



Prevention and Enforcement of First Quarantine Crimes

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Abstract. Prevention and prosecution in Fish Quarantine Crimes sometimes do not run effectively, therefore breakthroughs and appropriate strategies are needed in law enforcement efforts. This article aims to analyze the effectiveness of prevention and prosecution in the crime of fish quarantine and find the right strategy for prevention and action in the crime of fish quarantine. This research is empirical research with a statutory approach, a conceptual approach, and a case approach. Based on the results of the study, it is known that the prevention and prosecution of fish quarantine criminal acts have not run optimally as evidenced by the increase in cases in 2021 as many as 115 from the previous year in 2020 as many as 71 cases. There is an appropriate strategy in the prevention and enforcement efforts, namely the reallocation of the budget for improving fishery technology and the expansion of the authority of PPNS to conduct investigations in the Crime of Money Laundering in the Crime of Fisheries.

Keywords: Prevention, Enforcement, Crime, Fish Quarantine, Fisheries.

1 Introduction

Indonesia is the largest archipelagic country consisting of thousands of islands with abundant natural resources as a gift from God Almighty, so that Indonesia is dubbed the country with the greatest wealth and biodiversity. This wealth is a big capital for national development in order to realize the welfare of the people as mandated by the 1945 Constitution of the Republic of Indonesia.

One of the strategic sectors as a necessity for the status of an archipelagic country is the maritime and fisheries sector with a sea area of 3,257,357 km² with an estimated species of live fish reaching 8500 species or 45% of the total number of fish species in the world. Based on these conditions, the wealth of resources, especially marine resources, is managed through the fishery system. Even though various dynamics and problems of the national and world economies often become problems, the fishery sector remains a strategic sector and has resilience even in the face of an economic crisis.

Development in the fisheries sector aims to improve the welfare of all business actors, preserve the environment and marine resources, make the sea a unifier and uphold national sovereignty, and create a sustainable high economy. One of the efforts made to make it happen is through trade cooperation between countries in the context of increasing foreign exchange, expanding marketing reach and improving technology and science.

In its realization, there are various kinds of obstacles that can threaten the safety of the community, one of which is the threat of disease in fish both inside and outside the territory of Indonesia, the potential for transmission of which can occur in cross-border trade activities such as exports and imports. The government as the embodiment of the existence of the state is obliged to protect the entire Indonesian nation and all of Indonesia's bloodshed as the state's goal in the Preamble to the 1945 Constitution of the Republic of Indonesia. Such protection is carried out through prevention of threats that can damage the preservation of living natural resources from export and import activities, and prevention of the occurrence of the spread of fish diseases, which, in addition to endangering the ecosystem, can also endanger human survival and the environment. The real protection carried out by the government in preventing the spread of disease in fish is through the fish quarantine mechanism.

The development of world trade between countries, especially in export-import activities, has made the role and function of fish quarantine very crucial and strategic. The views on policy management as international standards are agreed upon through the Agreement on Sanitary and Phytosanitary (SPS) Measures under the World Trade Organization (WTO) agreement. Its substance provides the principle that in international trade activities, a country has the right to protect the health of humans, animals, and plants, so that with the presence of these standards, various preventive actions can be taken to control the traffic of fish commodities, fish products, and food ingredients contaminated with pests. Fish (viruses, bacteria, fungi, parasites, and weeds) or residues (antibiotics, heavy metals, pesticides, and other chemicals) that can result in death or disturbance to human health, animal health, preservation of natural resources and the environment. Fish quarantine is expected not only to be able to prevent the entry and spread of pests and diseases of fish, but also protection with a wider scope in the biological resources sector from contamination of genetically modified organisms (GMOs) that can potentially become biological weapons (bioterrorism), the presence of invasive alien species (IAS) that have the potential to disrupt ecosystems, natural species, and food safety that affect food consumption. In addition, regional economic integration in the ASEAN Economic Community (AEC) has also triggered an increase in freer trade activities, including fish commodities. So, quarantine is not only a controlling instrument in an effort to prevent the traffic of fish commodities that have pests and diseases but also a controlling instrument in the flow of trade based on scientific principles.

