

Reconstructing a Model of Judicial Sentencing Guidelines Based on Ecological Justice for Lobster Seed Smuggling in Indonesia

Eko Whisnu Setiawan^{1*}, Irene Eka Sihombing²,

¹ Doctoral Student at Faculty of Law, Universitas Trisakti, Jakarta, Indonesia

² Faculty of Law, Universitas Trisakti, Jakarta, Indonesia

*Corresponding Author: whisnuthe@gmail.com

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ABSTRACT

Smuggling of Lobster Seedlings (BBL) in Indonesia poses significant threats to marine resource sustainability, causes substantial economic losses, and disrupts coastal ecosystem balance. Although Indonesia has established legal frameworks through the Fisheries Law, Customs Law, and Quarantine Law, the regulation of BBL smuggling has not fully achieved ecological justice because it primarily focuses on administrative and customs violations rather than ecological harm. Consequently, sentencing practices often fail to reflect the seriousness of environmental threats and provide limited deterrence, particularly against organized criminal networks. This study aims to: (1) examine why current regulations on BBL smuggling have not realized ecological justice; (2) analyze why sentencing practices against offenders remain inconsistent with ecological justice principles; and (3) formulate an ecological justice-based sentencing guideline for judges. Using a qualitative-empirical legal approach, this research analyzes legislation, legal doctrines, court decisions, and interview findings. The study reveals that Article 88 in conjunction with Article 16 of the Fisheries Law does not explicitly recognize ecological damage as a sentencing consideration, resulting in sanctions that focus mainly on formal legality and economic losses. To address this gap, the study proposes an Ecological Sentencing Guideline through the introduction of Article 88A, which incorporates ecological harm, offender culpability, economic losses, organized crime involvement, and environmental restoration requirements into sentencing decisions. This model aims to strengthen legal consistency, reduce sentencing disparities, and enhance the protection of marine resource sustainability.

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1. Introduction

Indonesia is an archipelagic country that has the characteristics of the archipelago, where its territory is determined by its boundaries and rights in accordance with the provisions listed in Article 25A of the Constitution of the Republic of Indonesia of 1945. Indonesia's coastal area includes waters and seas that cover an area of almost 3 million km². Indonesia's Exclusive Economic Zone is located between the Pacific Ocean and the Indian Ocean. The sea is an area completely surrounded by water, which results in only a few ecosystems that can be found in it, although the ocean holds a variety of abundant natural resources¹.

Marine natural resources in Indonesia are one of the largest natural resources in the world, making its sea area the most extensive. Almost all resources found in the sea can be renewed and managed properly. What is meant by these natural resources is resources that can multiply and have a very abundant quantity. This shows how important it is to manage marine natural resources wisely for the sake of sustainability and community welfare.

Indonesia has a huge wealth of marine resources, with around 8,500 species of fish, 555 species of seaweed, and 950 species of coral reef biota, or about 37% of the world's total fish species². This potential has high economic value and should be used for the greatest possible prosperity of the people as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. However, this wealth is also vulnerable to fisheries crimes, especially the smuggling of high-value commodities such as clear lobster seeds (BBL). Although various regulations have been established to prevent illegal fishing practices, law enforcement still tends to be oriented towards administrative and licensing violations. In fact, Article 88 jo. Article 16 of the Fisheries Law emphasizes the importance of protecting and sustaining fish resources and the aquatic environment. However, the regulation has not fully integrated the aspect of ecological damage as the basis for criminal law enforcement, so that the protection of the sustainability of Indonesia's marine resources has not been optimally implemented.

The relationship between Article 88 and Article 16 shows that there is a legal construction that places the protection of fish resources as a legal interest that must be maintained by the state, society, and fisheries business actors. Therefore, the smuggling of clear lobster seeds cannot be seen solely as an administrative violation due to the absence of a business license or licensing document, but as a form of violating the illegal expenditure of BBL that has the potential to damage the fish resource regeneration system protected by law.

The crime of smuggling lobster clear seeds is also related to the customs law regime, especially if the activity is carried out through illegal export routes. Law Number 17 of 2006 concerning Customs regulates the prohibition of smuggling of goods in the export sector as reflected in the provisions of Article 102A.

in securing trade and the state's fiscal interests, so that the dimension of ecological damage due to the exploitation of fish resources has not been the main consideration in imposing criminal penalties. This condition creates a gap between the protection of natural resources as ecological interests and criminal practices that still focus on aspects of administrative and economic violations alone. As a result, the criminal sanctions imposed on the perpetrators of BBL smuggling have not fully reflected the level of ecological losses caused.

Lobster is one of the leading commodities with high economic value, so it is often a target for fishermen. With the ban on lobster fishing and production, it is hoped that this policy can change the perception and increase the awareness of all parties involved in the lobster fishing industry, especially fishermen, about the importance of maintaining the sustainability of this

¹ Scott, D. (2019). Indonesia grapples with the Indo-Pacific: Outreach, strategic discourse, and diplomacy. *Journal of Current Southeast Asian Affairs*, 38(2), 194–217. <https://doi.org/10.1177/1868103419860669>

² Duha, J., & Saputro, G. E. (2022). Blue economy Indonesia to increase national income through the Indian Ocean Rim Association (IORA) in the order to empower the world maritime axis and strengthen state defense. *JMKSP (Jurnal Manajemen, Kepemimpinan, dan Supervisi Pendidikan)*, 7(2), 514–527. <https://doi.org/10.31851/jmksp.v7i2.6887>

resource.³ Lobster, both in terms of seed size and consumption size, is a fishery commodity that has high economic value and still comes from fishing activities. Ineffective control of lobster populations or overfishing has led to a decrease in productivity in aquatic resources and has an impact on renewable resources. Management based on the principle of sustainability is expected to increase opportunities for broodstock breeding, maintain a sufficient number of broodstock in each region, and improve their habitat, so as to increase sustainability and catch yields.⁴

The exploitation of clear lobster seeds causes significant ecological losses, but this damage has not been used as a basis for criminal charges in the fisheries law regime, so smuggling continues to occur without an adequate deterrent effect. The Ministry of Maritime Affairs and Fisheries (Ministry KP) has again taken steps to open opportunities for the export of clear lobster seeds (BBL) in March 2024. This policy is opened but with certain conditions, as an effort to maintain the sustainability of natural resources and ensure responsible export practices⁵. This policy is the second time it has been implemented and aims to provide wider export opportunities for the fisheries sector. With this policy, it is hoped that the welfare of fishermen can be improved through the determination of the right Highest Retail Price (HET), so that it can have a positive impact on their income. In addition, this policy is expected to be able to generate significant state revenue, with the potential to reach up to IDR 900 billion.⁶

Based on the regulation, it is regulated that lobster cultivation can be carried out abroad with various mechanisms, including the submission of seed production permits according to quotas to foreign partners. The Minister of Maritime Affairs and Fisheries explained that the opening of exports this time was due to the difficulty of tackling illegal trade and smuggling of lobster seeds, especially to Vietnam, even though the prohibition policy has been implemented several times. In addition, through the Regulation of the Minister of Maritime Affairs and Fisheries Number 7 of 2024, Indonesia seeks to open up opportunities for investment in lobster farming, increase state revenue, take advantage of technology transfer, and improve the welfare of fishermen. Ironically, shortly after the opening of exports, cases of lobster seed smuggling occurred again in several Indonesian waters. With the opening of lobster seed exports, it is important to emphasize the need for strict law enforcement against smuggling practices that are still rampant.

Lobster seeds, both small and ready for consumption, are fishery commodities that have high economic value. As a result, overfishing of lobsters occurs, resulting in a decrease in the productivity of renewable resources in the sea. This decline is also caused by a lack of supervision of lobster development and growth, as well as inconsistency in law enforcement.⁷

Challenges in applying these principles often arise in practice, especially due to time constraints in supervising the development and growth of lobsters, which tend to be slow. In addition, there are also challenges related to regulations such as law enforcement that can hinder these efforts. The law enforcement process is an important step to make various legal norms a reality. In this process, the involvement of law enforcement officials is crucial, as they play a role in determining how law enforcement can be implemented. Effective law

³ Furqan, Tri Wiji Nurani, Eko Sri Wiyono, and Deni Achmad Soeboer, "Fishermen's Level of Understanding Related to the Policy of Prohibiting the Fishing of Panulirus spp. Lobster Seeds in Palabuhanratu", *Albacore Journal* Volume I, No 3, October 2017: 297-308, p. 298. doi: <https://doi.org/10.29244/core.1.3.297-308>

⁴ H. Ronaldo Munthe dan Endang Prasteyawati, "Siapa Dipasarkan Keluar Negeri", hlm. 32

⁵ Seakamela, S. M. (2025). *The effect and conservation implications of the re-establishment of a Cape fur seal *Arctocephalus pusillus pusillus* breeding colony at Vondeling Island, Saldanha Bay* (Master's thesis, University of Cape Town). <http://hdl.handle.net/11427/42666>

⁶ Masyithah Aulia Adhiem, "Polemic of the Reopening of Lobster Seed Exports", *Brief Info: A Brief Study of Actual and Strategic Issues Vol . XVI*, No. 10/II/Pusaka, May 2024: 11-15, p. 11

⁷ Iqbal Septiaji Handoyo, Tsania Nurul Azkia, dan Riska Andi Fitriyono, "Faktor Kriminogen Dalam Kasus Penyelundupan Benih Lobster", *Jurnal Gema Keadilan* Volume 8 Edisi II, Juli-September 2021, hlm. 3. doi: <https://doi.org/10.32661/resam.v7i2.59>

