

Law Enforcement Against Destructive Fishing Crimes at the Regional Marine Police Directorate

Ronald Tuasuun^{1*}, Deassy Jacomina Anthoneta Hehanussa², Sherly Adam³

¹ Postgraduate Program Master of Law, Universitas Pattimura, Ambon, Indonesia

^{2,3} Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

 : ronalduasuun45@gmail.com

Corresponding Author*



Abstract

Introduction: Destructive fishing activities carried out by fishermen generally use explosives (fish bombs), and the use of toxic materials to catch fish. The use of these materials results in damage to coral reefs and the surrounding ecosystems. Therefore, the role of the Directorate of Marine Police of the Maluku Police is needed in law enforcement of the crime of destructive fishing.

Purposes of the Research: The purpose of this research is to study and analyze law enforcement against the crime of destructive fishing at the Directorate of Marine Police of the Maluku Police.

Methods of the Research: The research method used is a type of normative juridical research, which uses a legal approach, a conceptual approach and a case approach. The source of legal materials is primary legal materials and secondary legal materials, the collection of legal materials through literature studies, processing and qualitative analysis of legal materials.

Results Main Findings of the Research: The results showed that law enforcement of destructive fishing crimes carried out by the Directorate of Marine Police of Maluku Police is currently maximized and running well in accordance with applicable legislation. However, in law enforcement against destructive fishing, there are several factors that influence law enforcement, namely the legal factors themselves (laws and regulations); law enforcement factors; factors of facilities and facilities that support law enforcement; community factors.

Keywords: Law Enforcement; Criminal; Destructive Fishing.

Submitted: 2024-07-02

Revised: 2025-10-30

Accepted: 2025-11-17

Published: 2025-11-19

How To Cite: Ronald Tuasuun, Deassy Jacomina Anthoneta Hehanussa, and Sherly Adam. "Law Enforcement Against Destructive Fishing Crimes at the Regional Marine Police Directorate." PAMALI: Pattimura Magister Law Review 5 no. 3 (2025): 406-416. <https://doi.org/10.47268/pamali.v5i3.2217>

Copyright © 2025 Author(s)  Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

Indonesia is a country of law so if someone commits a crime and violates the existing legal order, the State will punish and punish according to the applicable rules, in this case law enforcement officials, namely the Indonesian National Army or the Indonesian National Police and the Maritime Security Agency in addition to all communities and related stakeholders support to help maintain the security of the waters or sea so that the ecosystem survives and remains sustainable. Indonesia is a country that has a stretch of coastline with a length of 81,000 KM, so that the Indonesian sea and the coastal area of Indonesia have a very abundant content of marine biological resources such as fish, coral reefs, mangrove forests and so on.¹ The 1945 Constitution of the Republic of Indonesia in Article 27 paragraph (2) which states that every citizen has the right to work and a decent livelihood for humanity. Furthermore, based on Article 33 paragraph (3) which states that the Earth,

¹ Supriadi and Alimudin, *Hukum Perikanan Di Indonesia*, (Jakarta: Sinar Grafika, 2011), p. 2.

water and natural resources are used as much as possible for the prosperity of the people, in the context of fisheries law, utilizing fish resources is the rights of every citizen, then the community has the right to use and utilize existing fishery resources, but in their use and utilization must be in accordance with existing procedures and procedures.

The Unitary State of the Republic of Indonesia is the largest maritime and archipelagic country in the world that has land, sea, and air areas. The Geospatial Information Agency (BIG) revealed that the total land area of Indonesia is 1,922,570 square kilometers and the water surface area is 3,257,483 square kilometers². It is said that as an archipelagic country, by proving that Indonesia has islands, it is officially recorded as many as 16,056 islands.³ About 2/3 (two-thirds) of Indonesia's territory is the sea waters that separate provinces and cities and districts in Indonesia. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries Article 9 paragraph (1) states that: "Everyone is prohibited from possessing, possessing, carrying, and/or using on fishing vessels fishing gear, and/or fishing aids that interfere with and damage the sustainability of fish resources on fishing vessels in the fisheries management area of the Republic of Indonesia., "It is undeniable that in the process of fishing to provide for their families, traditional fishermen still use bombs in fishing, including *destructive fishing*, which is a fishing activity that damages fish resources and other marine ecosystems. The use of explosives in fishing is an act that is very damaging to the environment, because the use of explosives in fishing can cause damage to coral colonies around the explosion site, and can lead to the death of other organisms that are not the target of the catch.

