

POLICY FORMULATION REGULATIONS FOR MANAGEMENT AND UTILIZATION OF FISHERY RESOURCE CATCHES FOR PEOPLE'S WELFARE

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ABSTRACT

Indonesia is an archipelagic country where more than half of the country's territory is sea. The natural resources in Indonesia's oceans are quite promising to be used as a source of strength for the national economy which has experienced a downturn. Therefore, the government issued Regulation of the Minister of Maritime Affairs and Fisheries Number 12/PERMEN-KP/2020 concerning Lobster Management (panulirus sp.p), Crabs (scylla spp.), and Ranjungan (portunus pelagicus spp.) in the territory of the Republic of Indonesia. The presence of this Ministerial Regulation is presumptively aimed at maintaining the existence and availability of the three stock species, namely Lobster, Crab and Crab. The formulation of the problem in this research is about how to regulate the capture and management of fishery products, especially lobster from the lus Constitutum perspective and how to regulate criminal sanctions against violators of catching fishery resources, especially lobster from the lus Constituendum perspective. The research method that researchers use is normative legal research with the aim of this research being to find out and analyze further regarding the regulation of catching and management of fishery products, especially Lobster from the lus Constituendum perspective, as well as the regulation of criminal sanctions against violators of catching fishery products, especially Lobster from the lus Constituendum perspective. which is guided by the technique of collecting legal materials through literature study using the concept of the rule of law, the concept of legal certainty, the theory of punishment, the theory of authority, the theory of criminal law policy, the concept of legal consequences, and the concept of legal responsibility as analytical tools in discussing policy formulation regarding management and utilization of caught fishery resources for the welfare of the people. The research results show the following conclusions: first, the implementation of Minister of Maritime Affairs and Fisheries Regulation no. 12/2020 concerning the current ban on catching lobsters, crabs and crabs certainly has implications or impacts in its implementation because there are no clear sanctions and the too frequent changes in these regulations have resulted in a vacuum in norms. Second, the sustainability aspect must be interpreted to mean that the resources we enjoy today must not be at the expense of the interests of future generations who also have the same rights to existing resources, both in quantity and quality.

Keywords: Policy, Regulation, Management, Fisheries Resources

1. INTRODUCTION

In recent years, this economic activity has become the center of attention because it is alleged that there has been a process of exploiting marine resources, namely lobsters, crabs and crabs, which exceeds its capacity. Exploitation that is not balanced with an understanding of the sustainability of marine biota certainly leaves its own problems for the survival of the biota itself so that in several coastal areas in Indonesia and especially in Bali, it is approaching maximum utilization (over fishing), namely a situation where the level of utilization has approached an alarming condition. for the preservation of lobster, crab and crab biota. This overfishing phenomenon not only threatens the sustainability of fish resources, but more than that it will cause horizontal turmoil among the fishing communities themselves. The emergence of horizontal turmoil is now tending to start to become real and open, this is happening because there is increasingly fierce competition due to the nature of the use of fish resources where there are no restrictions on catching (open access), as well as the implementation of the regional autonomy era which has been misinterpreted. In the author's observations in the field, there are other problems related to the management and preservation of fisheries resources here, namely that there are still many opinions from the fishing community who think that Lobster, Crab and Crab resources will never run out, so they never think sustainably, and unfortunately for them thinking that what is important today can be taken as much as possible for life's needs and tomorrow's problems are another matter without paying attention to the population and existing legal regulations.

To overcome these various phenomena, the government issued a policy product, namely Minister of Maritime Affairs and Fisheries Regulation Number 12/PERMEN–KP/2020 concerning the Management of Lobsters (*panulirus* sp.p), Crabs (*scylla* spp.), and Ranjungan (*portunus pelagicus* spp.) in the region Republic of Indonesia. The presence of this Ministerial Regulation is presumptively aimed at maintaining the existence and availability of the three stock species, namely Lobster, Crab and Crab due to their declining population numbers in a number of regions in Indonesia. Apart from that, this Ministerial Regulation also contains a prohibition on catching Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Crab (*Portunus pelagicus* spp.) in spawning conditions and regulates restrictions on the size of these three species that can be caught.

