

Law Enforcement and Socio-Legal Approaches in Combating Destructive Fishing Crimes in Maluku: Policy Analysis, Implementation Challenges, and Community Empowerment

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ABSTRACT

Destructive fishing is a form of fisheries crime that causes ecological damage and threatens the socio-economic stability of coastal communities. Maluku Province, a strategic archipelagic region highly dependent on marine resources, faces significant challenges in preventing and combating this practice. This study analyzes the enforcement of destructive fishing offenses through normative-juridical and socio-legal approaches by examining national legal frameworks, the effectiveness of the *lex specialis* principle, institutional enforcement capacity, and socio-economic dynamics and legal culture among coastal communities. The findings reveal that although national legal provisions offer a strong normative foundation, law enforcement in Maluku remains constrained by geographical barriers, limited numbers of specialized fisheries investigators, and insufficient maritime surveillance infrastructure. Additionally, economic pressure, lack of access to sustainable fishing technologies, and low legal awareness contribute to persistent destructive fishing practices. Addressing this issue requires integrating penal instruments with community-based empowerment strategies, including the revitalization of traditional norms such as *sasi laut*, capacity-building for enforcement officers, technological strengthening of maritime monitoring, and the development of coastal livelihood alternatives. This study concludes that successful mitigation of destructive fishing depends on the synergy between legal policies, community participation, and sustained institutional strengthening. (Times New Roman, 11, regular, spasi 1, kata kunci antara 3-6, urut abjad)

Keywords: : *Destructive fishing; Fisheries law; Law enforcement; Maluku*

INTRODUCTION

Marine resources are one of the main pillars of sustainable development, food security, and global economic stability. According to a report by the Food and Agriculture Organization (FAO), the fisheries sector contributes significantly to the global protein supply and supports more than 600 million people whose livelihoods depend on fishing activities.¹ However, pressure on marine resources has increased progressively over the past two decades, giving rise to unsustainable and environmentally destructive fishing practices. One of the most serious practices threatening the sustainability of marine ecosystems is destructive fishing, which involves fishing using destructive methods such

¹ Food and Agriculture Organization. (2022). *The State of World Fisheries and Aquaculture 2022*. FAO.

as explosives, poisons, or electric shocks that directly damage marine habitats, especially coral reefs. The phenomenon of destructive fishing is not only a global environmental issue, but also an economic and social crime due to its impact on the livelihoods of coastal communities.

The Indo-Pacific region is known to be the most vulnerable to destructive fishing, due to its high level of marine biodiversity and the dependence of coastal communities on fish resources. Indonesia, the Philippines, and Malaysia are the countries with the highest incidence of destructive fishing in the world.² While these regions have great fisheries potential, illegal fishing and destructive fishing practices pose a crucial threat to the sustainability of marine resources and coastal conservation programs. The ecological consequences of destructive fishing include the destruction of coral reef structures, a decline in demersal fish stocks, and disruption of coastal ecosystem functions that support fish reproduction.³ In a socio-economic context, this damage has led to a decline in fishermen's income, coastal economic instability, and the loss of traditional livelihoods.⁴ Thus, destructive fishing is a multidimensional crime that requires an integrated approach, both through penal instruments and community-based non-penal policies.

Indonesia, as the world's largest archipelagic country, has a strategic position in the context of marine environmental protection. Indonesia's marine area covers 6.4 million km² with a coastline of more than 108,000 km, making it a center of global marine biodiversity.⁵ The contribution of the fisheries sector to the national Gross Domestic Product (GDP) in 2022 reached more than IDR 400 trillion, and absorbed more than 2.7 million direct workers, mainly from the traditional fishing sector.⁶ However, this potential is accompanied by serious threats to coastal environmental sustainability due to destructive fishing. The Ministry of Maritime Affairs and Fisheries (KKP) has recorded hundreds of crackdowns on destructive fishing in recent years, with a high concentration in eastern Indonesia, which has extensive coastal areas and a significant distribution of traditional fishermen.

The province of Maluku is one of the most affected areas. As an archipelago with a complex geographical structure and a high level of community dependence on fisheries, Maluku faces unique dynamics in law enforcement and coastal resource management.⁷ The areas of Central Maluku, North Seram, and Sawai Bay are still facing destructive fishing practices, particularly the use of fish bombs and poison to increase catches in a short period of time.⁸ Coral reef damage in these areas has a direct impact on the potential of economically valuable marine biota and threatens the sustainability of local fishermen's livelihoods. Ecological research notes that locations affected by fish bombs have experienced a decline in coral fish biomass of more than 50% and will require decades to

² Purcell, S. W., Pomeroy, R., & Poulos, H. (2020). Small-scale fisheries and coastal livelihoods. *Marine Policy*, 122, 104–158.