Irresponsible fishing activities are not only limited to illegal *fishing*, but there are also fishing activities in destructive *ways*. This activity can also cause great losses, especially to the preservation of existing aquatic ecosystems. Destructive *fishing* activities carried out by fishermen generally use explosives (fish bombs), and the use of toxic materials to catch fish. The use of these materials results in damage to coral reefs and the surrounding ecosystems, as well as causing the death of various types and sizes in these waters. Therefore, all regulations on the crime of fishing contained in Law Number 31 of 2004 concerning Fisheries and Law 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries can have a deterrent effect on perpetrators of criminal acts of fishing violations, especially perpetrators who in this case use tools in the form of explosives that can damage the ecosystem in the sea, Especially coral reefs because they can leave permanent defects on the coral reef.⁴

Destructive fishing is a practice mal activity in fishing or the use of fishery resources which is juridically a violation of the law. Destructive *fishing* is the capture of fish that directly damage fish habitats or major habitat-forming organisms, such as various types of corals. The damage can be repaired but it takes a long time. The equipment and materials that are often used are explosives (bombs), potassium, cyanide and compressors. Fishing using explosives is not environmentally friendly because it damages coral reefs and kills fish and their seeds. In general, the rise of *destructive fishing* is caused by several factors: 1) The range of control and the extent of the control area are not balanced with the capabilities of existing supervisory personnel; 2) Limited surveillance facilities and fleets at sea; 3) The weak ability of Indonesian Fishermen's Human Resources and the large number of entrepreneurs with

² <https://bnpb.go.id/documents/bukurenas-pb.pdf>.

³ <https://risetpro.brin.go.id/web/2017/09/26/indonesia-laporkan-16-056-pulau-bernama-dan-berkoordinat-ke-pbb/>.

⁴ Ahmad Fauzi, *Kebijakan Perikanan dan Kelautan, Isu, Sintesis, dan Gagasan*, (Jakarta: Gramedia Pustaka Utam, 2005), p. 15.

an economic rent hunter mentality; 4) Weak law enforcement; 5) Weak coordination and commitment between law enforcement officials. Maluku Province as an archipelago province geographically has an ocean area of 658,294.69 Km² or (92.4%), storing the potential of natural resources in the form of fish which are generally found around the Seram Sea, Banda Sea, and Arafura Sea, so that the results can be used nationally. The fisheries sector is one of the *leading* sectors in the economic development of Maluku Province, but the contribution of this sector is felt to be not optimal because there are still irresponsible fishing practices and contrary to laws and regulations, because there is a considerable loss of resources due to *illegal fishing*. This is because the Pacific Ocean is the entrance for fishing vessels from neighboring countries such as the Philippines, Thailand, and Taiwan. *Illegal fishing* activities that commonly occur in Maluku waters are fishing without a license, fishing using fake permits, fishing using prohibited fishing gear, fishing in areas that are not in accordance with the permitted area, and fishing whose catch is not reported.⁵

As one of the stakeholders in the marine and fisheries sector, the Indonesian National Police pays attention to the issue of *destructive fishing* practices. The Directorate of Marine Police, which is part of Security Maintenance Agency has been formed since 1950 and has two main tasks, namely fostering and carrying out the functions of the Maritime Police, in carrying out the duties as stated in Law Number 23 of 2010 paragraph (2), the Marine Police carries out the functions of carrying out patrols, escorts, law enforcement in the waters and fostering coastal communities, providing *Search and Rescue* assistance (SAR) in the sea/waters.

The Directorate of the Maritime Police of the Maluku Police, in addition to being a marine supervisor (mainly the Maritime Police), is also an investigator for alleged crimes, namely fish theft (*Illegal Fishing*) that occurred in the waters of Maluku. Law Number 2 of 2002 concerning the Police in Article 2 states that the police is a function of the state government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community.⁶ The *destructive fishing case* handled by the Directorate of Maritime Police of the Maluku Police where the public prosecutor requires a strict evidentiary process to prove that it is true that the dead fish are the result of a bomb explosion that was deliberately carried out in the fishing process, so that a forensic laboratory test is needed which only exists in Makassar so that it takes a long time in the testing process while the investigators of the Directorate of Police The waters of the Maluku Regional Police are pursued by time as mandated in the fisheries law so that the results of the laboratory test came out, the time limit for the detention of the suspect had been completed and even the suspect had been released.