Based on the background described above, researchers are encouraged to raise this problem in the form of research with the title "Policy Formulation Regarding the Management and Utilization of Catches from Fishery Resources for the Welfare of the People." Based on the description above, the main problem in this research is how to regulate the capture and management of fishery products, especially lobsters from the *Ius Constituendum* perspective and how to regulate criminal sanctions for violators of catching fishery products, especially lobsters from the *Ius Constituendum* perspective. The objectives that the researchers want to achieve are: 1) To find out and study the regulations regarding the capture and management of fishery products, especially lobsters, in accordance with the *Ius Constitutum* perspective. 2) To find out and analyze the regulation of criminal sanctions against violators of catching fishery resources, especially lobsters according to the principle of *Ius Constituendum*.

2. RESEARCH METODOLOGY

The research method used is normative legal research. Normative legal research is legal research carried out by examining library materials, which means that this research is carried out by examining norms, principles, philosophies or doctrines and legal principles in library materials. The data required is primary data as the main data source in addition to secondary data in the form of legal materials as the data source.

The technique for collecting legal materials that researchers use is by conducting a literature study which includes collecting laws and regulations, books, journals, especially those related to the Formulation Policy Concerning the Management and Utilization of Catches from Fishery Resources for the Welfare of the People as legal material. The legal material technique used is an evaluative technique which is an analysis technique that cannot be avoided by the user. After that, the data is presented in a descriptive analysis by explaining it systematically and comprehensively, so that it can answer the problem¹.

3. RELATED RESEARCH/LITERATUR REVIEW

Analyzing the problems in this research, the author uses the following theory:

1. Punishment Theory

The theory of purpose as a Theological Theory and the combined theory as an integrative view on the purpose of punishment assumes that punishment has a plural purpose, where both theories combine a Utilitarian view with a Retributivist view. The Utilitarian view states that the goal of punishment must produce beneficial consequences that can be proven and the retributivist view states that justice can be achieved if the Theological goal is carried out using the principles of justice².

2. Authority Theory

The theory of authority is related to the source of authority from the government in carrying out legal acts in relation to public law and in relation to private law. There are three types of authority that originate from statutory regulations. This authority includes: attribution, delegation and mandate³. Philipus M. Hadjon divides how to obtain authority into two ways, namely: attribution; and delegation and sometimes also mandate⁴.

3. Criminal Law Policy Theory

Criminal law policy is basically the totality of regulations that determine what actions are prohibited and included in criminal acts, as well as what sanctions are imposed on perpetrators with the aim of preventing crime. In theory, many doctrines put forward by experts are related to the understanding of criminal law policy. Barda Nawawi, believes that the term "Policy" is taken from the terms "policy" (English) and "politiek" (Dutch), so that "Criminal Law Policy" can also be called "Criminal Law Politics" and which is often known by the term "penal policy", "criminal law policy" or "strafrechts politiek"⁵. Criminal law policy is implemented through stages of concretization/operationalization/functionalization of criminal law which consist of:

¹Dewi, N. M. L., Satriana, I. M. W. C., & Kusumayanthi, K. E. (2019). PRINSIP PERSOONLIJKE VERGUNNING PADA PELAKSANAAN PERATURAN KEPALA KEPOLISIAN RI NOMOR 9 TAHUN 2012 TENTANG PENERBITAN SURAT IZIN MENGEMUDI. *Kerta Dyatmika*, 16(2), 22-31

²Muladi. 2002, *Lembaga Pidana Bersyarat*. Alumni. Bandung. hlm.15

³Indiharto, 2018, *Hukum Administrasi Negara*, Raja Grafindo Persada, Jakarta, hlm. 104.

⁴Philipus M. Hadjon, 2011, *Wewenang Kepolisian (bestuurbevoegdheid)*, Media Pustaka, Bandung, hlm. 94

⁵Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Konsep KUHP Baru*, Cetakan Ke-1, Kencana Prenadamedia Grub, Jakarta, hlm. 26.

- a. Formulation/legislative policy, namely the formulation/drafting stage of criminal law.
- b. Applicative/judicial policy, namely the stage of implementing criminal law.
- c. Administrative/executive policies, namely the implementation stage of criminal law⁶.