Various statutory instruments were presented as the basis for quarantine activities. RI Law Number 21 of 2019 concerning Animal, Fish, and Plant Quarantine (hereinafter referred to as the Animal, Fish, and Plant Quarantine Act) provides a juridical basis for the application of quarantine in preventing the entry of pests and

diseases, especially in fish, fish products and carrier media. based on the principles of sovereignty, justice, protection, national security, science, necessity, minimal impact, transparency, integration, recognition, non-discrimination, and sustainability. Article 1 Number 1 of Law Number 21 of 2019 concerning Animal, Fish, and Plant Quarantine. formulate Animal, Fish, and Plant Quarantine, hereinafter referred to as Quarantine, is a system to prevent the entry, exit, and spread of Quarantined animal pests and diseases, Quarantined fish pests and diseases, and Quarantined plant-disturbing organisms; as well as supervision of and/or control over food safety and food quality, feed safety and feed quality, Genetically Engineered Products, Genetic Resources, Biological Agents, Invasive Foreign Species, Wild Plants and Animals, as well as Endangered Plants and Animals that are imported into, their distribution from one area to another, and/or removed from the territory of the Unitary State of the Republic of Indonesia. Every activity of importing or removing fish from the territory of the Republic of Indonesia before being distributed must first go through fish quarantine carried out by the Fish Quarantine Center. The purpose of holding fish quarantine is to prevent the entry of quarantine fish disease pests (HPIK) as well as prevent the spread of HPIK from one area to another within the territory of the Republic of Indonesia.

The implementation of fish, animal, and plant quarantine must first meet several requirements as stipulated in Article 33 of Law Number 21 of 2019 concerning Animal, Fish and Plant Quarantine, including the following: 1) complete a Health certificate from the country of origin for fish, 2) import carrier media through entry points determined by the government, and 3) reporting and handing over the carrier media to the quarantine official at the entry point determined by the central government.

The Ministry of Maritime Affairs and Fisheries through the Fish Quarantine, Quality Control and Safety of Fishery Products (hereinafter referred to as BKIPM) is responsible for carrying out various steps in efforts to protect fishery resources throughout Indonesia from pests and diseases of quarantined fish as well as implementing quality control - product safety. fishery. BKIPM plays an important role in preventing the entry of fish pests and diseases and controlling the quality and safety of fishery products trafficked at places of entry and exit, namely airports, seaports, river ports, ferry ports, cross-border posts, and post offices. These efforts are carried out through the Fish Quarantine Standard Test by carrying out the following tasks: 1) validation of fish quarantine laboratory test methods, 2) technical trial and quarantine action method on HPIK carrier media, 3) preparation of materials for refinement and development of methods and technical testing procedures, 4) assessment and preparation of standardization materials and laboratory quality guidelines, 5) implementation of HPIK standard collections, and management of information systems and publication of laboratory test results.

However, in its implementation, there are not a few cases that occur and can lead to Fish Quarantine Crimes as regulated in Articles 86 to 91 of the Animal, Fish, and Plant Quarantine Law. In 2021 there are 115 cases that have the potential to harm the state with a value of Rp. 192,000,000,000 (one hundred and ninety-two billion

rupiah). The number of cases increased from 2020 which was only 71 cases. The smuggling consisted of 62.9% of lobster seeds, 16.1% of fish products or processing, 13.7% of live ornamental fish, 1.6% of crabs, and 5.9% of other types. In addition to the cases above, there are still many cases of fish quarantine spread throughout Indonesia that have not even been touched by prevention or enforcement efforts. This is still done by many companies and entrepreneurs exporting seeds that export abroad, besides that there are also unscrupulous officials who work together with exporters to smuggle lobster seeds. Based on the explanation above, the problems that will be discussed in this paper are (1) how is the effectiveness of prevention and prosecution in the Criminal Acts of Fish Canine? And (2) what is the right strategy for the prevention and prosecution of Fish Quarantine Crime?

2 Method

This research is empirical research with a qualitative approach. Empirical legal research is often understood as another type of research, which is often confronted with normative legal research. For this reason, this research basically examines primary data using a qualitative approach [1]. The approach used is the statutory approach, the conceptual approach, and the case approach. The statutory approach is carried out by reviewing all laws and regulations related to the legal issues being handled [2]. Data collection techniques in writing this article are through interview and library research. Interview is a method of collecting data by communicating directly with sources, while literature study is a method of collecting data and legal documentation to obtain primary legal materials and secondary legal materials. Literature research is carried out by collecting, reading, and browsing a number of books, articles, legal journals, laws and regulations, judges' decisions, or other literature relevant to this research. Data analysis begins with the data inventory stage, then data synchronization, then qualitatively analysed to reach a clear point of the problem raised. The author then describes and relates in such a way that it is presented in more systematic writing and the results will be described descriptively, namely by explaining and describing according to the problems associated with writing this article.