METHODS OF THE RESEARCH

The type of research used is empirical juridical research. The research locations are the Directorate of Drug Investigation of the Maluku Police, the Drug Investigation Unit of the Ambon Island Police and the Lease Islands, the Ambon District Attorney's Office and the Ambon Class IIA Court. Population and samples of Investigators of the Directorate of Drug Investigation of the Maluku Police, Investigators of the Drug Investigation Unit of the Ambon Island and Lease Islands Police, Prosecutors at the Ambon District Attorney's Office

⁵ Victor PH Nikijuluw, *Blue Water Crime*, (Jakarta: Pustaka Cidesindo, 2008).

⁶ Djoko Prakoso. *Polri Sebagai Penyidik Dalam Penegakan Hukum*. (Jakarta: Bina Aksara, 1987), p. 5

and Judges at the Ambon Class IIA Court. Types and sources of data are primary data and secondary data. Data collection and analysis techniques through observation and interviews Data processing techniques and qualitative data analysis techniques.

RESULTS AND DISCUSSION

Fisheries are activities related to the management and utilization of fish resources. Many communities abuse fishing activities to profit themselves without thinking about the marine ecosystem and the community, for example by using prohibited fishing gear that results in the destruction of marine ecosystems. Now fisheries crimes are in the spotlight of the community due to the rampant crimes related to fisheries. In Indonesia, according to the Law of the Republic of Indonesia Number 9 of 1985 and the Law of the Republic of Indonesia Number 31 of 2004, activities included in fisheries start from pre-production, production, processing to marketing which are carried out in a fisheries business system

The vast waters of Maluku Province must always be guarded and supervised at all times by people and legal entities that carry out activities in the waters, with a large number of islands and a vast ocean is a challenge in itself for law enforcement carried out by the Maritime Police of the Maluku Regional Police. The Maluku Regional Police Maritime Police is one of the responsible law enforcement officers as mandated in the Law to carry out these duties within the jurisdiction of the Maluku Regional Police, because it has ship facilities as the main means to carry out patrols in the waters of the Maluku Regional Police. However, water patrols are not only carrying out pre-emptive tasks / early detection and guarding / preventive but must also be able to carry out enforcement tasks which include pursuit, stop, inspection and arrest. The handling of criminal cases carried out by investigators at the Subdirector of Law Enforcement of the Regional Waters Police from 2017 to 2023 has carried out investigations into several cases that have been P-21, the cases are⁷: a) Fishing; b) Crimes against A Person's Independence; c) Forestry; d) Destruction; e) Conservation of Biological Resources and Ecosystems; f) Liquor and Illegal Drugs; g) Explosive Abuse; h) Shipping.

The Marine and Air Police has authority in law enforcement but still coordinates with several agencies as stipulated in Law Number 5 of 1983, Law Number 2 of 2002, Law Number 31 of 2004 junto Law Number 45 of 2009, Law Number 34 of 2004, Joint Agreement between the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia and the National Police of the Republic of Indonesia Number: 10/KB/Dep.KP/2003 or No.Pol: B/4042/VIII/2003 concerning Law Enforcement in the Marine and Fisheries Sector, and Regulation of the Minister of Maritime Affairs and Fisheries Number PER.11/Men/2006 concerning Amendments to the Regulation of the Minister of Maritime Affairs and Fisheries Number PER.13/MEN/2005 concerning the Coordination Forum for the Handling of Crimes in the Fisheries Sector. The Maluku Regional Police has patrol boats that are tasked with enforcing the law in the Maluku Regional Police area, namely:

Table 1. Type of Ship and Number of Personnel

No	Ship Type	Number of Personnel	Operating Areas
1	C1	10	Perum Galala (Ambon)

⁷ The results of an interview with Aiptu Semmy S Bakarbesy, Assistant Investigator of the Maluku Regional Police Directorate on Tuesday, December 19, 2023, at 12.00 WIT.

2	C1	10	Tual (Maluku Tenggara)
3	C2	6	Waisarisa (Seram Bagian Barat)
4	C2	6	Namrole (Buru Selatan)
5	C2	6	Perum Galala (Ambon)
6	C2	6	Dobo (Kepulauan Aru)
7	C2	6	Kobisadar (Maluku Tengah)
8	C2	6	Saumlaki (Kepulauan Tanimbar)
9	C2	6	Amahei (Maluku Tengah)
10	C2	5	Tulehu (Maluku Tengah)
11	C2	5	Tulehu (Maluku Tengah)
12	C2	6	Pelita Jaya (Seram Bagian Barat)
13	C2	6	Tulehu (Maluku Tengah)
14	C3	4	Banda (Maluku Tengah)
15	C3	4	Bula (Seram Bagian Timur)
16	C3	4	Namlea Buru
17	C3	4	Tehoku (Maluku Tengah)
18	3 RIB	6	Mako (Ambon)
19	Ship Tander	2	Mako (Ambon)
20	Tactical	4	Mako (Ambon)
Total 17 Kapal, 3 RIB, 2 Ship Tander, 1 Tactical 112			

