

Protection of the Indonesian Marine Economy through the Ministry of Maritime Affairs and Fisheries Regulation Number 56 of 2016

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Abstract: The results show that the Minister of Marine Affairs and Fisheries Regulation Number 56 of 2016 is a regulation made to maintain the sustainability and sustainability of ecosystems and fishery resources, especially crabs, lobsters, and crabs. Because we realize it or not that Indonesia's marine wealth is very abundant, especially we are a maritime country. Therefore, the Minister of Marine Affairs and Fisheries Regulation Number 56 of 2016 from a legal standpoint is part of protecting Indonesia's marine economy.

Keywords: protection, marine economics

INTRODUCTION

Indonesia is a country that has abundant natural resources, such natural wealth both on land and at sea as the nation's economic wealth in the framework of maintaining sovereignty, namely sovereignty over natural resources or economic sovereignty. As a maritime country consisting of thousands of islands, of course, this country is mostly a water territory. Of course, we also know that the wealth that exists at sea from the Indonesian nation is fantastic, which needs to be protected and preserved to become part of the economic strength of the community as well as become the nation's long-term economic strength (Hutomo. & Moosa, 2005); (Rochwulaningsih., Sulistiyono., Masrurroh., & Maulany, 2019).

We still remember very well that Indonesia's marine natural wealth which is currently part of the issuance of Minister of Marine Affairs and Fisheries Regulation Number 56 of 2016, one of which is about our lobsters which are so binding, especially from an economic point of view, both for our traditional fishermen and modern fishermen, foreign fishermen and even actors. big businesses, namely exporters of these marine products. Lobster has economic value and very high demand, both for consumption and lobster (puerulus) seeds for cultivation. The government has set limits on the size of lobster fishing activities, especially the seeds, by issuing Ministry of Marine Affairs and Fisheries Regulation Number 56 of 2016. The practice of catching and smuggling lobster seeds in various marine areas, especially in Palabuhanratu, is still happening all the time. At the local fishermen level, especially in the Palabuhanratu area, many reject this regulation. Obstacles related to policy implementation in the waters of Palabuhanratu Bay are the lack of socialization and policy resources (Furqan., Nurani., Wiyono., & Soeboer, 2017). The level of fishermen's knowledge of the policy is sufficient, but fishermen feel that catching lobsters, especially the seeds, is considered not to interfere with the sustainability of lobsters themselves both in the long and short term, so fishermen reject the policy. It is recommended that government policies consider conditions in the field with supporting information for the sustainability of fish resources, so that they are right on target and provide present and future socio-economic benefits (Furqan., Nurani., Wiyono., & Soeboer, 2017).

The presence of the state or government in protecting the nation's marine wealth has certainly gone through a very long study, especially in favor of our marine potential from a long-term economic perspective even though after the change in leadership of the ministry of maritime affairs and fisheries from Bu Susi to Pak Edy Prabowo, this regulation was drowned

out by a new regulation. which allows the export of lobster seeds which causes them to get into legal trouble.

Therefore, the researcher will conduct a study on the protection of Indonesia's marine economy as seen from the Ministry of Maritime Affairs and Fisheries Regulation Number 56 of 2016 as an effort to protect and preserve the nation's wealth as a maritime country in realizing economic sovereignty, especially marine economic sovereignty.

RESEARCH METHODOLOGY

The method in research uses the literature study method with a normative juridical approach which refers to the main source of law in the discussion or study that is being focused on, namely the Ministry of Maritime Affairs and Fisheries Regulation Number 56 of 2016 that of course, in this case, it is supported by a variety of relevant library materials, especially journals that have gone through previous research stages.

RESEARCH RESULTS AND DISCUSSION

Protection of the Ocean Economy

Protection of the marine economy, including preserving it, is carried out by Indonesia not only for its interests but for the interests of all countries in the world to maintain the continuity of food from seafood in a directed and controlled manner. When the sea is preserved, then automatically protection from the side of the marine economy can also be achieved, if legally it exists and in practice or implementation it is carried out with full responsibility (Tarmizi, 2010).

Marine economy is an economic activity carried out in coastal/oceanic areas and on land that uses existing natural resources and various marine environmental services to produce goods and services. The revival of the marine economy for the Indonesian nation is marked by a change in the perspective and paradigm of national development, from land-based development to ocean-based development. This paradigm shift will spur various integrated public policy products, infrastructure, and financial resources to support marine development itself.