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enforcement needs to pay attention to various interests in society, including the interests of the public, groups, and individuals.⁸

There are examples of cases regarding the smuggling of clear lobster seeds, such as the case that occurred in Lampung on October 12, 2024. In this incident, the Directorate of Maritime Police (Ditpolair) of the Baharkam Police Corps succeeded in thwarting an attempt to deliver 100,000 illegal clear lobster seeds (BBL) which was planned to be brought to Jambi. Officers stopped a vehicle on Jalan Desa Kresno Widodo, Tegineneng District, Pesawaran Regency, and found 20 styrofoam boxes containing BBL. The suspect was charged with a threat of imprisonment of up to 8 years and a maximum fine of IDR 1.5 billion.⁹

There are other examples of cases regarding the smuggling of clear lobster seeds, such as the case that occurred at Soekarno-Hatta Airport, Tangerang, Banten, on May 31, 2025. In this case, Soetta Airport Police officers arrested 7 suspects related to an attempt to smuggle lobster seeds illegally through the airport cargo area. Evidence in the form of 171,880 sand and pearl lobster seeds was found in four boxes (koli) packed in plastic bags filled with oxygen, then put in suitcases, repackaged using cardboard and cloth. The plan is that the lobster seeds will be sent to Batam, Riau Islands, before allegedly being exported abroad. The perpetrators carried out this smuggling to reap economic benefits. Based on calculations, the value of the confiscated lobster seeds reached around IDR 9.2 billion, assuming a selling price of IDR 54,000 per head.¹⁰

Challenges in applying these principles often arise in practice, especially due to time constraints in supervising the development and growth of lobsters, which tend to be slow. In addition, there are also challenges related to regulations such as law enforcement that can hinder these efforts. The law enforcement process is an important step to make various legal norms a reality. In this process, the involvement of law enforcement officials is crucial, as they play a role in determining how law enforcement can be implemented. Effective law enforcement needs to pay attention to various interests in society, including the interests of the public, groups, and individuals.¹¹

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⁸ Zainab Ompu Jainah, "Law Enforcement in Society", *Journal of Rural and Development* Vol. III No. 2, August 2012:165-172, p. 165

⁹ Tempo.co, <https://www.tempo.co/hukum/penyelundupan-100-ribu-benih-bening-lobster-di-lampung-digagalkan-polisi-sopir-jadi-tersangka-408077>, accessed July 11, 2025.

¹⁰ Detiknews, <https://news.detik.com/berita/d-7961955/terbongkar-penyelundupan-benih-lobster-via-soetta-senilai-rp-9-2-miliar>, diakses pada tanggal 11 Juli 2025.

¹¹ Zainab Ompu Jainah, "Law Enforcement in Society", *Journal of Rural and Development* Vol. III No. 2, August 2012:165-172, p. 165

¹² Tempo.co, <https://www.tempo.co/hukum/penyelundupan-100-ribu-benih-bening-lobster-di-lampung-digagalkan-polisi-sopir-jadi-tersangka-408077>, accessed July 11, 2025.

Lobster regulations in various other jurisdictions also show variations both in technical arrangements and in the granting of sanctions. In the Atlantic region (Maine, Gulf of Maine, Eastern United States), lobster fishing regulations are regulated through *Magnuson-Stevens Fishery Conservation and Management Act (MSA)* dan *Atlantic Coastal Fisheries Cooperative Management Act*, including *Amendment 3* of 1999 which expanded the monitoring area to 20 nautical miles from the coast. This regulation not only regulates the division of fishing areas (strict Area 1 and looser Area 3), but also sets limits on the size of lobsters as well as the fishing season. Violations of these rules can lead to administrative sanctions in the form of revocation of permits, to civil and criminal sanctions for serious violations such as illegal fishing that threatens the sustainability of lobster stocks.¹³

Meanwhile, in Alaska, the regulation of lobster, crab, and crab is governed by federal law through the *Magnuson-Stevens Act* and state law by the *Board of Fisheries*. The rules in place are very detailed, including the fishing season, the minimum size of male crabs that can be caught, the prohibition of capturing females laying eggs, the number of traps (*pot limits*), and the obligation to mark fishing gear.¹⁴ A comparison of the various fisheries law regimes in Japan, the Atlantic United States, and Alaska shows that each jurisdiction has different regulatory and sanction models, but they all face challenges in preventing illegal fishing and trafficking. This condition is also relevant for the country of Indonesia which has the potential for abundant marine resources.

Therefore, this smuggling needs to be dealt with with effective measures so that it does not spread further. The lack of firmness in law enforcement provides an opportunity for irresponsible individuals or groups to illegally smuggle lobster seeds. This situation is exacerbated by the nature of the seafood business that is considered profitable, which makes this illegal trade practice seem easier to do.¹⁵ The main problem lies in the current criminal provisions that do not regulate the criminal burden proportionally based on the level of ecological losses caused, so that the sanctions imposed have not been able to provide an adequate deterrent effect. The absence of these norms implies that there are no guidelines for judges in determining the severity of the crime objectively, so that the verdicts handed down have the potential to not provide an optimal deterrent effect and do not reflect ecological justice.

After the reopening of the BBL export tap, the authorities found a case of smuggling of clear lobster seeds. A joint team consisting of the Indonesian Navy, the Indonesian National Police, and the Marine Resources and Fisheries Surveillance Unit (PSDKP) has successfully thwarted several attempts to smuggle BBL in various locations in Indonesian waters. This situation demonstrates the challenges faced in managing marine resources sustainably, as well as the need for stricter supervision to ensure that this export policy is not abused.¹⁶

This situation requires concrete measures, including the imposition of punishment for smugglers. As a country that prioritizes the rule of law, firm, precise, and consistent steps are needed in upholding law and justice to achieve public security and welfare.¹⁷ In the context of the crime of smuggling lobster clear seeds, law enforcement is a significant challenge for the government and the community. This smuggling not only harms the country's economy, but also threatens the sustainability of marine resources. To deal with this problem, it is necessary to implement various measures and methods, ranging from persuasive approaches to more decisive actions. With a holistic approach, it is hoped that law enforcement can be more effective in eradicating this illegal practice, while protecting existing fishery resources.

¹³ Terty Boardman, "New Lobster Regulations Do Not Violate Atlantic Coastal Act," *Sea Grant Law Fellow Publications*, Volume 3 No. 1, April 2004, hlm. 11-12

¹⁴ Illesky, Andrew, "Fixing the Last Frontier: How Law and Policy Governing Commercial Fishing Have Failed Alaska's Environment and Economy," *ONE J*, Volume 10 No. 2, 2024, hlm. 271-272

¹⁵ *Ibid*

¹⁶ Masyithah Aulia Adhiem, *op.cit.*, p. 12.

¹⁷ Soufnir Chibro, *The Influence of Smuggling Crimes on Development*, (Jakarta: Sinar Grafika, 1992), p. 76.

Stricter law enforcement will not only provide a deterrent effect,¹⁸ but also demonstrate the government's commitment to protecting marine resources and preserving lobster species. In addition, this step can help create a better investment climate in the fisheries sector, as well as encourage sustainable aquaculture practices. Thus, effective law enforcement and the imposition of penalties for violators are expected to contribute to efforts to conserve and sustain fishery resources in Indonesia. Ecological justice is an effort to achieve environmental justice that can be enjoyed by various generations. This effort aims to protect future generations from the threats and impacts of crises and environmental damage, so that they can have a better life¹⁹.

The realization of Ecological Justice is a necessity in the equitable allocation and distribution of social and environmental (natural) resources that take place from the local, national to global levels.²⁰ Effective enforcement of environmental laws can play an important role in increasing people's legal awareness, so that they are more compliant with applicable regulations. High legal awareness among the public can reduce these illegal practices, as they will better understand the negative impact of smuggling on marine ecosystems and local economies.²¹ In the perspective of ecological justice, the destruction of natural resources is not only seen as a loss to the country's economy, but also as an ecological loss that has an impact on the sustainability of the ecosystem and the rights of future generations. Therefore, the criminalization of perpetrators of lobster seed smuggling should consider the level of ecological damage as the basis for criminal charges.

The Ministry of Maritime Affairs and Fisheries (KKP) noted that state losses due to the smuggling of Clear Lobster Seeds (BBL) during the period from January to September 2024 reached IDR 260 billion. In addition, the practice of fish theft or *illegal fishing* also caused losses of IDR 3.2 trillion, so that the total state losses due to illegal activities in the marine sector reached around IDR 3.4 trillion. This figure reflects the great potential of Indonesia's marine resources as well as shows its vulnerability to exploitation and illegal trade.²²

In the Indonesian criminal law system, the concept of criminal grounds has actually been known in the Criminal Code (KUHP), both in the form of aggravation due to certain circumstances and consequences arising from criminal acts. However, the Fisheries Law has not specifically regulated the reasons for criminal aggravation based on ecological losses, so judges do not have a normative basis to impose the maximum penalty even though the ecological impact is very large.

Sentencing for the smuggling of lobster clear seeds can be implemented through an approach that is in line with the principles of ecological justice, taking into account the environmental and social impacts of such acts. Increasing prison sentences for smugglers is an important step, especially when their actions have a significant impact on lobster populations and marine ecosystems, to provide a deterrent effect. Appropriate punishment has the potential to provide a significant deterrent effect for the perpetrator so that the perpetrator will not repeat his actions in the future when he has completed his sentence.²³

The imposition of higher fines needs to be considered by taking into account the economic value of smuggled lobster seeds as well as the ecological losses caused. The imposition of significant fines not only serves as a punishment, but can also be allocated to

¹⁸ Anika Ni'matun Nisaa and Suharno, "Law Enforcement on Environmental Problems to Realize Sustainable Development (Case Study of Forest Fires in Indonesia)", *Journal of Bina Mulia Hukum* Volume 4, Number 2, March 2020: 294-312, p. 300. doi: <http://dx.doi.org/10.23920/jbmh.v4i2.337>

¹⁹ Hiskes, R. P. (2009). *The human right to a green future: Environmental rights and intergenerational justice*. Cambridge university press.