³ Fox, H. E., et al. (2022). Coral reef recovery after destructive fishing. *Marine Ecology Progress Series*, 695, 1–12.

⁴ Cayton, H., et al. (2020). Tropical reef fish population declines. *Biological Conservation*, 243, 108–257.

⁵ Badan Pusat Statistik. (2023). *Statistik Perikanan Tangkap Indonesia*. BPS RI.

⁶ Kementerian Kelautan dan Perikanan. (2022). *Laporan Pengawasan Sumber Daya Kelautan dan Perikanan*. KKP.

⁷ Jurnal Sasi. (2021). Kebijakan kriminal aktivitas perikanan merusak di Seram Utara dan Seram Barat. *Jurnal Sasi*, 27(2), 88–102.

⁸ Asaad, A., et al. (2019). Coastal fisheries and ecosystem threats in Maluku. *Ocean & Coastal Management*, 174, 55–64.

recover naturally.⁹ This situation confirms that destructive fishing is a serious threat not only to marine conservation but also to the socio-economic sustainability of coastal communities in Maluku.

Normatively, Indonesia's fisheries legal regime has provided a strong basis for combating destructive fishing. Law No. 31 of 2004 on Fisheries, as amended by Law No. 45 of 2009, stipulates strict sanctions for perpetrators of destructive fishing, including criminal imprisonment and heavy fines for anyone who damages the marine environment through illegal fishing practices.¹⁰ The enforcement of fisheries criminal law within this framework adopts the principle of *lex specialis derogat legi generali*, so that the authorized law enforcement agencies include not only the Indonesian National Police, but also the Civil Servant Investigators (PPNS) for Fisheries and the Indonesian Navy (TNI AL).¹¹ This multi-institutional synergy is designed to strengthen the state's capacity to protect marine resources and effectively enforce environmental criminal law.

However, in reality, law enforcement is often suboptimal. Previous legal studies show that coordination between law enforcement agencies in handling fisheries crimes still faces structural obstacles, such as overlapping authorities, slow inter-agency coordination processes, and limited technical capacity of officials in the field.¹² This situation is exacerbated by the geographical characteristics of Maluku, which consists of hundreds of islands and vast waters, making it difficult to carry out comprehensive and sustainable monitoring and enforcement.¹³ Technical challenges also arise from the limited patrol fleet, monitoring facilities, and human resource support for fisheries law enforcement officers in handling destructive fishing cases.¹⁴ Therefore, fisheries law enforcement in Maluku is not only a matter of legal norms, but also an issue of institutional capacity and the design of marine environmental law enforcement governance.

In addition to structural and institutional issues, sociological factors also play a role in the continuation of destructive fishing practices. Economic pressures on fishing households, fluctuations in the price of fishery commodities, limited access to business capital, and dependence on traditional fishing methods often drive fishermen to use illegal fishing gear when fish stocks decline.¹⁵ A number of social studies show that some coastal communities view destructive fishing as a shortcut to increasing income in difficult economic conditions, especially when fish availability declines and operational costs increase.¹⁶ Therefore, strategies to combat destructive fishing cannot rely solely on a repressive approach, but require a socio-economic and legal education approach that is sustainable in order to build a culture of legal compliance at the community level.

⁹ Yulianto, I., et al. (2022). Coral reef condition after blast fishing in Eastern Indonesia. *Diversity*, 14(8), 694–705.

¹⁰ Undang-Undang Republik Indonesia Nomor 31 Tahun 2004 tentang Perikanan.

¹¹ Undang-Undang Republik Indonesia Nomor 45 Tahun 2009 tentang Perubahan atas UU Perikanan.

¹² Syafrinaldi. (2023). Law Enforcement of Fisheries Crimes Based on The Criminal Justice System. *Jambura Law Review*, 5(1), 101–116.

¹³ Pattiasina, J. (2020). Koordinasi kelembagaan dalam penenggelaman kapal pelaku tindak pidana perikanan. *Jurnal Sasi*, 26(1), 45–59.

