

LAW ENFORCEMENT AGAINST DESTRUCTIVE FISHING IN INDONESIA: JUDICIAL REASONING AND ECOLOGICAL JUSTICE IN JUDGMENT No. 152/Pid.Sus-LH/2025/PN.Pya

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Abstract

Destructive fishing continues to pose a serious threat to Indonesia's marine ecosystems, yet judicial responses remain predominantly oriented toward criminal punishment rather than ecological restoration. This article examines how destructive fishing regulations are implemented through judicial reasoning and whether court decisions incorporate ecological justice as part of environmental law enforcement. This study employs a normative legal research method using statutory, conceptual, and case approaches to analyze Judgment No. 152/Pid.Sus-LH/2025/PN.Pya together with relevant fisheries and environmental legislation. The findings demonstrate that the judgment primarily reflects a conventional retributive model of criminal law enforcement by emphasizing imprisonment, fines, and the confiscation or destruction of evidence, while restorative obligations such as ecosystem rehabilitation, environmental recovery, and compensation for ecological damage are absent from the judicial order. These findings indicate that the implementation of destructive fishing regulations in judicial practice remains focused on formal legal compliance and deterrence rather than substantive ecological justice. This study contributes by proposing a responsive ecological law enforcement model that integrates criminal sanctions with ecosystem restoration, thereby encouraging courts to institutionalize environmental recovery as an essential component of judicial outcomes in destructive fishing cases.

Keywords: destructive fishing; ecological justice; environmental restoration; law enforcement; responsive law.

1. INTRODUCTION

All activities related to the management and utilization of fishery resources and their environment, including pre-production, production, processing, and marketing, are

included in the category of fisheries. These activities are carried out within the framework of the fisheries business system. Fishing in the high seas using conventional and modern techniques is mostly carried out by the local community.¹ In

¹ Djoko Tribawono, *Hukum Perikanan Indonesia* (Bandung: Citra Adiya Bakti, 2013).Hlm.26

accordance with the provisions of article 1 number 5 of Law Number 45 of 2009 which amends Law Number 31 of 2004 concerning Fisheries, fishing is defined as an individual or group activity that aims to catch fish in waters that are not under cultivation, using any tools or methods, including activities that involve vessels to load, transport, store, cool, processing, and/or preserving fish.²

Indonesia as a maritime country with very large waters has abundant marine resources, both in terms of biodiversity and economic value. Fish resources and marine ecosystems according to the constitution and fisheries regulations must be managed sustainably, as part of the state's obligation to ensure the prosperity and welfare of the people. Marine ecosystems are vital assets for human survival. However, in the midst of this great potential, destructive *fishing* practices still occur. These actions have the potential to cause significant damage, especially to the ability of aquatic environments to survive and remain healthy in the long term.³

Illegal fishing methods, especially the use of explosives, are currently a problem for Indonesian authorities. The term "*destructive fishing*" refers to fishing methods that use equipment or materials that have the potential to damage fish resources and the environment. The use of explosives, electric shocks, toxic

materials, and other fishing equipment that endanger maritime ecosystems are some examples of such practices. Destructive fishing is classified as follows in the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia 2019 Number 114/KEPMENKP/SJ/2019 concerning the National Action Plan for the monitoring and eradication of destructive fishing operations.⁴

1. *Destructive fishing* using explosives;
2. *Destructive fishing* using toxic materials;
3. *Destructive fishing* using stun material;
4. *Destructive fishing* uses Fishing Tools (APIs) that are prohibited from being used, namely *seine nets*, *trawls*, and traps.

Although Indonesian fisheries legislation has criminalized destructive fishing through Articles 84 and 85 of the Fisheries Law, the effectiveness of law enforcement cannot be measured solely by the successful prosecution and punishment of offenders. Contemporary environmental law has shifted toward an ecological justice paradigm, emphasizing that criminal sanctions should be accompanied by measures capable of restoring damaged ecosystems and protecting environmental sustainability. Consequently, judicial decisions should not merely function as instruments of deterrence but also as mechanisms to ensure

² Pasal 1 Angka 5 Undang-Undang Nomor 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan”.

³ Ika Yuliana Susilawati and Zahratul'ain Taufik, 'Pertanggungjawaban Pidana Pelaku Destructive Fishing

Di NTB (Studi Kasus Dan Pertimbangan Hakim)', *Jurnal Kompilasi Hukum*, 10.1 (2025), 147–59.