3 Result and Discussion

Quarantine is a system of preventing the entry, exit and spread of quarantine pests and diseases of animals, quarantine pests and diseases of fish, and quarantine plant-disturbing organisms, as well as supervision and/or control over food safety and food quality, feed safety and feed quality, genetically engineered products, genetic resources, biological agents, invasive foreign species, wild plants and animals, as well as rare plants and animals that are imported into, spread from one area to another, and/or removed from the territory of the Unitary State of the Republic of Indonesia [3]. The activity was carried out based on Law Number 21 of 2019 concerning Animal, Fish, and Plant Quarantine. The implementation of fish quarantine in the territory of the Republic of Indonesia is then carried out by the government through the Ministry of Maritime Affairs and Fisheries whose integration and coordination are carried out through the Fish Quarantine, Quality Control and Fishery Product Safety Agency (hereinafter referred to as BKIPM). BKIPM has duties and responsibilities in implementing a system to prevent entry, exit, and spread of quarantine pests and diseases of fish from one area to another, activities in and out of the territory of the Republic of Indonesia, and prosecution of cases of quarantine violations in accordance with the provisions of the applicable legislation. The supervision is carried out on: 1) food safety and quality of fishery products, 2) safety and quality of fish feed, 3) Genetically Engineered Products (PRG), 4) Genetic Resources (SDGs), 5) biological Agnesia, and invasive salted fish species, and 6) fish species are protected, prohibited, or restricted.

Based on the need for more technical statutory instruments to describe the implementation of fish quarantine, the Ministry of Maritime Affairs and Fisheries issued Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number 16 of 2022 concerning Amendments to Regulation of the Minister of Marine Affairs and Fisheries Number 17 of 2021 concerning Management of Lobster (*panulirus* spp.), Crab (*Scylla* spp.), and Rajungan (*portunus* spp.) in the Territory of the Republic of Indonesia (hereinafter referred to as the Ministry of Marine Affairs and Fisheries Regulation concerning Management of Lobster, Crab, and Crab). This is based on the fact that lobster, crab, and small crab commodities have a high level of cultivation spread with high economic value, in addition to the varied efforts to smuggle seeds, it is necessary to regulate them more specifically. It can also be seen in various cases of fish and fish quarantine which have become the focus of the government, especially the Ministry of Maritime Affairs and Fisheries, which reflects the high cost and richness of our fishery commodities. Various countries in Southeast Asia such as Vietnam have even taken economic opportunities from the lobster seed business from Indonesia, by taking advantage of the geographical advantages and advantages of the lobster seed enlargement technology developed by the Vietnamese government. Not infrequently, efforts to export from Indonesia to outside the territory of Indonesia are carried out through smuggling or other efforts to avoid quarantine checks as well as health and export documents.

3.1 Fish Quarantine Crime Prevention Efforts

The implementation of prevention and enforcement of Fish Quarantine Crimes is carried out by BKIPM through the Minister of Marine Affairs and Fisheries concerning the Management of Lobster, Crab, and Crab. Meanwhile, in an effort to prevent fish quarantine criminal acts, supervision by BKIPM is sought. The scope of supervision by BKIPM contains several aspects including the object and location of supervision, the method of supervision and implementation of supervision. The objects and locations for monitoring include lobster (*Panulirus* spp.), crab (*Scylla* spp.), and small crab (*Portunus* spp.). Supervision of the object is carried out at the fish quarantine installation and/or the designated release. Quarantine installation is a building or room including equipment, land, and other supporting facilities needed as a place to carry out quarantine measures, while what is meant as a place of entry and exit includes seaports, river ports, ferry ports, land ports, airports, post offices, border posts with other countries, and other places determined by the Central Government. Supervision by BKIPM is carried out in two ways, namely:

Administrative checks. This is done in order to determine the completeness, correctness, and validity of the documents. Documents that must be attached are certificates of origin and certificates for purposes of education, training, research and development, assessment, and application.

Checking the conformity of the contents of the document to determine the suitability of the type and amount of carrier media loaded and the suitability of the size or weight to determine the condition of laying eggs or not.