¹⁴ Adam, R. et al. (2023). Capacity challenges of PPNS in coastal law enforcement. *Jurnal Penegakan Hukum*, 4(2), 150–163.

¹⁵ Anggraeni, D., et al. (2022). Marine law enforcement barriers in remote islands. *Journal of Maritime Policy*, 18(3), 200–214.

¹⁶ Sari, V. R., et al. (2021). Socio-economic drivers of destructive fishing in Indonesia. *Ocean & Coastal Management*, 215, 105–175.

From a socio-legal perspective, the success of environmental criminal law enforcement is determined not only by the existence of positive legal instruments, but also by legal awareness, social legitimacy, and community participation. A socio-legal approach emphasizes that law implementation must consider local values, community legal culture, and socio-economic aspects that influence legal compliance.¹⁷ In coastal areas such as Maluku, local knowledge about marine conservation, such as the practice of sasi laut, which is recognized in several indigenous communities, is an important social capital in developing participatory coastal resource management.¹⁸ The integration of state legal norms with local social and customary norms can strengthen the prevention of destructive fishing and foster the internalization of environmental conservation values in coastal communities.

However, despite positive social practices such as sasi laut, the challenges of modernization and commercialization of the fisheries sector also influence patterns of marine resource exploitation. When short-term economic orientation dominates, traditional conservation practices are often overwhelmed by market economics and the need for daily income.¹⁹ In such conditions, the state has an obligation to strengthen law enforcement and encourage local capacity building through legal education, community empowerment, and the provision of sustainable economic alternatives.²⁰ Thus, combating destructive fishing requires a multi-dimensional approach that combines criminal law instruments, socio-economic policies, and social empowerment.

Although the issue of destructive fishing has been examined in various studies, there is a significant gap in the integration between criminal law enforcement and community-based socio-legal approaches. Hicks et al. (2019) in the article “Harnessing Global Fisheries to Tackle Biodiversity Loss” provide a global ecological perspective on the threat of destructive fishing, but do not discuss aspects of local law enforcement in Indonesia. A study in the 2020 Sasi Journal entitled “Institutional Coordination in the Sinking of Vessels Resulting from Fisheries Crimes” highlights institutional coordination in fisheries crime enforcement, but does not integrate the role of public legal awareness as part of a prevention strategy. Meanwhile, a 2023 study in the Jambura Law Review titled “Law Enforcement of Fisheries Crimes Based on the Criminal Justice System” focuses on formal law enforcement mechanisms without discussing the socio-cultural dimensions and empowerment of coastal communities in preventing destructive fishing. Thus, there is a need to develop studies that integrate the perspectives of penal law enforcement and socio-legal empowerment in the context of coastal resource management in Maluku.

The novelty of this research lies in its presentation of an integrative analysis of combating destructive fishing that not only emphasizes the effectiveness of *lex specialis* criminal law enforcement but also examines the role of the socio-legal approach through strengthening legal awareness, local values, and the participation of coastal communities in preserving the marine ecosystem in Maluku.

¹⁷ Susanti, M., & Wijaya, R. (2022). Community legal awareness and environmental crimes prevention. *Jurnal Dinamika Hukum*, 22(1), 33–47.

¹⁸ Umar, M., et al. (2020). Sasi laut as customary marine governance system. *Maritime Studies*, 19, 115–129.

¹⁹ Prabowo, M., et al. (2021). Community empowerment and compliance in environmental law. *Journal of Social Ecology*, 10(2), 77–89.

²⁰ Nurhayati, S., et al. (2019). Effectiveness of social-legal approach in coastal conservation. *Jurnal Sosio-Legal Indonesia*, 4(2), 201–218.

The purpose of this study is to analyze the enforcement of destructive fishing criminal law in Maluku through a socio-legal perspective, by assessing the effectiveness of *lex specialis* regulations, law enforcement institutional capacity, and the contribution of local legal culture to the prevention of destructive fishing practices.