²⁰ Jauhari Arman, "The Effect of Sea Sand Sedimentation Export Permit Policy on Ecological Justice on the Welfare of Coastal Communities", *National Conference on Law Studies (NCOLS)*. Vol. 5. No. 1. 2023: 68-86, p. 69.

²¹ *Ibid.*

²² Merdeka.com, <https://www.merdeka.com/uang/negara-rugi-rp34-triliun-akibat-penangkapan-ikan-ilegal-dan-penyelundupan-ekspor-benih-lobster-194091-mvk.html?page=2>, accessed July 14, 2025.

²³ Sa'diyah Nur Khabibatus, et al, "Pertanggungjawaban Pidana Terhadap Pelaku Judi Online di Indonesia", *Gorontalo Law Review*, Vol. 5, No.1, (2022): 160-166, pp.161

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support conservation programs, such as lobster *restocking*, strengthening surveillance, and restoration of marine ecosystems. The imposition of larger fines would affirm the position of national law in making the protection of marine resources a strategic priority. This practice is in line with international standards, as applied in Japan, which have established high fines as an important instrument in maintaining the sustainability of fishery resources.

For offenders involved in repeated smuggling, the revocation of business licenses in the fisheries sector is an effective step to enforce compliance. Naturally, perpetrators also need to be involved in environmental rehabilitation programs or public education about the importance of conservation, which can help build social awareness and responsibility. The integration of environmental impact assessment in the legal process, where each case of smuggling is analyzed to assess the damage caused, is indispensable to influence sentencing decisions. The study uses normative research methods combined with empirical with a socio-legal approach. Socio-legal studies are not entirely new studies, but rather an interdisciplinary approach that combines legal and social sciences to explain legal issues theoretically while understanding how the law works in the practice of people's daily lives.²⁴

Based on various problems in the regulation and practice of law enforcement against the crime of smuggling clear lobster seeds (BBL), a criminal guideline model is needed that is able to integrate the principles of ecological justice into the judge's consideration. The development of this model can be carried out through the establishment of criminal grounds norms in the Fisheries Law that explicitly consider the ecological impact caused by BBL smuggling. The presence of ecological justice-based criminal guidelines is expected to be a basis for judges to impose sanctions that are more proportionate, effective, and have optimal deterrence against crimes that threaten the sustainability of fishery resources and the balance of marine ecosystems.

Berdasarkan uraian tersebut, penelitian ini difokuskan pada pengkajian model pedoman pemidanaan hakim terhadap tindak pidana penyelundupan benih bening lobster dalam perspektif keadilan ekologis. Adapun permasalahan yang dikaji meliputi: mengapa pengaturan tindak pidana penyelundupan BBL yang berlaku saat ini belum mampu mewujudkan keadilan ekologis; mengapa praktik pemidanaan terhadap pelaku penyelundupan BBL belum mencerminkan prinsip keadilan ekologis; serta bagaimana rekonstruksi model pedoman pemidanaan hakim terhadap pelaku penyelundupan BBL yang berbasis keadilan ekologis dapat dikembangkan dalam sistem hukum Indonesia.

2. Research Method

The research method used in this study is normative legal research with a conceptual approach, a statute approach, and a case approach. The legislative approach is used to analyze various legal instruments that regulate fisheries crimes, especially the smuggling of lobster clear seeds, both contained in the Fisheries Law and other related regulations. The conceptual approach is used to examine criminal theory, ecological justice, and natural resource protection as a basis for formulating a criminal guideline model that is more oriented towards environmental sustainability.

This research uses primary legal materials consisting of laws and regulations, court decisions related to the crime of smuggling lobster clear seeds, and legal instruments related to the protection of the environment and fishery resources. In addition, secondary legal materials are used in the form of books, journal articles, research results, and policy documents that are relevant to ecological justice and environmental justice issues. The collection of legal materials is carried out through library research by examining various legal sources that have relevance to research problems.

The analysis of legal materials was carried out qualitatively using descriptive-analytical and prescriptive methods. Descriptive analysis was used to identify weaknesses in the current

²⁴ Adriaan W. Bedner et al, *Socio-Legal Studies: Series of Elements of the Preparation of the Building of the Legal State*, (Bali: Pustaka Larasan, 2012), p. 1.

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legal arrangements and criminal practices against perpetrators of lobster clear seed smuggling. Furthermore, prescriptive analysis was used to formulate a reconstruction of the judge's sentencing guidelines model that integrates the principles of ecological justice as a basis for consideration in criminal sentencing. Through this approach, this research is expected to be able to produce legal policy formulations that can strengthen the protection of fishery resources and encourage the creation of a fairer, more effective, and sustainable criminal justice system.

3. Result and Discussion

3.1 Criminalization of Lobster Clear Seed Smuggling as the Basis for the Formulation of Judges' Guidelines Based on Ecological Justice

The state of law is one of the fundamental concepts in the study of law and constitutional law that places law as the main basis in the administration of state power.²⁵ In a theoretical framework, the state of law is understood as a form of power organization in which all actions of state administrators must be sourced and limited by law, not by the will of power alone.²⁶ This concept was born as an antithesis to the state of power (*machtsstaat*), which places power as a tool of domination without clear normative limits. Therefore, the administration of life in the state of law must be based on justice, including justice in the field of ecology.

Ecological justice is a concept that places the environment as a legal interest that must be protected independently in the legal system. In this perspective, environmental damage is not only understood as an economic loss, but also as an ecological loss that has a wide impact on the balance of ecosystems, public health, and the survival of current and future generations. These losses can be in the form of loss of environmental function, declining quality of natural resources, damage to biodiversity, to increased risk of disasters that pose long-term social and economic costs. Due to their cumulative, cross-sectoral, and often irreversible nature, ecological losses require a more comprehensive legal approach than conventional losses that are only oriented towards material losses.

This condition shows that the existing legal arrangements are still not fully able to accommodate the complexity of ecological loss and economic loss, thus raising the need for a guideline model. This model is needed to strengthen the recognition of environmental losses as stand-alone public losses, clarify the mechanism for calculating ecological losses based on ecosystem values, and affirm the responsibility of environmental restoration by business actors and the state. Thus, regulatory reform not only aims to improve legal certainty and the effectiveness of environmental law enforcement, but also ensures the realization of the protection of people's rights to a good and healthy environment in a sustainable manner within the framework of ecological justice.

In contrast to human-centered approaches to justice, ecological justice extends the subject of protection to include ecosystems, species, and the balance of nature. This concept was born out of the realization that ecological damage has systemic and long-term impacts that cannot always be reduced to economic losses²⁷. Therefore, ecological justice is an important normative framework in environmental criminal law. In environmental criminal law, ecological justice requires that ecological damage be recognized as the main result of environmental crimes. These damages include loss of biodiversity, disruption of ecosystem functions, and decreased carrying capacity of the environment.²⁸ These impacts are often cumulative and only seen in the long term. Therefore, the penal system cannot be only oriented towards material or administrative losses.

²⁵ Jarot Digdo Ismoyo, *Modern Legal State Theory*, (Yogyakarta: IKAPI Member, 2025), p. 22.

²⁶ *Ibid.* pp.33

²⁷ Fernando, Z. J., Dahwal, S., Arifin, F., Maskur, M. A., & Muthia, A. A. (2025). Advancing ecological justice through the integration of eco-religion in criminal law reform. *Journal of Law, Environmental and Justice*, 3(2), 160–200. <https://doi.org/10.62264/jlej.v3i2.133>

²⁸ Ruslan Renggong, *Environmental Criminal Law*, (Jakarta: Kencana Publisher, 2018), p. 12.

Ecological harm has special characteristics that distinguish it from conventional harm. Ecological damage is cross-generational, does not always have directly identified human victims, and is often difficult to quantitatively calculate. Under such conditions, criminal law faces the challenge of assessing the seriousness of an act. Ecological justice is present to ensure that the dimension of environmental damage is the main consideration in determining criminal liability.²⁹ Ecological justice demands a paradigm shift from *an anthropocentric* approach to *an ecocentric* approach. The *anthropocentric* approach places humans at the center of legal protection, while *the ecocentric approach* recognizes the intrinsic value of the environment itself.³⁰ In environmental criminal law, this recognition of this intrinsic value means that damage to ecosystems is seen as a serious violation of the order of life. This paradigm shift is important for the law to be able to respond to the complexity of ecological damage.

In law enforcement practice, *ecological harm* is often not the main basis for imposing criminal sanctions. Judges consider more formal aspects of violations or the economic value of state losses. In fact, the ecological impact caused can be much greater and long-term. This imbalance shows that the principle of ecological justice has not been fully internalized in the penal system. Ecological justice also has an *intergenerational* dimension, namely the protection of future generations' rights to a healthy and sustainable environment.³¹ The ecological damage that is happening today has the potential to deprive the next generation of opportunities to enjoy natural resources. In this context, criminal law serves not only as a means of repression, but also as an instrument of long-term protection. Criminal law must reflect responsibility for the sustainability of ecosystems. In addition to the intergenerational dimension, ecological justice is also related to corrective responsibility.³² The party that causes ecological damage must be subject to sanctions proportional to the level of impact caused. This principle demands that there be criminal differentiation based on the extent, severity, and duration of environmental damage. Without a strong corrective mechanism, the criminal law will lose its deterrent to environmental crimes.