⁴ Kementerian Kelautan dan Perikanan Republik Indonesia, *Rencana Aksi Nasional Pengawasan Dan Penanggulangan Kegiatan Penangkapan Ikan Yang Merusak Tahun 2019-2023* (Indonesia, 2019).

environmental recovery and long-term ecological resilience.

Pollution and environmental damage not only affect people's lives today but will also endanger the sustainability of future generations. Therefore, both the community and the government have the right and obligation to preserve the environment. It is hoped that the community can actively participate in environmental protection and management.⁵ The use of explosives to catch fish is a practice that is highly damaging to the long-term health of fish populations and efforts to protect the marine environment. In addition to damaging coral reefs, the use of explosives disrupts the balance of fragile marine ecosystems, impacting the number of fish and various other marine creatures. The use of destructive fishing techniques, such as dynamite fishing, poses a serious threat to marine ecosystems, especially coral reefs. A multisectoral approach to addressing these behaviors should include strict law enforcement, community engagement, and the establishment of marine protected areas to promote sustainable fishing practices and protect marine biodiversity.⁶

Destructive fishing *practices* significantly damage the marine environment, reduce biodiversity, and disrupt the economic sustainability of coastal communities that

depend on fisheries. Destructive fishing practices harm ecosystems, food security, the seafood chain, and biodiversity, and cause financial losses. The decline in fish populations also has a direct impact on the local economy by increasing the cost of fishing operations and potentially causing poverty among fishermen. Destructive fishing techniques are recognized as one of the main forms of illegal fishing and have become a serious concern because they have a significant influence on the economy, ecology, resource sustainability, and even national security.⁷

Based on the 2024 performance assessment by the Ministry of Maritime Affairs and Fisheries, *destructive fishing* practices continue to be a significant obstacle in the effective management of marine and fishery resources. The use of chemicals, biological substances, explosives, or methods categorized as destructive fishing in fishing or aquaculture activities is considered a criminal offense under criminal law, which can result in the perpetrator being sentenced to prison. Articles 84 and 85 of Law No. 45 of 2009, which revise Law No. 31 of 2004 concerning Fisheries, explicitly define this, and will hereinafter be referred to as the Fisheries Law. Indonesia has taken the practice of *destructive fishing* seriously as an act that negatively impacts the sustainability of marine

⁵ Rina Rohayu Harun et al. 'Pencegahan Kerusakan Dan Pembalakan Hutan Berbasis Masyarakat Menuju Hutan Lestari Dan Kehidupan Berkelanjutan', *JCES (Journal of Character Education Society)*, 6.4 (2024), 785–796.

⁶ Kobul Syahrin Ritonga and others, 'Analisis Strategi Kolaboratif Pencegahan Destructive Fishing Di Wilayah

Nusa Tenggara Barat', *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 5.1 (2024), 185–199.

⁷ Novia Ayu Rizky and others, 'Maritime Security Strategy Against Illegal Fishing in Riau Indonesia', *International Journal Of Humanities Education And Social Sciences (IJHESS)*, 2.5 (2023), 1530–1538.

and coastal ecosystems, as evidenced by the criminal sanctions regulated in the law in question. Both coastal and marine habitats, both are considered highly dependent on marine ecosystems. However, the main sanction or priority sanction for those who carry out destructive *fishing* is the criminal sanction regulated in the Fisheries Law.⁸

Destructive fishing in Indonesia is caused by a variety of interconnected and complicated factors, most of which are carried out by small-scale coastal fishermen.⁹ As a case that has occurred in the sea waters of the Central Lombok region which is legally porous and has been tried at the Praya District Court, Central Lombok, in decision No. 152/Pid.Sus-LH/2025/PN. Pya, the perpetrator/defendant who carried out fishing activities by carrying and/or using fish bombs, was legitimate and convincing and has been proven to have committed the crime of *destructive fishing* and each perpetrator or defendant has been sentenced according to the verdict. The idea of criminal responsibility goes beyond the boundaries of the legal system, encompassing ethical ideas or standards of behavior accepted by a community or groups within it. This ensures that criminal liability is carried out fairly.

Judgment No. 152/Pid.Sus-LH/2025/PN.Pya represents an appropriate case study because it reflects the practical

implementation of fisheries criminal law in a destructive fishing case involving the use of fish bombs. Beyond determining criminal liability, the judgment provides an opportunity to evaluate whether Indonesian courts have incorporated ecological restoration into their legal reasoning. Accordingly, the decision serves as an important reference for assessing the extent to which environmental justice has been operationalized within fisheries law enforcement.