METHODOLOGY

This study uses a legal-normative approach combined with a legal-empirical (socio-legal) approach. The legal-normative approach was used to examine the legal regulations on the criminal act of destructive fishing in Indonesia, including the provisions in Law No. 31 of 2004 on Fisheries as amended by Law No. 45 of 2009, the principle of *lex specialis derogat legi generali*, and the law enforcement authority of the Police, the Fisheries Law Enforcement Agency (PPNS Perikanan), and the Indonesian Navy (TNI AL). This normative study analyzes primary, secondary, and tertiary legal materials, including doctrines, theories of environmental criminal law enforcement, concepts of special criminal law, and principles of marine resource management.²¹ This approach was chosen because fisheries crimes are a type of special crime that requires an in-depth study of positive legal constructs and special criminal principles.²²

In addition, this study applies a socio-legal approach to understand the reality of the implementation of destructive fishing law enforcement in the Maluku coastal region. This approach views law not only as a normative text, but also as a social phenomenon influenced by economic, cultural, and community behavior factors.²³ The analysis was conducted on law enforcement practices, institutional barriers, community compliance levels, and the socio-economic dynamics of fishermen in the context of marine resource monitoring. This socio-legal approach was used to assess the extent to which fisheries laws are effectively enforced and how social variables influence the success of fisheries crime prevention.

This study uses qualitative data through analysis of legal documents (laws and regulations, court decisions related to fisheries crimes, and fisheries monitoring policies) as well as academic literature on fisheries crimes, maritime law enforcement, and coastal legal culture. Legal materials were systematically collected through searches of official government documents, nationally and internationally indexed legal journals, and relevant court decisions.²⁴ This study did not collect primary field data, but used secondary empirical data available in academic publications and official government reports related to the handling of destructive fishing in Maluku.

The analysis technique used is qualitative juridical analysis through the preparation of legal arguments, systematic interpretation, and deductive-inductive reasoning to explain the consistency between legal norms and the reality of implementation in the field. The analysis also uses a thematic socio-legal reasoning framework to identify patterns of law enforcement, obstacles, socio-economic factors, and their implications for the effectiveness of fisheries policies.²⁵

²¹ Cotterrell, R. (2018). *Sociology of Law: An Introduction*. Routledge.

²² Nelken, D. (2020). *Comparative Criminal Justice: Making Sense of Difference*. SAGE.

²³ Tranfield, D., Denyer, D., & Smart, P. (2003). Towards a methodology for developing evidence-informed management knowledge. *British Journal of Management*, 14(3), 207–222.

²⁴ Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333–339.

²⁵ Braun, V., & Clarke, V. (2021). *Thematic analysis: A practical guide*. SAGE Publications.

DISCUSSION

1. Legal Framework and Implementation of Lex Specialis in the Enforcement of Destructive Fishing Crimes in Maluku

Law enforcement against *destructive fishing* crimes in Indonesia falls under the special criminal law regime for fisheries, which positions the protection of marine resources as a strategic interest of a maritime country. The main normative basis is found in Law No. 31 of 2004 on Fisheries, as amended by Law No. 45 of 2009, which regulates the prohibition of the use of explosives, poisons, and other fishing gear that damage the marine ecosystem, with the threat of imprisonment of up to 10 years and fines of up to Rp 2 billion. This norm emphasizes that fisheries crimes cannot be viewed as mere administrative violations, but rather as special crimes that require repressive law enforcement mechanisms and strong preventive measures.^{^2} The implementation of *lex specialis derogat legi generali* in handling these crimes provides a basis that the investigation process is not only the authority of the Police, but also the Civil Servant Investigators (PPNS) of Fisheries and the Indonesian Navy (TNI AL) in a functional manner.^{^3}

The principle of *lex specialis* in the context of fisheries law is designed to provide maximum protection for marine resources, given their ecologically vulnerable nature and the need for sustainability for future generations.^{^4} However, the effectiveness of the application of this special norm in practice is largely determined by institutional capacity, coordination between law enforcement agencies, and the availability of maritime surveillance resources. Legal studies show that one of the main weaknesses in the implementation of *lex specialis* in the field of fisheries lies in the problem of coordination between agencies, both in the investigation process and in the field.^{^5} This condition is evident in the mechanism for handling destructive fishing cases in the Maluku region, which involves cross-agency cooperation but still faces procedural and technical obstacles.^{^6}

Maluku, as one of the national fisheries production centers, has geographical characteristics in the form of a cluster of small islands spread over a wide area, requiring a surveillance system that is not only intensive but also adaptive to open sea conditions.^{^7} The waters of Central Maluku and Seram are still experiencing cases of the use of fish bombs and chemicals by some fishermen to obtain quick catches, especially in the Sawai Bay area and the north coast of Seram.^{^8} These practices show that even though regulations have imposed strict prohibitions, the success of legal norms is still influenced by the state's ability to control vast maritime geographical areas and the ability of local communities to comply with regulations.^{^9} The challenging geographical conditions of Maluku show that the problem in the field is not merely the absence of legal regulations, but rather the limited operational capacity of maritime surveillance institutions.