Source: Planning and General Administration Subdivision of the Maluku Regional Police Waters Police

Based on table 1 above, it can be explained that the Maluku Regional Police has 17 Patrol Boat Units of the "C" type. The "C" type patrioli ship is a police ship owned by the National Police which has a length of less than 27 m, a tonnage of less than 20 tons, whose assignment area includes inland waters and archipelago waters. 17 units of the Maluku Police Polair Patrol Ship consist of 2 (two) units of C1 type ships, 11 (one unit) of C2 type ships, 4 (four) units of C3 type ships and equipped with 3 (three) units of RIB boats, 1 (one) unit of tander ships, 1 (one) unit of Tactical units.

The number of personnel placed in each unit of patrol boats and RIB is adjusted to the decree of the Chief of the National Police of the Republic of Indonesia No. Pol: SKEP / 534 / VIII / 2006 concerning Guidelines for the Use of Operational Elements of the Maritime Police. The operational area of the Maluku Regional Police Maritime Police patrol boats is spread across the city and district areas of Maluku Province. In addition to coordinating with other institutions in enforcement in the Maluku region, the Maluku Regional Police Maritime Police also conducts partnership development with the community, by conducting socialization, for example how good fishing techniques and tools in catching fish, what animals are protected by laws and regulations. With the implementation of partnerships with the community, a legal culture will emerge, because the community already knows and understands what is prohibited and not prohibited by law.

The National Police of the Republic of Indonesia, especially in the Directorate of Maritime Police of the Maluku Regional Police, always tries to realize its vision, which is to prioritize its role as a protector, protector, and servant of the community that prioritizes a preventive and persuasive approach, while repressive is the last step of the National Police trying to carry out its mission, which is to provide protection, protection of services to the

community, and professional law enforcement while still upholding human rights, continuing the internal coordination efforts of the National Police of the Republic of Indonesia, maintaining public security and order in the jurisdiction of the Unitary State of the Republic of Indonesia, therefore the police officers, especially in the jurisdiction of the Maluku Regional Police, always carry out enforcement efforts in dealing with things that have the potential to disturb the kamtibmas. Facts have shown that the crime of *Illegal Fishing* has become something of great concern because it has a detrimental impact on society and the state. This crime is a crime that can potentially only be committed by those who have a livelihood in the water area. The following is the number of *destructive fishing* crimes that occurred in Maluku Province in the period 2017-2022.

Table 2. Cases of Arrest for Destructive Fishing Crimes Handled by the Directorate of Maritime Police of the Maluku Regional Police in 2017, 2018, 2019, 2020 and 2022

No.	Police Reports	Defendant
1	LP / 07 / XII / 2017 / Dit Polair tanggal 10 Desember 2017	Martono Lamadi alias Tono,
2	Laporan Polisi Nomor : LP / 01 / VIII / 2018 / Dit Polair tanggal 26 Agustus 2018	La Sam Wanci Alias La Bahama. dan Erlin.
3	LP Nomor: LP/02/II/2019/Ditpolairud tanggal 19 Februari 2019 tentang tindak pidana dibidang Perikanan	Pace Irian Alias Pace
4	P-A / 245 / IX / 2020 / Maluku / SPKT tanggal 09 September 2020 tentang tindak pidana dibidang Perikanan (<i>Illegal Fishing</i>) Penangkapan Ikan menggunakan Bahan Peledak	Amir Sangaji, La Jaadin Alias Adin, dan Doni Alimudin,
5	LP-A / 229 / IV / 2022/ SPKT / Ditpolairud / Polda Maluku tanggal 27 April 2022	Jamaludin, Jovan Uluelang, dan La Joli
6.	LP-ALP-A / 02 / VI / 2024/ SPKT / Ditpolairud / Polda Maluku tanggal 08 Juni 2024	Haruna Lestusen, Jauhar Lestusen, Umar Tuny, Ismali Siwalane, Jauhar Tuny, Sumildan Tuny

Source: Law Enforcement Subdirectorate of the Maritime Police Directorate of the Maluku Regional Police

Based on the table above, it appears that during the period between 2017 and 2022, 5 (five) cases of *destructive fishing* were found. According to one of the assistant investigators of the Maluku Regional Police Directorate of Maritime Police, Aipda Kenny Helaha, from the results of the examination, the defendants who carried out *destructive fishing* were traditional fishermen who often fish using explosives. The fish obtained from this catch was sold to the market and also consumed by the defendants and their families. If left unchecked, this will be a threat to the survival of the community and the state because it can damage the environmental ecosystem and also damage the existence of other creatures living in marine life in the waters of Maluku.

