



Implementation Of Technical Guidelines For Investigation In Handling Destructive Fishing Crimes

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ABSTRACT

Maluku Province is an archipelagic region in Eastern Indonesia with an ocean area covering 92.4% of its total territory. Possessing vast marine resources, Maluku faces severe threats from destructive fishing practices. Fishing activities utilizing explosives, potassium cyanide, electric shocks, compressors, and unapproved gear severely destroy coral reef ecosystems and degrade aquatic biodiversity. This socio-legal research aims to critically analyze the multi-dimensional factors causing destructive fishing across Maluku's 12 Island Clusters and evaluate the implementation of technical guidelines and Standard Operating Procedures (SOPs) applied by law enforcement agencies (Fisheries PPNS, Ditpolairud Maluku Regional Police, and the Indonesian Navy). The findings indicate that destructive fishing is driven by complex variables: economic vulnerability among traditional fishermen, high market demand for live reef fish and ornamental species, perceived operational efficiency, unrestricted access to chemical explosive raw materials (ANFO fertilizer), lack of ecological awareness, and strong local cultural cohesion that shields offenders. From a procedural law standpoint, criminal investigations adhere to the Criminal Procedure Code (KUHAP), Law No. 45 of 2009 on Fisheries, Police Regulation No. 6 of 2019, and Maluku Governor Regulation No. 22 of 2023. However, procedural enforcement is structurally hampered by the absence of a Forensic Laboratory in Maluku (which delays scientific crime investigation), limited patrol armadas across remote archipelagic zones, budget constraints for civil servant investigators (PPNS), and inter-agency egoism within the Fisheries Crime Coordination Forum.

Keywords: Destructive Fishing, Fisheries Investigation, Socio-legal, Maluku, PPNS, Polairud.

INTRODUCTION

Indonesia is internationally recognized as the world's largest archipelagic state, endowed with abundant marine and fishery resources. Under the national legal framework, the philosophical and constitutional basis for utilizing these natural resources is firmly rooted in Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which mandates that the land, waters, and natural resources contained therein are controlled by the state and utilized for the greatest possible prosperity of the people. In the context of fisheries law, the right to utilize fish resources within Indonesian waters is

a constitutional right inherent to every citizen. This right enables coastal communities to harness marine potential to meet their livelihood needs, improve family welfare, and drive national economic growth. However, this right of utilization is not absolute or unlimited. Under modern environmental law principles—specifically the principle of sustainable development—the utilization of natural resources must be conducted through lawful methods, procedures, and instruments that respect environmental carrying capacity, thereby ensuring the sustainability of aquatic ecosystems for future generations.

The codification of fisheries law in Indonesia is specifically regulated by Law Number 31 of 2004, as amended by Law Number 45 of 2009 concerning Fisheries. Within this body of positive law, Article 9, Paragraph (1) of Law No. 45 of 2009 establishes a strict prohibition against any person possessing, controlling, carrying, and/or using on board a fishing vessel any fishing gear or auxiliary fishing equipment that disrupts or damages the sustainability of fish resources within the fisheries management areas of the Republic of Indonesia. This provision is further refined by Article 8, paragraph (1) of the same law, which mandatorily prohibits the catching and/or farming of fish using chemical substances, biological agents, explosives, tools, methods, and/or structures that could harm or endanger the sustainability of fish resources and the aquatic environment. This legal instrument is designed to serve as a legal shield to prevent ecosystem collapse resulting from destructive maritime exploitation practices.

However, a stark gap remains between the ideal legal norm (**das Sollen**) and the empirical reality on the ground (**das Sein**). Practices in coastal areas indicate that some fishermen—ranging from small-scale or traditional fishers to large-capital operators—continue to disregard legal procedures by employing irresponsible fishing methods. Destructive fishing activities are rampant, involving the use of improvised explosives (fish bombs made from gunpowder or ammonia-based fertilizer), toxic chemicals (potassium cyanide), electric currents (electrofishing), air compressors for deep-water anesthesia, and even **cantrang** (seine nets) that scrape the seabed. Destructive fishing is classified as a serious fisheries crime because it triggers massive, permanent, and cross-sectoral destructive impacts. The use of explosives for fishing not only kills the target fish populations but also disrupts the biological functions of non-target marine life and destroys the physical structure of coral reefs. Specifically, a single fish bomb explosion using 2,000 grams of explosive material is estimated to be capable of destroying and pulverizing coral reef colonies covering an area of up to 12.56 m². Destroyed coral reefs require decades to centuries to undergo natural recovery. This degradation alters the aquatic trophic structure, leads to the local extinction of rare species, and eliminates the reef's functions as spawning, nursery, and feeding grounds.