4. RESULTS AND DISCUSSION

4.1. Regulations regarding the catching and management of fishery products, especially lobsters, Ius Constitutum Perspective

Legal developments will always be in accordance with societal developments. Likewise, legal issues will also develop in accordance with developments in problems occurring in society. Implementation of legal provisions in the fisheries sector is very important in order to develop fisheries well and sustainably. Implementation of Minister of Maritime Affairs and Fisheries Regulation No. 56 of 2016 concerning the prohibition on catching and releasing lobsters, crabs and crabs certainly has implications or impacts in its implementation. The legal implications of this ministerial regulation for fishermen can be seen from the restrictions on catching crabs and lobsters which must comply with the regulations in this regulation, namely a carapace width of more than 10 (ten) cm or a weight of more than 60 (sixty) grams. If there are crabs that do not comply with the regulations, they will be released.

This release is a form of law enforcement of the applicable regulations and at the same time to provide guidance to service users regarding the importance of awareness of these regulations. With this release, it is hoped that the crab crab will be preserved, the ecosystem and the sustainability of natural resources. In principle, law enforcement must be able to provide benefits or utility for the community (in this case the fishing community), but apart from that, the community also expects law enforcement to achieve justice. This is in line with one of the legal principles of fisheries resource management contained in Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries, namely the Benefit Principle, a principle which shows that fisheries management must be able to provide benefits. and maximum benefits for increasing prosperity and welfare of the people and the principle of justice, where fisheries management must be able to provide equal opportunities and opportunities proportionally for all citizens without exception. The implementation of this Ministerial Regulation will be monitored. Supervision to/from and at shelters or collectors outside the entry and/or exit points is carried out by the Directorate General which has technical duties in the field of monitoring marine and fisheries resources in coordination with quarantine officers.

Supervision of

The implementation of the Ministerial Regulation prohibiting fishing for crabs by fishermen was carried out by the relevant agencies only in the initial months since the enactment of this Ministerial Regulation. So that in the following months until now there is no longer strict supervision. Despite this, fishermen still catch and sell crabs that do not comply with the provisions contained in the Minister of Maritime Affairs and Fisheries Regulation Number 56 of 2016 concerning the Prohibition of Catching and/or Releasing Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Crab (*Portunus* spp.) from the Territory of the Republic of Indonesia. Talking about

⁶Barda Nawawi Arief, 2007, "*Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*", Kencana Media Group, Jakarta, hlm. 78 –79.

supervision, in carrying out supervision regarding the ban on crab fishing, officers make more coaching efforts than imposing fines or arresting fishermen who violate it. This is done because the maritime and fisheries service does not only carry out a supervisory function but also has another function, namely the coaching function. The implementation of Minister of Maritime Affairs and Fisheries Regulation No. 56 of 2016 is not solely based on the intention to kill people's businesses, but the Government actually wants to save a bigger interest, namely how to save lobster resources so that their economic value can be enjoyed in the long term. Previously, the Government, through the Ministry of Maritime Affairs and Fisheries, issued Minister of Maritime Affairs and Fisheries Regulation Number 56 of 2016 concerning the Prohibition and Export of Lobsters, Crabs and Crab from the Republic of Indonesia Territory. The implementation of this regulation must be addressed as part of learning for all of us, that we have a responsibility to manage these resources in a sustainable manner. The sustainability aspect must be interpreted to mean that the resources we enjoy today must not be at the expense of the interests of future generations who also have the same rights to existing resources, both in quantity and quality. The issuance of this Ministerial Regulation was motivated by the phenomenon of uncontrolled exploitation of lobster seeds in nature and actually causing a decline in the stock of lobster resources in Indonesian waters.

This rule regulates the prohibition on catching egg-laying lobsters and/or weighing less than or equal to 200 grams or carapace width less than or equal to 8 cm. For example, in 2015 at least 1.9 million lobster seed smuggling was successfully thwarted, with an estimated economic value of up to 98.3 billion. Meanwhile, based on data from BKIPM (Fish Quarantine Agency, Quality Control and Safety of Fishery Products) Mataram, in 2014 the total number of lobster seeds leaving NTB was recorded at 5.6 million with a value of up to 130 billion rupiah. Currently, it has become the largest lobster resource asset in the world, therefore it is important to preserve this asset, so that the lobster life cycle can run normally. The government is trying to regulate the pattern of utilization of lobster resources so that on the one hand the economic value can be felt, and on the other hand its sustainability is maintained. If the exploitation of lobster seeds continues, it is certain that the lobster life cycle will be interrupted, the impact will be that the availability of lobster stocks in nature will decrease drastically and it is very possible that our children and grandchildren will no longer recognize this commodity. As is known, smuggling of lobster seeds and lobster eggs is still widespread in a number of areas because of the attractive prices offered by buyers in the countries where they are sent. In fact, fishermen can sell at much higher prices, if the lobsters are allowed to grow first.