Based on data on the handling of fisheries cases by the Directorate of Maritime Police of the Maluku Tahu Regional Police from 2017 to 2024, it can be explained that fisheries cases related to *Destructive Fishing* carried out by the suspects still occur using materials that are

not environmentally friendly that can endanger the marine biota ecosystem. As is known, *destructive fishing* is a fishing activity using materials, tools, or methods that damage fish resources and the environment. The tools used in destructive fishing are explosives, toxic materials, strums, and other fishing gear that are not environmentally friendly. *Destructive fishing* is fishing using chemicals, biological materials, explosives, and methods and/or tools that endanger the conservation of fish resources. *Destructive fishing* is destructive and detrimental fishing, where the principle of *destructive fishing* is to catch as many fish as possible. Generally, *destructive fishing* only prioritizes the profits of fishermen without considering the sustainability of fishery resources. Therefore, *destructive fishing* is a prohibited fishing activity because it is one of the main threats to the management of fisheries potential in Indonesia.

Efforts to counter destructive fishing activities can be carried out in two ways, namely by using penal means (there are criminal sanctions) which are applied as repressive means. In addition, there are non-penal facilities as a means of crime management using a non-criminal law approach, which is in the form of: Improving coordination between institutions; The provision of assistance from the Provincial and District Marine and Fisheries Offices must be right on target; Campaign and education on the dangers of destructive fishing for the sustainability of fish resources; The empowerment of Pokmaswas is further improved by paying attention to operational costs and group welfare so that they can also be enthusiastic about work; Increase the awareness and mentality of the people of Sawai Village so that they no longer carry out destructive fishing activities; Breaking the chain of circulation of raw materials for making fish bombs from outside the Maluku area; Breaking the chain of the fish trade from the catch by damaging the ecosystem or fish resources around the Serutbar Marine Conservation Area.⁸

The use of fishing gear that is not environmentally friendly is basically an illegal fishing activity and has a bad impact on environmental sustainability. The impacts of *destructive fishing* include: a) Endangering all parties: The direct impact of the use of explosives is that they can damage and destroy aquatic ecosystems, or can even endanger the safety of the life of the explosive thrower. In addition, it also has an impact on consumer health risks when consuming fish caught by *destructive fishing methods*; b) Depletion of fish resources: One of the factors causing the depletion of marine fisheries resources is that fishing activities using fishing gear are not environmentally friendly or even destructive. This can result in the death of target fish and non-target fish, along with large numbers of juvenile and other biota due to destructive explosive power; c) Damaging fishing areas: Damaged fish habitats make fishermen have to look for fish in more distant areas. The farther the fishing area, the greater the operational costs incurred by fishermen; d) Increase in the price of fish for consumption and ornamental fish: Due to the scarcity of fish stocks and large operational costs of fishermen, it will have an impact on the selling price of fish where there will be an increase in the price of consumption fish and ornamental fish; e) Degradation of coral reef ecosystems: Fishing in the sea using explosives can cause damage to coral reef ecosystems. Damaged coral reefs cause fish to lose their habitat and make it difficult for fishermen to catch fish.

The types of destructive fishing are as follows: a) Use of Explosives: The use of explosives in fishing is a destructive activity, which if left unchecked, will threaten the survival and

⁸ Yanti Amelia Lewerissa, D. J. A. Hehanussa, Sherly Adam, "Sosialisasi Kebijakan Kriminal Perikanan Merusak (*Destructive Fishing*) Pada Kawasan Konservasi Perairan", *Community Development Journal* 4, no. 3 (2023), p. 6484-6487