Previous studies have predominantly examined destructive fishing from the perspectives of criminal liability, fisheries law enforcement, and maritime security. Susilawati and Taufik (2025) focus on criminal responsibility for destructive fishing offenders, while Rizky et al. (2023) analyze illegal fishing from the standpoint of maritime security. Dao et al. (2023) emphasize community-based supervision as a preventive strategy against destructive fishing. Although these studies contribute significantly to understanding fisheries crimes, they pay limited attention to how courts implement fisheries regulations through judicial reasoning and whether judicial decisions incorporate ecological restoration as part of criminal justice. Consequently, the judicial dimension of ecological justice remains underexplored.

This gap becomes increasingly important following the enactment of environmental and

⁸ Zahratul Taufik and Ika Yuliana Susilawati, 'Praktik Destructive Fishing Dalam Perspektif Hukum Pidana Indonesia [Destructive Fishing Practices In The Perspective Of Indonesian Criminal Law]', *Gara*, 19.2 (2025), 754–59.

⁹ Yunias Dao et al. 'Penanggulangan Praktik Destructive Fishing Melalui Optimalisasi Pengawasan Berbasis Masyarakat: Sebuah Upaya Menjaga Keamanan Maritim', *Buletin Ilmiah Marina Sosial Ekonomi Kelautan Dan Perikanan*, 8.1 (2023), 163–72.

fisheries policies that recognize sustainable resource management as a constitutional obligation. Existing scholarship generally evaluates destructive fishing from regulatory or enforcement perspectives without critically assessing whether judicial outcomes adequately balance legal certainty, deterrence, and ecological restoration. As a result, there remains insufficient understanding of how judges translate environmental values into criminal judgments involving destructive fishing.

This article offers a different perspective by examining destructive fishing through the interaction between fisheries law enforcement, judicial reasoning, and ecological justice. Rather than merely assessing the legality of criminal sanctions, this research evaluates whether judicial decisions integrate restorative environmental measures into criminal adjudication. The novelty of this study lies in proposing a responsive–ecological law enforcement model that combines criminal punishment with ecosystem restoration as an integral component of judicial remedies.

Based on these considerations, this study aims to: (1) examine the legal framework governing destructive fishing in Indonesia; (2) analyze the implementation of destructive fishing regulations in Judgment No. 152/Pid.Sus-LH/2025/PN.Pya; (3) evaluate the extent to which judicial reasoning reflects ecological justice alongside criminal deterrence; and (4) formulate a responsive law enforcement model capable of integrating environmental restoration into judicial outcomes concerning

destructive fishing. Through these objectives, this research contributes to strengthening fisheries law enforcement by bridging the gap between positive law, judicial practice, and ecological sustainability.

II. RESEARCH METHODS

This research employs normative legal research (*doctrinal legal research*), which examines legal norms governing the enforcement of destructive fishing crimes in Indonesia through the analysis of statutory regulations, legal doctrines, judicial decisions, and scholarly literature. The study focuses on assessing the implementation of fisheries criminal law in judicial practice by examining the conformity between positive law and judicial reasoning in Judgment No. 152/Pid.Sus-LH/2025/PN.Pya, particularly concerning the application of criminal sanctions and the incorporation of ecological justice principles.

The research adopts three complementary approaches. First, the statutory approach is used to examine relevant legislation, including Law Number 31 of 2004 on Fisheries as amended by Law Number 45 of 2009, Law Number 32 of 2009 on Environmental Protection and Management, the Indonesian Criminal Code, and other implementing regulations governing fisheries crimes and environmental protection. Second, the conceptual approach is employed to analyze theories of law enforcement, ecological justice, responsive law, and sustainable fisheries management as analytical frameworks for evaluating judicial reasoning. Third, the case

approach is applied by conducting an in-depth analysis of Judgment No. 152/Pid.Sus-LH/2025/PN.Pya to identify how legal norms concerning destructive fishing are interpreted and implemented by the court.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutes, regulations, and judicial decisions relevant to destructive fishing offences. Secondary legal materials comprise books, peer-reviewed national and international journal articles, legal commentaries, and previous research discussing fisheries law, environmental law, ecological justice, and criminal law enforcement. Tertiary legal materials include legal dictionaries, encyclopedias, and official institutional publications that support the interpretation of legal concepts.