The implementation of supervision by BKIPM is carried out on several types of export-import traffic processes as well as the traffic between areas within the territory of Indonesia. The whole process requires various document requirements as well as an inspection of the type of carrier media. The requirements needed in the activity of entering and/or removing lobster, crab, and crab from one area to another within the territory of Indonesia or from within the territory of Indonesia outside the territory of Indonesia, it is obligatory to: 1) places that are designated as fish quarantine installations and have SIKI (Certificate of Fish Quarantine Installation) and SCKIB (Certificate of Good Fish Quarantine Practices), equipped with a Certificate of Fish Health and Domestic Fishery Product Quality (KI-D2) from the original UPT KIPM (for shipping between regions of Indonesia) and SIKI and SCKIB for live MP or have a place as UPI and have a HACCP Certificate for dead MP (fresh/frozen)) (for shipping outside the territory of Indonesia), 3) through the places of exit and entry points that have been determined, 4) reporting and submitting the Carrier Media to the Quarantine Officer, and 5) submit other required documents in accordance with the provisions of the legislation.

In the process of releasing carrier media from one area to another within the territory of Indonesia, as well as from the territory of Indonesia outside the territory of Indonesia, the company engaged in the fishery sector must first have an export certification.

The implementation of fish quarantine by BKIPM has faced many challenges, especially in several quarantine violations which in turn could lead to fish quarantine crimes. There have been several cases related to the export of carrier media. The export activities carried out are trying to release the media without going through the quarantine mechanism. Cases of export activities without going through the quarantine process utilize air routes and land routes which are then crossed to Singapore to be sent to export destination countries. In general, it can be found several routes that are allegedly used by exporters to carry out fishery commodities, namely in the South Sumatra area around the coastal Lampung area, Bengkulu, around the Musi River, in the North Kalimantan area, namely in the Berau, Derawan and Mangkupadi areas of Tanjung Selor, Sukabumi, West Java, and Surabaya. From these routes, fishery commodities will lead to border areas such as Singapore to be exported without going through a quarantine process. From these activities, it can be seen that preventive or preventive measures are needed to overcome them. BKIPM as the party responsible for suppressing fish quarantine cases tries to cooperate with law enforcement officials and other stakeholders in the supervision and enforcement of fish quarantine. BKIPM in its prevention efforts involves other agencies including the Police (Bareskrim, Baharkan, Baintelkam, Polda, and Polres), airport/port administrators, PT. Angkasa Pura I and II, the Indonesian Navy, the Agricultural Quarantine Agency, the Director General of Customs and Excise, the State Intelligence Agency (BIN), the Judicial Commission and the Attorney General's Office. Prevention efforts are carried out in several forms including: 1) risk analysis and mitigation in places prone to smuggling, 2) increased surveillance in places prone to smuggling, 3) synergy of supervision and handling of cases between related agencies, 4) capacity building of officers through training/bimtek, 5) strict sanctions for perpetrators and/or persons involved, 6) socialization / technical guidance for the community, 7) strong institutional formation, 8) utilization of shared facilities and infrastructure, 9) improved technical coordination and cooperation, and 10) integration of data and information between related agencies.

3.2 Efforts to Enforce the Crime of Fish Quarantine

Smuggling of commodities or carrier media by entrepreneurs or carriers is an act that is prohibited in the Law on Fish, Animal and Plant Quarantine. The smuggling is an effort to avoid the quarantine process and inspection of export documents with the aim of getting a bigger profit. Smuggling or attempts to avoid document inspection are carried out with various modus operandi. The modus operandi obtained by the smugglers is as follows: 1) smuggling of fish resources takes advantage of the carelessness of officers, 2) using shipping facilities such as clothes suitcases, Styrofoam mixed with other products such as garments, spare parts, vegetables, cigarettes, instant noodles, children's toys, laptops and fruits, 3) take advantage of

last-minute flight time, 4) take advantage of transit flights, 5) falsifying data in flight reports and documents (AWB, packing lists, invoices etc, 6) disconnected distribution by land and sea outside the territory of the Republic of Indonesia, 7) misuse of HACCP and Register Number (Underscore), 8) using non-regular means of transportation (charter) and speed boats, 9) export and/or entry through Tangkahan port, 10) there are persons involved in assisting smuggling, 11) forgery of signature/stamp on IPHP, SKT, HC, and LHU, 12) misuse of IPHP and SKT, both in the number of quotas and types of commodities, 13) there is an exchange or addition of goods, 14) not reporting the actual contents, and 15) exchange of illegal goods in the middle of the sea. Data related to such cases will be as follows.