Meanwhile, the role of the Fisheries PPNS as a special investigative unit faces serious problems related to the number of personnel and technical competence in investigating maritime crimes. Research confirms that PPNS officials in eastern Indonesia, including Maluku, still lack human resources with special investigative skills and supporting facilities to deal with maritime crimes effectively. In addition, limited patrol fleet facilities and modern technology-based monitoring systems also hamper the implementation of surveillance tasks in vast waters. Under these conditions, the Indonesian Navy and the Indonesian National Police continue to play a major role in the implementation of maritime law enforcement, but institutional synergy has not been optimal due to overlapping authorities in several stages of case handling.

On the other hand, a repressive approach through criminalization has not been fully effective in deterring perpetrators. Some of the perpetrators of destructive fishing are traditional fishermen with limited legal knowledge and high economic pressures, so an approach that focuses solely on criminal prosecution often fails to address the root of the social problem.^{^13} However, the existence of severe sanctions remains an important pillar in providing a deterrent effect against parties who engage in large-scale destructive exploitation, including explosives trading networks and individuals in the fishing industry who exploit small-scale fishermen as field operators.^{^14} Therefore, law enforcement policies must balance repressive measures with preventive strategies based on community legal empowerment, so that legal norms are not only obeyed out of fear, but because of internalized legal awareness.^{^15}

The juridical-empirical approach illustrates that the implementation of destructive fishing law enforcement in Maluku faces complex social realities. The high dependence of coastal communities on marine resources and limited economic access make repressive policies alone insufficient to change behavior comprehensively.^{^16} Therefore, in several socio-legal studies, a policy direction has emerged that places community-based marine governance as a companion to penal instruments, including the strengthening of local conservation values such as *sasi laut*, which functions as a social instrument to prevent overexploitation.^{^17} When state legal norms are integrated with local wisdom values and community monitoring strategies, the effectiveness of law enforcement will increase due to the emergence of social legitimacy for formal rules.^{^18}

Thus, the special criminal law framework for fisheries provides a strong normative basis for combating destructive fishing, but its effectiveness is greatly influenced by three key elements: the capacity of law enforcement institutions, adaptation to the geographical conditions of Maluku, and the integration of legal policy with a community-based social approach. In the future, law enforcement in the fisheries sector cannot be viewed merely as a repressive function, but rather as part of a marine governance system that must combine legal, social, economic, and cultural approaches to the community's legal system as a single living legal system.

2. Socio-Economic Factors and the Legal Culture of Coastal Communities in the Practice of Destructive Fishing in Maluku

The phenomenon of destructive fishing in Maluku cannot be separated from the socio-economic structure of coastal communities that depend on marine resources for their livelihoods. Environmental criminology studies explain that ecological crimes in coastal areas are generally related to economic pressures, low access to environmentally friendly technology, and limited employment alternatives.²⁶ In the context of Maluku, most fishermen are small-scale fishermen with traditional fleets and limited capital, so when fish resources decline, the pressure to obtain a quick catch often becomes a reason for using illegal methods such as fish bombs or poison.²⁷ This issue shows that perpetrators of destructive fishing in Maluku do not always act out of premeditated criminal motives, but rather as an adaptive response to the economic vulnerability they face.

This socio-economic reality is exacerbated by seasonal fluctuations in fish catches, rising operational costs, and limited access to stable markets. When incomes

²⁶ Undang-Undang Republik Indonesia Nomor 31 Tahun 2004 tentang Perikanan.