Legal materials were collected through library research using systematic document analysis. The collected materials were subsequently examined through qualitative legal analysis employing grammatical, systematic, and teleological interpretation. The analysis was conducted deductively by comparing statutory provisions with judicial reasoning in the selected judgment to evaluate whether the implementation of destructive fishing regulations has reflected not only legal certainty and deterrence but also the principles of

ecological justice and environmental restoration. This analytical framework enables the research to formulate recommendations for developing a more responsive model of fisheries law enforcement in Indonesia.

III. RESULTS AND DISCUSSION

3.1 Law Enforcement and Implementation of *Destructive Fishing Regulations* in Decision No. 152/Pid. Sus - LH/ 2025/ PN. Pya

The existence of Indonesia's positive law in tackling the crime of destructive *fishing* is rooted in the constitutional mandate of Article 33 paragraph (3) of the 1945 Constitution, which affirms that natural resources are controlled by the state for the greatest prosperity of the people.¹⁰ In the marine context, the principle of "prosperity" is not only interpreted extractively, but also includes aspects of sustainability.¹¹

The principle with legality is expressly mentioned in the consideration of the Criminal Code as can be read in letter a, which reads:

"That the state of the Republic of Indonesia is a state of law based on Pancasila and the 1945 Constitution which upholds human rights and which guarantees all citizens equal to their position in the law and government and is obliged to uphold the laws of the government without exception."¹²

The Government of the Republic of Indonesia makes regulations in order to provide

¹⁰ Undang-Undang Dasar 1945 Pasal 33 Ayat (3).

¹¹ Fahrul Azmi Lubis et al., 'Penegakan Hukum Tindak Pidana Perikanan Di Zona Ekonomi Eksklusif Indonesia (Studi Kasus Pada Kejaksaan Negeri Belawan

)', *IURIS STUDIA: Jurnal Kajian Hukum*, 6.1 (2025), 157–162.

¹² Undang-Undang Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana (KUHP).

punishment to anyone who catches fish with *destructive fishing* methods, especially fishing that undermines criminal law in the fishing industry, it is necessary to implement the law in real terms. In the fishing industry, criminal law protects fishery resources and related ecosystems and limits the exploitation of fishery potential. Legal regulation generally aims to prevent and provide a deterrent effect for those who commit crimes in the fishing industry, especially destructive fishing. Furthermore, it is emphasized in Article 85 which reads: "Every person who deliberately possesses, controls, carries, and/or uses fishing equipment and/or fishing aids that interfere with and damage the sustainability of fish resources on fishing vessels in the state management area of the Republic of Indonesia as referred to in article 9 shall be sentenced to a maximum of 5 years in prison and a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah)".¹³

Fishing activities carried out by the perpetrator or defendant are criminal acts of illegal fishing by carrying and/or using fish bombs, and other tools that can cause damage to coral reefs and other marine biota ecosystems. From a copy of the decision No. 152/Pid. Sus - LH/ 2025/ PN. The PYA that has been given by the Praya district court against the perpetrators of the crime of *destructive fishing*, in a copy of the contents of the verdict can be taken from witnesses submitted by the public prosecutor

(JPU) in the arrest process carried out by the NTB Regional Police Directorate, the witnesses explained that Witnesses with the KP member team. XXI-1002 Ditpolairud of the NTB Regional Police crew of ship 1002 carried out patrols around Tanjung An Beach, Kuta Village, Pujut District, Central Lombok Regency, West Nusa Tenggara, where at that time at 01.45 WITA we saw that there was 1 (one) unit of suspicious boat/boat that was stationary around the waters, then at that time we conducted an inspection of 1 (one) unit of the suspected boat/boat. From the arrest of the perpetrator, officers from the NTB Regional Police Directorate confiscated several pieces of evidence brought by the perpetrator as follows:

1. 4 (four) pieces of explosives/fish bombs that have been given a mixture of fertilizer with the size of a beer bottle;
2. 3 (three) pieces of explosives/fish bombs that have been assembled;
3. 10 (ten) Axes/Detonators;
4. 3 (three) Fish boxes measuring 350 kg;
5. 2 (two) Yellow hose rolls;
6. 4 (four) Dakor;
7. 2 (two) diving glasses;
8. 2 (two) flashlights;
9. 2 (two) pairs of Frog Shoes;
10. 4 (fruits) Fish arrows;
11. 11 (eleven) weights;

¹³ 'Undang-Undang Nomor 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan (UU Perikanan) Pasal 85.'

12. 3 (three) strawberries;
13. 5 (five) pieces of shrimp nets.