sustainability of fish, coral reefs and other marine life.⁹ A phenomenon that has attracted the attention of various parties is fishermen who use fish explosives for two reasons. First, the level of damage caused by this technology to coral reefs is significant, and second, the increasing number of fishermen who use this fish bomb at the same time as Indonesia's economic crisis. Meanwhile, the operation of fish explosives in fishing is carried out secretly, or carried out when finding a swarm of fish. These explosives can be self-assembled gunpowder-based bombs;¹⁰ b) Use of Drugs: The use of drugs is an activity that leads to destructive fishing practices, by utilizing toxic substances that are commonly used in fishing with anesthesia such as potassium cyanide. Consumer demand for ornamental and live fish is a trigger for fishermen to carry out fishing activities with this method. The results obtained in this way are indeed living fish, but their use in coral areas has a huge impact on coral reefs. In addition, fishing in this way can lead to the extinction of certain types of reef fish. The toxin can cause large and small fish to become drunk and die. In addition to killing existing fish, the remaining toxins can have a negative impact on coral reef life, which is characterized by the change in color of corals from colorful to white over time the corals become damaged and die;¹¹ c) Use of Cantrang: Cantrang is a fishing tool used to catch fish equipped with two long pulling ropes attached to the tip of the net wings, the way this fishing gear works by being pulled by a boat that sweeps to the bottom of the water. Cantrang is believed to be a destructive form of fishing. First, the cantrang catch is not selective and will catch fish of various sizes. Second, the discarded biota will mess up fisheries data because they are not recorded as fishery products. Third, the operation of cantrang which dredges the bottom of the waters without exception coral reefs and damages the spawning location of marine biota. Fourth, fish resources in Indonesia's marine waters will be degraded due to dense fishing activities including the use of cantrang fishing gear;¹² d) Use of Stunning: Destructive fishing with the use of stun still often occurs, while the target fish with the use of stun is the type of fish for consumption. The tools used such as stun box bags containing batteries, iron sticks, and ship shakes. Fishing with this method not only injures the target fish, but can also kill fish offspring so that it can damage the sustainability of the fish ecosystem. The effect of electric electrocution is to startle the fish and faint. Some cases also mention that fish can be injured, bleeding in the gills and death.

Law Enforcement is influenced by various aspects of life in society such as politics, economy, social, culture and matters related to national defense and security efforts.¹³ In general, there are several factors that cause a crime to occur. The first is the factor that originates or is present in the perpetrator which means that what influences a person to commit a crime arises from within the perpetrator himself which is based on hereditary and psychiatric factors (mental illness). The second factor is a factor that originates from or exists outside the perpetrator's person. The meaning is: that what influences a person to commit a crime arises from outside the perpetrator himself which is based on household and environmental factors.¹⁴ Law enforcement, according to Soerjono Soekanto's opinion, is an

⁹ Haryono Somun, "Tinjauan Kriminologis Penggunaan Bahan Peledak Dalam Penangkapan Ikan di Desa Kalupapi Kecamatan Bangkurung Kabupaten Bangkep", *Jurnal Ilmu Hukum Legal Opinion* 2 (2014), p. 6.

¹⁰ Juril Charly Onthoni, Domu Simbolon, and Dedi Jusadi, "Analisis Penggunaan Bom Dalam Penangkapan Ikan di Kecamatan Kao Utara Kabupaten Halmahera Utara", *Jurnal Fakultas Perikanan dan Ilmu Kelautan Ipb*, (2010), p. 235.

¹¹ Ica Karina, "Pertanggung jawaban Pidana Terhadap Penggunaan Alat Tangkap Ikan Illegal" *Fiat Iustitia: Jurnal Hukum* 1, no. 2 (2021): 92-103. <https://doi.org/10.54367/fiat.v1i2.1156>

¹² Vika Kartika, "Kajian Dampak Penggunaan Cantrang Sebagai Upaya Pengelolaan Sumber Daya Perikanan Berkelanjutan", *Gema Keadilan*, 4, no. 1 (2017): 58-72.

¹³ Indah Sri Utami, *Aliran Dan Teori Dalam Kriminologi*, (Yogyakarta: Thafa Media, 2012), p. 23.

¹⁴ Andi Hamzah, *Hukum Pidana dan Acara Pidana*, (Jakarta: Ghalia Indonesia, 1986), p. 64.

activity of harmonizing the relationship between values described in the rules, a steady view and embodying it in attitudes, actions as a series of elaboration of the final stage of values to create peace of association. The main problem of law enforcement lies in the factors that affect it. This factor has a neutral meaning. The factors are as follows:¹⁵ 1) The legal factor itself, which is only limited to the law; 2) Law enforcement factors where the parties who form or implement the law; 3) Factors of facilities or facilities that support law enforcement; 4) Community factors, where the legal environment applies and is determined; and 5) Cultural factors, which are the result of works, creations, and tastes based on human karsa in life relationships. The factors that affect the enforcement of the *Destructive Fishing Crime Law* at the Directorate of Maritime Police of the Maluku Regional Police, are as follows: 1) Own Legal Factors (Laws and Regulations): a) Law Number 2 of 2002 concerning the Police; b) Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries; c) Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone; d) Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems; e) Law Number 6 of 2011 concerning Immigration; f) Law Number 17 of 2008 concerning Shipping; g) Law Number 32 of 2014 concerning Marine Affairs.