Meanwhile, the practice of using toxic substances—such as potassium cyanide—to stun fish causes ecological damage far more extensive than that caused by blast fishing. Chemical toxins sprayed by divers into reef crevices are carried by currents; consequently, they not only poison target fish but also damage the tissues of symbiotic coral microorganisms (zooxanthellae) and kill juvenile fish across vast areas. These impacts result in a drastic decline in fishery production and a loss of marine biodiversity, while also endangering the lives of the fishermen themselves due to risks such as the failure of compressor-based diving equipment or the premature detonation of homemade explosives.

Geographically, Maluku Province is an archipelagic province located in Eastern Indonesia. It spans a total area of 712,479 km², with marine waters accounting for 658,294.69 km² approximately 92.4% of its total territory. Maluku's waters harbor abundant biological natural resources, extending

across nutrient-rich areas such as the Seram, Banda, and Arafura Seas. The marine and fisheries sector holds a strategic position as a key pillar of Maluku Province's economic development. However, the fisheries sector's contribution to local community welfare has not yet been optimized. This situation stems from the prevalence of irresponsible and unlawful fishing practices, which trigger significant resource losses due to fisheries-related crimes. The proximity of the Pacific Ocean to the north of Maluku facilitates access for foreign fishing vessels from neighboring countries such as the Philippines, Thailand, and Taiwan. Fisheries crimes in Maluku's waters manifest in two primary forms: illegal fishing and destructive fishing. Common **modus operandi** include fishing without a permit (IUU fishing), the use of forged documents or permits, the employment of prohibited fishing gear, violations of fishing zone boundaries, and the failure to report catches (unreported fishing).

Simultaneously, destructive fishing practices persist in Maluku's coastal areas and marine conservation zones. Surveillance mapping by the Maluku Province Marine and Fisheries Agency indicates that destructive fishing activities occur widely across the province's 12 island cluster regions. These criminal practices are found in areas of high ecological value, such as the waters of Banda (Central Maluku Regency), Kaibobo and Huamual Belakang (West Seram Regency), Namrole and Leksula (South Buru Regency), and the waters around Haruku and Saparua Islands, extending to national border regions in the Aru, Tanimbar, and Southwest Maluku archipelagos. In these locations, fishers employ prohibited fishing gear to exploit high-value food reef fish (such as grouper and snapper) and ornamental fish to supply both domestic and export markets. The persistence of destructive fishing in Maluku is driven by a complex interplay of social, economic, and cultural factors. From a socio-economic perspective, structural poverty among coastal communities, limited alternative livelihoods, and the need to meet basic family needs are the primary reasons fishers engage in destructive fishing. Methods involving explosives and cyanide (potassium cyanide) are chosen because they significantly reduce operational costs while yielding abundant catches in a short time.

This situation is exacerbated by high market demand for fresh or live fish and the ease with which fishers can obtain chemical ingredients for making bombs such as ammonia-based fertilizers (ANFO) which are sold openly in agricultural supply stores. Furthermore, low ecological awareness, a lack of legal understanding, and a misguided sense of socio-cultural solidarity in coastal villages where residents are reluctant to report relatives and instead provide early warnings when authorities are patrolling reinforce the impunity enjoyed by the perpetrators. Regarding criminal procedural law, law enforcement against destructive fishing offenses is specifically regulated (**lex specialis**) under Law No. 45 of 2009 concerning Fisheries. This law grants investigative authority to three primary agencies: Fisheries Civil Servant Investigators (PPNS), Indonesian Navy Officer Investigators, and Indonesian National Police Investigators (Polri/Polairud). Operationally, the investigation process is guided by the Decree of the Director General of PSDKP Number 372/DJ-PSDKP/2011 concerning Technical Guidelines for the Investigation of Fisheries Crimes, Police Regulation Number 6 of 2019 concerning Criminal Investigations, and Maluku Governor Regulation Number 22 of 2023 concerning Strategies for the Supervision and Mitigation of Destructive Fishing Activities.

Despite the existence of regulations, technical guidelines, and investigation SOPs, addressing "destructive fishing" crimes in the Maluku archipelago faces significant technical and legal hurdles. These challenges include: the vast maritime area requiring surveillance—disproportionate to the available patrol fleet and budget allocations; delays in scientific crime investigation due to the absence

of forensic laboratory facilities in Maluku, necessitating the shipment of samples to Makassar; and issues such as sectoral ego and suboptimal synergy within the Coordination Forum for Handling Fisheries Crimes. Therefore, this socio-legal study is urgently needed to conduct an in-depth analysis of the factors driving destructive fishing in Maluku's waters and to evaluate the implementation of investigation guidelines, with the aim of formulating effective, environmentally sustainable law enforcement recommendations.