In the environmental law system, ecological justice also serves as the basis for *law reform*. When positive law is not able to adequately accommodate ecological damage, a new guideline model is needed to be more responsive to environmental damage.³³ The model can be a criminal ballast reason guided by a judge. Thus, the law develops as the ecological awareness of the community increases. The absence of an ecological justice perspective in environmental criminal law has the potential to cause structural injustice to the environment itself. Widespread and long-term environmental damage will not receive an appropriate legal response if it is only assessed from the perspective of economic losses.³⁴ This condition shows the need to integrate ecological justice as a basic principle in criminal policy. Without it, environmental protection will be partial and unsustainable. Thus, ecological justice must be placed as a normative foundation in environmental criminal law to ensure that ecological damage is recognized, assessed, and sanctioned proportionately. The integration of the concept of *ecological harm* in the criminal system allows the law not only to crack down on formal violations, but also to protect the sustainability of ecosystems. This approach

²⁹ *Ibid.* p.21

³⁰ Fatimahsyam, "Integrating Disaster Risk Reduction with an Anthropocentric School Approach", *Substantia: Journal of Ushuluddin Sciences*, Vol. 20, No.1, (2018): 49-65, p. 61.

³¹ Armansyah, et al, "Leuit Ecology and Environmental Justice: Building Law from Sundanese Local Wisdom", (Sukabumi: PT Arunika Aksa Karya, 2025), p. 55,

³² Sumule Linus, "Beyond Anthropocentrism: Ecotheology and Environmental Ethics in Dialogue, An Interdisciplinary Approach to Sustainability and Ecological Justice", *Abdiel Journal: Treasures of Theological Thought, Christian Religious Education and Church Music*, Vol. 8, No.2, (2024): 166-178, p. 168.

³³ *Ibid*

³⁴ Perwira Indra, et al, "Valuation of Environmental Losses: A Study on Judges' Perceptions in Court Decisions in 2009-2019", *Journal of Bina Mulia Hukum*, Vol. 6, No.2, (2022): 201-217, p. 202.

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strengthens the preventive and corrective functions of criminal law while affirming the commitment to environmental sustainability for current and future generations.

The ecological justice perspective is relevant in research on the smuggling of clear lobster seeds (BBL) because the protected objects are not only economic commodities, but also an important part of the marine ecosystem. Illegal and massive harvesting of BBL has the potential to disrupt the regeneration of lobster populations as well as the balance of coastal ecology. The impacts are often long-term and indirectly visible, so they cannot be assessed solely on the basis of the country's economic losses. In judicial practice, judges' considerations still tend to focus on administrative and customs aspects, while threats to the sustainability of fishery resources have not been the main consideration. Therefore, the ecological justice approach is used to assess the extent to which law and criminality have accommodated environmental protection as a standalone legal interest and encourage the integration of the ecological dimension in law enforcement against BBL smuggling. The theory of ecological justice is relevant for assessing the smuggling of clear lobster seeds (BBL) because the impact is not only economic, but also ecological and intergenerational. Illegal taking of BBL has the potential to reduce lobster populations in the future as well as disrupt the balance of marine ecosystems, thus harming future generations. Therefore, punishment should not only be based on economic value or formal violations, but also consider the level of damage and ecological threats. This perspective is the basis for assessing the proportionality of criminal sanctions while encouraging the effectiveness of the deterrent effect. Thus, ecological justice theory provides a normative foundation for the formation of a model of judges' guidelines in imposing sanctions on perpetrators of BBL smuggling.

The implementation of criminalization in BBL smuggling cases in practice shows two interrelated tendencies. First, law enforcement officials tend to use the construction of delicacies that are the easiest to prove formally, namely proving the act of illegally entering or removing fish resources based on Article 88 jo Article 16 of the Fisheries Law. The focus of the trial also rests on the existence of transportation, expenditure, or circulation actions that are contrary to the management provisions, without adequate deepening of the ecological impact caused. Second, the actual ecological consequences that are the core of the danger of BBL smuggling, such as disruption to the regeneration phase, potential stock decline, and threats to the balance of aquatic ecosystems, are often not constructed as juridical variables that determine the severity of the crime. Consequently, the prison sentences and fines imposed are potentially disproportionate when compared to the potential long-term ecological losses and economic benefits obtained from the illegal trade chain. In such conditions, criminalization risks not achieving optimal preventive and repressive functions, as it does not fully reflect the level of threat to the sustainability of fishery resources as a protected legal interest.

Lobster, which is considered very profitable and economically valuable, causes several groups of people to abuse it, one of which is by smuggling. Smuggling cases that continue to increase are one of the obstacles in state development. Factors that can affect the increase in smuggling crimes include the existence of a way to access an area that is less controlled, the high need for world fisheries, and personal goals to make a profit but by violating procedures.³⁵ Smuggling crimes are still very common in the world, one of which is in Indonesia. So, smuggling must be handled appropriately so that it does not become more rampant. However, unfortunately, the lack of firmness in law enforcement causes many irresponsible groups to smuggle lobster seeds illegally. This is because the seafood business is considered profitable so that it can be traded illegally in an easy way.³⁶

Smuggling of Clear Lobster Seeds (BBL) in Indonesia is a criminal act that has the potential to damage Indonesia's very rich marine ecosystem. Although there are already criminal provisions regulating violations related to BBL smuggling in the Fisheries Law, the

³⁵ Iqbal Septiaji Handoyo, Tsania Nurul Azkia, and Riska Andi Fitriano. "Criminogenic factors in the case of lobster seed smuggling." *RESAM Legal Journal* 7, no. 2 (2021), pp. 91-92

³⁶ Dedi Sutomo, "Polres Lampung Selatan Gagal Penyelesaian Benih Lobster Senilai Rp 12,8 Miliar", diakses dari <https://lampung.tribunnews.com/2019/08/28/breaking-news-polres-lampung-selatan-gagal-penyelundupan-benih-lobster-senilai-rp-128-miliar>, pada tanggal 5 Februari 2026

effectiveness of criminal charges against BBL smuggling perpetrators is still not optimal. One of the factors that causes the unsuccessful criminal charge is the lack of emphasis on the aspects of ecological losses arising from smuggling. Therefore, the application of the basis of ecological justice in criminalization is very important to increase the effectiveness of punishment and ensure the protection of the sustainability of Indonesia's fishery resources. Lobster, both in seed size and consumption, is a highly demanded commodity due to its rising price in the international market, making it an easy target for smugglers.³⁷ However, this great potential not only invites economic benefits, but also poses a high risk of overexploitation and misuse of marine resources. Illegal smuggling of BBL is a form of exploitation that damages Indonesia's marine ecosystem, because smuggled lobster seeds can damage the ecological balance and threaten the sustainability of lobster populations in the wild.

Smuggling lobster seeds is an inherent problem in people's lives so it is undeniable that removing the act of smuggling lobster seeds is not an easy thing to do and depends very much on various supporting aspects, because lobster seed smuggling is a very complex crime because it is a syndicate crime that involves a lot of perpetrators both at home and abroad, in addition to that lobster seed smuggling can also have a very large negative impact, especially on economic and environmental aspects. Although various efforts to counter the crime of smuggling lobster seeds continue to be carried out continuously both through *non-penal* and *penal* efforts, but in these efforts, of course, various inhibiting factors are still found that affect the success of countering the crime of smuggling lobster seeds, this is based on the parameters of the increase in the crime of smuggling lobster seeds.

Indonesia as a country of law is obliged to manage marine resources based on the principle of sustainability. However, law enforcement against the smuggling of Clear Lobster Seeds (BBL) still faces problems, especially in the provision of sanctions that do not reflect ecological impacts. The decline in lobster populations due to illegal extraction of BBL has the potential to disrupt the balance of marine ecosystems and coral reef habitats. Therefore, criminal proportionality should not only be measured based on economic value or state losses, but also the level of danger, illegal gains, and long-term ecological impacts. Analysis of Decision Number 760/Pid.B/2023/PN Sda, 9/Pid.B/LH/2020/PN Tjk, 197/Pid.Sus/2023/PN Clp, and 110/Pid.Sus/2022/PN Kpn shows that criminalization is still formally oriented towards violations of spending, transportation, and customs. This condition emphasizes the need for ecological justice-based criminal reform so that sanctions are more proportionate, provide a deterrent effect, and ensure the sustainability of lobster resources.