Table 1. Number of Cases

No.	Years	Cases Handling		Cases
		Coaching	Investigation	
1	2020	51	20	71
2	2021	50	65	115

Source: BKIPM

Table 2. Carrier Media

No.	Years	Type of Carrier Media				
		Lobster	Crab	Live/Ornamental Fish	Product/Processed fish	Other
1	2020	896.399 ekor (46%)	141 ekor (5%)	1.358 ekor (24%)	98.138 kg (20%)	48 pcs (5%)

2						
	2021	4.604.362 ekor (62,9%)	9 ekor (1,6%	350.699 ekor (13,7%)	95.351 kg (16,1%)	1.562 pcs (5,6%)

Source: BKIPM

Based on the data above, it can be seen that throughout 2020, there were 71 cases handled by BKIPM consisting of 51 cases at the coaching stage and 20 cases at the investigation stage, while in 2021 there were 115 cases consisting of 50 cases at the coaching stage and 65 cases at the investigation stage. Based on these data, it can be seen that there is a trend of increasing 44 cases from 2020 to 2021. The majority of these cases are smuggling cases with the aim of exporting without going through document inspection and quarantine with lobster commodities. Other commodities are live/decorated fish, fish products/processed, crabs and other commodities.

The smuggling is an act that is prohibited in the Law on Fish, Animal and Plant Quarantine. The law regulates the classification between crimes and violations. This law regulates crimes in Articles 86 to 91. In the cases that occurred in this fish quarantine, two efforts were made, namely efforts to foster and investigate. In some cases found by officers in the field, they will be analyzed based on the intensity or number of carrier media transported, the value generated from smuggling, and how much and often the perpetrators smuggle this fishery commodity. Based on this study, officers consisting of Police and Civil Servant Investigators (PPNS) within the scope of the Ministry of Maritime Affairs and Fisheries will determine whether the perpetrator's actions are included in the coaching category or forwarded to the investigation stage. In the coaching category, the documents found will be checked regarding the suitability of the number, type, size and weight of the cargo carried. If the document is appropriate, quarantine efforts will be carried out, while if the document is not appropriate, action will be taken by way of warning against the perpetrator, detention of the commodity or carrier media, administrative rejection, and destruction of the commodity or carrier media. Meanwhile, based on the previous study, if the investigator or PPNS assesses that the act has the potential to enter into the investigation process, the investigator and the PPNS will issue an SPDP.

The implementation of fish quarantine in the prevention and enforcement stages as described above is influenced by several factors. These factors can be in the form of factors that support or hinder the realization of law enforcement in relation to fish quarantine. At the prevention stage, the factors that support the realization of the

effectiveness of law enforcement in fish quarantine are as follows: 1) socialization and training within the Ministry of Maritime Affairs and Fisheries, BKIPM, as well as service users or entrepreneurs, and 2) technical guidance for human resources in the fields of intelligence, special police and investigations.

Meanwhile, there are factors that hinder the realization of law enforcement in the field of fish quarantine, including: 1) lack of vulnerability mapping tools that lead to less than optimal intelligence functions, 2) the special police do not yet have the authority to carry out repressive actions such as the use of weapons, and 3) insufficient PPNS in the scope of the Ministry of Maritime Affairs and Fisheries and BKIPM.

At the enforcement stage, there are also factors that affect law enforcement. As in the prevention stage, the prosecution stage also found the factors that support the realization of the effectiveness of law enforcement including: 1) the need for technical assistance at the BKIPM agency is fulfilled, and 2) coordination between law enforcement officers such as BKIPM, Police, Customs, TNI, and the Prosecutor's Office went well.

In addition, there are also factors that hinder law enforcement in its enforcement aspects, including: 1) criminal threats are considered insufficient in taking action against perpetrators of exporting fishery commodities or carrier media capable of providing a deterrent effect, 2) the budget in each region is different so that in terms of keeping prisoners and evidence, other costs are needed so that it hampers the process of taking action on fish quarantine cases, and 3) lack of indicators that determine an act is included in the coaching or investigation process.

Based on the description above, these factors have an influence in efforts to enforce the law on fish quarantine crimes. As the opinion of Soerjono Soekanto explained, there are factors that influence law enforcement, including legal factors or legislation, law enforcement factors, supporting facilities or facilities, community factors, and cultural factors. Based on this theory and related to the criminal act of fish quarantine, it can be described that there are at least four factors that affect the effectiveness of law enforcement, namely:

Legal or Statutory Factors. One of the factors that affect the effectiveness of law enforcement is the law itself or the law. In relation to law enforcement in the fish quarantine crime, it can be seen that the Fish, Animal and Plant Quarantine Law does not yet have sanctions that are effective enough to provide a deterrent effect to the perpetrators of exporting carrier media or fishery commodities. In addition, there are no clear rules in determining actions that can be categorized in the act of fostering or investigating perpetrators who violate the rules in the law. This causes the Police Investigators and PPNS to determine the category of actions that will be applied from the case process based on the intensity or number of smuggled carrier media, the nominal potential for state losses, and the repeated actions of the perpetrators.