The evidence is the materials and tools used by the perpetrators in carrying out *destructive fishing actions*.¹⁴

In the decision of the district court, Central Lombok regency related to the perpetrators of *destructive fishing* as an effort to enforce the law against the practice of *destructive fishing* in the waters of Tanjung, Kuta village, Pujut district, Central Lombok regency. From the results of the trial conducted by the Praya district court against the perpetrators of *destructive fishing* by finding evidence brought by the *perpetrators of destructive fishing*, the judge gave verdict No. 152/Pid. Sus - LH/ 2025/ PN. Pya. The results of the verdict given to Defendant I **SALIHIN**, Defendant II **SUKRI**, Defendant III **SUDIRMAN** and Defendant IV **SAMSUL HADI** have been legally and convincingly proven guilty of committing the criminal act of those who committed, ordered to commit, and who participated in committing acts deliberately in the fisheries management area of the Republic of Indonesia, possessing, controlling, carrying and/or using equipment fishing gear and/or fishing aids on fishing vessels that are not in accordance with the specified size, fishing gear that does not comply with the requirements, or standards set for certain types of fishing gear and/or fishing equipment that are prohibited as per article 9 in violation of Article 85 Jo Article

9 letter C of Law Number 31 of 2004 concerning Fisheries which has been amended by Law Number 45 of 2009 as amended with Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law Jo Article 55 Paragraph (1) of the Criminal Code as in the Second Alternative Indictment of the Public Prosecutor;

1. Imposing a penalty on the Defendants in the form of imprisonment for 2 (two) years each reduced while the Defendants are in custody and a fine of Rp. 10,000,000.00 for 6 (six) months of confinement.
2. Stipulating that the period of detention that has been served by the Defendants is deducted entirely from the sentence imposed.
3. Ordered that the Defendants remain in custody.
4. Stipulating evidence in the form of:
 1. 4 (four) pieces of explosives/fish bombs that have been given a fertilizer mixture with the size of a beer bottle;
 2. 3 (three) pieces of explosives/fish bombs that have been assembled;
 3. 10 (ten) wicks/detonators;
 4. 3 (three) fish boxes measuring 350 kg;
 5. 2 (two) yellow hose rolls;
 6. 4 (four) dakor;
 7. 2 (two) diving glasses;

¹⁴ Mashuril Anwar, 'Kebijakan Hukum Pidana Dalam Penanggulangan Destructive Fishing Pada Rezim

Pembangunan Berkelanjutan', *Jurnal Hukum Samudra Keadilan*, 15.2 (2020), 237–250.

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8. 2 (two) flashlights;
9. 2 (two) pairs of frog shoes;
- a. 4 (empat) buah panah ikan;
1. 11 (eleven) weights;
2. 3 (three) strawberries;
3. 5 (five) shrimp nets;

Destroyed;

4. 1 (one) unit of motorboat with the name BAROKAH with blue features with a white upper hull and a red head front with a drive engine of 2 (two) engines of 15 Pk Yamaha Brand and 40 Pk Yamaha Brand engines;
5. 1 (one) Puma brand blue compressor;
6. 6 (six) jerry cans with a capacity of 35 (thirty-five) liters containing a total of 210 (two hundred and ten) liters of pertalite fuel;

Confiscated for the State;¹⁵

5. Charging the Defendants to pay case costs of Rp2,500.00 each (two thousand five hundred rupiah);

The judge in determining a decision is based on the law and makes it as a starting point in the trial process, not as an end point. A wise judge opens his eyes and understands the legal system in all its nuances, provisions, and basic principles. In the context of that framework, generally wise judges give interpretations of the text of the law in their decisions.¹⁶ This ruling is a tangible manifestation of the dominant law

enforcement paradigm, which can be analyzed as follows:

a) Formal Compliance with Autonomous Law:

The Decision shows the application of autonomous law in the typology of the 2015 nonet The judge strictly and procedurally applied the formulation of delicacy in Article 84 of Law No. 45/2009 to proven facts, namely the mastery and readiness to use fish bombs.

b) Dominance of Retributive and *Deterrence* Paradigm: Judges' considerations mainly focus on the aspects of unlawful acts and the purpose of deterrence. Although it is stated that the defendant's actions damage the ecosystem, further analysis of how the damage can be repaired is not in the verdict. A purely prison sentence is a form of purely retributive justice.

c) The Gap Between Law and Substantive Justice: This ruling succeeded in enforcing *law* enforcement but failed to fully realize *justice* in a substantive and multidimensional sense. Justice for the environment (damaged coral reef ecosystems) is not fulfilled because there is no recovery mechanism. The three pillars of social, economic, and environmental sustainable development are the focus of sanctions for those who engage in destructive fishing practices. The implementation of regulations in this decision

¹⁵ 'Putusan No 152/ Pid. Sus - LH/ 2025/ PN. Pya'.