RESEARCH METHODS

This socio-legal research integrates a juridical-normative and empirical approach to examine the handling of destructive fishing crimes in Maluku waters.. The juridical-normative approach is focused on analyzing the inventory of laws and regulations, including Law Number 45 of 2009 concerning Fisheries, Decree of the Director General of PSDKP Number 372/DJ-PSDKP/2011, and Regulation of the Governor of Maluku Number 22 of 2023. Meanwhile, an empirical approach was applied to directly observe the socio-economic phenomena of fishermen and the effectiveness of the implementation of Standard Operating Procedures (SOP) for investigations by law enforcement officers in the field..

Data collection was carried out through a combination of primary and secondary data in the research area which includes 12 Island Clusters in Maluku Province. Primary data was obtained through in -*depth* interview techniques and field observations with key stakeholders, such as officials from the Maluku Province Maritime Affairs and Fisheries Service (DKP), Fisheries Supervisors, Special Police PWP3K, and the Maluku Regional Police's Water Police Investigation Team.. Secondary data comes from primary legal materials in the form of fisheries regulations and the Criminal Procedure Code, as well as secondary legal materials in the form of scientific journals, case documents, and supervisory reports..

All collected data was analyzed using the interactive qualitative method of the Miles and Huberman model which consists of three main stages in a continuous manner. The first stage is data reduction, namely filtering, classifying, and focusing field data according to the problem formulation. The second stage is the presentation of data (*data display*) in a structured manner in the form of a logical-analytical narrative and a table mapping of island clusters. The final stage is drawing conclusions and verification (*conclusion drawing*) to solve problems related to the driving factors of *destructive fishing* and technical obstacles to the investigation.

RESULT AND DISCUSSION

Analysis of the Factors Causing *Destructive Fishing* Activities in Maluku Waters

The practice of destructive fishing *in* the waters of Maluku Province is a form of environmental crime *triggered* by the accumulation of complex drivers. Based on official data from the Supervision Division of the Maluku Province Maritime Affairs and Fisheries Service, destructive fishing activities are widespread throughout the areas of Island Groups I to XII.

Empirical Distribution of Destructive Fishing Based on Island Groups in Maluku

The following are details of data on destructive fishing activities *in* Maluku Province based on the results of mapping and inventory of supervision by the Supervision Division of the Maluku Province

Maritime Affairs and Fisheries Service: 1). **Island Cluster I (Buru and South Buru Regencies):** Includes the locations of Lektama, Fatmite, Waifusi, Nalbesi, Batu Tulis, Oki, Leku (Namrole and Leksula Districts), as well as Namlea and Jiku Besar. The dominant violations were in the form of drugging using potassium cyanide poison and homemade fish bombs. 2). **Island Cluster II (West Seram Regency):** Consisting of the South Buano Waters, the Valentine Strait of North Buano, Bendera Hamlet (Kelang Island), Kaibobo Waters, and Waesala Waters. This area is characterized by the practice of fish bombing, potassium cyanide, and the use of electric fishing gear. 3). **Island Cluster III (Central Maluku Regency - North Seram):** Spread across the waters of Pasanea, Sawai, and Olong Villages. Criminal practices are dominated by the deployment of fish bombs, anesthetics, and diving using compressors. 4). **Island Cluster IV (East Seram Regency):** Located in Maar Hamlet (East Seram District) and Grogos Island (Gorom Island District) with the rampant use of bombs, anesthetics, potassium and compressors. 5). **Island Cluster V (Central - South Maluku Regency):** Identified in the waters of Haya Village, Tehoru District, which is dominated by fish bombing activities. 6). **Island Group VI (Banda Islands, Central Maluku):** Includes the backwaters of Gunung Api Island, Banda Besar Island (Lonthoir Village), Sekaru Island, Hatta Island, Suanggi Island, Ay Island, and Rhun Island. In this marine conservation and tourism area, violations are dominated by the use of compressors for catching coral fish for consumption and ornamental fish. 7). **Island Group VII (Lease Islands and the Coast of Ambon Island):** Includes the waters of Haruku, Rohomoni, Kabauw, Kailolo, Pelauw, Pombo Island, Kulur/Pia Saparua, Molana Island, and the Hatu Coast. This area has recorded very high numbers of fish bombings, interspersed with sedation and compressor deployment. 8). **Island Group VIII (Southeast Maluku Regency and Tual City):** Located in the waters of Dunwahan, Nuhuta, Sepuluh Island (Kei Kecil), and Tayando Langgiar. All of these locations are dominated by fish bombing crimes. 9). **Island Group IX (Aru Islands Regency):** Spread across the waters of Ngoba Island and Toba Island (Warialau Village, North Aru) with the widespread use of fish bombs and potassium. 10). **Island Cluster X (Tanimbar Islands Regency):** Includes the waters of Ariama Island, Bersabi, Skaru Kilmasa, Selu Island, Weluan Beach, Aryati Waters, Sakuru Dabu-Dabu, and Nuslima Island. Dominant practices include fish bombing and the use of potassium cyanide poison. 11). **Island Cluster XI (Southwest Maluku Regency - Babar):** Detected in West Babar District which is dominated by fish bombing crimes. 12). **Island Group XII (Southwest Maluku Regency - MBD Border):** Spread across 30 water points (Letti, Lakor, Moa, Roma, Damer, and Wetar Islands). The border area of this country is experiencing massive fish bombing.