Article 282 paragraph (1) of Law Number 17 of 2008 concerning Shipping states that the authority to carry out investigations in the field of shipping crimes is the National Police of the Republic of Indonesia, Civil Servant Officials, and Article 340 states that in addition to investigating officials from the State Police and Civil Servant Investigators, the Indonesian Navy is also authorized by this Law to conduct non-criminal investigations in the shipping sector, especially in the Indonesian Exclusive Economic Zone, in the law it is regulated that criminal investigators in the field of natural resource and ecosystem conservation are the Indonesian National Police and Civil Servant Investigators, does not reduce the authority of investigators as stipulated in Law Number 5 of 1983 concerning the Exclusive Economic Zone, the Indonesian Navy is given the authority to carry out criminal investigations in the field of natural resource conservation and their ecosystems in the Indonesian Exclusive Economic Zone area, There are 13 (thirteen) ministries/institutions as law enforcement at sea, of the 13 (thirteen) institutions, 6 (six) institutions / ministries already have fleets/ships as tools of law enforcement at sea by carrying out patrols at sea, namely the Indonesian Navy, the Indonesian National Police or the Directorate of Maritime Police, the Ministry of Transportation or the Directorate General of Sea Transportation, the Ministry of Maritime Affairs and Fisheries or The Directorate General of Marine Resources and Fisheries Supervision, the Ministry of Finance or the Directorate General of Customs. 7 (seven) law enforcement agencies at sea that do not have fleets or patrol vessels include the Ministry of Tourism, the Ministry of Health, the Ministry of Environment, the Ministry of Forestry, the Ministry of Energy and Mineral Resources, the National Narcotics Agency, and local governments. If there is no good coordination between agencies, sectoral egos will arise which of course is detrimental to the law enforcement process in the waters of the Republic of Indonesia. 2) Law Enforcement Factors: Law enforcement factors are the parties who form or implement the law. As explained in Table 1. The type of ship and the number of personnel that the Maritime Police of the Maluku Regional Police have Patrol Boats, 3 Rigit Inflatable Boats (RIB), 2 Ship Tander, 1 Tactical with the number of personnel placed on patrol boats amounting to 112 personnel, of the 112 personnel, only 18 personnel have completed

¹⁵ Satjipto Rahardjo, *Masalah Penegakan Hukum*, (Bandung: Sinar Baru, 1983), p. 3.

vocational education on handling crimes that occur in Indonesian maritime areas. Human Resources are an important factor in law enforcement. For example, if there is a crime in the field of the environment, but there are no investigators who have expertise about the environment, it will be difficult to solve it.

The increase in qualified officers also experiences constraints in the Maluku Regional Police, usually 1 year only 1 (one) to 3 (three) personnel are sent to carry out vocational education. This makes the increase in human resources slow.

3) Factors of Facilities and Facilities that Support Law Enforcement: Factors of Facilities and Facilities that support law enforcement This can be seen from the development of the economy that is improving to make sea transportation more developed, the flow of goods for import and export in and out of the Port in Maluku, but this is not comparable to the supervision carried out at ports in Maluku. The Maluku Regional Police Maritime Police only has 2 (two) C1 type ships, 11 (eleven) C2 type ships, 4 (four) C3 types and equipped with 3 (three) RIBs, 2 (two) shiptaners and 1 (one) tactical unit. As explained above, not all Marine Police ships supervise and enforce the law, for patrol ships not all are equipped with heavy weapons, only C1 type ships are equipped with M2 browning machine guns using 50 Cal bmg bullets. Meanwhile, other types of ships, the Maritime Police only use V5 Samapta Bhayangkara weapons. In addition, in law enforcement, the crime of *destructive fishing* of this vast area of the ocean is not supported by inadequate facilities and infrastructure, such as the lack of a marine fleet by the Directorate of Maritime Police of the Maluku Regional Police. So that in carrying out enforcement it takes a long time.

