt on Tandur Island, Riau Islands, on October 25, 2024, despite the smugglers escaping. At the cross-border level, Indonesia and Malaysia combat smuggling in the Malacca Strait through PATKOR KASTIMA, a coordinated customs patrol that successfully intercepted 49 smuggling vessels between 2016 and 2019.

Accordingly, it is asserted that lobster seed smuggling requires collaboration at local, national, and international levels. Beyond law enforcement agencies, the active involvement of local communities is vital, as they play a key role in identifying and reporting potential smuggling activities. Furthermore, strengthening international cooperation at the ASEAN level and within the broader global community is essential. An integrated and concrete collaboration at all levels is a practical strategy to eliminate and combat lobster seed smuggling and protecting marine resources from illicit activities.

## Conclusion

Based on the analysis, it is found that CITES, UNCLOS, and UNTOC are relevant international legal sources that can serve as a foundation for addressing the relationship between international law and local issues, such as lobster seed smuggling in Batam City. The analysis demonstrates that stakeholders in Batam City have made various efforts to combat lobster seed smuggling, through cooperation between local authorities, the community, and national and international partners. Although these efforts have successfully

disrupted smuggling activities, stakeholders in Batam continue to face several challenges, such as inadequate data documentation, high demand for lobster seeds, difficulties in monitoring national borders, limited knowledge/awareness of new techniques used by smugglers, and insufficient efforts to disseminate information and educate the public about existing regulations.

In response to these challenges, it can be concluded that the best practices and strategies from the governments of Hong Kong, Australian, and Vietnam offer valuable insights that can be adapted as practical measures by stakeholders in Batam City, considering relevant laws, regulations, and the local conditions of Batam City. Furthermore, Batam City's efforts against lobster seed smuggling provide valuable lessons for Indonesia and the international community. In particular, effective collaboration at all levels, including active local community involvement, is key to addressing this issue.

It is recommended that the Indonesian government refrain from repeatedly opening and closing the export of lobster seeds, as uncertainty of the policies may create confusion among various stakeholders. Capacity-building efforts should be enhanced for both law enforcement agencies and the public to improve their ability to detect and prevent potential smuggling. Cooperation among ASEAN member states and the broader international community should be strengthened to prevent the smuggling of marine resources. More importantly, it is necessary to establish a Riau Islands Provincial Regulation on fisheries that incorporates local knowledge and marine customary law from local communities in order to address the existing legal vacuum in the province. Such a regulation is essential for preventing and responding to violations in the fisheries sector, including the smuggling of lobster seeds.

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We declare that we have no competing financial or professional conflicts of interest that could inappropriately influence the work reported in this article.

### **Generative AI Statement**

None

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