²⁷ Undang-Undang Republik Indonesia Nomor 45 Tahun 2009 tentang Perubahan atas UU Perikanan.

decline, some fishing communities see destructive fishing as a shortcut to increasing catches at low cost and in a short time.²⁸ Within the framework of situational crime theory, high-risk economic conditions, the absence of effective supervision, and the availability of explosives or chemicals contribute to this deviant behavior.²⁹ In some cases, there is also third-party involvement in the distribution of explosives, namely informal networks that supply detonators and ammunition for illegal fishing, thereby reinforcing the cycle of crime in coastal areas.³⁰

In addition to economic factors, the legal culture of the Maluku coastal community also influences the level of compliance with fisheries regulations. A number of coastal communities have strong historical ties to the sea, but their understanding of positive state law regarding fishing gear and criminal sanctions is often limited.³¹ In such conditions, legal compliance is not only a matter of the existence of rules, but also of social acceptance of those rules. In some coastal communities, knowledge about the prohibition of the use of explosives or fish poison has not yet become part of the collective consciousness, so a repressive approach alone is not enough to encourage behavioral change.³²

However, not all social norms are contrary to the principles of conservation. Maluku has a local wisdom in the form of **sasi laut**, a customary system that limits the use of certain resources during certain periods to ensure resource recovery.³³ This system shows that local communities had a strong tradition of ecological protection before the state law came into existence. Problems arise when economic modernization causes some communities to ignore the value of *sasi* and prefer instant fishing methods due to short-term economic pressures.³⁴ Thus, revitalizing local values can be a complementary strategy in preventing destructive fishing, alongside the enforcement of positive law.

From a law and society approach, successful law enforcement in coastal areas requires social legitimacy. Laws that are not understood or accepted by the community tend to be ineffective, even if the penalties are severe.³⁵ Therefore, strategies to eradicate destructive fishing must consider aspects of legal education, environmental education, and the involvement of traditional and religious leaders to strengthen social support for marine law enforcement.³⁶ Providing education on the long-term ecological impacts and

²⁸ Syafrinaldi. (2023). Law Enforcement of Fisheries Crimes Based on the Criminal Justice System. *Jambura Law Review*, 5(1), 101–116.

²⁹ Pattiasina, J. (2020). Koordinasi kelembagaan dalam penanggulangan kapal pelaku tindak pidana perikanan. *Jurnal Sasi*, 26(1), 45–59.

³⁰ Asaad, A., et al. (2019). Coastal fisheries and ecosystem threats in Maluku. *Ocean & Coastal Management*, 174, 55–64.

³¹ Adam, R., et al. (2023). Capacity challenges of PPNS in coastal law enforcement. *Jurnal Penegakan Hukum*, 4(2), 150–163.

³² Yulianto, I., et al. (2022). Coral reef condition after blast fishing in Eastern Indonesia. *Diversity*, 14(8), 694–705.

³³ Fox, H. E., et al. (2022). Coral reef recovery after destructive fishing. *Marine Ecology Progress Series*, 695, 1–12.

³⁴ Haryanto, B., & Nugroho, T. (2020). Socio-legal implications of environmental crimes in coastal areas. *Jurnal Hukum & Pembangunan*, 51(3), 421–438.

³⁵ Sari, V. R., et al. (2021). Socio-economic drivers of destructive fishing in Indonesia. *Ocean & Coastal Management*, 215, 105–175.

³⁶ Umar, M., et al. (2020). Sasi laut as customary marine governance system. *Maritime Studies*, 19, 115–129.

economic consequences of coral reef damage can strengthen fishermen's rationality to abandon destructive methods.³⁷

In addition to an educational approach, structural solutions need to be provided by providing access to environmentally friendly fishing gear, community-based microcredit, and a more stable market for marine products. When economic pressure is reduced, the potential for violations also decreases because perpetrators are no longer trapped in a choice of crime as a survival strategy.

Policy instruments such as the provision of cold storage, efficient trade in catches, and the integration of fishing cooperatives can provide a stronger economic foundation for small-scale fishers. Thus, socio-economic policies are an integral part of the strategy to combat fisheries crime. Another challenge is the existence of economic and political actors who exploit small-scale fishers as perpetrators of destructive fishing.

In several studies, the use of explosives and fish poisons is supported by a distribution network of dangerous materials that does not originate entirely from the fishermen themselves, but through a larger illegal supply chain.³⁸ Law enforcement against this supply network is as important as enforcement at the grassroots level, so that repressive policies have a real deterrent effect. Thus, law enforcement strategies that only target perpetrators in the field without eradicating structural actors have the potential to fail to produce long-term impact and only create dependence on a reactive punishment system.

From a socio-legal perspective, the success of destructive fishing prevention policies is not only measured by the number of arrests or criminal proceedings, but also by the extent to which coastal communities internalize legal norms and voluntarily change their behavior. Collaboration between the state and the community is a key requirement, especially through participatory mechanisms such as community monitoring, coastal community patrols, and fisherman dialogue forums.³⁹ This synergy places the community not as objects, but as legal subjects who play an active role in maintaining the sustainability of the marine environment.