Indonesia is strengthening its determination to carry out its commitment to sustainably realizing the world's seas through the transformation of the marine economy that is currently being implemented by the Government. This commitment is proof that Indonesia is not playing games in contributing to the world in terms of efforts to preserve marine ecosystems and their natural resources. At the 8th Sherpa level High-Level Panel (HLP) on Building Sustainable Ocean Economy which took place in New York, the United States, 1-3 February 2020, Indonesia conveyed this commitment through an official forum as part of efforts to create a sustainable world ocean. and sustainable (Ambari, 2020).

According to Aryo, Indonesia in the meeting emphasized that the main focus of sustainable marine use is how local people can maintain a balance of protection aspects that are in line with marine utilization, rehabilitation, and revitalization of unhealthy seas (Ambari, 2020).

Research on institutions related to the marine and fisheries sector has been carried out before, for example by Batubara (2016); (Sambali, 2014); and (Muzani, 2014). This research does not examine institutions in the context of formal institutions in the archipelago, where the marine sector is a potential for regional development. Even though these various institutions determine not only the potential for aggregate economic growth but also the distribution of resources in society. Different institutions are not only associated with different levels of efficiency and potential for economic growth, but also with different distribution of profits among different individuals and social groups.

Ministry of Maritime Affairs and Fisheries Regulation No. 56 of 2016 as Protection of the Marine Economy

The smuggling in the sea, which has been very prevalent so far, is of course because the business of marine commodity products is very promising and lucrative, in this way the business can earn billions of rupiah even though they realize that the way they do it is an illegal activity. The Indonesian government itself is doing its utmost to prevent the smuggling of various seafood commodities that are included in the commodity list in the form of export bans on these marine commodities (Piermartini, 2004); (Ford & Lyons, 2012); (Gallien & Weigand, 2021). In addition to being detrimental to the State, of course, these activities can cause marine life to become increasingly scarce coupled with losses that must be suffered by the state reaching a fantastic value, namely trillions of rupiah. The method used is generally to circumvent the various export-import facilities provided by Customs (Sahri., Mustika., Dewanto., & Murk, 2020).

Law enforcement efforts in implementing the law on catching lobster seeds, namely: Preventive efforts by conducting socialization and legal counseling, in this case, socialized in particular, Regulation of the Minister of Marine Affairs and Fisheries Number 56 of 2016, which is related to the prohibition of fishing for lobster seeds and legal regulations on fisheries crimes. who regulates it and supervise the waters in the sea (Waddell, 2009); (Prisandani., & Amanda, 2019). The repressive measures undertaken by law enforcement officials include arresting, examining, and enforcing the law firmly against the perpetrators, by arresting several lobster seed catchers and determining several suspects who are suspected of being lobster seed collectors.

The desire of each individual and the awareness of life in society is the main basis for the formation of a rule of law, with the main purpose and objective so that the law that has been made can run as shared by the community, in this case, the community wants an atmosphere of harmony and peace in social life carried out together (Tyler, 2003); (Jensen, 2007). A person who commits an offense in the form of a criminal act must certainly be held accountable for his action so that the action will be able to provide a deterrent effect, someone has an error if at the time of committing an act from the perspective of society shows a normative view of his mistake. Humans are required to always be able and willing to control their bad actions that violate the law as a consequence of carrying out community life activities together, without any control and a spirit of awareness to always try to limit behavior that can potentially cause harm to the interests of others both individually. as well as in groups or general in the community. In the life of the nation and the life of the state, Sriramesh., & Verčič, 2003); (Sunshine., & Tyler, 2003).

The implementation of the ban on catching and or releasing lobsters based on this policy is expected to be able to change perceptions and increase the awareness of lobster fisheries stakeholders in maintaining the sustainability of resources, especially lobster fishermen (Quimby, 2015); (Priyambodo, 2018); (Jones, C. M., Le Anh, T., & Priyambodo, 2019); (Priyambodo, B., Jones, C. M., & Sammut, 2020). The perception that exists in fishermen of existing fishery resources is a process of organizing the potential power of fishermen in interpreting the management of fisheries resources in the waters, this is to create a climate and condition of lobster fisheries that are full of responsibilities that can make them prosperous again. In fact, until now the practice of catching and smuggling lobster seeds still occurs in our territorial waters (Bow., Wiyono & Supriyadi, 2012); (Elvany, 2020); (Ilmar., Napang., & Assidiq, 2020).