Head of the Fish Quarantine Agency, Quality Control and Safety of Fishery Products (BKIPM) KKP, Rina said that pearl lobster seeds are sold in Indonesia for a maximum of IDR 79 thousand to IDR 90 thousand per head. In Singapore the price is approximately USD 10 or around Rp. 145 thousand per head. Sand type lobster seeds are sold by fishermen for IDR 18 thousand to IDR 26 thousand per head. In Singapore the price is up to double. The public is asked not to catch and send lobster seeds because the economic value obtained is still far below what it should be. Apart from that, catching lobster seeds can threaten the sustainability of lobsters in nature. The prohibition on catching lobster seeds (seeds) is in accordance with the Minister of Maritime Affairs and Fisheries Regulation No. 56/Permen-KP of 2016 concerning the Prohibition of Catching and/or Releasing Lobsters, Crabs and Crab from Indonesia. killing fishermen's livelihoods, also becoming an arena for extortion. Traditional fishermen admit that the implementation of the Ministerial Regulation prohibiting lobster fishing has had a negative impact on fishermen's welfare. Since there was a ban on catching lobster

seeds, it has been very miserable for fishermen. There are more than 1,000 traditional fishermen who have lost their livelihoods. Based on data from the KKP, lobster seeds in Indonesian waters are very abundant, reaching around 12.35 billion seeds per year. Deputy chairman of the Research and Development Division of the Stakeholder and Public Consultation Commission of the Ministry of Maritime Affairs and Fisheries (KP2 KKP), stated that the potential for lobster seeds to live in nature is very small, namely 1:10,000. meaning, out of 10,000 seeds that have the potential to live to great lengths, only one is one.

The implementation of these regulations must be addressed as part of learning that various parties have a responsibility to manage these resources in a sustainable manner. The sustainability aspect must be interpreted to mean that the resources we enjoy today must not be at the expense of the interests of future generations who also have the same rights to existing resources, both in quantity and quality. If the exploitation of lobster seeds continues, it is certain that the lobster life cycle will be interrupted. Meanwhile, the impact, he continued, is that the availability of lobster stocks in nature will decrease drastically and potentially will not be found again by future generations. This requires awareness among the community of former lobster seed catchers to stop their activities, this indicates that the community has not begun to understand the importance of managing marine and fisheries resources responsibly and sustainably. Fisheries are a strategic economic resource to improve the welfare of the Indonesian people. This strategic meaning is reflected in the objective conditions of Indonesia's territory, which covers an area of approximately 7.8 million km², consisting of 74.3 percent sea and 25.7 percent land. Its marine waters cover an area of 5.8 million km² of archipelagic waters, and 2.7 million km² of exclusive economic zone (EEZ).

Based on the constitutional mandate, all natural fisheries resources must be managed in such a way that they can improve the welfare of the people, and at the same time, their sustainability must also be maintained. In the provisions of the 1945 Constitution of the Republic of Indonesia, Article 33 Paragraph (3), it is stated, "Earth and water and all natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." The scope of state control over land, water and natural resources contained therein is also contained in Article 2 paragraph (1) UUPA which "On the basis of the provisions in article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and matters as follows as referred to in article 1, the earth, water and space, including the natural resources contained therein, are at the highest level controlled by the State as the authority of the people." Fisheries resources are a type of natural resource that can be renewed, but these fish resources have certain limits according to their carrying capacity. Therefore, if its use is carried out contrary to management principles, it will result in extinction.