¹⁶ Fikhan Sahidu et al., 'Analisis Yuridis Terhadap Proses Penetapan Status Tersangka Tindak Pidana

Korupsi', *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 5.3 (2024), 117–124.

shows a shift in the paradigm of judges from just a retributive pattern to ecological protection.

3.2 Implementation of Destructive Fishing Regulations in Decision No. 152/Pid. Sus - LH/ 2025/ PN. Pya

Decision Number 152/Pid. Sus - LH/ 2025/ PN. Pya is a tangible manifestation of Indonesia's positive application of the law against *destructive* fishing. Juridically, this decision is important because it reflects how abstract norms in the Fisheries Law were transformed into concrete norms by judges at the Praya District Court. *Destructive fishing regulations* in Decision No. 152/Pid. Sus - LH/ 2025/ PN. Pya showed a judicial commitment in protecting the waters from illegal practices. Although the law has been formally established through criminal imposition, its effectiveness in the long term still requires continuous monitoring and integration with non-penal policies. This decision is an important milestone for fisheries law enforcement in the West Nusa Tenggara region, as well as an evaluation material for the improvement of environmental criminal law policies in the future.¹⁷

Paradigm itself is a concept that forms a framework of thinking that functions to understand, interpret, and explain the reality

and/or problems faced.¹⁸ This ruling also highlights the importance of confiscating fishing gear and boats as a preventive measure. Looking at the cases that have occurred in Central Lombok, the government needs to take preventive measures before or after the occurrence of *destructive fishing actions* that occur in NTB in particular. The actions that need to be taken by the government are as follows:

a. Preventive Prevention

The preventive approach is the first line of defense in maintaining marine ecosystems with a focus on eliminating the potential for crime before material acts are committed. Juridically, this is realized through strengthening licensing regulations and standardization of environmentally friendly fishing gear. The state, through the Ministry of Maritime Affairs and Fisheries, is obliged to carry out strict supervision of the feasibility of vessels and fishing gear before issuing a Fishing Permit (SIPI), so that the loophole for the use of explosives or destructive fishing gear can be closed from the beginning at the port.¹⁹

The economic empowerment of fishermen is also a very crucial preventive instrument. Often, *destructive fishing* is fueled by poverty and limited access to legal but efficient fishing technologies. Through the provision of environmentally friendly fishing

¹⁷ Elvi Susanti Syam et al., "Disfungsi Pengawasan Dalam Eksekusi Putusan Pidana Dan Implikasinya Terhadap Kepastian Hukum," *Jurnal Untaq* 26, no. 2 (2025): 119–128.

¹⁸ S Nurjannah et al. 'Norm Characteristics Of Islamic Banking In Indonesia On Murabahah Instrument Towards', *Jurnal Ius*, 6.3 (2018), 353–361.

¹⁹ Muhammad Izzudinil Qowim et al., "Penegakan Hukum Di Wilayah Zona Ekonomi Eksklusif Indonesia Terhadap Tindakan Illegal Fishing," *Jurnal Studi Islam Dan Humaniora* 5, no. 2 (2025): 1222–1242.

gear assistance and microfinance schemes, the government can minimize the economic pressure that encourages fishermen to switch to instant but destructive methods. This prevention touches the root of sociological problems in coastal areas.

Strengthening local wisdom such as "Sasi" in Maluku or "Awig-awig" in Bali and Lombok is a very effective form of community-based prevention. Positive law must be able to adopt and legitimize these customary rules into the national legal system. This approach ensures that the ocean is guarded by the people who depend on it the most, creating a more efficient self-regulatory surveillance system and having strong moral legitimacy at the site level. One of the preventive measures is to actualize local wisdom as customary law that is still respected by the local community.²⁰

Socializing and educating coastal communities, especially fishermen, about the dangers of fishing using bombs and long-term and intergenerational socio-economic impacts. The police can coordinate and cooperate with agencies such as the fisheries and marine service or other related agencies to provide understanding to coastal communities as a form of prevention. The village police or KAMTIBMAS is the front line for the community to be able to be a means/access to the community in improving community knowledge so that the police are required to always develop

skills and knowledge in the fields of law, socio, economics and religion in carrying out their duties and functions. So that the community feels served, protected and protected and does not become a threat that grows in the hearts of the community.

b. Repressive Prevention

In the context of positive Indonesian law, this is realized through the process of investigation, investigation, and prosecution in the fisheries court. The use of prison instruments and high fines, as seen in Decision No. 152/Pid.Sus-LH/2025/PN Pya, aims to show that the state does not tolerate the destruction of marine biological resources.