The Minister of Marine Affairs and Fisheries Regulation No.56 of 2016 is not intended solely to kill the business and economy of the community, especially fishermen, instead, the

state wants to save a bigger long-term interest, namely how to save lobster resources so that their economic value can be enjoyed sustainably and sustainably until posterity later. Previously, the Government through the Ministry of Marine Affairs and Fisheries had issued Ministerial Regulation KP Number 56 of 2016 concerning the Prohibition and Exportation of Lobster, Crab, and Crab from the Territory of the Republic of Indonesia. The implementation of this rule must be addressed and interpreted as an effort of learning for all components of the nation, that we have a very heavy mandate of responsibility in managing marine resources that are bestowed by God.

The issuance of this regulation was motivated by the exploitation of various marine products protected by the state, including in this case lobster and/or lobster seeds in the wild uncontrollably and significantly causing a decrease in the stock of lobster resources in Indonesian waters. (Ono., Soegondho., & Yoneda, 2009). Currently, it has become the largest asset of lobster resources in the world, for this reason, it is important to preserve this asset so that the lobster life cycle can run normally without overdoing it. Our government is trying hard to arrange the pattern of exploiting marine resources in the form of lobsters and several other marine resources so that on the one hand they are maximally economical, and on the other hand, the preservation of our marine resources will also be maintained forever. If exploitation occurs continuously and uncontrollably of our marine resources, then it is certain that the life cycle will be interrupted and in the end have an impact on the availability of stocks of our marine products, especially lobsters will experience a significant decline and, likely, our future generations will not recognize and understand our amazing marine natural resource commodities, especially lobsters. our oceans. As we all know, that illegal fishing and smuggling of lobster seeds and always continue to occur in several areas of our waters, because the prices of our seafood commodities are very tempting, especially offers from several buyers in destination countries for shipping lobster seeds and broodstock. Even though if we want to be patient,

Thus, it is appropriate that we must obey and carry out the outlines of the provisions set by the government, especially the Ministry of Maritime Affairs and Fisheries Regulation Number 56 of 2016 so that the preservation of our abundant marine resources becomes our economic strength and the economic strength of our generation. will come as a form of gratitude for the blessings that God has given to the nation.

CONCLUSION

Based on the above discussion, the research results show that the Minister of Marine Affairs and Fisheries Regulation Number 56 of 2016 is a regulation made to maintain the sustainability and sustainability of ecosystems and fishery resources, especially crabs, lobsters, and crabs. Because we realize it or not that Indonesia's marine wealth is very abundant, especially we are a maritime country. Therefore, the Minister of Marine Affairs and Fisheries Regulation Number 56 of 2016 from a legal standpoint is part of protecting Indonesia's marine economy.

REFERENCES

- Ambari, M. (2020). Misi Indonesia Terapkan Ekonomi Kelautan yang berkelanjutan. <https://www.mongabay.co.id/2020/02/18/misi-indonesia-terapkan-ekonomi-kelautan-yang-berkelanjutan/> diakses 28 Desember 2020.
- Batubara, S. C. (2016). Disain Sistem Manajemen Rantai Pasokan Industri Perikanan Tangkap Laut Berkelanjutan. Pascasarjana. Disertasi. Institut Pertanian Bogor.
- Elvany, A. I. (2020). Formulation Policy Regarding the Smuggling of Lobster Seeds in Indonesia. *Lentera Hukum*, 7, 37.