Decision Number 197/Pid.Sus/2023/PN Clp shows a different problem, when the defendant's actions are proven but not qualified as a criminal act. This condition shows that there are normative and interpretive gaps in the enforcement of BBL smuggling laws, especially when ecological aspects have not yet become the main consideration. The imbalance between illegal profits and criminal risks also has the potential to make sanctions an operational cost for the smuggling network. Based on Ketut Swastika's statement, the effectiveness of BBL disclosure is highly dependent on intelligence information because routine patrols are rarely able to dismantle the network. The main obstacle is the disconnection of the chain of cases, so that law enforcement often stops at couriers or middlemen, while financiers and main perpetrators are difficult to reach. This condition shows the need for criminal guidelines that consider the amount of BBL, illegal profits, the role of perpetrators, and the impact on the sustainability of marine resources.³⁸

Meanwhile, according to Garibaldi, S.H., M.H., as the Head of the Sub-Directorate of Handling Marine and Fisheries Crimes of the Directorate General of Marine Resources and

³⁷ H. Ronaldo Munthe, and Endang Prasteyawati. "Analysis of Liability for Criminal Acts of Smuggling Cultivated Lobster Seeds Ready to Be Marketed Abroad (Study of Decision No. 9/Pid. B/LH/2020/PN. TJK)." *Binamulia Hukum* 10, no. 1 (2021), p. 32

³⁸ Interview results with Ketut Swastika, Special Waters Police, Directorate of Water Police, Metro Jaya Regional Police, December 23, 2025

Fisheries Supervision, in terms of effectiveness, the resource person said that the main problem does not lie in the adequacy of regulations, but in the complexity of the modus operandi of organized and chained smuggling. The network structure that resembles a disconnected cell pattern causes the authorities to more often take action against couriers or field actors, while the main actors or beneficial *owners* are difficult to reach. Therefore, the action has not fully touched the intellectual actors who gain the greatest benefits. In the practice of handling cases, ecological protection aspects are carried out through the mechanism of immediate release of BBL that has been successfully secured, as stipulated in the Minister of Agriculture Regulation Number 7 of 2024. Release is carried out as soon as possible in suitable habitats to restore populations in nature. However, ecological impact considerations have not become an explicit basis in the construction of penalties, but rather initial administrative and restorative actions.³⁹

The judge's discretion to impose heavier penalties has actually been available through the maximum threat provisions in the Fisheries Law, but this space has not been optimally utilized because the delicacy formulation used tends to be formal delicacies that focus on violations of illegal expenditure of BBL or documents. As a result, ecological indicators such as the number of seeds taken, the potential decline in lobster population stocks, and threats to the balance of coastal ecosystems are not present as juridical variables that determine the severity of the crime. In other words, criminalization is still moving within the framework of protecting administrative order, not fully oriented to the protection of the sustainability of natural resources as an independent legal interest.

The implementation of criminalization of the smuggling of Clear Lobster Seeds (BBL) has not fully reflected ecological justice because damage or threats to marine ecosystems have not been placed as a stand-alone ballast factor. Criminalization still tends to be legal-formal oriented to administrative and customs violations, so it is not optimal as an instrument for the protection of the sustainability of marine resources. In Andrew Ashworth's perspective, the principle of proportionality demands a balance between the perpetrator's fault, the level of danger of the act, and the severity of the crime. However, the absence of ecological loss parameters causes that the criminal burden does not fully reflect the ecological danger caused. Meanwhile, Claus Roxin places the protection of legal interests (*Rechtsgüterschutz*) as the goal of criminalization. In the context of BBL, the legal interest includes the sustainability of marine ecosystems. Therefore, a model of judgeship guidelines that integrates the level of error, ecological impact, and economic loss is needed to realize proportionate and ecologically fair sentencing.

In the case of BBL smuggling, the judge's discretion is actually available through the maximum criminal threat in the Fisheries Law. However, because there are no sentencing guidelines governing indicators of ecological loss, the use of discretion has not resulted in a decision that consistently reflects the level of threat to the sustainability of marine resources. Thus, the judiciary loses part of its preventive function because it has not been able to increase legal risks in proportion to the economic benefits obtained by the perpetrators. Norval Morris's view on *limiting retributivism* also shows that crimes should be imposed proportionately within the limits determined by law while still taking into account the purpose of protecting the community.⁴⁰

of Decision No. 9/Pid. B/LH/2020/PN. TJK)." *Binamulia Hukum* 10, no. 1 (2021), p. 32

⁴⁰ Interview results with Ketut Swastika, Special Waters Police, Directorate of Water Police, Metro Jaya Regional Police, December 23, 2025

⁴⁰ Interview results with Garibaldi, S.H., M.H., Head of the Sub-Directorate of Handling Marine and Fisheries Crimes of the Directorate General of Marine Resources and Fisheries Supervision, December 17, 2025

⁴⁰ Lasma Sinambela, Ismaidar, and Suci Ramadani, "Evaluation of Criminalization of Narcotics Abusers Affecting the Over Capacity of Class I Labuhan Deli Prison," *SIBATIK Journal* Volume 4 Number 10, 2025: 3421–3434, p. 3423

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The criminal practice of smuggling clear lobster seeds has not reflected ecological justice because it is still oriented towards administrative violations and economic losses of the state, without making ecological losses a measurable weighting factor. This condition shows the need for policy reform through a model of judge-based sentencing guidelines based on ecological justice that considers the ecological impact, scale of smuggling, the role of the perpetrator, and the sustainability of marine resources. The guidelines are expected to realize proportional, preventive, and oriented criminalization to protect ecosystems and future generations.

3.2 The Weighting Model as a Guideline for Judges in Determining the Sanction for Perpetrators of Smuggling Lobster Clear Seeds in the Perspective of Ecological Justice

The case of smuggling of Clear Lobster Seeds (BBL) is a major issue that not only creates economic losses for the country, but also threatens the sustainability of a very vital marine ecosystem. Indonesia, as an archipelagic country with a very large area of waters, has abundant marine wealth, including various species that have high economic value, such as lobsters.⁴¹ Clear lobster seeds are one of the fishery commodities that are in high demand, both in domestic and international markets. However, the high demand for this market makes BBL vulnerable to illegal smuggling, which leads to overexploitation of marine resources. Although there are legal provisions governing this smuggling, the provision of existing criminal sanctions is not enough to provide a significant deterrent effect.

BBL smuggling, which leads to the destruction of Indonesia's marine ecosystem, requires a more comprehensive legal approach and takes into account the long-term impact on the sustainability of fishery resources⁴². The current Fisheries Law, although it already includes criminal provisions against BBL smuggling perpetrators, is still not effective enough in providing a deterrent effect, especially due to the lack of proportionate sanctions for the ecological damage caused. Article 88 jo. Article 16 paragraph (1) of the Fisheries Law does provide criminal sanctions in the form of imprisonment of up to 6 years and a maximum fine of Rp1.5 billion for perpetrators who violate the illegal expenditure of BBL. However, this provision only focuses on administrative and economic aspects, without considering the broader environmental impact.

Table1. Comparison of Existing Norms with Reconstruction of Proposed Norms

Existing Norm	Reconstruction of the Proposed Norm (Novelty)	Theoretical Foundation	Concepts Adopted from Other Countries
Article 88 of Law No. 31 of 2004 on Fisheries, as amended by Law No. 6 of 2023: "Any person who intentionally brings into, takes out, procures, distributes, and/or keeps fish that	Article 88A: (1) In imposing a sentence as referred to in Article 88, the judge shall consider: a. the quantity of Lobster Seedlings (Benih Bening	Ecological Justice Theory. serves as the foundation because legal protection should not be limited to the State's interests but also encompass	Japan: The concept of aggravating punishment based on ecological protection, criminalization of illegal-catch distribution networks, and enhanced sanctions for protected species. • United States (Atlantic/Maine):

⁴¹ Azzahra Alifa Ramadhani, "The potential for competitive advantage of Indonesia's marine resources." *Journal of Sakti Economics (Jes)* 12, no. 3 (2023), p. 293

⁴² Surakusumah, R. M., Imamulhadi, I., & Oktivana, D. (2025). Illegal Fishing Activities of the Run Zeng Vessel in Indonesia. *Jurnal Hukum Magnum Opus*, 8(2), 277-292

Existing Norm	Reconstruction of the Proposed Norm (Novelty)	Theoretical Foundation	Concepts Adopted from Other Countries
are detrimental to the Lobster/BBL) community, fish smuggled; cultivation, fish resources, and/or the environment of fish resources into and/or out of the fisheries management area of the Republic of Indonesia as referred to in Article 16 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and a fine of a maximum of IDR 1,500,000,000 (one billion five hundred million rupiahs)." Article 88 only regulates the prohibition against taking fish or fish resources out of the Lobster Seedling management area may impose a sentence up to the maximum prescribed with imprisonment and fines as criminal sanctions. This provision remains oriented toward a formal offense, does not regulate sentencing guidelines, does not distinguish the degree of ecological impact caused, and does not provide a normative basis for judges to consider ecological losses as grounds for aggravating punishment.	b. the extent of ecological damage caused; c. the level of threat to the sustainability of fish resources and ecosystem balance; d. the offender's involvement in organized crime or smuggling networks; and e. recidivism. (2) Where the criminal act referred to in paragraph (1) causes severe ecological damage or threatens the sustainability of the Lobster Seedling population, the judge may impose a criminal law must respond to the development of natural-resource crimes through the formulation of new provisions that are more responsive to environmental protection and effective law enforcement.	ecosystem sustainability and the rights of future generations to natural resources. Sentencing Theory. supports the imposition of aggravated punishment proportionate to the level of danger and ecological impact caused, so that punishment serves not only a retributive function but also deterrence and environmental protection. Legal Reform Theory. provides the basis for reconstructing the norm because a criminal law must respond to the development of natural-resource crimes through the formulation of new provisions that are more responsive to environmental protection and effective law enforcement.	Conservation-based technical regulation, including fishing-season restrictions, minimum size requirements, fishing-area allocation, and restrictions on fishing activities to maintain stock sustainability. • Alaska: Adaptive conservation-based management, including pot limits, prohibitions on harvesting egg-bearing female lobsters, gear-marking requirements, and strict compliance monitoring of fishing operators as part of sustainable fisheries resource protection.