Critical Discussion of Determinative Factors Causing Destructive Fishing

Based on the synthesis of data from interviews with stakeholders and investigators in the field, the driving factors of *destructive fishing* in Maluku Province can be analyzed comprehensively into 6 (six) main dimensions.:

Economic Dimensions and Financial Needs of Fishermen's Families

Family economic pressures and structural poverty in coastal communities are the main drivers of the recurrence of fisheries crimes. Fish is the main source of income for fishermen in the Maluku Islands region. As stated by the Fisheries Supervisor of the Maluku Province Marine and Fisheries Department, Beatrix Talabessy, high economic dependence forces fishermen to use environmentally unfriendly fishing gear to ensure the availability of cash for kitchen needs, children's education, and daily living

expenses. When traditional methods fail to generate adequate income, destructive methods are chosen as a survival *mechanism* ..

High Market Demand for Coral Fish and Ornamental Fish

Destructive fishing activities are closely tied to the global and national fisheries market *supply chain* . Consumption reef fish (such as grouper, snapper, and Napoleon wrasse) as well as live ornamental fish *have* very high selling prices on the market. The Head of the DKP Branch of the VI Island Cluster of the Banda Islands, Saifullah Marasabessy, emphasized that consumer and investor/large-scale demand for live fish creates attractive financial incentives for fishermen. Catching live fish in intact condition without physical defects encourages the use of potassium cyanide, while fulfilling the daily quota of fresh fish triggers the use of explosive bombs.

c. Calculation of Operational and Construction Efficiency of Actors (Capital Supporters)

In terms of fishing business calculations, *destructive fishing* is seen by fishermen as the most efficient method. Traditional fishing requires large amounts of fuel, many times the time spent at sea, and drains physical energy, but the results are uncertain. On the other hand, by carrying a few bottles of homemade bombs or potassium, fishermen can cut down on fishing time and catch hundreds of kilograms of fish in just a few hours. Furthermore, the structure of the perpetrators of this crime is divided into two: **direct perpetrators** (fishermen at sea) and **indirect perpetrators** (financiers/middlemen). Indirect perpetrators play a vital role in supplying capital, financing the raw materials for explosives, and ensuring the storage of the catch.

Ease of Access and Free Sale of Explosive Raw Materials

The technical factor that facilitates the increase in fish bombing is free access to chemical materials for making explosives. Investigator from the Sub-Directorate of Law Enforcement of the Water Police Directorate of the Maluku Regional Police, Aiptu Landit Traya Sisidik, revealed that the raw materials for making fish bombs, such as *Ammonium Nitrate/Fuel Oil* (ANFO) and ammonia, are agricultural fertilizers that are freely sold in general stores. Fishermen can easily buy ammonia fertilizer, mix it with fuel, and assemble it themselves into a glass bottle with an explosive fuse. The absence of strict controls on the circulation of ammonia fertilizer in the archipelago makes it difficult for authorities to break the supply chain of explosives..