Repressive law enforcement also includes the act of confiscation and confiscation of criminal assets (*asset forfeiture*). Fishing vessels, machinery, and equipment used in *destructive fishing* operations must be confiscated for the state or destroyed. This aims to cripple the economic capacity of the perpetrators and ensure that the same tools will not be reused to repeat crimes. The confiscation of these assets is an additional punishment that is often more feared by financiers or ship owners than prison sentences.²¹

In addition to targeting perpetrators in the field, a repressive approach must be directed at corporate accountability and intellectual *daddy* (financier). The practice of fish bombing is often supported by an organized network of explosives

²⁰ Yulias Erwin, 'Perlindungan Dan Pengelolaan Sumber Mata Air Masyarakat Mambalan Perspektif Hukum Kearifan Lokal', *Jatiswara*, 39.1 (2024), 83–94.

²¹ Robiyanoor, 'Analisa Penegakan Hukum Pidana Perikanan Di Indonesia', *PENARIK: Jurnal Ilmu Pertanian Dan Perikanan*, 01.01 (2024), 11–16.

providers and fish product containers. Law enforcement that only stops at small fishermen without touching the detonator or explosive fertilizer provider is considered to have failed to achieve the goal of overarching justice.

Against decision No. 152/pid. Sus-LH/2025/PN. It is clear that the law has been repressively enforced, because the perpetrators/defendants in the verdict have possessed, controlled, and brought destructive fishing gear such as bombs and other equipment that can damage the marine ecosystem, this is clearly prohibited by the Law and contained in the verdict as Article 85 Jo Article 9 letter C of Law Number 31 of 2004 concerning fisheries which has been amended by Law Number 45 of 2009 as stated in the judgment has been amended by Law Number 6 of 2022 concerning Job Creation to Law Jo Article 55 paragraph 1 of the Criminal Code, the verdict states that the perpetrators/defendants have been sentenced to 1 year each and a fine of Rp. 10,000,000.00 (ten million rupiah) and charge the defendants to pay case fees of Rp. 2,500.00 (two thousand five hundred thousand rupiah) each.

c. Progressive Prevention

In the case of *destructive fishing*, progressive law requires judges to not only be the mouthpiece of the law, but also to be the protector of marine ecosystems. Progressive law enforcement introduces the concept of "*In dubio pro natura*", which is the principle that if there is

doubt in the trial, the judge must decide in the interest of the environment. In *destructive fishing practices*, often physical evidence is lost in the sea, but the damage to ecosystems is very real. Progressive judges will use evidence, instruction and expert testimony more broadly to ensure that perpetrators of environmental destruction continue to receive appropriate sanctions despite limited material evidence.²²

Progressive law also encourages cross-sectoral collaboration that eliminates sectoral egos between the Indonesian Navy, Polairud, and PSDKP. Law enforcement should not be hampered by jurisdictional issues or administrative limitations. Under the progressive legal umbrella, all maritime law enforcement agencies are seen as a unified criminal justice system with a single goal: to safeguard Indonesia's maritime sovereignty from the threat of ecological destruction.

d. Prevention Responsively

The responsive approach focuses on the speed and accuracy of the country's reaction to the dynamics and public reports of *destructive fishing practices*. Responsive law is a law that listens and is able to adapt to people's needs for environmental security. This is realized through an integrated public *whistleblowing system* and the marine patrol's quick response to complaints of illegal or destructive fishing activities. In the responsive dimension, public information disclosure regarding the handling of fisheries

²² Subarkah, 'Implementasi Hukum Progresif Dalam Pembangunan Berkelanjutan Ekologis', *Jurnal Yudisial*, 8.3 (2016), 289–306.

cases is very important. The public needs to know that their reports are followed up to the green table. This creates public trust in law enforcement institutions. If the state is responsive to community reports in fishing villages, then the community will feel that they have a role in the marine surveillance system and will not hesitate to be witnesses in the trial.²³

When a destructive fishing *perpetrator* is arrested, responsive law enforcement will immediately coordinate with marine experts to assess the extent of the damage and take emergency measures to prevent further environmental damage. This rapid response is not only repressive to the perpetrators, but also responsive to marine biological conditions affected by explosions or poisons. Regulations regarding *destructive fishing* in Indonesia are also inseparable from the discourse between the approach of legal certainty and substantive justice. Although regulations have imposed severe criminal sanctions, sociological challenges on the ground often pit law enforcement officials against small-scale fishermen who are pressed by economic factors. The success of law enforcement at sea is determined by the alignment between the substance of the rules, the integrity of law enforcement, and the legal awareness of coastal communities. Therefore, the discussion in this thesis will review the extent to which court decisions are able to bridge the gap between

written legal norms (*law in books*) and the reality of law enforcement in court (*law in action*).