Based on this matrix, the novelty of this research lies in the reconstruction of norms through the proposed establishment of Article 88A as a guideline for the criminalization of judges in

cases of smuggling of Lobster Clear Seeds (BBL). In contrast to Article 88 which is currently in force and is still oriented towards formal offenses, the proposed Article 88A requires judges to consider the amount of BBL smuggled, the magnitude of ecological losses, the level of threat to the sustainability of fish resources, involvement in organized crime, and the repetition of criminal acts as the basis for criminal incrimination. Thus, criminalization is no longer only oriented towards administrative violations, but also reflects the protection of the sustainability of marine ecosystems. To optimize the application of criminal provisions in Article 88 of the Fisheries Law, a new norm is needed that explicitly regulates circumstances that aggravate the crime of fishing, especially the smuggling of Lobster Clear Seeds. The norm is formulated as follows:

Article 88A (Proposed Model)

- 1) Criminal offences against the perpetrators of criminal acts as referred to in Article 88 may be aggravated if the criminal act is committed in the following circumstances:
 - a) resulting in ecological losses to the sustainability of fish resources and/or aquatic ecosystems;
 - b) causing a large amount of economic losses to the state or society;
 - c) carried out in an organized manner or involving an illegal trading network;
 - d) carried out in certain quantities that have the potential to disrupt the sustainability of fish resource populations;
 - e) performed repeatedly;
 - f) carried out by the corporation, major financier, or party with the greatest profit; or
 - g) It is carried out by using cross-regional or cross-border means of transportation illegally.
 - h) carried out on lobsters (*Panulirus spp*) that do not meet the provisions of biological measurements as stipulated in laws and regulations in the field of lobster management.
- 2) In the event that there are circumstances as intended in paragraph (1), the penalty may be imposed to the maximum close to or reach the maximum criminal threat as stipulated in Article 88, and the fine is in accordance with the loss produced.
- 3) In addition to the principal crime as referred to in Article 88, the perpetrator may be subject to additional penalties in the form of:
 - a) deprivation of profits obtained from criminal acts;
 - b) the payment of ecological compensation;
 - c) the obligation of environmental restoration and/or restocking of fish resources
 - d) revocation of fishing business licenses; and/or
 - e) prohibition of carrying out business activities in the fisheries sector for a certain period of time.

Explanation of Article 88A (Model Proposal)

Paragraph (1)

What is meant by "ecological loss" is damage or threat to the sustainability of fish resource populations, aquatic habitats, or the balance of marine ecosystems due to fisheries crimes. Letter h is intended to integrate the provisions of the biological size of lobsters as stipulated in the Regulation of the Minister of Marine Affairs and Fisheries Number 7 of 2024 into the criminal liability regime, because violations of biological measures are essentially a direct threat to the sustainability of the population and the balance of the ecosystem.

Paragraph (2)

This provision provides guidelines for judges to impose a crime proportionately based on the level of impact caused by the act. Criminal imposition can be carried out up to close or reach the maximum criminal threat if the aggravating circumstances are legally proven in the trial.

Paragraph (3)

Additional penalties aim to recover ecological and economic losses and prevent perpetrators from profiting from the criminal acts committed.

The reconstruction offered in this study is in the form of an Ecological Sentencing Guideline which is constructed into the proposal of Article 88A of the Fisheries Law as a criminal guideline based on ecological justice for judges in imposing criminal penalties on

perpetrators of smuggling Lobster Clear Seeds. The reconstruction is built on the Theory of Ecological Justice, Theory of Criminality, and Theory of Legal Reform which provides a philosophical, juridical, and conceptual foundation in formulating penalties that consider not only aspects of the perpetrator's fault, but also the level of ecological damage, threats to the sustainability of fish resources, and the obligation to restore the environment. In addition, this study adopts best practices from Japan regarding the protection of fishery resources through increased sanctions and criminalization of illegal trade networks, the United States (Atlantic/Maine) through conservation arrangements based on season, biological size, and fishing area, as well as the concept of *Environmental Offences Sentencing Guidelines* in England and Wales which places harm and culpability as the primary basis in determining the severity of the crime.

The handling of perpetrators of smuggling Lobster Clear Seeds in judicial practice is currently still dominated by a formal approach that is oriented towards violations of licensing, illegal expenditure, and customs, so that criminal considerations do not reflect the level of ecological losses caused. In fact, in the development of modern criminal law, the Ecological Sentencing Guideline was developed to ensure that judges impose crimes based on two main parameters, namely harm (level of loss or risk of ecological damage) and culpability (level of culpability of the perpetrator), which is then combined with aggravating factors and warnings. This approach provides a more proportionate basis in determining the severity of the crime because it does not only consider formal violations of the law, but also the level of threats to environmental sustainability.

In the criminal act of smuggling Clear Lobster Seeds, the application of the Ecological Sentencing Guideline is relevant because the legal interests that are protected are not only concerned with administrative order, but also the sustainability of fish resource stocks, the preservation of aquatic ecosystems, and the rights of future generations to a healthy and sustainable environment. Therefore, this study proposes that Article 88A contains criminal indicators that must be considered by judges, including the level of harm, culpability, the number of Clear Lobster Seeds smuggled, the amount of ecological losses, economic benefits obtained by the perpetrators, involvement in organized crime, repetition of criminal acts, and environmental restoration obligations. Thus, the Ecological Sentencing Guideline is not only a guideline in determining criminal proportionality, but also an instrument for the reform of fisheries criminal law that is oriented towards protecting the sustainability of marine resources and the realization of ecological justice.

Normatively, ecological considerations in lobster management have been affirmed in Article 8 of the Regulation of the Minister of Marine Affairs and Fisheries Number 7 of 2024 concerning the Management of Lobsters (*Panulirus spp.*), Crabs (*Scylla spp.*), and Crabs (*Portunus spp.*), which stipulates that the capture and/or release of lobsters is only allowed if the lobster is not in a spawning condition and has reached a certain biological size, namely length carapace above 6 cm or weight above 150 grams for sand lobster (*Panulirus homarus*), rock lobster (*Panulirus penicillatus*), batik lobster (*Panulirus longipes*), and Pakistani lobster (*Panulirus polyphagus*), as well as carapace length above 8 cm or weight above 200 grams for other types⁴³. The minimum size requirement is based on biological considerations that lobsters that have not reached this size do not yet have optimal reproductive capabilities, so their removal has the potential to disrupt population regeneration and reduce the carrying capacity of aquatic ecosystems systemically.

Furthermore, Article 19 paragraphs (3), (4), and (5) of the same regulation prohibits the capture and/or release of lobsters that are not in accordance with the provisions of biological measurement, but the consequences given are still in the form of administrative sanctions. This condition shows that there is a gap between the level of ecological danger caused and

⁴³ Abdullah, A. S., Suharyanto, S., & Soeboer, D. A. (2025). Desain of multilevel wall trap for selectivity of the capture spiny lobster. *Journal La Lifesci*, 6(5), 421–435. <https://doi.org/10.37899/journallalifesci.v6i5.2673>

the available legal consequences, especially when the violation is committed in the form of cross-border or cross-border smuggling. Therefore, violations of biological measures as stipulated in the technical regulation deserve to be positioned as a ballast state in the criminal regime of the Fisheries Law, as they substantially contain threats to the sustainability of resources and the balance of marine ecosystems.

The model of judges' guidelines is important because until now the Fisheries Law has not explicitly regulated the grounds for criminal aggravation based on the level of ecological impact and economic losses caused by the smuggling of BBL. In fact, in general criminal law, especially the new Criminal Code, the concept of aggravating reasons has been known as a reference in determining the severity of the crime. Thus, the model of criminal aggravation norms in the Fisheries Law needs to be directed at the formation of provisions that explicitly make ecological losses and economic losses as aggravating reasons, which at the same time serve as guidelines for judges in imposing crimes in a more proportionate and ecological justice manner.

In formulating a model of judges' guidelines in determining the provision of sanctions for perpetrators of smuggling Clear Lobster Seeds (BBL) from the perspective of ecological justice, a normative foundation is needed that is able to provide clear directions regarding circumstances that can aggravate crimes. One approach that can be used as a reference is the system for regulating criminal aggravating grounds in general criminal law, as stipulated in the new Criminal Code. The Criminal Code as a national general criminal law has developed the concept of a systematic and operational criminal aggravating circumstance, so that judges have normative guidelines in determining the severity of the crime based on the characteristics of the act and the accompanying conditions. This approach shows that criminal aggravation does not solely depend on the judge's subjective discretion, but must have a clear normative basis in laws and regulations.

The model of regulating ballast reasons in the Criminal Code is relevant to be used as an example in the formation of special norms in the fisheries sector, because the crime of smuggling Lobster Clear Seeds has more complex hazard characteristics than general crimes. In addition to causing economic losses to the state, these acts also have the potential to cause ecological losses that have a long-term impact on the sustainability of marine resources and the welfare of coastal communities. Therefore, the development of ballast norms in the Fisheries Law can adopt a Criminal Code approach by adjusting to the characteristics of natural resource crimes, so that ecological losses and economic losses can be positioned as ballast conditions that stand alone in the penal system.