Lack of Ecological Understanding and Legal Awareness in the Community

The lack of knowledge of fishermen regarding marine ecosystems is a supporting pillar for the rise in crime. Many coastal fishermen do not yet understand that a single blast of fish bombs destroys coral that takes years to grow back. The lack of understanding that coral is a home for fish breeding causes them to be unaware that these destructive actions are gradually destroying the future of their own livelihoods. Low legal literacy also means that fishermen do not consider *destructive fishing* as a serious crime, but rather as just an ordinary violation.

f. Socio-Cultural Resistance and Communal Early Warning Systems

The sociological conditions of Maluku's coastal communities, who are bound by close kinship ties, often trigger obstacles to law enforcement. Special Police Officer of the Maluku Marine and Fisheries Department's PWP3K, Kader Soumual, explained that the bonds of brotherhood among villagers make people reluctant to report *destructive fishing* activities carried out by their relatives to the authorities. In fact, a form of social defense *mechanism* has emerged where villagers give each other early warning *signals* such as hitting electricity poles, ringing iron poles, or sending secret messages—

when DKP or Polairud patrol vessels enter their waters. This gives the perpetrators time to hide the bomb evidence or escape to the mainland, so that the authorities often find the crime scene empty.

Implementation of Technical Instructions for Investigation in Handling Destructive Fishing Crimes in Maluku

Law enforcement against the crime of *destructive fishing* requires a strict, accountable criminal procedure process supported by scientific evidence (*scientific crime investigation*).

Legal Framework and Multi-Agency Enforcement

In accordance with the norms of Article 73 of Law No. 45 of 2009 concerning Fisheries, the authority to investigate criminal acts in the fisheries sector in the Indonesian fisheries management area is carried out by multi-institutions by: 1). **Civil Servant Investigator (PPNS) Fisheries**; 2). **Indonesian Navy Officer Investigator**. 3). **Investigators of the Republic of Indonesia National Police (Polri/Ditpolairud)**.

Specifically in the Indonesian Exclusive Economic Zone (ZEEI), the authority to investigate is held by the Fisheries PPNS and Indonesian Navy Officers. In addition, supporting institutions such as the Maritime Security Agency (Bakamla) based on Law No. 32 of 2014 and the Illegal Fishing Eradication Task Force (Satgas 115) based on Presidential Decree No. 115 of 2015 play a role in strengthening water patrols. Operationally, the investigation process is subject to the Criminal Procedure Code (KUHAP), Decree of the Director General of PSDKP Number 372/DJ-PSDKP/2011 concerning Technical Guidelines for Investigation of Fisheries Crimes, Police Regulation No. 6 of 2019 concerning Criminal Investigations, and Regulation of the Governor of Maluku Number 22 of 2023..

Operational Stages of Investigation Based on Technical Instructions

Based on the Technical Guidelines for Investigation of the Directorate General of PSDKP and the Chief of Police Regulation No. 6 of 2019, the stages of handling *destructive fishing* cases are carried out through the following formal procedures.:

Pre-Investigation Stage and First Action at the Crime Scene (TPTKP)

The law enforcement process begins with the results of integrated patrols or reports from the community/Pokmaswas. Maritime surveillance officers stop, inspect and arrest fishing vessels (especially vessels measuring <10 GT) suspected of carrying explosives, potassium poison or prohibited fishing gear. Investigators or supervisory officers secure the ship, secure the suspect, and secure the location of the incident at sea.

Issuance of Investigation Administration and SPDP

After the TPTKP action is taken, the investigator's superior issues an Investigation Order (Sprindik). Based on Article 6 of the draft SOP/Technical Guidelines for Fisheries Investigations, the superior of the Fisheries PPNS or the Police are required to issue a Notification Letter of Commencement of Investigation (SPDP) no later than 7 (seven) days after the Sprindik is issued.

CONCLUSION

Factors driving destructive fishing activities in Maluku waters include the rising demand for fish as a high-quality protein source; fishing as a primary source of family income; the easy availability of explosive materials; the use of prohibited gear that yields larger catches; a lack of public awareness regarding the impacts of destructive fishing; and weak law enforcement against perpetrators. The

implementation of technical guidelines for investigations into destructive fishing offenses in Maluku waters relies on the synergy of national regulations—specifically the Criminal Procedure Code (KUHP), Fisheries Law No. 45 of 2009, and National Police Regulation No. 6 of 2019 (covering investigation procedures and technical support) alongside specific local policies, notably Maluku Governor Regulation No. 22 of 2023 regarding strategies for the surveillance and mitigation of destructive fishing activities. The investigation process involves identifying specific evidence, with investigators focusing on securing items characteristic of destructive fishing such as compressor remnants, detonating cords, homemade explosive bottles, and potassium cyanide, as well as fish samples showing signs of internal organ rupture (from explosions) or nerve damage (from toxins) and applying multiple charges (including coordination to invoke Emergency Law No. 12 of 1951 if the perpetrator is proven to have manufactured or possessed improvised explosive devices).

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