Therefore, limits or indicators must be clearly and firmly defined in the legislation so that the Police Investigators and PPNS do not have different perceptions.

Law Enforcement Factor. The next factor that determines whether or not law enforcement is effective is law enforcement factors. Law enforcers in the case of fish quarantine crimes have been provided with adequate technical guidance so that every stipulated rule has been properly socialized. However, there are other aspects that need to be optimized, for example in the field of intelligence. Intelligence tasks in fish quarantine are directed to other institutions that have intelligence tasks and functions. This causes a lack of focus and effective law enforcement in fish quarantine crimes. It is necessary to have a separate intelligence agency owned by BKIPM that is responsive in seeing potential threats, challenges, obstacles, disturbances and potential criminal acts in fish quarantine.

Factors of Supporting Facilities and Facilities. Other factors that also determine the effectiveness of law enforcement are supporting facilities and facilities. The facilities in question include all things that can support the realization of effective law enforcement. Related to the intelligence function within the scope of fish quarantine, it is necessary to have a tool capable of mapping vulnerabilities and potential violations. The tool can be used at places of entry and exit. In addition, in carrying out repressive efforts against perpetrators of violations, adequate weapons are needed because it does not rule out the possibility of threats that may arise from the processes or activities of prosecution by the personnel on duty.

Community Factor. Community factors can also affect effectiveness in relation to law enforcement in the field of fish quarantine. The public's opinion, especially on entrepreneurs or carriers who aim to get the maximum profit without considering the security and legal aspects of their business, is a wrong opinion. This matter must be taken seriously by BKIPM through programs that can open the eyes of the public and business actors to continue to carry out their business legally. However, the government is also expected to be able to prepare a mechanism that is not difficult at a low cost for business actors so that every business actor can carry out their business activities at a low cost, easy, and obey the law.

3.3 Budget Reallocation for Improvement of Fishery Technology

The export of fishery commodities in Indonesia is a profitable commodity and generates large foreign exchange for the country. Its management certainly requires good ability in optimizing income for the state by taking into account the natural resources it has. One example is that in 2021, at least the number of fishery commodity exports to foreign countries, especially Vietnam, will reach 46,180.66 tons. This amount is equivalent to Rp. 2,040,000,000,000,000,- (two trillion and forty billion rupiah) consisting of twenty types of fishery commodities. This amount is a

large income for the country's foreign exchange so it needs to be optimized to achieve a higher foreign exchange value.

This value has not been able to provide maximum benefits to all parties, for example to Indonesian fishermen and Indonesian cultivators. These two elements turned out to get the least benefit plus the lack of government support for their welfare. In the preparation of laws and regulations and implementing regulations, the government or the Ministry of Maritime Affairs and Fisheries does not involve affected stakeholders, in this case fishermen and cultivators of fishery commodity enlargement, from the beginning of the process of forming the rules to the final process of the final draft before it is signed. This illustrates that the government is not paying special attention to fishermen or cultivating for the welfare and sustainability of their profession. This lack of attention makes fishermen and cultivators disadvantaged.

Other parties who are less profitable are exporters and entrepreneurs engaged in fishery commodities. The Ministry of Maritime Affairs and Fisheries has issued a regulation that contains the requirements as a prospective exporter is to obtain a recommendation from the Directorate General of Cultivation which stipulates that the prospective exporter has carried out two cycles of cultivation and has done restocking of 2% to nature from the harvest. The decisions of the DJPT, DJPB and BKIPM were issued successively on 11-26 May 2020. However, in reality it turned out that on 19 May 2020, nine companies had already obtained permits to export fishery commodities. This needs to be reviewed because the company must first obtain a recommendation that stipulates that the company has carried out two cycles of cultivation and restocking 2% to the wild from the harvest. The decision is also actually contrary to Law Number 9 of 2015 concerning Regional Autonomy which stipulates that the permit must be issued by the Regional Government and the Provincial Government where the business is located on land or in territorial sea waters 0 to 12 miles so that the Ministry must review the DJPT Decree, DJPB and BKIPM. The regulations made should provide convenience to exporters, entrepreneurs, fishermen, and cultivators in order to increase collective economic growth.