The government has anticipated these side effects. This anticipation is by providing compensation in the form of support for fish cultivation business activities, by allocating a budget of IDR 50 billion for fish cultivation businesses. This compensation is in the form of support for fish cultivation facilities for 2,246. The implementation of KP Ministerial Regulation Number 56 of 2016 is not solely based on the intention to kill people's businesses, but the government actually wants to save a bigger interest, namely how to save lobster resources so that their economic value can be enjoyed in the long term. Minister of Maritime Affairs and Fisheries Regulation Number 56 of 2016 concerning the Prohibition and Exclusion of Lobsters, Crabs and Crab from the Republic of Indonesia Territory, is motivated by the phenomenon of uncontrolled exploitation of lobster seeds in nature and has actually caused a decline in the stock of lobster resources in Indonesian waters. This regulation regulates the prohibition on catching egg-laying lobsters and/or weighing less than or equal to 200 grams or width less than or equal to 8 cm. Minister of Maritime Affairs and Fisheries Edhy Prabowo has signed Minister of Maritime Affairs and Fisheries Regulation Number 12 of 2020 concerning the

management of lobsters, crabs and crabs in Indonesian territory. Through this regulation, Edhy reopened the export of lobster seeds which was previously prohibited by regulations under the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti. The decision of the Minister of Maritime Affairs and Fisheries, Edhy Prabowo, to issue KP Ministerial Regulation Number 12 of 2020 concerning the Management of Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Crab (*Portunus* spp.) in the midst of the Covid-19 pandemic is considered appropriate.

The reason for the Minister of Maritime Affairs and Fisheries is to save lobster fishermen in the midst of a crisis, caused by the Covid-19 pandemic. Before this policy was adopted, the Ministry of Maritime Affairs and Fisheries had already conducted a study. It is also believed that this policy will improve welfare for fishermen and increase foreign exchange. This is automatic because every export must have taxes. Every seed caught has economic value for fishermen. Every cultivation opens up employment opportunities. Candy No. 12 of 2020, according to the Minister of Maritime Affairs and Maritime Affairs, will greatly benefit fishermen and the country. The re-allowance of catching and selling lobster seeds is a form of government support for fishermen. If lobster seeds are not utilized and free in nature, the majority will die. However, the use of lobster seeds requires attention to sustainability. arranged to maintain sustainability, if it is not used, the majority will die before they grow up.

In connection with the theory of punishment, if seen from the issue of regulations regarding the capture and management of fishery products from the perspective of the *Ius Constitutum*, the legal basis used to enforce the law on criminal acts of catching and managing fishery products, especially lobsters, is as a set of rules for the public to understand about criminal acts that should not be violated or not taking or catching lobsters that do not comply with applicable regulations as stated in the Regulation of the Minister of Maritime Affairs and Fisheries as part of law enforcement. And the author uses the theory of authority as an analytical tool for the problem of regulations regarding the capture and management of fishery products in accordance with the *Ius Constitutum* perspective so that we can understand the influence, legal basis and legal conformity in accordance with the regulations regarding the capture and management of fishery products.

4.2 Arrangement of Criminal Sanctions for Violators of Catching Fishery Resources, Especially Lobsters, *Ius Constituendum* Perspective.

Implementation of legal provisions in the fisheries sector is very important in order to develop fisheries well and sustainably. The implementation of Minister of Maritime Affairs and Fisheries Regulation number 12 of 2020 concerning the management of lobsters, crabs and crabs certainly has implications or impacts in its implementation. The legal implications of this ministerial regulation for fishermen can be seen from the restrictions on catching lobsters which must comply with the regulations in this regulation, namely a carapace width of more than 6 cm or a weight of more than 150 grams per fish for sand lobsters and a carapace length of 8 cm or a weight of more than 200 grams. grams per head for other types of lobster. If there are lobsters that do not comply with the provisions, they will be released. This release is a form of law enforcement of the applicable regulations and at the same time to provide guidance to service users regarding the importance of awareness of these regulations. With this release, it is hoped that the crab crab will be preserved, the ecosystem and the sustainability of natural resources. In principle, law enforcement must be able to provide benefits or utility for the community (in this case the fishing community), but apart from that, the community also expects law enforcement to achieve justice. This is in line with one of the legal principles of fisheries resource management contained in Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries, namely the Benefit Principle, a principle which shows that fisheries management must be able to provide benefits. and maximum benefits for increasing prosperity and

welfare of the people and the principle of justice, where fisheries management must be able to provide equal opportunities and opportunities proportionally for all citizens without exception.