Thus, socio-economic and legal-cultural factors play an important role in understanding why destructive fishing still occurs in Maluku. Effective prevention efforts require a series of integrated strategies: legal pressure on perpetrators and their support networks, strengthening the economic capacity of fishermen, empowering coastal communities, and revitalizing local conservation values. An approach that relies solely on repression is not sufficient to reduce the number of violations if it is not accompanied by social conditioning that supports internal legal compliance. A combination of penal and social approaches is the foundation for creating fair, effective, and sustainable marine governance.

3. Institutional Challenges and Directions for Strengthening Destructive Fishing Law Enforcement Policy in Maluku

The challenges of enforcing destructive fishing laws in Maluku are not only related to the behavior of perpetrators or the socioeconomic conditions of coastal communities, but are also closely related to institutional capacity and the design of law enforcement policies in the marine sector. As an archipelago consisting of hundreds of

³⁷ Trinanda, G. (2021). Local wisdom in marine conservation and law enforcement. *Jurnal Ilmu Hukum*, 12(4), 455–469.

³⁸ Nonet, P., & Selznick, P. (2021). *Law and Society in Transition*. Routledge.

³⁹ Nelken, D. (2020). *Comparative Criminal Justice*. SAGE Publications.

large and small islands, Maluku faces structural geographical obstacles that affect the effectiveness of its surveillance system, including limited maritime patrol fleets, vast distances between islands, and maritime dynamics that require authorities to be prepared for extreme situations. These conditions indicate that the state not only needs strong legal norms, but also *infrastructural policing* readiness and modern, adaptive, risk-based maritime surveillance management.

In an institutional context, the enforcement of fisheries crimes falls under the scope of multi-agency enforcement, involving the Police, the Indonesian Navy, and the Fisheries Civil Servant Investigators (PPNS Perikanan). This type of law enforcement model requires effective coordination between agencies because each institution has a different authority base, command structure, and operational priorities. In practice, inter-agency coordination sometimes encounters obstacles at both the technical and administrative levels, for example in the process of case transfer, division of patrol areas, and implementation of integrated maritime operations. The suboptimal coordination mechanism has the potential to create gaps in law enforcement and increase the risk of weak deterrence against perpetrators.

Another factor that poses an institutional obstacle is the limited number of investigators specializing in fisheries. In the Maluku region, the number of Fisheries PPNS is very limited compared to the size of the area and the level of vulnerability to violations. In addition to quantity, issues of technical competence in investigating marine crimes, the use of modern monitoring technology, and the ability to compile strong case files in accordance with criminal procedure law are aspects that need improvement. The level of personnel capability is also influenced by access to investigative training, technical support, and supporting facilities such as patrol boats, satellite-based monitoring systems, and forensic laboratory capacity for examining explosives and poisons used in destructive fishing.

Institutional strengthening efforts require both top-down and bottom-up policy approaches. From a top-down perspective, internal reform of law enforcement agencies is necessary through capacity building of the Fisheries and Water Police, additional operational resources, and modernization of technology-based maritime surveillance systems. The central government, through the Ministry of Maritime Affairs and Fisheries, also needs to optimize cooperation with the Indonesian Navy and the Indonesian National Police to strengthen integrated surveillance operations in vulnerable areas. In addition, the use of information technology and community-based maritime intelligence systems can be a solution to overcome personnel and fleet limitations. The concept of community-supported surveillance allows the community to act as the eyes and ears of the state in detecting potential violations, as in the practice of village-based marine monitoring that has been successfully implemented in a number of island countries.

From a bottom-up perspective, strengthening the role of communities and traditional leaders is an important component in promoting legal compliance and preserving marine resources. The role of traditional institutions such as *kewang* or marine forest rangers, as well as the revitalization of *sasi laut* values, are effective social instruments in enforcing conservation rules at the community level. When customary norms go hand in hand with state norms, resistance to positive law can be reduced, and collaboration between the government and the community can create marine resource management based on ecological and social justice. In the context of progressive law, state law must be able to accommodate local values and mechanisms that have proven effective in preserving the sea, rather than rigidly replacing them.