With the aggrieved party, on the other hand, there are actually benefiting parties such as carrier airlines or distributors. Airlines or distributors of fishery commodities operating in Indonesia have carried out oligopoly so that the cost of Indonesian air cargo has become very expensive. This makes Indonesia's real sector less profitable and even more profitable for Vietnam and Malaysia as export destination countries. Indonesia must develop a freighter fleet (CAO) that is much more efficient than a passenger fleet (C&PA) so that the value of price efficiency can be maximized. The freighter fleet can start with a capacity of 21-27 tons and can be continued to a capacity of 40, 70 to 110 tons. This capacity can provide twice the savings when compared to passenger fleets (C&PA). With the use of a freighter fleet

(CAO), the value of profits obtained will be greater and at the same time can reduce capital from the distribution process of fishery commodity exports.

Other parties who get big profits are fishery commodity cultivators in destination countries such as Vietnam. This fact is exacerbated by the behavior of export destination countries that take economic opportunities from Indonesian fishery commodities by taking advantage of geographical advantages and technological advantages of fishery commodity enlargement in their country.

These four conditions are caused by the lack of optimization of the enlargement of domestic fish seeds or commodities, so that in order to carry out the enlargement of fish seeds and commodities, efforts must be made to export abroad. In fact, this provides a large income for the country's foreign exchange, but in fact the increase in the amount of income for foreign exchange can be increased while at the same time providing independence in the field of fisheries in Indonesia and welfare for fishermen and cultivators of fishery commodities.

In fact, there is a gap between the fishery resources we have and the technological capacity of fishery commodity enlargement. This gap causes people's businesses such as MSMEs and the profession of fishermen and cultivators to be less profitable and even lose. The business of raising seeds or nursery stock is still in a conventional condition and generally does not have the potential to create an adequate global fishing industry. Currently, mortality in the nursery phase is still very high, reaching 95% due to cannibalism.

To answer these conditions and challenges, the Government through the Ministry of Maritime Affairs and Fisheries must first develop the technology in accordance with the mandate and ideals of the constitution. This effort can be started by building a pilot business for raising fishery commodity seeds with a commercial scope. In addition, efforts can also be made to establish a pilot hatchery and nursery business for commercial coverage. This development can be a medium for business actors, fishermen or cultivators to learn first before entering the development of hatcheries and nurseries independently. With the existence of a pilot hatchery that covers a commercial area, this is a strategic thing as a learning tool for technicians, potential investors, as well as banking and funding institutions to ensure that people's businesses such as MSMEs will not suffer losses due to inadequate technology.

The next effort that must be made by the Government through the Ministry of Maritime Affairs and Fisheries is to develop cultivation and hatchery/nursery technology to reduce mortality. High mortality will cause many fishery commodity seeds to die so that the business they run will experience losses. In addition, the Government can also develop effective and efficient feed for both the enlargement business and the hatchery or nursery business. Feed supply carried out with a good program to produce cheap and high-quality feed will also reduce the value of capital

that must be spent by farmers while creating new business opportunities in the fish feed sector.

The development of commercial-scale cultivation technology requires an adequate budget. One of the efforts that the Government and DPR can take is to relocate the budget for the Directorate General of Aquaculture, Ministry of Marine Affairs and Fisheries. The budget that can be relocated is the budget or the procurement of various cultivation facilities that have been proven not to be utilized optimally. In fact, it is not uncommon for these procurements to be the findings of the Coordinating Ministry for Maritime Affairs and Investments. Even in BPKP's findings, as many as 90% of procurement items are cranked with various factors. This causes the absence of strategic benefits in order to create economic improvement. One example is in the case that occurred at the Central Jakarta District Court. The defendant is suspected of committing the Corruption Crime of Procurement of Generators for Fish Cultivators. In fact, at the trial, it was found that 488 generator units provided by DJPB through the Goods and Service Providers could not be turned on from a total of 540 generator units. As many as 94% of units cannot be used so it causes state financial losses as stipulated in the Law on the Eradication of Corruption Crimes. This shows the need for targeted budget relocations that must be immediately carried out on the DJPB-KKP APBN in developing cultivation technology.