In an effort to maintain the existence and availability of resource populations of Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Crab (*Portunus* spp.), the Republic of Indonesia Minister of Maritime Affairs and Fisheries Regulation Number 56/Permen-Kp/2016 concerning the Prohibition of Catching was born. and/or Export of Lobsters (*Panulirus* Spp.), Crabs (*Scylla* Spp.), and Crab (*Portunus* Spp.) from the Territory of the Republic of Indonesia. The prohibition on catching Lobsters (*Panulirus* Spp.), Crabs (*Scylla* Spp.), and Crab (*Portunus* Spp.) has been clearly stated in several articles in the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 56/Permen-Kp/2016. Article 2 states that:

"Catching and/or removing lobsters (*Panulirus* spp.), with Harmonized System Code 0306.21.10.00 or 0306.21.20.00, from the territory of the Republic of Indonesia can only be carried out with the following conditions:

- a. not in egg-laying condition; And
- b. carapace length of more than 8 (eight) cm or weight of more than 200 (two hundred) grams per head."

Article 4 paragraph 1 states that:

"Catching and/or removing small crabs (*Portunus* spp.), with Harmonized System Code 0306.29.10.00, from the territory of the Republic of Indonesia can only be carried out in conditions where they do not lay eggs and the carapace width is above 10 (ten) cm or the weight is above 60 (sixty)) grams per head."

Regulation of the Minister of Maritime Affairs and Fisheries Number 56/PERMEN-KP/2016 does not completely prohibit fishermen from fishing, but instead places restrictions on fishing, namely not being allowed to catch Lobsters, Crabs and Crab that are laying eggs and setting the carapace width of the catch to be above 8 cm or weighing over 200 grams, crabs over 15 cm or weighing over 200 grams, and crabs over 10 cm or weighing over 60 grams. The issuance of Minister of Maritime Affairs and Fisheries Regulation Number 56/PERMEN-KP/2016 concerning the Prohibition of Catching and/or Releasing Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Crab (*Portunus* spp.) from the Territory of the Republic of Indonesia, is actually due to The existence and availability of lobsters, crabs and crabs has decreased in population, so it is necessary to limit the catch of these three species. Regulations regarding catching lobster seeds have been regulated in the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 1/PERMEN-KP/2015. However, in its development, this regulation has also undergone updates. On December 23 2016, the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti issued Minister of Maritime Affairs and Fisheries Regulation (Permen KP) No.56/Permen-KP/2016 concerning the Prohibition of Catching and/or Exporting Lobsters, Crabs and Crab from Indonesia. However, this candy, which aims to protect the sustainability of lobsters, crabs and crabs, has actually become "bitter candy" for tens of thousands of fishermen on Lombok Island, West Nusa Tenggara (NTB). 35 Minister Susi Pudjiastuti said that previously lobsters in Indonesia were 6000-7000 tons. now 400 tons. Vietnam can now produce 4000 tons. Because the seeds come from Indonesia.

The provisions regarding catching lobster seeds according to the Minister of Maritime Affairs and Fisheries Regulation Number 1/PERMEN-KP/2015 are regulated as follows

Article 1 Number 1/PERMEN-KP/2016, states:

In this Ministerial Regulation what is meant by:

1. Everyone is an individual or corporation
2. Corporations are organized groups of people and/or assets, whether they are legal entities or non-legal entities
3. Minister is the Minister who administers government affairs in the fisheries sector.

4. Director General is the Director General who carries out technical duties in the field of capture fisheries.

Article 2 Number 1/PERMEN-KP/2016, states:

Everyone is prohibited from catching Lobsters (*Panulirus* spp.), Crabs (*Squilla* spp.), and Crab (*Portunus pelagicus* spp.) in spawning condition.

Article 3 Number 1/PERMEN-KP/2016, states:

(1) Lobsters (*Panulirus* spp.), Crabs (*Squilla* spp.), and Crab (*Portunus pelagicus* spp.) can be caught using the following sizes:

- a. Lobster (*Panulirus* spp.) with a carapace length of >8 cm (above eight centimeters)
- b. Crabs (*Squilla* spp.) with a carapace width of >15 cm (above fifteen centimeters); And
- c. Crab (*Portunus pelagicus* spp.) with a carapace width of >10 cm (above ten centimeters)

(2) Methods for measuring lobsters (*Panulirus* spp.), crabs (*Squilla* spp.) and crabs (*Portunus pelagicus* spp.) as stated in the attachment which is an inseparable part of this Ministerial Regulation.