3.3 Judicial Reasoning in Applying Destructive Fishing Regulations

The judicial reasoning reflected in Judgment No. 152/Pid.Sus-LH/2025/PN.Pya demonstrates that the court primarily adopted a positivistic approach by focusing on the fulfillment of statutory elements under Articles 84 and 85 of the Fisheries Law. The judgment emphasizes the defendant's criminal responsibility through imprisonment, fines, and confiscation of evidence. Such reasoning fulfills the principles of legality and legal certainty, yet it remains predominantly retributive in nature.

From the perspective of ecological justice, however, criminal punishment alone is insufficient to respond to environmental crimes whose consequences extend beyond individual victims. The ecological damage caused by fish bombing affects coral reefs, marine biodiversity, and the sustainability of coastal communities. Therefore, judicial reasoning should extend beyond determining criminal liability to include environmental restoration as an integral component of judicial remedies. The absence of restorative obligations in the judgment illustrates that ecological considerations have not yet become a decisive factor in fisheries criminal adjudication.

Based on the findings of this research, the implementation of destructive fishing

²³ Ellisha Putri et al., "Kontribusi Masyarakat Terhadap Penegakan Hukum Lingkungan Berdasarkan

UU No . 32 Tahun 2009," *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik* 2, no. 1 (2025): hlm. 256–264. *Jurnal Ilmiah "Advokasi"* Vol. 14, No. 02, July, 2026

regulations should move toward a responsive ecological law enforcement model consisting of four interconnected elements:

- (1) effective criminal prosecution to ensure legal certainty;
- (2) environmental restoration orders as part of judicial remedies;
- (3) compensation for ecological losses suffered by affected communities; and
- (4) integrated supervision involving fisheries authorities, environmental agencies, and coastal communities.

Such a model enables criminal justice to function not merely as an instrument of punishment but also as a mechanism for restoring ecological balance and promoting sustainable fisheries management.

This research contributes theoretically by integrating ecological justice into the discourse on fisheries criminal law enforcement. It also contributes practically by proposing a judicial model that combines criminal sanctions with environmental restoration, thereby strengthening the implementation of sustainable fisheries governance in Indonesia.

IV. CONCLUSION

This study concludes that the implementation of destructive fishing regulations in Judgment No. 152/Pid.Sus-LH/2025/PN.Pya demonstrates that Indonesian fisheries criminal law has been enforced in accordance with the formal requirements of the Fisheries Law, particularly through the imposition of imprisonment, fines, and the

confiscation or destruction of evidence. From the perspective of legal certainty, the judgment reflects the consistent application of statutory provisions in determining criminal liability for destructive fishing offences. Nevertheless, the judicial reasoning remains predominantly retributive, emphasizing punishment as the principal response to fisheries crimes.

The findings further reveal that such an approach has not fully accommodated the principles of ecological justice, as the judgment does not incorporate environmental restoration, rehabilitation of damaged marine ecosystems, or compensation for ecological losses as integral components of criminal sanctions. Consequently, while the decision achieves procedural justice through the enforcement of criminal liability, it has yet to realize substantive justice aimed at restoring ecological balance and protecting marine sustainability.

This research contributes to the development of fisheries law by demonstrating that effective enforcement of destructive fishing regulations requires a paradigm shift from conventional punishment-oriented criminal justice toward a responsive ecological law enforcement model. Such a model should integrate criminal sanctions with restoration orders, ecological compensation, and coordinated environmental supervision, thereby ensuring that judicial decisions function not only as instruments of deterrence but also as mechanisms for achieving sustainable marine resource management.

Accordingly, future reform of Indonesian fisheries law should strengthen the authority of courts to order environmental rehabilitation, establish clearer mechanisms for ecological compensation, and promote institutional coordination among fisheries authorities, environmental agencies, prosecutors, and local communities. These measures are expected to reinforce legal certainty while simultaneously advancing ecological justice and the long-term sustainability of Indonesia's marine ecosystems.

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