3.4 Attracting Criminal Acts in the Fishery Sector to Money Laundering

The development of technology and communication as well as the changing dynamics in the fisheries sector have given rise to various crimes in new dimensions, this shows that crime is experiencing a constantly changing and increasingly sophisticated development. In the field of fisheries itself, it turns out that the development of crime has also followed suit. One of the crimes that also occurs in the fisheries sector is the crime of money laundering. Money laundering can mean money laundering, money laundering which can be interpreted as cleaning money from the proceeds of illicit transactions or proceeds of crime. As it is known that the Crime of Money Laundering is a crime that does not stand alone, but first an initial criminal act must be realized. It is undeniable that law enforcement in the field of fisheries is only combing the field actors. The perpetrator can be categorized as an executor who is the downstream end of a large criminal system. The main actors who actually become important to be traced are investors or funders. The perpetrators are not only from Indonesia but are also suspected to be transnational criminals who are abroad by taking refuge behind a company as a transnational organized crime. The various cases found by the Ministry of Maritime Affairs and Fisheries indicate that there are allegations of crimes involving the large, systematic circulation of money and involving a wide network. One way that can be taken to trace the path of the flow of money and the perpetrators, it takes the authority to investigate the crime of money laundering.

Based on this, PPATK, the Ministry of Maritime Affairs and Fisheries together with the Ministry of Environment and Forestry conducted a judicial review

of Article 74 of Law Number 8 of 2010 concerning the Eradication of the Crime of Money Laundering. Then based on the lawsuit, the Constitutional Court granted a judicial review of Article 74 of Law Number 8 of 2010 concerning the Eradication of the Crime of Money Laundering related to the investigator's authority through the Constitutional Court's Decision Number 15/PUU-XIX/2021. One of the investigators who is given the authority to conduct investigations in the Crime of Money Laundering is the PPNS of the Ministry of Maritime Affairs and Fisheries. With the granting of the lawsuit, it is hoped that the PPNS of the Ministry of Maritime Affairs and Fisheries can trace the assets of the perpetrators of the Money Laundering Crime in order to recover assets in order to cover state financial losses. The investigative authority will be able to criminalize the beneficiary so that it can provide a deterrent effect for the perpetrators of the crime of money laundering from the fisheries sector.

Crimes in the fisheries sector can be classified as predicate crime so that in handling the beneficiaries of the Fishery Crime, the handling of the Crime of Money Laundering will be carried out which is expected to be able to seize evidence of fishery crime results as well as cut the chain of crime networks. transnational in which the financiers or financiers are the upstream parties of this criminal system. In line with the Constitutional Court's decision above, the handling of cases is carried out with a multi-legal regime approach or known as a multidoor system, namely a law enforcement approach for a series/combination of criminal acts in the field of fisheries and other crimes related to fisheries that rely on various laws and regulations. This strategy is used because if law enforcement in the field of fisheries only uses a fisheries crime approach, it has not been able to solve the complex problem of fisheries crime. With this multidoor approach, it is hoped that it can also minimize the chances of escaping criminals in the marine and fisheries sector because of the limited reach of the law if only one legal regime is applied [4].

Furthermore, law enforcement officers, especially investigators for fisheries crimes (PPNS of the Ministry of Maritime Affairs and Fisheries, National Police Investigators, and Investigators of Indonesian Navy Officers) are required to have the ability to identify suspected other crimes and an investigative strategy is also needed by conducting parallel investigations (separation of files). cases between fisheries crimes and other related crimes) in accordance with the authority of investigators in order to avoid *nebis in idem* and also to penetrate the limitations of the authority of fishery investigators. Another challenge that will be faced when using a multidoor approach is the complexity of evidence, as well as the collection of evidence and investigations that are more varied and require a relatively longer time [4].

4 Conclusion

Efforts to prevent and prosecute Fish Quarantine Crimes have not run optimally as evidenced by the increase in cases in 2021 as many as 115 from the previous year in 2020 as many as 71 cases. In addition, the effectiveness of law enforcement in the

Fish Quarantine Crime is influenced by law factors, law enforcement factors, supporting facilities and facilities and community factors.

There are two appropriate strategies in efforts to prevent and take action in Fish Quarantine Crimes including reallocation of budgets for improving fishery technology which is expected to increase export value, increase the welfare of fishermen and cultivators, and independence in the field of fisheries. In addition, based on the Constitutional Court Decision Number 15/PUU-XIX/2021 that one of the investigators given the authority to conduct investigations in the Crime of Money Laundering is the PPNS of the Ministry of Maritime Affairs and Fisheries in the Crime of Fisheries. This can be a new instrument to uncover the upstream of a transnational crime network in the fisheries sector, while it is also expected to be able to recover the value of state financial losses from the fisheries sector.

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