Article 4 Number 1/PERMEN-KP/2016, states:

Everyone who catches Lobsters (*Panulirus* spp.), Crabs (*Squilla* spp.), and Crab (*Portunus pelagicus* spp.) must:

- a. Releasing Lobsters (*Panulirus* spp.), Crabs (*Squilla* spp.), and Crab (*Portunus pelagicus* spp.) in spawning condition as intended in Article 2 and/or with sizes that do not comply with the provisions as intended in article 3 paragraph (1) if still alive;
- b. Carrying out records of Lobsters (*Panulirus* spp.), Crabs (*Squilla* spp.), and Crab (*Portunus pelagicus* spp.) in egg-laying condition as intended in Article 2 and/or with sizes that do not comply with the provisions as intended in Article 3 paragraph (1) who are caught dead and report it to the Directorate General through the head of the base port as stated in the Fishing Permit.

Law has a very important role in social life, because law is not only a parameter for justice, order, peace and order, but also to guarantee legal certainty. Realizing the importance of the function of law for the life of society, nation and state, the government carries out development and guidance of all elements of the legal system. Legal development basically includes efforts to carry out reforms in nature that are directed at the formation of new laws that are needed in the development of society⁷.

Implementation of legal provisions in the fisheries sector is very important in order to develop fisheries well and sustainably. Implementation of Minister of Maritime Affairs and Fisheries Regulation No. 56 of 2016 concerning the prohibition on catching and releasing lobsters, crabs and crabs certainly has implications or impacts in its implementation. The legal implications of this ministerial regulation for fishermen can be seen from the restrictions on catching small crabs which must comply with the regulations in this regulation, namely a carapace width of more than 10 (ten) cm or a weight of more than 60 (sixty) grams. If there are crabs that do not comply with the regulations, they will be released. This release is a form of law enforcement of the applicable regulations and at the same time to provide guidance to service users regarding the importance of awareness of these regulations. With this release, it is hoped that the crab crab will be preserved, the ecosystem and the sustainability of natural resources. In principle, law enforcement must be able to provide benefits or utility for the community (in this case the fishing

⁷1 Made Wahyu Chandra Satriana, 2020, *Pembaharuan Hukum Pidana,, Suatu Konsep Kajian Kematian Yang Diinginkan (Euthansia)*, Udayana University Press, Denpasar, hlm. 19

community), but apart from that, the community also expects law enforcement to achieve justice. This is in line with one of the legal principles of fisheries resource management which is included in Law Number 31 of 2004 as amended by Law Number 45 of 2009 concerning Fisheries, namely that fisheries management must be able to provide the maximum benefits and advantages for increasing prosperity and welfare of the people and the Principle of Justice, where fisheries management must be able to provide equal opportunities and opportunities proportionally for all citizens without exception.

5. CONCLUSION

Regulations regarding the catching and management of fishery products, especially lobsters, have been regulated in Minister of Maritime Affairs and Fisheries Regulation number 12 of 2020 which prohibits catching lobsters in egg-laying condition and having a shell length of 6 cm, weight of 150 grams per head for sand lobsters and shell length of 8 cm, weight 200 grams per head for other types of lobster. . The implementation of the Minister of Maritime Affairs and Fisheries Regulation number 12 of 2020 concerning the management of lobsters, crabs and small crabs is currently of course the implementation of legal provisions in the fisheries sector which is very important in the context of good and sustainable fisheries development, as well as having implications or impacts in its implementation because it has not yet been implemented. the existence of clear sanctions and too frequent changes in these rules have resulted in a vacuum in norms. Meanwhile, criminal sanctions against violators of lobster fishing have not been regulated in Minister of Maritime Affairs and Fisheries Regulation number 12 of 2020, where violators of lobster fishing will only be subject to administrative sanctions. Law has a very important role in social life, because law is not only a parameter for justice, order, peace and order, but also to guarantee legal certainty. At the next level, the law is increasingly directed as a means of progress and welfare of society by providing criminal sanctions for violators who catch fisheries products. The sustainability aspect must be interpreted to mean that the resources we enjoy today must not be at the expense of the interests of future generations who also have the same rights to existing resources, both in quantity and quality. If the exploitation of lobster seeds continues, it is certain that the lobster life cycle will be interrupted. However, clear sanctions are not yet contained in this rule, which makes it less accurate for this rule to work properly.

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