The establishment of burdensome norms in the Fisheries Law can make the Criminal Code a conceptual reference to have systemic legitimacy in national criminal law. This approach is important to ensure that the criminalization of the smuggling of Clear Lobster Seeds (BBL) is not solely a sectoral policy, but is in line with the modern criminal law paradigm that emphasizes proportionality based on the level of error and danger of the act. In the national Criminal Code, criminal aggravating factors are systematically regulated through Article 58 and Article 59. Article 58 regulates several circumstances that can aggravate crimes, including abuse of authority by officials, the use of state symbols, and the repetition of criminal acts. Furthermore, Article 59 provides consequences in the form of an increase in the criminal penalty of at most one-third of the maximum criminal threat. The regulation shows that the severity of the crime is not only determined by the fulfillment of the elements of the criminal act, but also the circumstances accompanying the act. The framework is relevant to be applied specifically in the crime of smuggling BBL. The act has multidimensional danger characteristics, including the reduction of lobster populations, disruption of the regeneration of fish resources, damage to ecosystems, and illegal economic gains. However, Article 88 jo. Article 16 of the Fisheries Law has not explicitly regulated ecological loss as a criminal aggravating factor. As a result, judges do not have clear normative parameters to distinguish the level of seriousness of cases based on their ecological impact. Therefore, it is necessary to establish a special norm that accommodates the principle of *lex specialis* by including ecological losses, the

amount of BBL smuggled, the amount of illegal profits, the involvement of organized networks, the role of perpetrators, and the impact on the sustainability of lobster stocks as a burdensome state. These norms can be the basis for judges to impose heavier penalties up to the maximum limit of Article 88.

This model will strengthen the principle of proportionality, reduce criminal disparities, increase the deterrent effect, and place the protection of marine ecosystems as an independent legal interest. Thus, ecological justice-based criminal guidelines can ensure that sanctions against BBL smuggling are not only repressive, but also serve to protect marine resources for current and future generations.

According to Ketut Swastika as the Special Waters Police, Directorate of Water Police of the Metro Jaya Regional Police regarding criminal charges, Ketut Swastika argued that what needs to be aggravated is the threat to the main perpetrator or financier, not to the courier or middleman who only helps. He emphasized the importance of differentiating roles in the crime chain so that the application of sanctions is fairer. In some areas such as Sukabumi, people involved as small collectors do so due to economic factors and limited cultivation facilities, so according to him, it is also necessary to look at it from the perspective of social justice. Therefore, the categorization of roles in investigations is important so that the punishment is proportional. Regarding the formulation of the ideal criminal sentence, Ketut Swastika stated that the criminal threat can be aggravated, but its application must be able to clearly sort out between the main perpetrator and the auxiliary perpetrator. Investigations must be able to map the involvement of each party in the network so that the burden is not mistargeted. According to him, justice must be realized by balancing strict law enforcement against financiers and proportionate treatment of small actors. Thus, a deterrent effect can be achieved without sacrificing a sense of justice in society.⁴⁴

According to Garibaldi, S.H., M.H., as the Head of the Sub-Directorate of Handling Marine and Fisheries Crimes of the Directorate General of Marine Resources and Fisheries Supervision, as an effort to counteract, the resource persons emphasized the importance of prevention through socialization and awareness to fishermen not to supply BBL to illegal networks, as well as the need for more targeted action against the main perpetrators through the approach of tracing the flow of funds, including the possibility of using instruments of money laundering crimes. The resource person also welcomed the idea of making the level of damage or ecological threat the basis for determining the severity of the crime in the future, with the note that it must be supported by studies and expert testimony in the investigation and trial process.⁴⁵

The model of judges' guidelines in determining the provision of sanctions for perpetrators of smuggling of Clear Lobster Seeds (BBL) in the perspective of ecological justice is directed at the establishment of norms of criminal aggravation reasons that are explicitly regulated in the Fisheries Law⁴⁶. This model is basically a normative construction that provides objective parameters for judges in determining the severity of the crime based on the level of ecological impact, economic losses, and characteristics of the criminal network involved in the crime of smuggling BBL. So far, although Article 88 of the Fisheries Law has provided a fairly high criminal threat, namely imprisonment of up to 6 years and a fine of up to Rp1.5 billion, its application in practice has not reached the maximum limit because there are no normative guidelines that expressly direct judges to impose heavier penalties in certain circumstances. As a result, criminal sentencing is often only at a moderate level that is not proportional to the level of ecological danger caused by the act.

⁴⁴ Hasil wawancara dengan Ketut Swastika, Polisi Khusus Perairan, Direktorat Polisi Air Polisi Daerah Metro Jaya, 23 Desember 2025

⁴⁵ Interview results with Garibaldi, S.H., M.H., Head of the Sub-Directorate of Handling Marine and Fisheries Crimes of the Directorate General of Marine Resources and Fisheries Supervision, December 17, 2025

⁴⁶ Elvany, A. I. (2020). Formulation policy regarding the smuggling of lobster seeds in Indonesia. *Lentera Hukum*, 7(1), 37–54. <https://doi.org/10.19184/ejlh.v7i1.16916>

The model of judges' guidelines formulated aims to bridge the gap between the maximum criminal threat available in the norm and the practice of criminalization in court. With the existence of a clear norm of ballast reasons, judges have a strong legal basis to impose a criminal sentence close to or reach the maximum limit of criminal threat in Article 88 if the crime is committed in aggravating circumstances, such as a large number of seeds, involvement of organized networks, repetition of acts, significant ecological losses, or large economic gains. Thus, this model is not intended to add new criminal threats, but to optimize the application of existing criminal threats through measurable normative guidelines.

Conceptually, the judge's guideline model places ecological loss and economic loss as a stand-alone criminal aggravating circumstance in fisheries crimes. This approach is in line with the development of modern criminal law that emphasizes the principle of proportionality between the level of offense, the level of danger of the act, and the severity of the crime. In the context of the smuggling of Lobster Clear Seeds, ecological losses have special characteristics because they have a long-term impact on the sustainability of marine resources and the welfare of coastal communities, so they deserve to be used as a basis for a more stringent criminal offense than ordinary administrative violations. By placing ecological impact as a weighting factor, the criminal system no longer only focuses on procedural violations, but also on protecting ecosystem sustainability as a fundamental legal interest. This approach ensures that the severity of the crime is proportional to the level of threat to stocks and the regeneration of fishery resources, thus reflecting the principles of proportionality and ecological justice.

The main purpose of the formulation of this model is to provide legal certainty and uniformity in the practice of criminalizing the crime of smuggling Lobster Clear Seeds. In the absence of clear ballast guidelines, there is a potential for criminal disparity between one verdict and another even though the character of the act is relatively similar. With the existence of measurable ballast norms, judges have an objective reference in considering the level of offender error and the impact of the act, so that the punishment becomes more consistent, proportional, and reflects a sense of ecological justice. In addition, this model also aims to increase the deterrent effect on the main perpetrators and organized networks, as the criminal risk will be higher and will no longer be perceived as a tolerable operational cost.

This model of judges' guidelines serves to strengthen the protection of the sustainability of marine resources within the framework of intergenerational justice. The integration of ecological losses as a ballast reason makes criminal law not only repressive, but also preventive. Therefore, Article 88A is needed which explicitly regulates the aggravating circumstances in the criminal act of smuggling of Clear Lobster Seeds (BBL). The norm provides objective parameters for judges to determine the severity of the crime based on the amount of BBL, the level of ecological loss, economic gain, and the role of the perpetrator in the crime network. In addition, this guideline can reduce the disparity of verdicts by encouraging consistency and proportionality of punishment.

Thus, Article 88A is expected to optimize the application of Article 88, strengthen the deterrent effect, and ensure the protection of marine ecosystems. This guideline model serves to clearly distinguish the main actors, financiers, and field actors in the BBL smuggling network. The involvement of organized networks, the position of the perpetrators, and the amount of illegal profits need to be weighting factors so that the crime is more proportionate based on the level of error. This model aims to optimize the application of Article 88 of the Fisheries Law so that smuggling is no longer seen as a low-risk crime with high profits. In addition, ecological losses need to be placed as a stand-alone ballast reason, accompanied by additional penalties in the form of ecological compensation, recovery or *restocking obligations*, and revocation of business rights. Thus, this model strengthens the deterrent effect, reduces criminal disparities, and realizes ecological justice for the sustainability of marine resources.

4) Conclusion

The current regulation of the criminal act of smuggling of Clear Lobster Seeds (BBL) has not been fully able to realize ecological justice. The construction of applicable norms still tends to focus on administrative violations and licensing as formal offenses, while ecological losses

have not been placed as a stand-alone legal interest. Although the Fisheries Law, the Customs Law, the Quarantine Law, and the Regulation of the Minister of Maritime Affairs and Fisheries Number 7 of 2024 have provided a legal basis for cracking down on BBL smuggling, these provisions have not adequately accommodated the parameters of ecological loss, threats to lobster population regeneration, and the sustainability of marine ecosystems as the basis for criminal charges.

This condition causes law enforcement orientation to still be more dominant on procedural compliance than the protection of the sustainability of marine resources and the interests of future generations. The practice of criminalizing BBL smuggling perpetrators also does not fully reflect the principles of ecological justice. Based on an analysis of court decisions, law enforcement practices, and comparisons with a number of jurisdictions, ecological impact has not been the main consideration in determining the severity of the crime.

The absence of normative parameters regarding the level of ecological loss causes judges to not have a uniform and objective basis to measure criminal proportionality. In addition, law enforcement tends to reach field actors more easily than intellectual actors and crime networks that make the greatest profits. This condition shows the need for a penal approach that is not only oriented towards administrative violations and economic losses, but also considers the level of damage or threat to the ecosystem, the level of wrongdoing, the profits obtained, and the position of the perpetrators in the smuggling network.

In response to these problems, a model of ethical justice-based judges' sentencing guidelines can be developed through the reconstruction of norms in the Fisheries Law, especially through the proposed establishment of Article 88A as an *Ecological Sentencing Guideline*. The guidelines place *harm* and *culpability* as the main parameters by considering the amount of BBL smuggled, the level of ecological losses or threats, economic benefits obtained, involvement in organized crime, repetition of criminal acts, and the ability and obligations of perpetrators to carry out environmental restoration.