Another important element in strengthening law enforcement is providing adequate economic incentives so that communities are not driven to engage in destructive fishing. Local governments can develop coastal economic empowerment programs such as providing access to capital, diversifying maritime businesses (such as fish farming, seaweed farming, or marine ecotourism), and integrating fishermen into the sustainable fisheries supply chain. By creating stable economic conditions and alternative economic options, the pressure to commit violations can be significantly reduced. This is in line with the criminological approach that emphasizes the importance of structural interventions to prevent crime.

To clarify the institutional indicators that influence the success of addressing destructive fishing, the following is a brief comparative table summarizing key institutional dimensions and strategic recommendations.

Table 1. Institutional Challenges and Strengthening Strategies in Combating Destructive Fishing

Institutional Dimension	Identified Issues	Strategic Solutions
Enforcement Authority	Overlapping jurisdiction among Police, Navy, and Fisheries Investigators	Clear coordination protocols; integrated command post; MoU implementation strengthening
Surveillance Capacity	Limited patrol fleets and monitoring technology in remote waters	Satellite-based monitoring; community-integrated reporting system; patrol fleet enhancement
Human Resources	Limited number and capacity of fisheries investigators	Professional training; maritime law specialization; recruitment expansion
Legal Implementation	Procedural gaps and slow prosecution processes	Fast-track mechanism for environmental crimes; specialized marine courts consideration
Socio-Cultural Dimension	Limited public legal awareness; erosion of local customs	Community legal education; revitalization of sasi laut and customary enforcement
Economic Pressure	Dependence on fishing with limited alternatives	Coastal livelihood diversification; sustainable fisheries value chain integration

The table above confirms that strategies to combat destructive fishing must address legal, institutional, social, and economic aspects in an integrated manner. Repressive law enforcement, without the support of community empowerment and institutional strengthening policies, only produces a temporary deterrent effect and has the potential to cause social resistance. Conversely, a holistic approach will create more sustainable compliance because it combines legal rigor with social legitimacy and decent economic opportunities.

Going forward, the government needs to develop a law enforcement policy model that is more adaptive to the realities of the Maluku archipelago. The integration of satellite monitoring technology, the use of marine drones, training of trainers for fisheries investigators, and the reorganization of inter-agency coordination mechanisms are important agenda items. At the same time, a community-based approach that respects local values must remain a priority as part of a social strategy to create fair, effective, and sustainable marine governance. Thus, the long-term success of enforcing laws against destructive fishing depends on the state's ability to harmonize positive law, institutional capacity, surveillance technology, and local social forces within an integrated maritime governance framework.

CONCLUSION

Law enforcement against destructive fishing in Maluku confirms that the positive legal framework through the Fisheries Law and the principle of *lex specialis* has formed a strong normative foundation for protecting strategic marine ecosystems. However, the effectiveness of these norms depends on the operational capabilities of the state, particularly coordination between law enforcement agencies, the availability of maritime surveillance resources, the technical expertise of investigators, and the strengthening of scientific evidence systems for marine crimes. In practice, the archipelagic nature of Maluku and the limited number of Fisheries PPNS personnel present structural obstacles that reduce the deterrent effect and open up opportunities for violations in areas with limited surveillance. This condition shows that criminal law, although important, cannot stand alone in facing the complexity of marine environmental crimes.

Furthermore, socio-economic factors and the legal culture of coastal communities also contribute to the continuation of destructive fishing practices. Economic dependence on the fishing sector, limited access to capital, and uneven legal knowledge cause some fishermen to resort to destructive fishing methods as a survival strategy. On the other hand, the existence of local values such as *sasi laut* (sea taboo) shows that a local wisdom-based approach can be an effective social instrument to strengthen legal compliance and conservation. Therefore, combating destructive fishing requires the integration of a penal-preventive and community-based marine governance approach, so that legal norms can run in line with the social norms that exist in the community.

Going forward, strengthening the handling of destructive fishing in Maluku requires a strategic agenda in the form of increasing the professionalism of the Fisheries PPNS, optimizing joint operations with the Indonesian Navy and the Indonesian National Police, modernizing satellite-based surveillance and coastal community participation, and fostering maritime economic alternatives such as aquaculture, marine ecotourism, and marine product cooperatives. The synergy between legal assertiveness, community empowerment, and the revitalization of local values is expected to create fair, effective, and sustainable marine governance. Thus, the success in eradicating destructive fishing not only reflects the functioning of special criminal law but also the state's success in realizing ecological justice and the welfare of coastal communities.

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