- Ford, M., & Lyons, L. (2012). Smuggling cultures in the Indonesia-Singapore borderlands. *Transnational Flows and Permissive Politics: Ethnographies of Human Mobilities in Asia*, 91-108.
- Furqan, F., Nurani, T. W., Wiyono, E. S., & Soeboer, D. A. (2017). Tingkat pemahaman nelayan terkait dengan kebijakan pelarangan penangkapan benih lobster *Panulirus* spp. di Palabuhanratu. *ALBACORE Jurnal Penelitian Perikanan Laut*, 1(3), 297-308.
- Gallien, M., & Weigand, F. (2021). Channeling Contraband: How States Shape International Smuggling Routes. *Security Studies*, 30(1), 79-106.
- Haluan, J., Wiyono, E. S., & Supriyadi, R. (2012). Pengembangan sistem informasi manajemen perikanan tangkap dalam rangka pengembangan industrialisasi perikanan laut (the development of capture fisheries management information system in relation to the development of marine fisheries industrialization). *Marine Fisheries: Journal of Marine Fisheries Technology and Management*, 3(2), 123-128.
- Hutomo, M., & Moosa, M. K. (2005). Indonesian marine and coastal biodiversity: Present status.
- Ilmar, A., Napang, M., & Assidiq, H. (2020). Legal analysis of lobster export policies in Indonesia: The principle of sustainable development approach. In *IOP Conference Series: Earth and Environmental Science* (Vol. 564, No. 1, p. 012067). IOP Publishing.
- Jensen, K. (2007). The desire to learn: an analysis of knowledge-seeking practices among professionals. *Oxford review of education*, 33(4), 489-502.
- Jones, C. M., Le Anh, T., & Priyambodo, B. (2019). Lobster aquaculture development in Vietnam and Indonesia. In *Lobsters: Biology, Fisheries and Aquaculture* (pp. 541-570). Springer, Singapore.
- Muzani. (2014). Optimasi Kelembagaan dalam Pengelolaan Ekosistem Mangrove Berbasis Perikanan (Kasus di Kabupaten Tangerang Provinsi Banten). Disertasi. Institut Pertanian Bogor.
- Ono, R., Soegondho, S., & Yoneda, M. (2009). Changing marine exploitation during late Pleistocene in Northern Wallacea: shell remains from Leang Sarru Rockshelter in Talaud Islands. *Asian Perspectives*, 318-341.
- Piermartini, R. (2004). *The role of export taxes in the field of primary commodities* (No. 4). WTO Discussion Paper.
- Prisandani, U. Y., & Amanda, A. L. (2019). The Importance of Regulating Plastic Marine Pollution for the Protection of Indonesian Marine Environment. *Yuridika*, 35(1), 171-186.
- Priyambodo, B. (2018). *The development of spiny lobster aquaculture in Indonesia through the enhancement of puerulus catch and technology transfer* (Doctoral dissertation, The University of New South Wales).
- Priyambodo, B., Jones, C. M., & Sammut, J. (2020). Assessment of the lobster puerulus (*Panulirus homarus* and *Panulirus ornatus*, Decapoda: Palinuridae) resource of Indonesia and its potential for sustainable harvest for aquaculture. *Aquaculture*, 528, 735563.
- Quimby, B. (2015). Emerging customs: Small-scale fishing practices in Aceh, Indonesia. *Applied Geography*, 59, 125-130.
- Rochwulaningsih, Y., Sulistiyono, S. T., Masruroh, N. N., & Maulany, N. N. (2019). Marine policy basis of Indonesia as a maritime state: The importance of integrated economy. *Marine Policy*, 108, 103602.
- Sahri, A., Mustika, P. L. K., Dewanto, H. Y., & Murk, A. J. (2020). A critical review of marine mammal governance and protection in Indonesia. *Marine Policy*, 117, 103893.

- Sambali, H., F. Yulianda., D. G. Bengen & M. M. Kamal. (2014). Analisis Kelembagaan Pengelola Taman Nasional Laut Kepulauan Seribu. *Jurnal Sosial Ekonomi Kelautan dan Perikanan*, Vol. 9 No. 1 Tahun 2014.
- Sriramesh, K., & Verčič, D. (2003). *A theoretical framework for global public relations research and practice*. na.
- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & society review*, 37(3), 513-548.
- Tarmizi. M. K. T. (2010). "Institutional framework for ocean governance: a way forward". World Maritime University Dissertations. Paper 420.
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and justice*, 30, 283-357.
- Waddell, S. (2009). Rising to the challenge of providing legal protection for the Indonesian coastal and marine environment. *Indonesia Beyond the Water's Edge: Managing an Archipelagic State*, eds R. Cribb and M. Ford (Singapore: Institute of Southeast Asian Studies (ISEAS)), 172-194.