This model integrates ecological justice perspectives, criminal theory, and legal reform by considering environmental criminal practices and the protection of fishery resources in different countries. The implementation of these guidelines is expected to improve the consistency and proportionality of punishment, reduce disparity in verdicts, strengthen the deterrent effect on key actors and organized networks, and place the protection and restoration of marine ecosystems as an integral part of the goal of punishment.

References

- Abdullah, A. S., Suharyanto, S., & Soeboer, D. A. (2025). Desain of multilevel wall trap for selectivity of the capture spiny lobster. *Journal La Lifesci*, 6(5), 421–435. <https://doi.org/10.37899/journallalifesci.v6i5.2673>
- Anika Ni'matun Nisaa and Suharno, "Law Enforcement on Environmental Problems to Realize Sustainable Development (Case Study of Forest Fires in Indonesia)", *Journal of Bina Mulia Hukum* Volume 4, Number 2, March 2020: 294-312,. doi: <http://dx.doi.org/10.23920/jbmh.v4i2.337>
- Azzahra Alifa Ramadhani, "The potential for competitive advantage of Indonesia's marine resources." *Journal of Sakti Economics (Jes)* 12, no. 3 (2023)
- Adriaan W. Bedner et al, *Socio-Legal Studies: Series of Elements of the Preparation of the Building of the Legal State*, (Bali: Pustaka Larasan, 2012).
- Armansyah, et al, "Leuit Ecology and Environmental Justice: Building Law from Sundanese Local Wisdom", (Sukabumi: PT Arunika Aksa Karya, 2025),
- Duha, J., & Saputro, G. E. (2022). Blue economy Indonesia to increase national income through the Indian Ocean Rim Association (IORA) in the order to empower the world maritime axis and strengthen state defense. *JMKSP (Jurnal Manajemen, Kepemimpinan, dan Supervisi Pendidikan)*, 7(2). <https://doi.org/10.31851/jmksp.v7i2.6887>
- Dedi Sutomo, "Polres Lampung Selatan Gagal Penyelesaian Benih Lobster Senilai Rp 12,8 Miliar", diakses dari <https://lampung.tribunnews.com/2019/08/28/breaking-news-polres-lampung-selatan-gagal-penyelesaian-benih-lobster-senilai-rp-128-miliar>, pada tanggal 5 Februari 2026
- Setiawan & Sihombing (*Reconstructing a Model of Judicial Sentencing Guidelines Based on Ecological Justice...*)

- Detiknews, <https://news.detik.com/berita/d-7961955/terbongkar-penyelundupan-benih-lobster-via-soetta-senilai-rp-9-2-miliar>, diakses pada tanggal 11 Juli 2025.
- Elvany, A. I. (2020). Formulation policy regarding the smuggling of lobster seeds in Indonesia. *Lentera Hukum*, 7(1), 37–54. <https://doi.org/10.19184/ejlh.v7i1.16916>.
- Furqan, Tri Wiji Nurani, Eko Sri Wiyono, and Deni Achmad Soeboer, "Fishermen's Level of Understanding Related to the Policy of Prohibiting the Fishing of *Panulirus* spp. Lobster Seeds in Palabuhanratu", *Albacore Journal* Volume I, No 3, October 2017: 297-308, p. 298. doi: <https://doi.org/10.29244/core.1.3.297-308>
- Fatimahsyam, "Integrating Disaster Risk Reduction with an Anthropocentric School Approach", *Substantia: Journal of Ushuluddin Sciences*, Vol. 20, No.1, (2018): 49-65.
- Fernando, Z. J., Dahwal, S., Arifin, F., Maskur, M. A., & Muthia, A. A. (2025). Advancing ecological justice through the integration of eco-religion in criminal law reform. *Journal of Law, Environmental and Justice*, 3(2), 160–200. <https://doi.org/10.62264/jlej.v3i2.133>
- H. Ronaldo Munthe dan Endang Prasteyawati, "Analisis Pertanggungjawaban Tindak Pidana Penyelundupan Benih Lobster Yang Dibudidayakan dan Siap Dipasarkan Keluar Negeri (Studi Putusan Nomor 9/PID.B/LH/2020/PN.TJK)", *Jurnal Binamulia Hukum* Vol. 10 No. 1, Juli 2021: 31-44, hlm. 32. doi: <https://doi.org/10.37893/jbh.v10i1.375>
- H. Ronaldo Munthe dan Endang Prasteyawati, "Siap Dipasarkan Keluar Negeri", hlm. 32
- Iqbal Septiaji Handoyo, Tsania Nurul Azkia, and Riska Andi Fitrono. "Criminogenic factors in the case of lobster seed smuggling." *RESAM Legal Journal* 7, no. 2 (2021)
- Iqbal Septiaji Handoyo, Tsania Nurul Azkia, dan Riska Andi Fitrono, "Faktor Kriminogen Dalam Kasus Penyelundupan Benih Lobster", *Jurnal Gema Keadilan* Volume 8 Edisi II, Juli-September 2021, hlm. 3. doi: <https://doi.org/10.32661/resam.v7i2.59>
- Ilemsky, Andrew, "Fixing the Last Frontier: How Law and Policy Governing Commercial Fishing Have Failed Alaska's Environment and Economy," *ONE J*, Volume 10 No. 2, 2024, hlm. 271-272
- Jauhari Arman, "The Effect of Sea Sand Sedimentation Export Permit Policy on Ecological Justice on the Welfare of Coastal Communities", *National Conference on Law Studies (NCOLS)*. Vol. 5. No. 1. 2023: 68-86,
- Jarot Digdo Ismoyo, *Modern Legal State Theory*, (Yogyakarta: IKAPI Member, 2025).
- Lasma Sinambela, Ismaidar, dan Suci Ramadani, "Evaluasi Pemidanaan Terhadap Penyalah Guna Narkotika yang Mempengaruhi Over Kapasitas Rutan Kelas I Labuhan Deli," *SIBATIK Journal* Volume 4 Nomor 10, 2025: 3421–3434, hlm. 3423
- Masyithah Aulia Adhiem, "Polemic of the Reopening of Lobster Seed Exports", *Brief Info: A Brief Study of Actual and Strategic Issues* Vol . XVI, No. 10/II/Pusaka, May 2024: 11-15,
- Merdeka.com, <https://www.merdeka.com/uang/negara-rugi-rp34-triliun-akibat-penangkapan-ikan-ilegal-dan-penyelundupan-ekspor-benih-lobster-194091-mvk.html?page=2>, accessed July 14, 2025.
- Perwira Indra, et al, "Valuation of Environmental Losses: A Study on Judges' Perceptions in Court Decisions in 2009-2019", *Journal of Bina Mulia Hukum*, Vol. 6, No.2, (2022): 201-217, p. 202.
- Ruslan Renggong, *Environmental Criminal Law*, (Jakarta: Kencana Publisher, 2018)
- Scott, D. (2019). Indonesia grapples with the Indo-Pacific: Outreach, strategic discourse, and diplomacy. *Journal of Current Southeast Asian Affairs*, 38(2), 194–217. <https://doi.org/10.1177/1868103419860669>
- Seakamela, S. M. (2025). *The effect and conservation implications of the re-establishment of a Cape fur seal *Arctocephalus pusillus pusillus* breeding colony at Vondeling Island, Saldanha Bay* (Master's thesis, University of Cape Town). <http://hdl.handle.net/11427/42666>
- Soufnir Chibro, *The Influence of Smuggling Crimes on Development*, (Jakarta: Sinar Grafika, 1992)
- Surakusumah, R. M., Imamulhadi, I., & Oktivana, D. (2025). Illegal Fishing Activities of the Run Zeng Vessel in Indonesia. *Jurnal Hukum Magnum Opus*, 8(2), 277-292.

- Sumule Linus, "Beyond Anthropocentrism: Ecotheology and Environmental Ethics in Dialogue, An Interdisciplinary Approach to Sustainability and Ecological Justice", Abdiel Journal: Treasures of Theological Thought, Christian Religious Education and Church Music, Vol. 8, No.2, (2024):
- Sa'diyah Nur Khabibatus, et al, "Pertanggungjawaban Pidana Terhadap Pelaku Judi Online di Indonesia", Gorontalo Law Review, Vol. 5, No.1, (2022): 160-166
- Seakamela, S. M. (2025). *The effect and conservation implications of the re-establishment of a Cape fur seal *Arctocephalus pusillus pusillus* breeding colony at Vondeling Island, Saldanha Bay* (Master's thesis, University of Cape Town). <http://hdl.handle.net/11427/42666>
- Tempo.co, <https://www.tempo.co/hukum/penyelundupan-100-ribu-benih-bening-lobster-di-lampung-digagalkan-polisi-sopir-jadi-tersangka-408077>, accessed July 11, 2025.
- Tempo.co, <https://www.tempo.co/hukum/penyelundupan-100-ribu-benih-bening-lobster-di-lampung-digagalkan-polisi-sopir-jadi-tersangka-408077>, accessed July 11, 2025.
- Terty Boardman, "New Lobster Regulations Do Not Violate Atlantic Coastal Act," Sea Grant Law Fellow Publications, Volume 3 No. 1, April 2004, hlm. 11-12
- Zainab Ompu Jainah, "Law Enforcement in Society", Journal of Rural and Development Vol. III No. 2, August 2012:165-172
- Zainab Ompu Jainah, "Law Enforcement in Society", Journal of Rural and Development Vol. III No. 2, August 2012:165-172, p. 165