4) Community Factors: A good community environment is by applying the law, the law without being obeyed by the community, there will be violations, in law enforcement, the community plays one of the important factors in law enforcement, with the number of Police personnel in this case the Regional Police Waters Police Maluku who is on the ship only 112 people will not be able to supervise the entire Maluku area, so it is necessary for the community as a partner of Marine Police to carry out law enforcement, Marine Police Maluku Regional Police has a Community Partner Program, in this program Marine Police conducts training to village delegates, especially on the outer islands to be able to report if a criminal act occurs which is the authority of the Maritime Police, but the obstacle was when the community wanted to report being constrained by communication devices, when the Marine Police conducted patrols only then it was found that some time ago there had been a criminal act. There are also people who know that a criminal act has occurred but they do not want to be witnesses because they still think that if they are faced with the law, their work will be abandoned, they can no longer go to sea, they have to go to Ambon to be questioned. Even though this is an obligation for every citizen to know about the crime.

5) Legal Culture Factor: Law is a tool to create a habit carried out by the community or law is a tool to make changes to society, the people of Maluku still have a lazy culture with an incident that is a criminal act even though the community has an important role. The use of explosives and fish poison is still found in some fishermen who fish in the waters of Maluku, because they feel that it is faster and more effective to use bombs and poisons to catch fish than to use nets or hooks, this lack of legal awareness is often a problem in the field.

CONCLUSION

Law enforcement of *destructive fishing* crimes carried out by the Directorate of Marine Police of the Maluku Regional Police is currently maximized and running well in

accordance with applicable laws. However, in law enforcement against the crime of *destructive fishing*, there are several factors that affect law enforcement, namely the law factors themselves (laws and regulations); law enforcement factors; facilities and facilities that support law enforcement; community factors.

REFERENCES

- Ahmad Fauzi, *Kebijakan Perikanan dan Kelautan, Isu, Sintesis, dan Gagasan*, Jakarta: Gramedia Pustaka Utam, 2005.
- Andi Hamzah, *Hukum Pidana dan Acara Pidana*, Jakarta: Ghalia Indonesia, 1986.
- Djoko Prakoso. *Polri Sebagai Penyidik Dalam Penegakan Hukum*. Jakarta: Bina Aksara, 1987.
- Haryono Somun, "Tinjauan Kriminologis Penggunaan Bahan Peledak Dalam Penangkapan Ikan di Desa Kalupapi Kecamatan Bangkurung Kabupaten Bangkep", *Jurnal Ilmu Hukum Legal Opinion* 2 (2014).
<https://bnpb.go.id/documents/bukurenas-pb.pdf>.
- [https://risetpro.brin.go.id/web/2017/09/26/indonesia - laporkan - 16 - 056 - pulau bernama-dan berkoordinat-ke-pbb/](https://risetpro.brin.go.id/web/2017/09/26/indonesia-laporkan-16-056-pulau-bernama-dan-berkoordinat-ke-pbb/).
- Ica Karina, "Pertanggung jawaban Pidana Terhadap Penggunaan Alat Tangkap Ikan Illegal" *Fiat Iustitia: Jurnal Hukum* 1, no. 2 (2021): 92-103.
<https://doi.org/10.54367/fiat.v1i2.1156>.
- Indah Sri Utami, *Aliran Dan Teori Dalam Kriminologi*, Yogyakarta: Thafa Media, 2012.
- Juril Charly Onthoni, Domu Simbolon, and Dedi Jusadi, "Analisis Penggunaan Bom Dalam Penangkapan Ikan di Kecamatan Kao Utara Kabupaten Halmahera Utara", *Jurnal Fakultas Perikanan dan Ilmu Kelautan Ipb*, (2010).
- Satjipto Rahardjo, *Masalah Penegakan Hukum*, Bandung: Sinar Baru, 1983.
- Supriadi and Alimudin, *Hukum Perikanan Di Indonesia*, Jakarta: Sinar Grafika, 2011.
- The results of an interview with Aiptu Semmy S Bakarbesy, Assistant Investigator of the Maluku Regional Police Directorate on Tuesday.
- Victor PH Nikijuluw, *Blue Water Crime*, Jakarta: Pustaka Cidesindo, 2008.
- Vika Kartika, "Kajian Dampak Penggunaan Cantrang Sebagai Upaya Pengelolaan Sumber Daya Perikanan Berkelanjutan", *Gema Keadilan*, 4, no. 1 (2017): 58-72.
- Yanti Amelia Lewerissa, D. J. A. Hehanussa, Sherly Adam, "Sosialisasi Kebijakan Kriminal Perikanan Merusak (*Destructive Fishing*) Pada Kawasan Konservasi Perairan", *Communnity Development Journal* 4, no. 3 (2023).

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

PAMALI: *Pattimura Magister Law Review* is an open access and peer-reviewed journal published by Postgraduate Program Magister of Law, Universitas Pattimura, Ambon, Indonesia.

